

# Sacramento County Grand Jury

## Final Report

2018-2019





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## 2018-2019 Sacramento County Grand Jury



*Pictured (Left to Right)*

**Back Row:**

Michael Hankey, Robert Courtner, Mike Howland, Robert Kyhn, David Palmer, Jack Mador, Spence Gerber

**Middle Row:**

Michele Finerty, Ronald Capalbo, Randall Margo, Kim Rother, Bret Wangan, Ron Eng, Paul Lindsay

**Front Row:**

John Gilliard, Sonny Lo, Nancy Holt (Foreperson), Judge Russell Hom, Becky Castaneda (Grand Jury Coordinator), Shannon Post

**Not Pictured:**

John Viera



**SUPERIOR COURT OF CALIFORNIA**  
COUNTY OF SACRAMENTO  
Grand Jury

**Nancy Holt**  
Foreperson

**Ronald Capalbo**

**Robert Courtnier**

**Ronald Eng**

**Michele Finerty**

**Spence Gerber**

**John Gilliard Jr.**

**Michael Hankey**

**Mike Howland**

**Robert Kyhn**

**David Lindsay**

**Sonny Lo**

**Jack Mador**

**Randall Margo**

**David Palmer**

**Shannon Post**

**Kimberly Rother**

**John Viera**

**Bret Wangan**

June 28, 2019

The Honorable David De Alba  
Presiding Judge Sacramento County Superior Court  
720 9th Street, Dept. 47  
Sacramento, CA 95814

Dear Judge De Alba:

As required by Penal Code section 933, the 2018-2019 Sacramento County Grand Jury hereby submits its final report. This document includes findings and recommendations regarding the operation of local government agencies within the grand jury's jurisdiction. The report is the result of numerous interviews, meetings, site visits, government document reviews, and research and review of publicly available data.

The report represents the dedicated effort of the 19 grand jury members who worked together over the past year. The grand jury's goal was to create a product that will have a positive impact on all communities within Sacramento County. The diverse backgrounds of the members are reflected in the report while ultimately embodying a single voice of the grand jury.

The grand jury would like to thank Judge Hom for his guidance and advice during our tenure, and we would also like to acknowledge the support and assistance of retired Sacramento County Counsel Robyn Drivon, Assistant County Counsel Krista Whitman, Jury Commissioner Paul Thorn, and Grand Jury Coordinator Rebecca Castaneda.

Sincerely,

A handwritten signature in cursive script that reads "N Holt".

Nancy Holt, Foreperson  
2018-2019 Sacramento County Grand Jury

NH/bc



## The Role of the Sacramento County Grand Jury

Section, 23, Article 1 of the California Constitution requires that a grand jury “be drawn and summoned at least once a year in each county.” The Sacramento County Grand Jury has been drawn annually for more than 100 years.

To satisfy the constitutional requirement, state law describes the selection of grand jurors, and the watchdog and indictment functions of a grand jury. The grand jury authority is located primarily in Penal Code sections 888- 939.91, et seq., and the accusation process that leads to the removal of a public officer is described in Government Code sections 3060-3075, et seq.

The grand jury is not the same body as a “petit” jury selected to hear evidence in a single case in a trial court. Instead, a grand jury is empaneled for a one-year period to perform several functions that are described in law. Broadly, the grand jury is charged with assuring honest, efficient government that operates in the best interest of the people of the county. The primary function of the grand jury is to examine aspects of county government, special districts, school districts and city government.

Specifically, this includes:

- Civil Watchdog – to inquire into the willful or corrupt misconduct of public officers; to investigate and report on at least one county officer, department or function; and to inquire into the condition and management of public correctional facilities within the county.
- Criminal Indictments — to present to the court a criminal charge of a public offense against a person based upon evidence considered by the grand jury.
- Accusation – to remove from office a public officer based upon evidence of willful or corrupt misconduct considered by the grand jury.

The grand jury is an arm of the Sacramento County Superior Court and is considered part of the judicial branch of government. As such, the grand jury may ask the advice of the advisor judge to the grand jury, the county counsel or the district attorney. The grand jury may inquire into or investigate a matter based on a complaint or upon its own initiative. The grand jury may subpoena witnesses and documents, conduct interviews, and consider evidence presented to it by the District Attorney’s Office or the California State Attorney General. The law prohibits witnesses from disclosing their interview, testimony or other proceedings of the grand jury. The authority of the grand jury does not extend to the courts or to state departments or operations.

The Sacramento County Grand Jury is composed of 19 citizens who:

- Are 18 years of age or older;
- Are Sacramento County residents for at least one year before selection;
- Have sufficient knowledge of the English language;
- Are in possession of their natural faculties and
- Possess a fair character.

Generally, jurors are selected in a random lottery process. The advisor judge, representing the Superior Court of California, appoints a foreperson from the selected grand jury panel and administers the oath to all jurors. The oath requires each juror to diligently inquire into matters where the juror can obtain legal evidence and cannot disclose any of the proceedings, discussions, names of individuals interviewed or votes of the grand jury. The juror's term of service is July 1 to June 30 of the following year.

Sacramento County residents interested in serving on the grand jury can obtain an application online at [www.sacgrandjury.org](http://www.sacgrandjury.org) or by calling the grand jury office at (916) 874-7578.

Any individual may file a complaint with the Sacramento County Grand Jury. A complaint form can be found at the end of this report.

# **ADDRESSING HOMELESSNESS IN SACRAMENTO COUNTY: AN EXTRAORDINARY COMMUNITY CHALLENGE**

## **SUMMARY**

The brunt of homelessness certainly has its most profound impact on those individuals and families who are experiencing it. But homelessness also has significant consequences for the public at large and, to be addressed effectively, must be viewed as a challenge for the whole County. The 2018/19 Grand Jury investigation focused on the challenges a community of organizations in Sacramento County is confronting in their efforts to most effectively address the many issues presented by homelessness.

The homeless population in Sacramento County grew by 30% from 2015 to 2017. While the results of the latest Point in Time (PIT) count of the homeless population conducted in January 2019 have not yet been released, there is a very strong possibility that the results of the 2019 PIT count will show a continuing increase in the number of individuals and families that are homeless in the County<sup>a</sup>. There is a community of organizations – governmental, non-profit, faith-based, advocate, volunteer, collaborative, advisory committees and boards – that is actively working to address the challenges presented by homelessness in Sacramento County. The leaders and workers in this community of organizations have demonstrated an impressive level of both dedication and competence in assisting and supporting the County’s homeless population. However, the challenges presented by homelessness are extraordinarily formidable and complex and, as such, very difficult for the community, as it is currently organized, to most effectively address.

## **BACKGROUND**

Homelessness is very evident in Sacramento County. It can be readily seen just driving down the street in many areas. Some aspect of homelessness is very often the subject of some form of media coverage and the topic is frequently an item on the agendas of the boards and councils of elected officials in the County.

The issues and challenges presented by homelessness are persistent and complex and have been with us for some time. While some facet of homelessness has been the subject of a report by each of the three immediately prior Sacramento County Grand Juries, the 2018-19 Sacramento County Grand Jury was interested in gaining a better understanding of the nature and issues of homelessness in Sacramento County and some insight into the challenges it presents to the community of organizations, including the County and City governments, that are working to address it.

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<sup>a</sup> The Continuum of Care submitted a partial homeless count in 2018 to HUD of sheltered homeless only.

## **Nature of Homelessness**

The federal Department of Housing and Urban Development (HUD) requires a regional designated agency (Continuum of Care [CoC] in Sacramento County) seeking federal homelessness funds to conduct a Point-in-Time (PIT) count every other year. The 2017 PIT count identified 3,665 people as experiencing homelessness. This count, which includes both individuals and families, represents a nearly 30% increase over the number of homeless in 2015. The 2019 count was conducted in January and, while the data has not yet been released, there is a very strong possibility the 2019 count will show a continuing increase in the homeless population in Sacramento County.

Data on the County's homeless population in 2017 showed that more than half of the population was unsheltered and over 30% were identified as experiencing chronic homelessness. Other data from the Homeless Management Information System (HMIS) collected in 2017/18 from people served by homelessness programs shows a prevalence of mental illness, substance abuse, and other conditions among homeless individuals.

This and other data reviewed provided insight not only into the nature of homelessness but also to how complex and formidable an undertaking it is to address homelessness successfully in Sacramento County.

## **Issues and Challenges**

Under the leadership of the County Office of Homeless Initiatives and with the support and collaboration of many of the community organizations involved in addressing homelessness, an excellent County of Sacramento Homeless Plan (Homeless Plan or Plan) was developed and, subsequently in December 2018, adopted by the Board of Supervisors. The Plan identifies the significant strides the community of organizations is making in addressing homelessness but it also acknowledges there are four persistent challenges in the County that will continue to require to be addressed for community-wide action to be successful. These include:

- Shortage of affordable housing and changing rental market
- Entry points (access to services) are not coordinated
- Lack of comprehensive, real-time data
- No single vision or oversight

This report provides some insight into the first three of these challenges but concentrates primarily on the fourth. The report discusses the issues presented by the funding for homelessness initiatives, the number and diversity of the organizations making up the community working to address homelessness and the community's past and current organizational models. It also discusses how each of these issues influences the persistent challenge of "No single system vision or oversight" and makes it very difficult for the community, as currently organized, to most effectively address homelessness in Sacramento County.

## **METHODOLOGY**

The 2018/19 Grand Jury:

- Conducted extensive internet research to gain a better understanding of the nature of homelessness and the issues and challenges it presents, including:
  - Data on numbers and characteristics of homelessness
  - Most persistent issues currently being addressed
  - Status of these issues
  - Community of organizations involved in addressing the issues
  - Funding sources and their characteristics
  - Past and current organizational model to provide direction, control, accountability to community of organizations
- Reviewed available documentation of the five principle organizations - County of Sacramento, City of Sacramento, Sacramento Steps Forward, Sacramento Housing Redevelopment Agency and the Continuum of Care Advisory Board – including:
  - Strategic Plans
  - Governance Charters
  - Organization charts
  - Related budget documents and contracts
  - County Board of Supervisors Resolutions
  - Sacramento City Council meeting minutes and Resolutions
  - HMIS Requirements
- Reviewed documentation on several of the federal and State programs providing support to local efforts to address homelessness
  - Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH Act) administered by HUD
  - No Place Like Home (NPLH)
  - California Emergency Solutions and Housing (CESH)
  - Homeless Emergency Aid Program (HEAP)
- Interviewed representatives from each of the five principle organizations involved in the community supporting homeless persons

## **DISCUSSION**

The issues and challenges presented by homelessness today are very significant. However, progress in addressing them is being made every day by the dedicated, competent leaders and workers of the various organizations supporting homeless persons. More individuals and families are being sheltered, transitioned into permanent housing, provided access to necessary services and programs and guided to a pathway out of homelessness than in the past. Many community organizations supporting homeless programs and initiatives who have operated independently in the past are now acknowledging the need for coordination between organizations and the value in collaboration in providing the most effective support to the homeless population.

There is also now an initial strategic direction for addressing homelessness in Sacramento County offered by the Plan developed by the County to secure NPLH funds and recently adopted by the Board of Supervisors. Many organizations providing services and programs for the homeless collaborated with the County on the development of the Plan and support its direction and implementation. The Grand Jury applauds this effort and supports the direction provided in the Plan.

The Plan also acknowledged there are four “persistent challenges” that have profound impacts on homelessness in the County and will continue to require significant community-wide action to be successfully addressed:

- **Shortage of affordable housing and changing rental market** – the shortage of affordable housing available to the homeless population is the most significant barrier to addressing homelessness. There are currently initiatives being developed and worked to provide more shelters and transitional housing. SHRA is actively working with the County and City to make more permanent housing units available through their voucher program and the identification of new units.
- **Entry points (access to services) are not coordinated** – this creates barriers to basic services – shelter, health care, behavioral health care, etc.- for the homeless persons. The Coordinated Entry System currently being adopted by many of the community’s service providers will help but will require additional coordination and collaboration to broaden its reach and impact.
- **Lack of comprehensive, real-time data** – this hinders the community’s ability to make timely, effective data-driven decisions on the programs and services targeting the homeless population. The first phase of interactive, real-time data dashboards supported by the HMIS database will be released by Sacramento Steps Forward (SSF) to the community users in the near future.
- **No single system vision or oversight** – no evidence could be found that any formal organizational model is being used by the community of organizations to guide their support efforts. As a result, there is not an adequate organizational structure in place to create or adopt a formal shared vision for addressing homelessness in Sacramento County; make decisions on program funding, implementation or changes; track the impact of programs and services; provide guidance and direction on essential efforts to promote coordination and collaboration among the organizations in the community. In essence, there is no organizational model in place that will ensure the most effective use of the critical resources available to most successfully address homelessness in the County.

### **Issues Influencing an Organizational Model**

Efforts to address homelessness are funded from many different sources. Table 1 shows various sources of over \$98,000,000 for FY 2018/19 in public funds for homeless programs in Sacramento County that the Grand Jury was able to identify (there are also private funds supporting homeless programs in the County but the Grand Jury did not try to identify the source or amount of these funds).

**Table 1  
Public Funding Sources for Homeless Programs Within Sacramento County**

<b>PUBLIC FUNDING SOURCE</b>	<b>ANNUAL AMOUNT</b>	<b>PURPOSE</b>
State/County <sup>b</sup>	\$ 34,051,401	Alcohol & Drug Treatment
Federal/HUD <sup>c</sup>	\$ 20,180,083	Housing/HMIS/Planning
State/MHSA <sup>d</sup>	\$ 14,666,667	Services & Support for Mentally Ill
State SB 82 Grant <sup>b</sup>	\$ 4,984,771	Mobile Crisis Support Teams
County <sup>b</sup>	\$ 4,700,320	Mather Community Campus
Federal/State/County <sup>b</sup>	\$ 3,639,227	Mental Health Services
County <sup>b</sup>	\$ 3,395,000	Housing/Intensive Case Management Services
Federal/State/County <sup>b</sup>	\$ 2,843,416	CalWorks Housing Support Allocation
County <sup>b</sup>	\$ 2,650,000	Low Barrier Shelters
State/MHSA <sup>b</sup>	\$ 2,500,000	Behavioral Health Crisis Center
Federal/State/County <sup>b</sup>	\$ 1,630,552	CalWorks Family Stabilization
County <sup>b</sup>	\$ 1,352,993	Emergency Shelter
State/County <sup>b</sup>	\$ 860,100	Child Welfare Services Housing Program
County <sup>b</sup>	\$ 504,000	Prevention, Intervention, Diversion
City of Sacramento <sup>e</sup>	\$ 400,000	Homeless Mitigation Services
County <sup>b</sup>	\$ 216,000	Outreach, Navigation, Rehousing
<b>Total</b>	<b>\$ 98,574,530</b>	

NOTES: Excluded from annual amount are funding from California Department of Social Services Single Allocation and Mental Health Single Allocation, which are used in certain circumstances to support homeless related programs and services.

Does not include \$40 million in State and City funds for temporary shelter that is awaiting Sacramento City Council approval for future years.

b. County of Sacramento Homeless Plan. Final Draft. November 30, 2018.

file:///C:/Users/mfine/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/ICZO7OEW/20181130%20Sacramento%20NPLH%20Plan%20with%20Appendices%20(2).pdf.

c. Sacramento Steps Forward. <https://sacramentostepsforward.org/>.

d. Sacramento County. Sacramento County News. <http://www.saccounty.net/news/>.

e. City of Sacramento. Council Agenda, November 27, 2018.

[http://sacramento.granicus.com/MediaPlayer.php?view\\_id=22&clip\\_id=4295#](http://sacramento.granicus.com/MediaPlayer.php?view_id=22&clip_id=4295#).

These public funds represent a very significant investment in the community's efforts to address homelessness. However, the funding is not made available to the organizations and programs aiding homeless persons without presenting its own set of management challenges. Virtually all the funding is "stovepipe" in nature. This means the source of the funds – Federal HUD, State programs, County General Fund, etc. – essentially defines the terms and conditions surrounding the funds, including: who is eligible for the funds; the application process and schedule; how the funds must be used; time period for use, and; accountability and reporting requirements. The stovepipe nature of funds makes it very difficult to effectively braid funding with like programs across the community of services and programs to achieve the most effective outcomes. In addition to the stovepipe nature of the homelessness funds there are also management challenges presented by two other related characteristics of homelessness funds. The first of these is the uncertain availability of funds from one budget cycle to the next. Simply put, the availability of a sustained annual level of government funding can be influenced by many things (economic downturn, priority changes, sunseting legislation, changing requirements, etc.) and is not guaranteed. The second characteristic is the requirement that the various sources for the majority of these funds require both an annual application be made for the funds and periodic reporting on their use be provided. This results in a significant investment in administrative overhead by the organizations in the community of providers.

A simple example of the funding issue and its relationship to the fourth persistent problem cited earlier was presented during one of the interviews conducted by the Grand Jury. There are four temporary shelters for homeless persons in Sacramento County – the City of Sacramento's Rail Yard shelter, the County's Mather Field shelters, and shelters sponsored by the cities of Elk Grove and Citrus Heights. Each is separately funded and managed. Each also requires a separate investment in administrative overhead to operate it. Some of this investment represents funds that would be available to be re-directed, under an organizational model that would support collaboration and the consolidation of these administrative functions, to services directly supporting homeless persons. This would be a more effective use of this resource only available with the adoption of a new organizational model.

As mentioned previously, there is a community of organizations that are contributing significant resources to the effort to address homelessness in Sacramento County. Table 2 shows all the organizations, both public and private, the Grand Jury was able to identify that are engaged in some manner.

**Table 2  
Homeless Services Community**

<b>Identified Organizations</b>	<b>Type</b>
California Emergency Services and Housing (CESH)	State Agency
City of Citrus Heights	Municipality
City of Elk Grove	Municipality
City of Folsom	Municipality
City of Galt	Municipality
City of Rancho Cordova	Municipality
City of Sacramento	Municipality
Continuum of Care Advisory Board	HUD Designated Agency
Department of Human Assistance (DHA)	County Department
Behavioral Health Services (BHS)	County Department
Department of Health Services (DHS)	County Department
Homeless Assistance Resource Team (HART) Carmichael	Not For Profit (NFP)
HART Citrus Heights	NFP
HART Elk Grove	NFP
HART Folsom	NFP
HART Rancho Cordova	NFP
Homeless Emergency Aid Program (HEAP)	State Funding
Sac County Sheriff Homeless Outreach Team (HOT)	Law Enforcement Agency
Lutheran Social Services	Faith Based NFP (FB NFP)
Resources for Independent Living	NFP
Roads Home	NFP
Sacramento ACT	FB NFP
Sacramento Loaves and Fishes	FB NFP
Sacramento Employment and Training Agency (SETA)	JPA
Sacramento Housing and Redevelopment Agency (SHRA)	JPA
Sacramento Police Department	City Agency
Sacramento Regional Coalition to End Homelessness (SRCEH)	NFP

<b>Identified Organizations</b>	<b>Type</b>
Sacramento Steps Forward (SSF)	NFP
Sacramento Self Help Housing (SSHH)	NFP
Sacramento Veterans Resource Center	NFP
Salvation Army	FB NFP
Transforming Lives, Cultivating Success (TLCS)	NFP
Turning Point Community Programs	FB NFP
Union Gospel Mission	FB NFP
Volunteers of America (VOA)	NFP
WellSpace Health	NFP
Wind Youth Services	NFP
Women Escaping A Violent Environment (WEAVE)	NFP

While all of the organizations play an important role in their own right, there are five primary organizations:

- County of Sacramento – prior to 2011 the County was the lead organization addressing homelessness. It was responsible for the administration of the Continuum of Care and was the designated agency for HUD funding. As a result of government funding pressures created by the recession, the County relinquished its lead role but remained active in the community. In 2016 the County established the position of Director of Homeless Initiatives and in 2018 led the development of the NPLH Homeless Plan discussed earlier.
- City of Sacramento – also established a position of Director of Homeless Initiatives and is active in the community. Current Mayor has taken a leadership role in addressing homelessness both locally and at the State level.
- Continuum of Care (CoC) Advisory Board – an unincorporated association required by the HEARTH Act to be eligible for HUD funding. Advises on policy related to homeless initiatives for community organizations receiving HUD funds.
- Sacramento Steps Forward (SSF) – a non-profit organization established in 2010 to be the lead agency for the CoC. Provides staff support to the County and City related to homelessness and to the CoC. Supports HMIS for the community of users and coordinates the PIT count.
- Sacramento Housing and Redevelopment Agency (SHRA) – A Joint Powers Agency (JPA) that serves as the housing authority for the County and City of Sacramento. SHRA administers a voucher program and identifies housing units that support the permanent housing needs of homeless persons.

Taking all the organizations together, their sheer number and the diversity of their make-up, interests and actions in supporting the homeless population represent significant coordination,

management and oversight challenges. In the absence of a working organizational structure it becomes virtually impossible to make the most effective use of the valuable resources they offer.

### **Responsive Organizational Model**

In 2010, the County of Sacramento was recognized as the regional lead agency for homelessness by HUD. However, with the strain placed on local government budgets as a result of the recession, it became clear that local governments in Sacramento could not continue as the lead agency on homelessness and plans began to be made to transition to a new organizational model.

A team of representatives from key organizations was formed to explore options and make a recommendation for an organization model that would provide centralized direction and control to regional efforts to address homelessness. The team visited Columbus, Ohio, a city with many similarities to Sacramento and an effective centralized management model for organizations and activities addressing homelessness. The team also visited Oakland, California to gain some insight into a model that was proving to be effective for an organization there.

In December 2010, the County Board of Supervisors and the Sacramento City Council, acting on the recommendations of the team, each passed resolutions calling for the transition to a new organization model to provide management direction and oversight to the efforts to end homelessness in Sacramento County. The significant elements to these resolutions were:

- Adopted, in concept, the establishment of a public-private structure for addressing homelessness
- SSF would be the private side to administer homeless programs and become the designated agency for HUD funds
- A JPA representing the public side of the structure would be established to set policies and procedures
- CoC administration was to transfer from the County to SSF by June 2011 (the administration of the CoC was transferred from the County but not to SSF. The CoC Advisory Board became responsible for administering CoC and providing advisory on policies and procedures)

However, for reasons that could not be fully documented, the effort to establish the JPA and, ultimately, a public-private structure as the lead management organization for homelessness in the County were abandoned in early 2011. This was confirmed in March 2011, when the Board of Supervisors and the City Council each passed a resolution “endorsing” SSF as the “new entity” to administer homeless programs throughout the County. There have not been any other efforts to adopt an operational model since 2011.

Many in the community of organizations have begun to acknowledge that the challenges and issues presented by homelessness are extraordinarily formidable and complex and, as such, very difficult for the community, as it is currently organized, to most effectively address. The Grand Jury agrees with this position.

The community, in response to this issue, is beginning to express the need for a new organizational model that will create a shared vision for addressing homelessness in Sacramento

County. This new organizational model would make/facilitate decisions on program funding, implementation and operations; ensure fiscal accountability; track and report on the performance and impact of programs and services; and provide guidance and direction on the essential efforts to foster coordination and collaboration among the members of the community. A new model that would be able to successfully address this agenda would need a lead entity that is actively supported by the leadership of both the public and the private sector organizations involved in County homelessness and be appropriately empowered.

During Grand Jury interviews, two very preliminary ideas for the structure of this lead organization were shared:

- Re-consider a Joint Powers Agency – While this has the attraction of having a separate government agency dedicated to homelessness as the lead entity in the County, a JPA was the key element in the approach that was explored and abandoned in 2010/11. There are also some difficult barriers - political, budget and organizational - that would have to be effectively addressed for this approach to begin to be considered viable.
- Create a New Partnership – Create a partnership made up of the Funders Collaborative, the CoC Advisory Board and the “Electeds” to be the lead entity. The Funders Collaborative (which is currently being re-constituted at the staff level and would have to mature to management level representation) would provide oversight of the fiscal responsibilities and operations of the community. The CoC Advisory Board would provide policy, procedure and fund distribution advisory for the programs of the community. The “Electeds” would be members of the County Board of Supervisors and Councils of the cities within the County. They would provide vision, direction, guidance, decision making, and promote and create opportunities for coordination and collaboration across the community. SSF would provide staff support to the partnership. This would include continuing to be the designated agency for HUD funds, HMIS and data support, PIT count coordination, and coordination of program measurement, evaluation and reporting.

It is evident from these very brief, high-level discussions of two alternatives that finding the right organizational model for Sacramento County to adopt to most effectively address homelessness is, in itself, going to be a very significant challenge. Local government is a logical place to look for a lead entity that could provide organizational leadership to a public/private community of organizations supporting the County’s homeless and also be accountable for the performance and outcomes of the programs of the community and the use of public funds.

However, it is clear from past experiences that budget constraints will not allow a current local government entity to take the lead role in a new organizational model for homelessness. Individuals and organizations involved in Sacramento County homelessness recognize that the identification and implementation of a new organizational model that is responsive to the needs of the community and the challenges of homelessness will not be simple and will take both significant time and commitment. They also recognize that such a change is essential to achieving the magnitude of positive impact on homelessness the community and the general population of Sacramento County are seeking. The Grand Jury concurs with both these positions.

## **FINDINGS**

- F1. There is no formal organizational model being used by the community of organizations that will ensure the most effective use of the critical resources available to be used to address homelessness in Sacramento County.
- F2. The leaders and workers in the community of organizations actively working to address the challenges presented by homelessness in Sacramento County have demonstrated an impressive level of both dedication and competence in assisting and supporting the County's homeless population.
- F3. A County of Sacramento Homeless Plan to secure NPLH funds was recently developed by the County and adopted by the Board of Supervisors. The plan presents a significant initial strategic direction for addressing homelessness in Sacramento County and many of the organizations providing services and programs for the homeless collaborated with the County on the plan's development and support its direction and implementation.

## **RECOMMENDATIONS**

- R1. The community of organizations working to address homelessness in Sacramento County should initiate a process during Fiscal Year 2019/20 to identify an organizational model that will be responsive to needs expressed by the community. This process should be coordinated by the five primary organizations providing resources to the homelessness effort. They are:
- County of Sacramento
  - City of Sacramento
  - Continuum of Care Advisory Board
  - Sacramento Steps Forward
  - Sacramento Housing Redevelopment Agency

## **REQUIRED RESPONSES**

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows: From the following elected county officials within 60 days:

- Mayor Darrell Steinberg  
City of Sacramento  
915 I Street, 5<sup>th</sup> Floor  
Sacramento, California 95814
- Patrick Kennedy, Chair  
County Board of Supervisors  
700 H Street, Suite 1450  
Sacramento, California 95814

From the following governing bodies within 90 days:

- La Shelle Dozier, Executive Director  
Sacramento Housing and Redevelopment Agency  
801 12<sup>th</sup> Street  
Sacramento, California 95814

Mail or deliver a hard copy response to:

David De Alba, Presiding Judge Sacramento County Superior Court  
720 9th Street, Dept. 47  
Sacramento, CA 95814

In addition, please email response to:  
Becky Castaneda, Grand Jury Coordinator at [castanb@saccourt.com](mailto:castanb@saccourt.com)

### **INVITED RESPONSES**

- Sarah Bontrager, Chair,  
Continuum of Care Advisory Board  
1331 Garden Hwy, Suite 100  
Sacramento, California 95833
- Lisa Bates, Chief Executive Officer  
Sacramento Steps Forward – CEO  
1331 Garden Hwy, Suite 100  
Sacramento, California 95833

Mail or deliver a hard copy response to:

David De Alba, Presiding Judge Sacramento County Superior Court  
720 9th Street, Dept. 47  
Sacramento, CA 95814

In addition, please email response to:  
Becky Castaneda, Grand Jury Coordinator at [castanb@saccourt.com](mailto:castanb@saccourt.com)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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## **COSUMNES COMMUNITY SERVICES DISTRICT: WHY IS MACDONALD PARK STILL UNFINISHED?**

### **SUMMARY**

Based on a citizen's complaint, the 2018-2019 Sacramento County Grand Jury reviewed the Cosumnes Community Service District's (CCSD) usage of developer's fees and land dedications. CCSD received the fees and land dedications for the construction of a neighborhood park in the Camden Pointe/Camden Estates subdivisions. The park in question, MacDonald Park, was partially completed; approximately half of the park has lain undeveloped for many years.

At issue is whether that undeveloped portion constituted a breach of legal responsibility to use funds obtained under the provisions of the Quimby Act<sup>a</sup> in a timely manner. As we will explore in the discussion below, CCSD's legal responsibility is to commit the funds, within a certain period of time, to the building of the park. It is under no legal obligation to spend those funds within any given period of time.

Also, at issue was an inability for residents and others to obtain specific information on Quimby Act fees and dedications, and their usage, as there were three governmental entities involved: CCSD (formerly the Elk Grove Community Services District), the City of Elk Grove, and Sacramento County.

The investigation focused on three issues: 1) Why hasn't MacDonald Park been completed?; 2) if CCSD still has Quimby fees which it collected from the developer of the Camden Pointe subdivision and from the developer of the Camden Estates subdivision, must CCSD return that money to the subdivisions' original property owners?; and 3) what are CCSD's duties in terms of safeguarding public records, and recreating them if they are destroyed?

The Grand Jury found that CCSD had a legal requirement, under the Quimby Act, to commit the use of the collected funds and dedications within a five-year period of collection and that CCSD met that obligation. Under the Quimby Act, there is no set time requirement for the actual construction of a park. We found that the delay in the completion of Phase 2 of MacDonald Park has understandably frustrated CCSD residents. Further, the Grand Jury found that although many CCSD records were destroyed in a fire that gutted their main headquarters in 2015, CCSD has a strong records retention policy that follows State law.

The general public has little understanding of Quimby Act funds and their mandates for use. The Grand Jury recommends that CCSD make a greater effort to educate CCSD residents about the requirements of the Quimby Act and the discretionary power CCSD has with regard to those funds. Further, CCSD should establish a separate accounting system which specifically tracks each Quimby fee collected and how it is spent. The Grand Jury also recommends that CCSD

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<sup>a</sup> Passed in 1975, the Quimby Act authorizes local governments to require developers to set aside land, donate conservation easements, or pay fees for park development or rehabilitations.

make good faith and thorough efforts to identify the records that were lost in 2015 and to recreate those records. CCSD should inform its constituents of those efforts.

## **BACKGROUND**

In or around 1993, the County of Sacramento, on behalf of the Elk Grove Community Services District (later to become the Cosumnes Community Services District), received an acre of land and \$152,729 in fees (called Quimby fees) from the developer of Camden Pointe, a subdivision located within the district. The Elk Grove Community Services District imposed the assessment as a condition for granting approval to the developer to build homes in the subdivision.

The Quimby Act requires that land dedications and the fees are for the purpose of developing new or rehabilitating existing neighborhood or community parks or recreational facilities to serve the subdivision. CCSD was obligated to commit those fees within five years of their payment, or within five years of the issuance of permits to 50% of the lots created in the subdivision, whichever is later, or else return the fees to the original (or as defined in the act: “the then record owners”) homeowners, in the same proportion that the size of their lot bears to the total area of all lots in the subdivision.

In December 4, 2002, the County of Sacramento, on behalf of CCSD, received 1.079 acres of land and \$69,297 in Quimby fees from another developer for another subdivision, Sheldon Estates II. In 2006, CCSD committed to use those fees to construct Phase 2 of MacDonald Park on the 1.079 acres. Having committed those fees within five years of their payment, CCSD does not have any legal requirement to spend them by any certain time.

In February 2015, a fire occurred at the CCSD office in Elk Grove. As a result, records stored there were destroyed, either by the fire, or as a result of water damage. CCSD does not know which records were destroyed. It also did not have backups for many of the documents.

Since the fire, CCSD has revised its records retention policy to better safeguard its records.

## **Special Districts**

To understand CCSD, it may be helpful for the reader to have a basic understanding about community services districts, which, in accordance with California law, are a type of special district<sup>1</sup>.

Under California law, a special district is “an agency of the State, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions with limited boundaries.”<sup>b</sup> A special district may cross city boundaries and county boundaries.

What makes special districts special is “focused services. ... They deliver specific public services within defined boundaries. ... Special districts have most of the same basic powers as counties and cities. They can sign contracts, employ workers, and acquire real property through purchase

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<sup>b</sup> CAL. GOV'T CODE § 56036(a). This definition of special districts excludes school districts and special assessment districts.

or eminent domain. Following constitutional limits, they can also issue bonds, impose special taxes, levy benefit assessments, and charge service fees.”<sup>2</sup>

According to the Sacramento Local Agency Formation Commission, Sacramento County has more than one hundred special districts. These special districts provide, among other things, drinking water, electricity, garbage service, fire protection, and parks and recreation.

### **Community Services Districts**

CCSD is a particular kind of special district. It is a community services district. In 2010, there were 325 community services districts in California.<sup>3</sup> There are three Community Service Districts in Sacramento County (Cosumnes CSD, Rancho Murieta CSD, and San Juan CSD).

In enacting the law which gave authority for the creation of community services districts, the California legislature declared that “for many communities, community services districts may be ... (1) A permanent form of governance that can provide locally adequate levels of public facilities and services. (2) An effective form of governance for combining two or more special districts that serve overlapping or adjacent territory into a multifunction special district.”<sup>4</sup>

A community services district may provide one or more of more than thirty services listed in the law. They include supplying water; collecting and disposing solid waste; providing fire, rescue, and ambulance services; operating parks and recreation facilities; and providing mosquito abatement and vector control services.<sup>5</sup>

A community services district is governed by a board of local residents elected by local residents. “Through board meetings and local presence, the community has a direct say in what types and levels of service it receives. Overall this independent form of local government is able to be much more responsive to a community’s needs (than a city or a county can).”<sup>6</sup>

### **Cosumnes Community Services District (CCSD)**

An Elk Grove Parks Department was originally created in 1923, with the creation of an Elk Grove Fire Department two years later. In 1985, the Elk Grove Fire Department combined with the Elk Grove Parks and Recreation District to become the Elk Grove Community Services District. In 2006, the Elk Grove Community Services District merged its fire services with the Galt Fire Protection District to become the Cosumnes Community Services District. According to its website, CCSD “serves an estimated 190,680 south Sacramento County residents in a 157-square mile area. (Its) award-winning parks and recreation services - - including the operation of more than 90 parks - - operate exclusively within the Elk Grove community. Fire protection and emergency medical services are provided for the cities of Elk Grove and Galt and unincorporated areas of south Sacramento County.”<sup>7</sup>

CCSD’s funding sources include state and federal grants, Landscape and Lighting Assessment District funds, Mello Roos Special taxes, Park Impact fees, and Quimby fees.

## METHODOLOGY

### The Grand Jury

- Interviewed:
  - Officials from CCSD
  - A resident of CCSD.
  
- Studied:
  - The statutes pertaining to special districts
    - Government Code section 56036(a)
    - California Constitution Article XIIC, Section 1(c), commonly known as Proposition 218
    - The Community Service District Law - Government Code section 61001 and following
    - The Quimby Act (Government Code section 66477)
  - “What’s So Special About Special Districts? A Citizen’s Guide to Special Districts in California” (Fourth Edition) California Senate Local Government Committee, October 2010
  - The CCSD Website
  - Letters and Email messages from CCSD
  - A publication by California Tax Date entitled “What is a Community Services District?”
  - CCSD’s administrative regulations and policies
  - The California Public Records Act (Government Code sections 6250 and following).

## DISCUSSION

### Quimby Fees

The Quimby Act of 1975 authorizes cities, counties, and special districts to require developers to pay land and /or fees as a condition for being granted approval to build homes on subdivisions.<sup>8</sup>

Quimby fees “are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision<sup>9</sup>.” Funds generated cannot be used for the operation or maintenance of parks or park facilities.

By law, Quimby fees “shall be committed within five years after the payment of the fees or the issuance of building permits on one-half of the lots created by the subdivision. If the fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.”<sup>10</sup>

The grand jury is not aware of any legal authority requiring a special district to spend its Quimby funds by a certain time once the special district timely commits them.

## Camden Pointe

In or around 1993, the developer of the Camden Pointe subdivision (previously called Sheldon Passage) applied for approval to build homes in the subdivision. The subdivision is within CCSD's boundaries. As a condition for granting the approval, an assessment of land and fees was imposed, as permitted under the Quimby Act.

In or around 1993, the County of Sacramento, on behalf of Cosumnes Community Services District's predecessor, received an acre of land and \$152,729 in fees from the developer of Camden Pointe.

In or before 1995, CCSD'S predecessor committed to use the land and the Quimby fees to build a park. CCSD's predecessor has since spent \$133,000 to construct Phase 1 of MacDonald Park on the one acre of land. Because Sacramento County provided accounting services for CCSD's predecessor at that time, CCSD is not able to determine how much of that money was from the Quimby fees, and how much, if any, was from another source.

According to CCSD, any money from the Camden Pointe Quimby fees which was not spent on Phase 1 of MacDonald Park was spent on other parks such as Jan Rau Community Park, Jones Family Park, and Lombardi Park. These parks on average are approximately one mile from the Camden Pointe subdivision.



Figure 1  
The area bounded by Sheldon Rd on the North, Elk Grove-Florin Rd on the East, Bond Rd on the South, and Hwy 99 on the West comprise Camden Pointe and Sheldon Estates II (also shown is the general area of CCSD Benefit Zone 3).

Whether these parks are neighborhood or community parks for the Camden Pointe subdivision was a decision for CCSD to make. A Court of Appeal interpreted the phrase “neighborhood or community parks” of a subdivision as meaning parks which are “in sufficient proximity to the subdivision to serve (its) future residents.”<sup>11</sup>

CCSD believed that spending the Camden Pointe Quimby fees on these parks was in compliance with the Quimby Act because all three of the parks benefit the residents of Camden Pointe, although some residents of the District did not agree. If CCSD did spend some of the Camden Pointe Quimby fees on the three aforementioned parks, CCSD should explain to its Camden Pointe residents how those parks serve and benefit them.

CCSD currently charges the residents of the Camden Pointe subdivision a fee for maintenance of Phase 1 of MacDonald Park. This is consistent with CCSD’s practice of establishing “Benefit Zones.” Assessments vary in different benefit zones based on the amenities within the area.

CCSD has fulfilled its legal obligation with regard to the Quimby fees which it collected from the Camden Pointe developer. It does not have any money left from those fees to distribute in accordance with the Quimby Act.

## Sheldon Estates II

On December 4, 2002, the developer of the Sheldon Estates II subdivision dedicated 1.079 acres of land and paid \$65,297 in Quimby fees to CCSD’s predecessor for approval to build homes in the subdivision. The subdivision is within CCSD’s boundaries. (Sheldon Estates II was previously called Camden Estates.) In 2006, CCSD committed to use the land and the fees to construct Phase II of MacDonald Park.

The brochures for the Sheldon Estates II homes showed a drawing of MacDonald Park as fully completed. This drawing may have led some purchasers of homes in the subdivision to believe that CCSD would soon use the Quimby fees to complete the construction of Phase 2 of MacDonald Park. Phase 2 of MacDonald Park would be the portion that fronts Beckington Drive. See Figure 2, below:



However, there is no evidence that CCSD made any promise, or gave any indication, to the Sheldon Estates II home buyers that the Quimby fees would be spent on MacDonald Park, or how the Quimby fees would be spent at all.

In fact, CCSD has not yet spent any of the Quimby fees which it collected from the Sheldon Estates II developer. And, construction of Phase 2 of MacDonald Park has not yet begun.

CCSD explained that it has not used the Sheldon Estates II Quimby fees to construct Phase 2 of MacDonald Park because it does not have funds to maintain that portion of the park once it is completed.

CCSD has met the statutory timeliness requirement regarding the commitment of the Quimby fees. There is no further legal requirement for CCSD to spend the Quimby fees by any particular time.

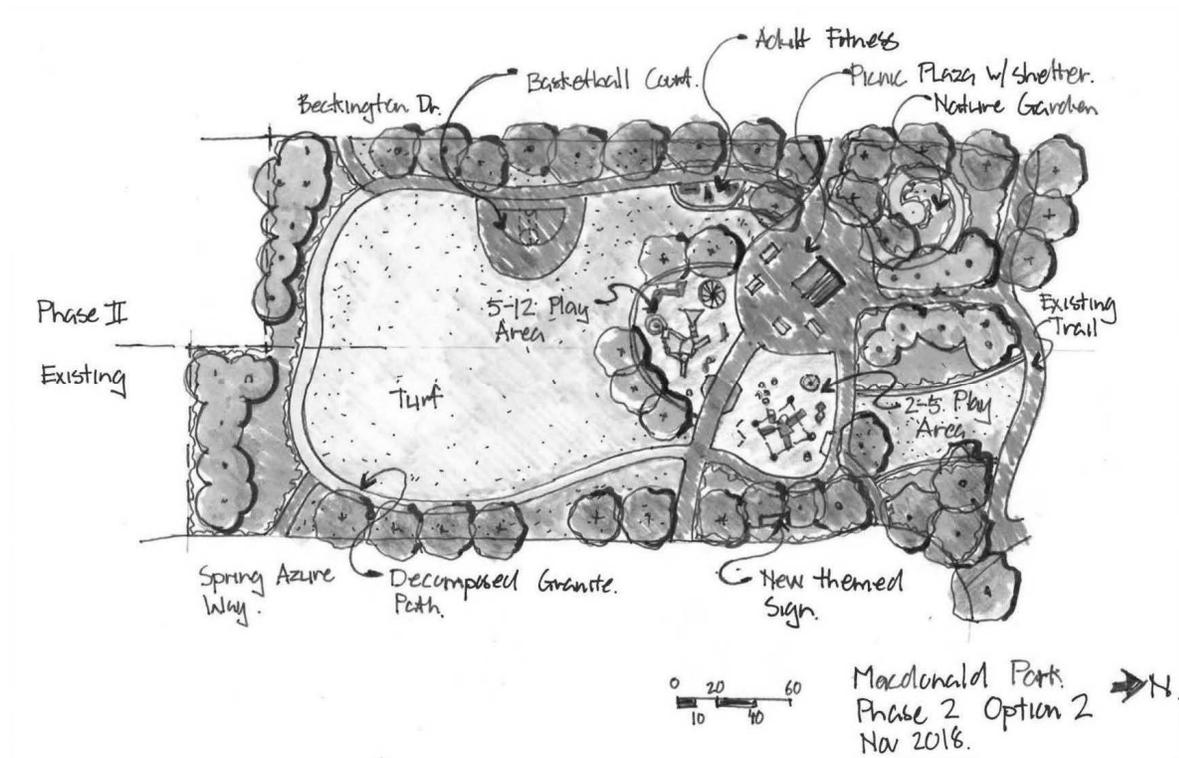
So how does Phase 2 of MacDonald Park get constructed? CCSD funds maintenance operations for parks, streetscapes and trails through a mechanism called “Landscape and Lighting assessments.” CCSD has divided its service area into “Benefit Zones.” Currently there are 17 benefit zones. Generally, assessments are based on the cost of providing maintenance to the amenities in that Benefit Zone. By law, assessments can only increase annually at a rate equal to the Consumer Price Index (CPI). Because of this, the existing assessment for this Zone has not been able to keep up with rising costs. This has happened before, and the law allows for what is called an “overlay assessment.” CCSD can call for an election (in this instance by mail) and, if 50% + 1 of the returned ballots approve the overlay assessment, it will go into effect.

Sheldon Estates II lies in Benefit Zone 3 (See Figure 1). CCSD has indicated that it will use the Quimby funds to complete Phase 2 of MacDonald Park, provided that the Benefit Zone 3 residents vote to create an overlay district to impose a fee on themselves to raise funds to maintain that half of the park.

The CCSD Board of Directors has called for such an election. Ballots will be mailed to property owners in this Benefit Zone on May 1, 2019; property owners can return ballots until June 19, 2019. The Grand Jury will not know the outcome of this vote at the time this report goes to press. If the overlay is approved, CCSD will begin a community discussion on design elements for Phase 2 of MacDonald Park. CCSD estimates that the average time required to build a new small park is approximately 27 months.

Figure 3, below, is a sketch of what the combined phases of MacDonald Park may look like;

Figure 3: Artist's rendition of a proposed fully completed MacDonald Park



## Records

The Grand Jury investigated the complainant's allegation concerning CCSD's handling of a public records request. The records requested were regarding Quimby funds committed for MacDonald Park and were made to the County of Sacramento, the City of Elk Grove, and CCSD. CCSD was the lead agency, as it was the one controlling the funds. Each agency responded that it did not have the records and suggested that the resident check with the other two agencies.

CCSD explained that it did not have the requested records due to a fire at its office in 2015. According to CCSD, the requested records were either destroyed by the fire or damaged by water. CCSD also acknowledged that it did not have backup copies of the documents which were destroyed, and it does not know which records were destroyed.

Upon request by this Grand Jury, CCSD was able to work with other agencies and re-create the requested records pertaining to the commitment of Quimby funds for MacDonald Park.

The Legislature passed the California Public Records Act (PRA) in 1968. The PRA requires that all records maintained by state or local public agencies, including special districts, are open to

the public, with certain limited exceptions.<sup>c</sup> The PRA includes provisions for access, inspection, disclosure, and timeliness. The PRA covers only records that already exist. It does not require government agencies to secure their records in a safe place, or to have backup copies in case the originals are destroyed. Nor does it require agencies to create records, lists, or compilations that do not already exist. California Government Code, Title 6, Division 1, Chapter 7 does set the rules for Special Districts and the destruction of records but does not go beyond that limited scope.

CCSD has a well-defined policy titled “Public Inspection of CCSD Documents” that puts the requirements of the PRA into effect. This policy sets a clear process for requesting public records and makes it simple to do so, including a user-friendly web page. The policy also establishes a tracking system for public records requests.

In addition to the PRA, CCSD is bound by the public records retention law pertaining to special districts.<sup>d</sup>

At the time of the 2015 fire, CCSD’s records retention policy essentially followed the State Records Management Act<sup>12</sup>. CCSD’s policy also required that “(a)ll District Records shall be retained in a safe, secure storage area(s) .... ”<sup>13</sup> The policy does not define the words “safe” and “secure”. Subsequent to the 2015 fire, CCSD concluded that its demanding policy was insufficient to safeguard its records.

In 2017, CCSD revised its records retention policy to be even stricter in terms of safeguarding its records. The revised policy now specifically states that one of its purposes is the “safeguarding of District records.... ”<sup>14</sup> In addition, the policy requires that CCSD’s “necessary” records be “retained in safe, secure storage areas,” and adds a requirement that these records be “adequately protected and maintained.”<sup>15</sup>

CCSD’s previous policy required the general manager merely to “oversee the development and maintenance of an appropriate record keeping system.”<sup>16</sup> The revised policy makes the general manager “responsible for the administration”<sup>17</sup> of the new policy” of safeguarding CCSD’s records and providing adequate protection and maintenance for them.

It is obvious that the CCSD takes seriously the safeguarding of its records. It is now up to the general manager and his staff to implement CCSD’s policy so that 1) CCSD does not lose any more records and 2) CCSD has adequate backup copies in the event that they are lost.

Because the law requires CCSD to produce only those records which it has, persons who request records from CCSD have no legal recourse when CCSD no longer has them.

One resident suggested that CCSD should make a thorough, good-faith effort to determine what records are permanently lost, and to recreate those lost records. The Grand Jury found value in this suggestion to the extent it pertains to the recreation of records of Quimby Act dedications

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<sup>c</sup> Those exceptions include personnel issues, potential litigation, property negotiations, etc.

<sup>d</sup> CAL. GOV’T CODE § 60200 et seq.

and payments. There may be justification for the recreation of other documents, but the scope of this report was limited to Quimby Act funds.

## **FINDINGS**

- F1. CCSD timely complied with the law that it commits the Camden Pointe Quimby fees within five years of their payment. It spent all of those fees for the construction of Phase 1 of MacDonald Park, and possibly for some other parks which would serve the Camden Pointe subdivision. CCSD has fulfilled its legal obligations with regard to those fees.
- F2. CCSD timely complied with the law that it commits the Sheldon Estates II Quimby fees within five years of their collection. There is no time limit by which CCSD must spend the Sheldon Estates II Quimby fees to construct Phase 2 of McDonald Park.
- F3. CCSD residents are understandably frustrated that sixteen years after collecting the Sheldon Estates II Quimby fees, and thirteen years after committing to spend those fees to construct Phase 2 of MacDonald Park, CCSD still retains those fees. Residents do not have a clear understanding of the retention and use of those funds.
- F4. CCSD makes a good faith effort to comply with the California Public Records Act.
- F5. CCSD makes a good faith effort to keep adequate and appropriate District records to fulfill legal requirements.
- F6. CCSD's records retention policy requires its records be safeguarded and adequately protected.

## **RECOMMENDATIONS**

- R1. CCSD should educate the district's residents about the requirements and discretions it has with regard to the Quimby fees which it collects. CCSD should have open discussions about Quimby fees and dedications with its constituents by June 30, 2020.
- R2. CCSD should inform the district's residents what CCSD intends to do with the Sheldon Estates II Quimby fees if the vote on the overlay district fails, at the first Board meeting following the vote.
- R3. CCSD should establish an accounting system which specifically tracks each Quimby fee collected from a developer and how that money is spent. This should be by June 30, 2020.
- R4. CCSD should make a good faith and thorough effort, by June 30, 2020, to identify and recreate the records of collected but unspent Quimby Act funds that were lost due to the 2015 fire and inform its constituents of that effort.

## REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses from the following agency within 90 days:

- Cosumnes Community Services District Board of Directors  
Gil Albiani, Board Chair  
8820 Elk Grove Blvd.  
Elk Grove, California 95624

Mail or hand-deliver a hard copy response to by September 30, 2019 to:

David De Alba, Presiding Judge Sacramento County Superior Court  
720 9<sup>th</sup> Street, Dept. 47  
Sacramento, CA 95814

In addition, please email response to:

Becky Castaneda, Grand Jury Coordinator at [castanb@saccourt.com](mailto:castanb@saccourt.com)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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## Endnotes:

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<sup>1</sup> CAL. GOV'T CODE § 61001(c)(1).

<sup>2</sup> California Senate Local Government Committee. *What's So Special About Special Districts? A Citizen's Guide to Special Districts in California*. 4<sup>th</sup> ed. Sacramento: California Senate Local Government Committee, October 2010, p. 1.

<sup>3</sup> *Ibid*, p. 5.

<sup>4</sup> CAL. GOV'T CODE § 61001(b).

<sup>5</sup> CAL. GOV'T CODE § 61100.

<sup>6</sup> California Tax Data. "What is a Community Service District?" <http://www.californiataxdata.com/pdf/CSD.pdf>.

<sup>7</sup> Cosumnes Community Services District. Elk Grove, California (website). Accessed June 1, 2019.

<https://www.youresd.com/>.

<sup>8</sup> CAL. GOV'T CODE § 66477.

<sup>9</sup> CAL. GOV'T CODE § 66477(a)(3).

<sup>10</sup> CAL. GOV'T CODE § 66477(a)(6).

<sup>11</sup> Home Builders Assn. of Tulare/Kings Counties v. City of Lemoore, 185 Cal. App. 4<sup>th</sup> 554 (Cal. Ct. App. 2010).

<sup>12</sup> CAL. GOV'T CODE § 12270 et seq.

<sup>13</sup> Cosumnes Community Services District, *Policy No. 0042*. (Elk Grove: Cosumnes Community Services District Administration Building).

<sup>14</sup> Cosumnes Community Services District, *Records Management Policy, Revised 6/7/2017* (Elk Grove: Cosumnes Community Services District Administration Building).

<sup>15</sup> *Ibid*.

<sup>16</sup> Cosumnes Community Services District, *Records Management Policy, 2/19/2009*. (Elk Grove: Cosumnes Community Service District Administration Building).

<sup>17</sup> Cosumnes Community Services District, *Records Management Policy, Revised 6/7/2017*. (Elk Grove: Cosumnes Community Services District Administration Building).

# DOES THE SACRAMENTO COUNTY BOARD OF SUPERVISORS HAVE EFFECTIVE OVERSIGHT OF ELECTIVE OFFICERS?

## SUMMARY

Due to multiple local media outlet stories and public debates, the 2018-2019 Sacramento County Grand Jury initiated an investigation regarding the nature of oversight provided by the Sacramento County Board of Supervisors (BOS) regarding all three County Elected Officers: Assessor, District Attorney (DA) and Sheriff. The Sacramento County Charter (Charter) defines these positions as Elective Officers. The investigation did not consider whether the BOS (also Elective Officers) warranted additional oversight. Subsequent to starting this investigation, the Grand Jury received a citizen's complaint alleging the Sheriff committed an illegal act when he denied the Inspector General (IG) access to building facilities. This complaint was incorporated within the investigation.

Additional Grand Jury queries, interviews, and data reviews determined that the BOS has budgetary oversight over the Sheriff, DA, and Assessor. The California Constitution and related oversight. The BOS did, however, have minimal functional (community based) oversight of the Sheriff through the IG contract position referenced earlier. With respect to the citizen's complaint, the Grand Jury determined that the Sheriff's IG action was not illegal. The DA and Sheriff are subjected to functional oversight through the California State Attorney General (AG) and under the California Constitution. The Sacramento County Assessment Appeals Board and the Board of Equalization (BOE) provide Assessor oversight. The Assessor currently has a sufficient degree of locally- controlled oversight and is not included in the recommendations. However, the Grand Jury concludes new BOS initiatives should be implemented to gain greater functional oversight of the DA and Sheriff as law enforcement elective officers in order to effect greater accountability and transparency.

## BACKGROUND

The residents of Sacramento County elect officers for the positions of Sheriff, DA, and Assessor for terms of four years. These officers can only be removed from their position through voter-recall, and a legal process involving charges of misfeasance, malfeasance, or dereliction of duty. The Grand Jury can play a role in this process through the initiation of an accusation.<sup>a</sup> The pursuit of a voter-recall is intentionally designed to be difficult precisely because these office holders were elected by the voters. For example, since 2010 Californians have attempted few recalls: one Sheriff recall attempt qualified for a ballot<sup>b</sup> (resigned), three Sheriff recall attempts did not qualify for a ballot, one DA recall attempt did not qualify for a ballot, and no Assessor recall attempts were initiated.<sup>1</sup>

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<sup>a</sup> In this context, the California Government Code defines an accusation as, "An accusation in writing against any officer of a district, county, or city, including any member of the governing board or personnel commission of a school district or any humane officer, for willful or corrupt misconduct in office, may be presented by the grand jury of the county for, or in, which the officer accused is elected or appointed."

<sup>b</sup> According to Ballotpedia.org., a certain percentage of registered voters in a given county would have to sign a recall initiative to have it qualify as a ballot measure. The number of voter signatures varies and is based on the population of a given county. A ballot measure fails if it does not obtain the required number of signatures.

Historically, all three officers derive their authority through the California Constitution and the Charter, the latter having been established in 1933 and amended on rare occasion. The Charter specifically defines the duties of not only the three elective officers, but also the members of the BOS and other County personnel.

It is worth mentioning that the majority of the work Sheriff and DA personnel undertake on a daily basis is complex, dangerous, and life-transforming to themselves and the public. This work is generally completed without fanfare or complaint and does not always afford the appropriate recognition to staff or the elective officers.

## **METHODOLOGY**

The Grand Jury conducted the following activities in furtherance of its investigation regarding oversight of the three elective officers:

- Interviewed all five members of the Board of Supervisors
- Interviewed the three elective officers
- Interviewed the Sacramento County Counsel
- Reviewed the Sacramento County Charter
- Reviewed the Sacramento County Code
- Reviewed relevant sections of the California Constitution
- Reviewed relevant sections of the California Government Code
- Reviewed Board of Supervisors archived online meetings
- Reviewed historical media accounts regarding all three elective officers

## **DISCUSSION**

The investigation discovered a number of potential issues regarding oversight of the DA and Sheriff. The Grand Jury concluded that the Assessor currently has a sufficient degree of local and State oversight. From an operations perspective, the BOS does not have oversight of the Sheriff, DA, or Assessor. The Sheriff and DA rely on California Constitutional authorities and Government Code to maintain operational autonomy. The BOS does have overall budgetary oversight of the Sheriff, District Attorney (DA), and Assessor. Two of the three officers (Sheriff and DA) maintain discretionary budgetary spending. The BOS may opt to conduct audits of the three elective offices as a means to ensure the lawful expenditure of funds. However, the BOS cannot determine how each approved budget must be spent.

With respect to the Sheriff, the first report issued by the IG in 2008 stated, “Following an external audit of the Sacramento Sheriff’s Department (SSD), the Office of Inspector General was commissioned by the Board of Supervisors in October of 2007. The Inspector General has broad oversight of the SSD internal disciplinary process and discretionary powers including evaluation of the overall quality of law enforcement, custodial, and security services and the authority to encourage systemic change.”<sup>2</sup>

The audit mentioned above focused on the SSD’s disciplinary system and determined that the Department routinely exceeded established policy in the timeliness of complaint resolution. As

noted in the audit, “This is significant in that untimely or failed discipline erodes both public trust as well as the core values of the Department.”<sup>3</sup> The current Sheriff at the time established a method to track and report the status of all misconduct investigations.

The IG functioned through a working agreement between the BOS and the Sheriff. The IG performed its stated function nearly continuously until 2018. In August, 2018, the Sheriff denied the IG access to Sheriff’s Department facilities. This precluded the IG from performing any other duties until expiration of the contract on November 30, 2018. The prior and current Sheriff have both publicly stated they were in agreement with the concept of an IG as it was instituted. As mentioned above, the IG had broad oversight over SSD’s disciplinary process and the ability to recommend change. Of note, the IG had no contractual oversight of the DA or Assessor.

The legality of the Sheriff denying building access to the IG has been widely discussed and debated at BOS public meetings and across local media outlets. One news report dated October 15, 2018, referenced comments made by county personnel: “In a letter to the Board of Supervisors on Monday, the Sacramento County counsel said Sheriff Scott Jones can continue to obstruct independent investigations of his department. The board must obtain a change to the county charter if it wants to stop Jones from blocking Inspector General Rick Braziel’s independent investigations of the department.”<sup>4</sup> The Grand Jury concurs with this statement and its logical conclusion that the current system requires modification in order to obtain greater law enforcement oversight.

### **What is Oversight?**

Oversight in the context of this investigation means the ability of an IG and or oversight commission to examine, inspect and analyze Sheriff and DA data, then make recommendations to the BOS. The primary goal is to foster greater accountability and transparency within each organization. As well, these efforts would be undertaken to assist the BOS, Sheriff, and DA in creating more effective and efficient agencies. Neither an IG nor commission is intended to replace existing oversight provided under the State Constitution and Attorney General. Moreover, neither entity can supplant existing authorities from a legal perspective. Additional oversight in this document and the tools suggested are recommended to complement existing statutory oversight. A commission and IG would serve as an independent third party to bridge the gap of public concern relative to the DA and Sheriff.

The role of the IG would be to ensure that all the employees under the jurisdiction of the Sheriff and District Attorney maintain the highest standards of integrity and accountability. The IG would also perform the functions listed on its existing Sacramento County website: “The function of the Office of Inspector General is to conduct fact finding, audits, and other inquiries pertaining to administrative or operational matters of the Sacramento County Sheriff’s Department. The Inspector General Office may also: conduct fact finding pertaining to select allegations of Sheriff employee behavior, audit investigations and conduct systemic reviews of the disciplinary system, provide complainants with timely updates on the status of investigations, [and] make recommendations for process changes to [the] Board of Supervisors and public.”<sup>5</sup>

The role of a commission would be to help improve public transparency and accountability with respect to the DA and Sheriff. The commission would work closely with the DA, sheriff, and IG,

to bring about such change. The commission should be made up of individuals who have some expertise in appropriate areas to strike a balance between law enforcement, civil liberties, and the public at-large. The most satisfying outcome for the commission should be its ability to engage the community with those who are sworn to protect and serve. In this regard, the commission should also be empowered to commend the work of the Sheriff and DA when appropriate.

### **Why is Oversight Needed?**

The citizenry of Sacramento County expect and deserve to have the most transparent and accountable government possible. When any segment of the population is proven or perceived to be disenfranchised, the responsible government must create mechanisms for those voices to be heard. To this end, it is incumbent upon elected and appointed officials to adopt the necessary policies and practices to make government accountability and transparency a reality.

During the past several years, the Sheriff and DA Offices have generated strong reactions from the public and local officials. Small communities within the county have demonstrated a lack of confidence in the actions of the Sheriff and DA. Why should we be concerned about a minority in number versus the greater segment of our community of citizens? The answer is always the same; because it is the right thing to do.

The DA is the Chief County prosecutor and may be considered by citizens as the county's Chief Law Enforcement Officer. The DA's office is an instrument for criminal prosecution and is responsible for working directly with law enforcement entities throughout the county. As such, it is often involved in complex investigations initiated by the Sheriff's Department. The DA's office also investigates the Sheriff's Department and other law enforcement entities in matters relating to potential prosecution of law enforcement officers. The inherent processes and practices undertaken by the DA to fulfill its responsibilities include the potential to significantly impact the communities it serves.

Commission oversight should be included for the DA as a means to help reduce this impact. Further, a commission could provide the opportunity and the means to strengthen communication, collaboration and cooperation, between the DA's office, and the various communities it serves. A commission could assist all parties in determining what works and what might be changed to achieve greater understanding, tolerance and trust between the parties.

Operationally, a commission would serve as an independent third party to help address public concern relative to the DA. How a commission meets is as important as with whom it meets. Meetings would generally be open, involve the public, law enforcement, and hear testimony from experts and laypersons. For example, a commission could examine and make recommendations to help improve the DA's established Victim Witness Assistance Program, and other outreach efforts. One significant commission outcome should be the facilitation of better communication and cooperation between the DA's office and affected families during high-profile investigations. This would also help minimize negative interactions between the parties involved.

## **Current DA and Sheriff Outreach**

The Sacramento County Sheriff's Outreach Community Advisory Board (SOCAB) is made up of individuals appointed by the Sheriff, the BOS, and the incorporated cities within the county. A review of their website lists three Sheriff representatives, one member from each of the five districts, five ex-officio members, and two city representatives. <sup>6</sup> The board's function is described as, "The purpose of the SOCAB is to collaboratively establish and implement programs that seek to resolve conflict, concerns and issues regarding the Sheriff's Department and the community it serves. The SOCAB duties include, but are not limited to: provide annual reviews to the Sheriff and Board of Supervisors concerning complaints and testimony from the community related to operations, policies and standard operating procedures of the Sheriff's Department, review and comment on programs to promote, aide and encourage community input, review and comment on the development and operation of the Department's law enforcement activities, [and] represent the Advisory Board at community events." <sup>7</sup> The SOCAB was not designed to perform in the same manner as the IG or an oversight commission. The Charter would not have to be amended to enhance or modify the role of the SOCAB.

The DA does not have an advisory group like the Sheriff's SOCAB but it does manage numerous community outreach initiatives. The DA's current website lists a variety of functions under Community Relations, including: Citizens Academy, Community and Government Relations Bureau, Diversity Reception, Outstanding Citizen Awards, Public Safety Annual Event, Speakers Bureau, and Youth Programs. These outreach efforts are a step in the right direction and could benefit from commission contributions.

## **Oversight Enhancement Opportunities**

- California Constitutional amendment and amendment to the Government Code
- Charter amendment
- Sacramento County Code amendment
- Assembly Bill-1185 approval and enactment

Opportunities are currently available that will increase or maximize oversight of the two elective officer positions, without necessarily impeding their legitimate operational autonomy. The State of California could enact legislation that would impact all fifty-eight counties in the same manner. Few counties within the state have experimented with the issue of expanding non-constitutional oversight at the local level. However, counties can amend county charters (through voter approval), and amend county codes, as they deem appropriate. The recent introduction of legislation (AB-1185) seeks to address the issue of Sheriff oversight as well as the position of Inspector General. This bill is an overarching document specifically focused on the office of Sheriff.

## **Elsewhere**

Seven other Counties, including Humboldt, King, Los Angeles, Orange, San Diego, Santa Clara, and Sonoma, have some form of oversight Commission or Committee. Some of these bodies are empowered to review the activities of non-law enforcement agencies.

A brief description of some of the oversight models in place include *Humboldt County's Citizen Law Enforcement Liaison Committee* which acts as a go-between with the Sheriff and general Public. San Diego's committee reviews citizen complaints and makes recommendations.<sup>8</sup> Santa Clara has an *Office of Correction and Law Enforcement Monitoring Committee* which reviews complaints, reviews service delivery, provides review of serious incidents, makes recommendations to better policies and procedures, and generally promotes transparency and accountability.<sup>9</sup> As well, Orange County has an *Office of Independent Review* which is responsible for monitoring protocols of various Departments and investigating critical incidents. These departments include the Sheriff's Office but also the District Attorney, Public Defender, Probations Department, and Social Services Department. They report directly to the Board of Supervisors.<sup>10</sup>

As with the other models mentioned previously, in 2016, the County of Los Angeles adopted an ordinance to enhance civilian oversight of their Sheriff's Department. According to their website, "On January, 12, 2016 the Los Angeles County Board of Supervisors voted to implement a Sheriff Civilian Oversight Commission with the mission to improve public transparency and accountability with respect to the Los Angeles County Sheriff's Department. The Commission is comprised of nine members representing the Board, with four members of the Commission recommended by community and other affiliated groups. The cornerstone of the Commission's work is community engagement and such engagement is encouraged and valued. The Office of the Inspector General and its staff will work closely with the Commission and shall be accountable for investigations."<sup>11</sup>

The Los Angeles model may be a step in the right direction. However, the Los Angeles Commission experienced some challenges after its first year in operation which some residents attributed to a lack of subpoena power. The Commission during one of its investigations, was unable to obtain Sheriff Department records through its normal working relationship. The power to compel continues to be discussed today in media reports: "Last year, Los Angeles organizers collected more than 240,000 voter signatures to force the subpoena issue before voters in 2020. The Board of Supervisors voted to allow the measure on the ballot, rather than exercise its right to enact it into law based on the significant number of signatures."<sup>12</sup>

### **California Constitutional Amendment**

The State Legislature could amend the Constitution through the initiative process which would define the Sheriff position as an appointed versus elected official. This change would manifest through the initiative process, where voters directly place the proposed constitutional amendment on the ballot. To be included on the ballot, a constitutional amendment initiative requires a petition to be submitted to the Secretary of State with the certified signatures of eight percent of the total vote for all candidates for Governor at the most recent gubernatorial election. If the signature requirements are met, the initiative shall then be placed on the next general election ballot held at least 131 days after its qualification, or at any special statewide election held prior to that general election. (Cal. Const., art. II, § 8, subd. (b).) The legislature can also propose a constitutional amendment. This method requires a roll call vote in the legislature with two-thirds of the members of each house concurring. An amendment can also be proposed by constitutional convention, which also requires a roll call vote in the legislature with two-thirds of each house's

membership concurring. (Cal. Const., art. XVIII, §§ 1, 2.) If the bill is approved, it would then go to the voters, in the form of the legislation, for the voters to either approve or reject.<sup>13</sup> Either of these scenarios require a significant amount of effort on the part of politicians as well as the public, including amendments to various sections of the California Government Code.

### **Charter or County Code Amendment**

An Amendment to the Charter can be achieved through voter approval. County Code amendments can be accomplished through BOS initiative. The Charter or County Code could also be amended to require an Office of Inspector General. This action would place the office of IG in a more permanent setting rather than the current annually renewed contract position. Nevertheless, some form of Sheriff and DA concurrence would be necessary as a practical matter. The BOS could consider the creation of a task-force or working group responsible for crafting the detailed work roles for a charter or citizens' commission as well as an IG. This BOS created advisory group might consist of the Sheriff, DA, a BOS member, private citizen, and civic leader.

The mechanics of an amendment to the Charter can be lengthy. Proceedings to enact or revise a charter may be initiated by an ordinance, adopted by a majority vote of the Board of Supervisors. The ordinance would declare that the public interest requires the election of a charter commission composed of fifteen qualified electors of the county to be elected by the qualified electors of the county, at a general or special election.

Proceedings to enact or revise a charter may also be initiated by a petition of qualified electors of the county (Gov; Code, § 23701.)<sup>14</sup> Upon the adoption of an ordinance, or the presentation of a petition, the governing body shall order the holding of a special election to elect a charter commission, to be held on the next established election date not less than eighty-eight days after adoption of the ordinance or presentation of the petition. (Gov. Code, § 23705.)<sup>15</sup> Candidates are nominated in the same manner as the nomination of candidates for county offices. (Gov. Code, § 23706.)<sup>16</sup> The voters then vote on the whether a charter commission shall be elected, and if so, the fifteen candidates receiving the highest number of the votes become the charter commission. (Gov. Code, § 23707.)<sup>17</sup> The charter commission then prepares the charter, and it is presented by the governing body to the voters at a special election. (Gov. Code, § 23710.)<sup>18</sup>

A second option available to the BOS begins with a creation of a motion submitted for a charter proposal adoption by the voters at either a special election or a general election. (Gov. Code, § 23711.)<sup>19</sup> A charter may also be amended or repealed by proposals submitted by the governing body or by a petition signed by ten percent of the qualified electors of the county. (Gov. Code, § 23720.)<sup>20</sup> The governing body then submits the proposal to amend or repeal the charter to the voters at a special election. (Gov. Code, § 23722.)<sup>21</sup> This procedure has been followed in the County of Sacramento at least for the most recent charter amendments (1998 and 2009).

Lastly, an amendment to the County Code could also be initiated by the BOS and is less arduous. An amendment is prepared by legal staff, submitted at a regular BOS meeting, and introduced and adopted over two meetings. A majority vote of the BOS is required, and Code amendments go into effect thirty days after adoption. Removal provisions or establishment of an IG could be

accomplished by a Code amendment rather than a charter amendment with the same limitations relative to DA or Sheriff.

### **Assembly Bill-1185**

Assembly Bill-1185 was recently introduced in the California Assembly and is titled “An act to add Section 25303.7 to the existing Government Code, relating to counties.” This bill was introduced in February 2019 and passed by the California Assembly Public Safety Committee, on April 2, 2019. In part, the document states: “This bill would authorize a county to establish a sheriff oversight board, either by action of the board of supervisors or through a vote of county residents. The bill would authorize a sheriff oversight board to issue a subpoena or subpoena duces tecum when deemed necessary to investigate a matter within the jurisdiction of the board. The bill would authorize a county to establish an office of the inspector general to assist the board with its supervisory duties, as provided.”<sup>22</sup>

As noted earlier, local governments through their respective Board of Supervisors currently have the capability to create a Sheriff civilian review body and have infrequently done so. However, passage of AB-1185 might remove some of the perceived reluctance for local bodies to take similar unilateral action. It should be noted the bill only applies to the Sheriff and not the DA with respect to an oversight board or IG. The Grand Jury believes AB-1185 would be a stronger bill if the DA were included because both the Sheriff and DA are law enforcement entities with similar, and yet unique responsibilities.

### **Current Status of County Actions**

As discussed earlier, following the Sheriff’s actions to deny IG access to Department facilities, the current IG contract expired in November 2018. Subsequently, discussion between the Sheriff and BOS have taken place with no IG resolution to date.

### **FINDINGS**

- F1. Sacramento County based oversight of the DA and Sheriff is inadequate given the potential impact their policies and action could have on the communities they serve. Opportunities exist to improve understanding, tolerance and trust between all parties.
- F2. Prior BOS Inspector General contractual provisions have provided limited success in addressing the issue of oversight, resulting in a lack of accountability and transparency.

### **RECOMMENDATIONS**

- R1. The BOS should initiate action to create a Sacramento County oversight commission with responsibilities pertaining to the DA and Sheriff. This recommendation should be accomplished by December 31, 2019.
- R2. The BOS should complete action to reinstitute the IG function and office with accompanying Memorandum of Understanding (contract with the DA and Sheriff) mandating all work with the commission. This recommendation should be accomplished by December 31, 2019.

## REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests responses as follows:

From the following elected county officials within 60 days:

- The Sacramento County Board of Supervisors  
700 H Street, Suite 1450, Sacramento, CA 95814

Please respond to all Findings and Recommendations, mail or deliver a hard copy to:

David De Alba, Presiding Judge Sacramento County Superior Court  
720 9th Street, Dept. 47  
Sacramento, CA 95814

In addition, please email response to:

Becky Castaneda, Grand Jury Coordinator at [castanb@saccourt.com](mailto:castanb@saccourt.com)

## INVITED RESPONSES

- Assessor Christina Wynn  
3701 Power Inn Road, Suite 3000, Sacramento, CA 95826
- District Attorney Anne Marie Schubert  
901 G Street, Sacramento, CA 95814
- Sacramento County Sheriff Scott Jones  
711 G Street, Sacramento, CA 95814

Mail or deliver a hard copy response to:

David De Alba, Presiding Judge Sacramento County Superior Court  
720 9<sup>th</sup> Street, Dept. 47  
Sacramento, CA 95814

In addition, please email response to:

Becky Castaneda, Grand Jury Coordinator at [castanb@saccourt.com](mailto:castanb@saccourt.com)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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## Endnotes:

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- <sup>1</sup> Ballotpedia (website). “Sheriff recalls.” [http://www.ballotpedia.org/Sheriff\\_recalls](http://www.ballotpedia.org/Sheriff_recalls).
- <sup>2</sup> Sacramento County. Office of the Inspector General (website). “Audit and Reports.” <https://inspectorgeneral.saccounty.net/Pages/AuditsReports.aspx>.
- <sup>3</sup> Ibid.
- <sup>4</sup> Moffit, Bob. “Sheriff Scott Jones Can Keep Obstructing Investigations Into Shootings, County Counsel Says.” October 15, 2018. <http://www.capradio.org/articles/2018/10/15/sheriff-scott-jones-can-keep-obstructing-investigations-into-shootings-coun.ty-counsel-says/>.
- <sup>5</sup> Sacramento County. Office of the Inspector General (website). [www.inspectorgeneral.saccounty.net/Pages/default.aspx](http://www.inspectorgeneral.saccounty.net/Pages/default.aspx).
- <sup>6</sup> Sacramento County. Sheriff’s Outreach Community Advisory Board (website). “Board Members.” [www.socab.saccounty.net/Pages/boardmembers.aspx](http://www.socab.saccounty.net/Pages/boardmembers.aspx).
- <sup>7</sup> Ibid.
- <sup>8</sup> SanDiegoCounty.gov. (website). “Citizens Law Enforcement Review Board.” <https://www.sandiegocounty.gov/content/sdc/clerb/>.
- <sup>9</sup> County of Santa Clara: SCCGOV. (website). “County Issues RFP for Correction and Law Enforcement Monitoring Services,” June 11, 2018. <https://www.sccgov.org/sites/opa/newsroom/Pages/correctionandlawenforcementmonitoringrfp.aspx>.
- <sup>10</sup> Orange County Office of Independent Review (website). <http://ocoir.ocgov.com/>.
- <sup>11</sup> Los Angeles County. Civilian Oversight Commission. (website). “County of Los Angeles Sheriff Civilian Oversight Commission.” <https://coc.lacounty.gov/Home>.
- <sup>12</sup> Anita Chabria and Matt Stiles, “Who monitors sheriffs? Proposed law would place that power firmly with counties,” *Los Angeles Times*, April 10, 2019, <https://www.latimes.com/local/california/la-pol-ca-sheriff-oversight-bill-california-legislature-20190410-story.html>.
- <sup>13</sup> Ballotpedia (website). “Amending State Constitutions.” [https://ballotpedia.org/Amending\\_state\\_constitutions](https://ballotpedia.org/Amending_state_constitutions).
- <sup>14</sup> CAL. GOV’T CODE § 23701.
- <sup>15</sup> CAL. GOV’T CODE § 23705.
- <sup>16</sup> CAL. GOV’T CODE § 23706.
- <sup>17</sup> CAL. GOV’T CODE § 23707.
- <sup>18</sup> CAL. GOV’T CODE § 23710.
- <sup>19</sup> CAL. GOV’T CODE § 23711.
- <sup>20</sup> CAL. GOV’T CODE § 23720.
- <sup>21</sup> CAL. GOV’T CODE § 23722.
- <sup>22</sup> California Legislative Information. Bill Information. “AB-1185 Officer oversight: sheriff oversight board. (2019-2020).” [http://www.leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB1185](http://www.leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1185).

# LEVEE MAINTENANCE – IS ANYBODY WATCHING THE STORE?

## SUMMARY

The 2018-2019 Sacramento County Grand Jury investigated flood protection measures in place to protect the Sacramento region during high water events, due to an unacceptable rating by one of the Local Maintaining Agencies. The investigation focused on 1) levee maintenance and its relationship to flood protection, and 2) whether it is reasonable for the residents of Sacramento County and the City of Sacramento to assume that there are standards, policies and guidance in place to assure that levees will provide the expected protection when needed. The report identifies the roles and responsibilities of various agencies and entities engaged in activities related to flood control and protection in the Sacramento Region. The report discusses how agencies work together to ensure that appropriate standards exist and are met on an ongoing basis. The focus was on existing structures and not the ongoing regional efforts to meet the 200-year flood<sup>a</sup> criteria by 2025. The investigation found that a reasonable level of rigor is applied to maintenance to assure that levees can be expected to provide their designed level of protection.

## BACKGROUND

From its earliest days, the Sacramento region has had a history of flooding. As the region has grown over the years, there has been an increased dependence on dams, canals, levees, and other measures to protect life and property from high-water events. The dependence extends to low-lying areas that would not be safely habitable without flood protection measures. Flood protection infrastructure and measures may be taken for granted since they are innocuous, passive, and relatively benign. However, during high-water events Sacramento County residents are more likely to pay attention to their status.

Levees are only one element of flood protection in the Sacramento area. Pumps are used to move water out of and away from vulnerable flood prone areas. Weirs divert water to open spaces to reduce flows in regular channels. Levees contain streams within their channels.

Various agencies coordinate and monitor Sacramento levees based on flood protection plans designed to minimize and respond to risk from high-water events.

Many levees in the region abutting the Sacramento River were built and are owned by the United States Army Corps of Engineers (USACE), but ongoing maintenance and improvements are the responsibility of other agencies. While other regional levees have been built and owned by state and local agencies, this investigation focuses on the performance of the main channels of the Sacramento River and American River and the potential impacts to the City of Sacramento.

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<sup>a</sup> A “200-year flood” describes the estimated probability of a flood event happening in any given year. A 200-year event has a 0.5 percent chance (or 1-in-200) of occurring in any given year.

## METHODOLOGY

The grand jury investigation was performed using three primary means:

- Publicly available data on various websites: charters, planning documents, budgets, reports and minutes.
- Data provided by agencies engaged in flood protection activities.
- Interviews of personnel active in providing flood protection related activities.

Key reports and public websites reviewed are as follow:

- 2017 and 2018 Inspection and Local Maintaining Agency Report of the Central Valley State-Federal Flood Protection System  
<http://cdec.water.ca.gov/>
- Comprehensive Flood Management Plan – City of Sacramento Department of Utilities  
<https://www.cityofsacramento.org/>
- SAFCA 2018 ULOP Annual Report  
<http://cvfpb.ca.gov/>
- Sacramento Area Flood Control Agency  
<http://www.safca.org/>
- American River Flood Control District  
<https://www.arfcd.org/>
- Reclamation District 1000  
<https://www.rd1000.org/>

## DISCUSSION

There are several agencies and entities engaged in activities related to flood control and protection in the Sacramento Region (See Figure 1). The USACE builds and owns levees and other flood control infrastructure such as dams. USACE operates in part under Public Law 84-99 (US Code Title 33, Chapter 15 - Section 5 of the Flood Control Act of 1941). It also provides the framework for levee improvements and maintenance requirements.

The California Central Valley Flood Protection Board (CVFPB) is the state regulatory agency responsible for ensuring that standards are met for the construction and maintenance of the flood control system. Its mission is to protect life, property, and wildlife habitat in California's Central Valley from the effects of flooding. Inspections, coordinated through the Department of Water Resources (DWR), are used to verify that local agencies are performing their legal and statutory responsibilities pursuant to Water Code § 12642 and § 12657, and that they are meeting their legal obligations under assurance agreements with the State. In some cases, State requirements are more stringent than USACE standards.

The Sacramento Area Flood Control Agency (SAFCA) provides the overarching authority to plan, coordinate funding, and implement improvements. SAFCA is a Joint Powers Authority (JPA)<sup>b</sup> consisting of seven regional agencies including Local Maintaining Agencies (LMAs). Improvement projects can overlap LMA jurisdictions.

SAFCA also coordinates the Urban Level of Flood Protection (ULOP) plan which defines the complete flood protection system for the region. In particular, the ULOP provides the basis and documentation for meeting the 200-year flood protection by 2025 as required by state law and for meeting annual reporting requirements to the CVFPB. By meeting this requirement, development plans in the region that are within flood risk areas are allowed to proceed. This is particularly important for growth and development in the Natomas area of Sacramento.

LMAs have primary authority for both maintenance of levees and flood fighting. Levee maintenance is provided by public levee districts, local government entities, private levee owners, and in some cases the DWR. LMAs are responsible for the ongoing maintenance of levees throughout Sacramento County. There are 15 LMAs within Sacramento County, with most providing protection to mainly agricultural areas in the southern part of the county. Most regional LMAs are special districts formed under the authority of the Local Area Formation Commission (LAFCo). The City of Sacramento Department of Utilities is the acting LMA for a section of levee within the city limits.

### **LMA Roles and Responsibilities**

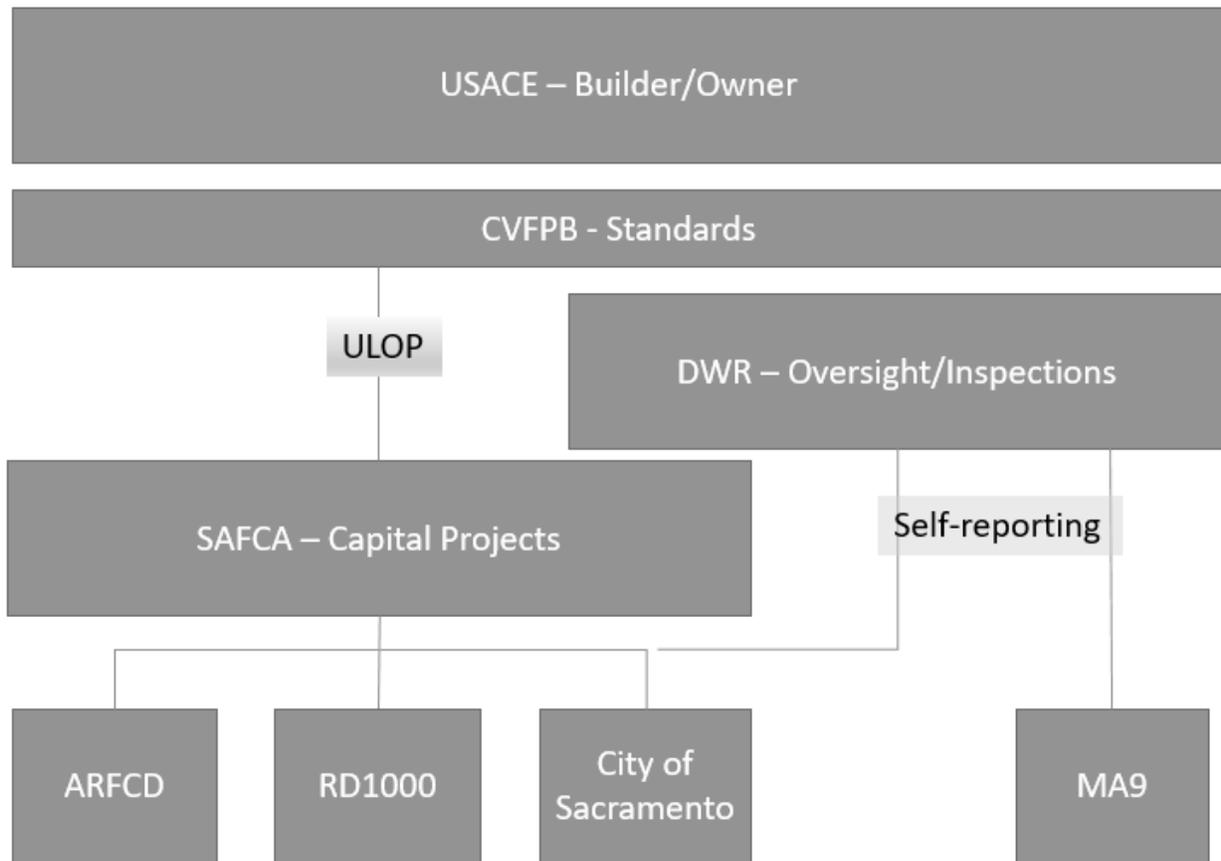
LMA activities include inspections, tree trimming and vegetation control, rodent and animal control, as well as maintenance of access roads. Levees are inspected at least four times each year as well as ongoing inspections for different purposes. The four primary inspections are the basis for the annual DRW report. LMAs conduct inspections in the winter and summer, and DWR completes spring inspections in May, working with the LMAs to assist in planning maintenance activities prior to the flood season. DWR completes annual fall inspections in November, to help ensure adequate performance during the flood season.

The LMAs that have responsibility in the heavier populated areas of Sacramento County were the focus of this investigation. Within this limited area there are four Local Maintaining Agencies: American River Flood Control District (ARFCD), Maintenance Area 9 (MA9), Reclamation District 1000 (RD1000), and the City of Sacramento. Each of the four LMAs is responsible for separate sections of levees along the American and Sacramento rivers as well as other flood control related facilities.

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<sup>b</sup> JPAs are legally created entities under Government Code 6502 that allow two or more public agencies to jointly exercise common powers allowing the means to provide services more efficiently.

Figure 1 Hierarchical Structure:



Each LMA is responsible for the specific sections as follow:

- American River Flood Control District – 34.48 miles of levees primarily along the American River downstream of Nimbus Dam to the confluence of the Sacramento River as well as several local creeks.
- Maintenance Area 9 – 19.35 miles of levees along the Sacramento River downstream of Sutterville Road to the Hood-Courtland area including the Pocket Area of the City of Sacramento.
- Reclamation District 1000 – 41.8 miles of levees along the Sacramento and American Rivers as well as the Natomas East and Cross canals.
- City of Sacramento – 3.6 miles of levee along the Sacramento River adjacent to the railyards south to Sutterville Road including Old Town Sacramento.

### How the Pieces Fit Together

The Grand Jury investigation found a specific example of the challenges facing an LMA navigating the various agencies. Federal, State and local agencies establish regulations and requirements to provide oversight to the flood protection of the region and operate under a reasonably well-defined hierarchy of roles, responsibilities and deference among the agencies. LMAs are responsible for the day-to-day operations, which include preventive maintenance. They are also expected to be the first responders to any issues that may arise during an

emergency. However, LMAs cannot always act autonomously and have to work within the hierarchical framework.

The hierarchical framework of Federal, State and Local agencies provides a system of checks and balances designed to work in the best interests of public safety. LMAs are held accountable to the State through the annual reporting to DWR. Ratings assigned annually to each LMA provide a publicly transparent report as to the conditions of the levees (and other infrastructure) under the individual LMA. While the ratings (Acceptable, Minimally Acceptable and Unacceptable) from the report in and of themselves might convey the message of compliance or concern, they are only a single data point. Supplemental information provided by the LMA regarding planned remediation provides a more complete picture.

The City of Sacramento, in their LMA role, received a rating of Unacceptable in the 2017 annual DRW report which improved to Acceptable in the 2018 Report. The section of the Sacramento River levee for which the City of Sacramento is responsible has an identified erosion area due to previous high-water event damage. The city submitted a plan and funding request to the USACE through the Rehabilitation and Inspection Program (RIP) under PL 84-99. USACE rejected the request as it determined the plan included repairing damage from a previous event.

After denial under the PL 84-99 process, the City developed a plan with DWR to make the repair. While the permanent repair is not expected to start until the summer of 2020, it doesn't mean that the City is putting people and property at risk. As a matter of course, the City has an emergency plan to address the known deficiency. This includes monitoring the specific site during a high-water event and a plan to backfill with material should the damage area further erode. The plan also includes maintaining a dedicated, in stock inventory of fill material so as to assure that it is available should it be necessary to implement the emergency plan and not be delayed by any procurement issues.

## **FINDINGS**

- F1. There is a well-defined set of checks and balances within the hierarchy of Federal, State and local agencies to assure that the levees in the region will provide their expected level of protection during high water events.
- F2. LMAs act timely and responsibly to coordinate maintenance within the hierarchy of authority and assure proactive preventive measures are in place until deficiencies can be corrected through permanent measures, such as the Urban Level of Flood Protection plans.

## REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses from the following agency within 60 days:

- City of Sacramento  
Howard Chan, City Manager  
915 I Street  
Sacramento, California 95814

Mail or hand-deliver a hard copy response to:

David De Alba, Presiding Judge Sacramento County Superior Court  
720 9th Street, Dept. 47  
Sacramento, CA 95814

In addition, please email response to:

Becky Castaneda, Grand Jury Coordinator at [castanb@saccourt.com](mailto:castanb@saccourt.com)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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## **ABBREVIATIONS AND ACRONYMS**

CVFPB	Central Valley Flood Protection Board
DWR	Department of Water Resources
JPA	Joint Powers Authority
LMA	Local Maintaining Agency
SAFCA	Sacramento Area Flood Control Agency
ULOP	Urban Level of Flood Protection
USACE	U.S. Army Corps of Engineers

## **DISCLAIMER**

This investigation is not, nor is it intended to be, a professional assessment of any agency's practices and procedures. A professional assessment is beyond the scope of a civil grand jury. It is only intended to inform the public of the practices and oversight of Local Maintaining Agencies.



# LOS RIOS COMMUNITY COLLEGE DISTRICT'S STUDENT ACHIEVEMENT CHALLENGE: THE PREMISE AND THE PROMISE

## SUMMARY

Perhaps the most important challenge facing the California Community College system generally, and the Los Rios Community College District specifically, is that "most community college students never achieve a defined end goal. At last count, only 48 percent of students who entered a California Community College (CCC) left with a degree, certificate, or transferred *after six years*. Even this rate is overstated: CCC students earning less than 6 units or students who did not attempt a Math or English course within three years are not counted in this calculation."<sup>1</sup> Los Rios Community College District (LRCCD) overall, and its four separate campuses approximate the state's 48 percent average, with the following achievement rates through 2017-18, forming the premise for our report:

- Folsom Lake College - 50%
- Sacramento City College - 48%
- American River College - 42.5%
- Cosumnes River College - 41.5%

This student achievement situation is fully acknowledged within a number of state legislative acts commencing in 2012, along with a 2017 report prepared by a team of experts for the Foundation for California Community Colleges titled *Vision for Success* (VfS), which presents key reforms and strategic approaches to confront this problem. Additionally, the State Chancellor's Office has issued specific directives in accordance with applicable legislation and VfS to increase student achievement rates. LRCCD Board of Trustees, administrative staff, and campus faculty have embraced the need for these reforms and currently are undertaking or considering substantial modifications congruent with them to enhance student achievement rates. Among the most prominent changes occurring are adjustments to core English and Math instruction, and alterations to facilitate faster matriculation rates, by reducing the number of excess credits that slow timely completion of degree and transfer requirements through a program called Guided Pathways.

Because the implementation of these initiatives is incomplete, there are no findings pertaining to their effectiveness. Instead, findings and recommendations influencing the implementation process are offered to bolster the promise that awaits successful fulfillment of the five primary goals set forth in the VfS, relevant legislative acts, and State Chancellor directives.

## BACKGROUND

California is frequently regarded as a harbinger for our nation's public policy initiatives. With the advent of its *1960 Master Plan for Higher Education*, California's Community College system was given a pivotal role in providing accessibility and affordability for its residents to obtain higher education, and consequently, greater opportunity for economic advancement. California's

robust economy, presently the fifth largest in the entire world, reflects the value and significance of its educational master plan.

However, notable transformations have occurred within the economy and the labor market during the intervening years. To quote from California Community Colleges *Vision for Success*, "...Now, major worldwide forces like automation and globalism have permanently changed our economy and workforce, eliminating many unionized jobs that guaranteed middle-class wages but didn't require any college. Today's students face a very different job market compared to their counterparts in 1960. Now, more than ever, students need quality education to penetrate those sectors of the job market that offer secure employment and wages sufficient to support a family."<sup>2</sup>

Student achievement is not a new issue for LRCCD. In 2014, a *Sacramento Bee* article found that LRCCD students who entered in the 2007-08 academic year had completion rates between 43.1 percent and 51.6 percent among the four separate colleges through 2013-14, which was generally lower than the statewide average for community college districts.<sup>3</sup>

Troubled over community college student achievement levels, the state began enacting notable legislative acts to improve student achievement rates beginning in 2012 through the present:

- SB 1456 - Student Success Act of 2012 meant to improve educational advancement by enhancing student support services such as counseling, assessment and orientation.
- AB 19 - Replaced Board of Governors Fee Waiver Program. Labeled the California College Promise Grant, it provides tuition-free schooling for the first year of community college. Eligibility is limited to full-time first year students under a certain financial threshold. For example, an individual with a family of three earning \$30,240 or less can qualify for the grant.
- AB 705 - Requires Community College Districts to shift from using assessment tests to relying on high school performance data for placement in compulsory English and Math degree and transfer classes.
- AB 1805 - Student Equity and Achievement Program. As an adjunct to AB 705, this legislation requires Districts to provide easily understandable information regarding placement policies as well as student rights to be placed directly into transfer-level courses.
- AB 288 - Allows Districts to claim full-time equivalent students for funding purposes who are dual enrolled in both high school and community college, in order to expand student opportunities and facilitate seamless pathways between high school and college.
- AB 1809 - Changed the funding formula for Districts, whereby, by fiscal year 2020-21 instead of state funding provided entirely by the number of enrolled full-time equivalent students, (FTES), just 60 percent will be FTES based, with the balance of 40 percent tied to student equity and success measures.<sup>a</sup>

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<sup>a</sup> This funding formula was recently modified to a 10% performance base in its first phase.

Furthermore, AB 1809 necessitates that Districts adopt goals aligned with the VFS by January 1, 2019. In addition, the State funded projects created through the State Community Colleges Board of Governors:

- Guided Pathways - Statewide one-time funding of \$150 million to help Districts improve student outcomes by mapping academic programs, thereby assisting students choose, plan and complete their programs of study in a timely cost-effective manner. LRCCD is allocated \$6 million of the total for this endeavor.
- Online Education - Appropriates \$10 million statewide to ongoing subscription costs for all colleges to use the system's course management software.

The confluence of legislation, VFS, and directives from the State Chancellor's Office are intended to work in the following ways, based on a document prepared by the San Diego Community College District:

**Table 1  
How Everything is Anticipated to Work Together**

COMMON THEMES	CALIFORNIA PROMISE (AB19)	ASSESSMENT REFORM (AB705)	STUDENT EQUITY & ACHIEVEMENT REFORM (AB1805)	GUIDED PATHWAYS	STRONG WORKFORCE	NEW FUNDING FORMULA (AB 1809)
Increase Completion Degree & Certificate Attainment	✓	✓	✓	✓	✓	✓
Increase Transfer	✓	✓	✓	✓		✓
Close Equity Gaps	✓	✓	✓	✓		✓
Increase Completion of CTE courses					✓	✓
Increase Employment for CTE Students	✓			✓	✓	✓

Source: San Diego Community College District. Major Legislative Changes and State Initiatives 2018-19. Board Retreat November 1, 2018.

Note: Reducing Regional Achievement Gaps and the Baccalaureate Degree Pilot are excluded from this table.

**METHODOLOGY**

During the course of our investigation, the 2018-19 Sacramento Grand Jury conducted the following research and interviews to obtain the information presented in this report:

## Research

- Review of the website and information contained within for the Los Rios Community College District Office.
- Review of the websites and information contained within for the four college campuses, which comprise the Los Rios Community College District.
- Review of key state legislation and California Education Code sections pertaining to Community College student achievement and related matters.
- Review of news articles, publications, and internet sources regarding the issue of student achievement within California community colleges.
- Review of the website and information provided within the State Chancellor's website.
- Review of State Legislative Analyst Office reports regarding Community College funding and analysis.
- Review of recent Los Rios Community College District budget documents.

## Interviews

The Grand Jury interviewed administrative staff, faculty, and students from the jurisdictions listed below:

- Los Rios Community College District Office
- American River College
- Cosumnes River College
- Folsom Lake College
- Sacramento City College
- Los Rios Board of Trustees

## DISCUSSION

Under California Education Code Section 84750.4, the governing board of each community college district (there are 72 statewide including LRCCD) is obligated to adopt goals comparable with the systemwide goals identified in the *Vision for Success*, approved by the Board of Governors of the State of California in 2017. The Districts had until January 1, 2019 to meet this requirement. LRCCD met this mandate by adopting comparable Vfs goals prior to 2019.

The scope of our study centered around five goals set forth through legislative acts, the Vfs and directives issued through the State Chancellor's Office, and the steps LRCCD either is planning or commenced to achieve these aims. Because these actions are incomplete, there are no overall findings regarding their effectiveness in meeting the objectives delineated within legislation, the Vfs, or State Chancellor directives. Rather, findings and recommendations point to information obtained during our review that serve to advance student achievement rates within LRCCD.

### **Goal #1 - Increase the number of students earning credentials by at least 20%.**

Table 2 provides the benchmarks by which the LRCCD and its individual colleges will be measured.

**Table 2**  
**Total Number of Students who Received Awards: 2015-16, 2016-17, 2017-18 (Baseline Year) and 2021-22 Goal**

<b>JURISDICTION</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18 BASELINE YEAR</b>	<b>2021-22 20% GOAL</b>
Los Rios District	7,714	7,773	7,509	9,011
American River College	4,701	4,654	3,967 *	4,760
Cosumnes River College	737	830	1080	1296
Folsom Lake College	830	796	971	1,165
Sacramento City College	1,493	1,532	1,539	1,847

\* The decline in the number of students receiving awards at ARC in 2017-18 reflects a decrease in the number of local departmental certificates awarded.

Source: *Vision for Success*: 2022 goals. California Community Colleges Chancellor's Office.

*VisionforSuccess\_18FNL.docx*: September 2018. LRCCD Office of Institutional Research pp3-5.

Note – individual college numbers did not equal full District totals.

LRCCD is moving forward on two major programs to reach its goal of at least a 20 percent increase in the number of students earning credentials, which are defined as achievement of a Certification in Technical Education (CTE), an Associate Degree, or an Associate Degree for Transfer (ADT) to a four-year institution.

The first construct is a program called Guided Pathways. Among the key elements of this proposal as described in the California Community Colleges 2017 State of the System Report are as follows: "...redesigning and integrating basic skills/development education, proactive academic and career advising, responsive student tracking systems, structured onboarding process, programs that are fully mapped out and instructional and co-curricular activities."<sup>4</sup> Essentially, this program is anticipated to present a coherent sequence of courses within broad areas, called 'meta majors' leading to an Associate's Degree and a streamlined approach for ADT students to transfer from California Community Colleges to California State University or University of California campuses.

When fully implemented this program is intended to address several of the five overall goals. With respect to boosting the percentage of students earning credentials, Guided Pathways is intended to accomplish the following objectives:

- Reduce the number of units students take in order to obtain a degree. LRCCD reports that the average number of units accumulated by students who earn an Associate Degree is 87, while most Associate Degrees require just 60 units. Guided Pathways addresses this issue by mapping out the specific courses needed to complete the degree requirements or to transfer to a state university. Moreover, it will allow students real-time accessibility through an online portal to view and select courses compatible with their degree or transfer requirements. Therefore, students are less likely to take extraneous classes, and consequently, complete their degree curriculum sooner, saving both time and money. The added time and costs for unnecessary courses are considered significant barriers for students attempting to complete their academic goals.

- The confusion that students frequently experienced regarding which courses were eligible for transfer to the California State University system is rectified by detecting suitable courses within the online portal. As a result, unneeded classes can be decreased.

As with any major reform, Guided Pathways raises potential questions that the Grand Jury brings to the attention of LRCCD Board of Trustees, administrators, faculty, students and the general public.

- Will Guided Pathways have a limiting effect on the choices a student has when embarking on a college career, making the college experience less exploratory and more restrictive? Additionally, will it force students to make early decisions regarding a major field of study, while making switching majors more difficult?
- Will Guided Pathways result in students taking more specialized classes, thereby discouraging a broader scope of education and knowledge?

Regarding CTE, Guided Pathways currently appears to have no component for students to switch from an academic to a CTE curriculum, or vice versa. Furthermore, there is no established priority to support students to move seamlessly between an academic degree and CTE certification curriculum, which might require more direct counseling services to augment the Guided Pathways module.

LRCCD, in accordance with AB 705 and AB 1805, is presently revamping its core English and Math curriculums. This overhaul is intended to alleviate the difficulty students have in passing these compulsory subjects. A significant barrier to student achievement, based on historical data, is that a majority of students taking remedial English and Math classes never passed a college credit course leading to an Associate Degree or transfer to a four-year university. Therefore, key revisions are in progress focusing on the following items:

- Utilizing High School Grade Point Averages (GPA) in related subjects, rather than assessment tests, to place more students directly into a college credit English and Math courses. Students who otherwise could have been placed in a remedial class are provided supplemental assistance through a co-requisite class taken simultaneously with the credit class, enabling the students to receive the benefit of tutoring and more intensive instruction.
- In conjunction with the aforementioned state legislation, students many years removed from high school, suggesting their GPA might not be applicable, are typically allowed to self-place into whatever level they request.
- A specific change is occurring for Math. Previously, all college students needed to achieve a passing grade in a college level Algebra course to receive an AA/AS or ADT. However, high failure rates precluded many students from completing this prerequisite. Now, students seeking a liberal arts degree or other majors besides science, technology, engineering or mathematics (STEM) can meet their Math obligation by passing a Statistics course, which substitutes for the Algebra requirement.

The practice of moving away from assessment tests and relying instead upon High School GPA has gained recognition in other states, resulting in more community college students successfully fulfilling their English requirement for an Associate Degree. Early data from LRCCD, although incomplete, also suggests promising results. Information on Math outcomes is less informed, because the shifts in curriculum are still being developed.

While still incorporating co-requisite classes for college level Algebra, LRCCD is mainly expecting to increase its pass-rate for the Math requirement by allowing a Statistics course to substitute for Algebra for Liberal Arts or other non-STEM majors. The notion for this exchange stems from the assertion that Statistics is a more useful subject for non-STEM majors than Algebra.

Our review of these modifications for class placement and swapping Statistics for Algebra among non-STEM majors is generally positive, based on information from other states, along with initial data from early adopters within California community colleges. Both efforts seem reasonable approaches to improving student achievement rates. However, these approaches do raise some questions:

- If one were to create a college degree curriculum based on the future utilization of a particular subject matter, how would that fit with the concept of providing a broad-based education?
- If difficulty in demonstrating proficiency in a particular subject requires curriculum changes, would this result in other subject substitutions or modifications for similar reasons?

**Goal #2 - Increase the number of students who transfer annually by 35 percent.**

Tables 3 and 4 present LRCCD data pertaining to the number of its students transferring annually to a University of California or California State University campus, including projected goals. Gradual improvement occurred between 2015-16 and 2016-17 District-wide and for each of the campuses.

**Table 3  
LRCCD Student Transfers to University of California: 2014-15,  
2015-16, 2016-17 Baseline Year, and 2021-22 Goal**

<b>Jurisdiction</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17 Baseline Year</b>	<b>2021-22</b>
Los Rios District	680	640	756	1021
American River College	244	251	272	367
Cosumnes River College	103	94	136	184
Folsom Lake College	96	74	107	144
Sacramento City College	237	221	241	325

Source: *Vision for Success*: 2022 goals. California Community Colleges Chancellor's Office. *VisionforSuccess\_18FNL.docx*: September 2018. LRCCD Office of Institutional Research p.1.

**Table 4**  
**LRCCD Student Transfers to California State University: 2014-15, 2015-16, 2016-17**  
**Baseline Year, and 2021-22 Goal**

Jurisdiction	2014-2015	2015-16	2016-17 Baseline Year	2021-22 Goal
Los Rios District	2452	2512	2728	3,683
American River College	929	936	987	1,332
Cosumnes River College	503	569	583	787
Folsom Lake College	322	297	380	513
Sacramento City College	698	710	778	1050

Source: Vision for Success: 2022 goals. California Community Colleges Chancellor's Office. *Vision for Success\_18FNL.docx*: September 2018. LRCCD Office of Institutional Research p1.

Beginning in 2012, an agreement between the California State University System (CSU) and the California Community College (CCC) system guarantees admission to a CSU campus for Associate Degree for Transfer (ADT) students. The University of California system offers a roadmap for these ADT students to popular majors, although there is no guarantee of admission.<sup>5</sup>

Guided Pathways is the primary vehicle for ensuring that LRCCD ADT students will be able to navigate the oftentimes confusing and changing requirements necessary to transfer to a CSU or UC campus. While the coordination between CSU and CCC is sound concerning transfer requirements, the same cannot be said of that between CCC and UC. Based on information received during interviews, it appears that LRCCD and the other community colleges are waiting for the UC system to develop more specific criteria for ADT students. Lack of a comprehensive agreement between UC and CCC could hinder LRCCD's ability to reach its ADT goal for UC admissions.

**Goal #3 - Reduce average units accumulated by students who complete their degrees from approximately 87 units to 79.**

The purpose of this goal is to reduce time and costs students spend obtaining their degrees. While an associate degree typically requires 60 units for completion, students who finished their degrees within LRCCD took on average 87 units.

The chief component being employed to realize this improvement is Guided Pathways. This program consists of four major elements identified in *the California Community College 2017 State of the System Report*:

- Clarifying the path by creating clear curricular pathways to employment and further education.
- Helping students choose and enter the path.
- Helping students stay on the path.
- Ensuring that learning is happening with intentional outcomes.

Guided Pathways is being augmented by college counselors. Counselors within LRCCD are staffed at a ratio of 900:1, although this only includes general purpose funds. When all sources of funds are considered, the actual ratio is around 600:1.<sup>6</sup>

Several interviewees commented on the need for more counseling services through case managers/student advisors. However, budget constraints limit the LRCCD's ability to add more counseling or other non-faculty services that might address this issue. Specifically, the Fifty-Percent Law contained in the Education Code requires that 50 percent of current expenses come from classroom instructional salaries and benefits. Districts that fail to meet this mandate face financial penalties.<sup>7</sup> The 2018-19 Budget notes that LRCCD narrowly meets this obligation at 52.4 percent. Counseling services are excluded as classroom related expenses under the Fifty-Percent Law.

Moreover, LRCCD's collective bargaining agreements obligate the District to use 80 percent of new revenues to fund "...compensation and other improvements. These agreements drive a large portion of the budget development in terms of directing where new funds will be committed."<sup>8</sup> Consequently, between the collective bargaining agreements and the Educational Code funding requirement, the LRCCD Board of Trustees has little latitude to make any significant budgetary changes outside the scope of these arrangements. Although amendments to the Education Code are obviously beyond the ability of LRCCD to achieve independently, the same cannot be said about modifying the collective bargaining agreements that would provide more flexibility in allocating resources towards the attainment of student achievement goals. However, District administrative staff remarked that this arrangement with the bargaining units has been instrumental in precluding work stoppages and other labor strife.

**Goal #4 - Increase the number of students who get jobs in their field of study to 69 percent.**

The most recent statewide average is 60 percent, for the number of students who obtain employment in their field of study. The goal is to increase this percentage to 69 percent. LRCCD did not produce data on this goal during our investigation.

**Goal #5 - Reduce student achievement equity gaps among underrepresented students by 40 percent over 5 years and fully eliminate those gaps within 10 years.**

Statewide data reveal that California community college students of different ethnic groups have dissimilar student achievement rates. Most prominently, Asian and non-Hispanic White students have higher completion rates compared with African-American and Hispanic students. LRCCD demographic student achievement data also show disparities amongst these groups. However, in delving through the statistics presented by the four campuses' 2018 Student Success Scorecards, the issue appears to be less related to ethnic categories and more correlated to college preparedness, as determined by assessment testing, that's displayed in the following table:

**Table 5**  
**Completion Percentage Rates - Cohort Tracked from 2011-12 through 2016-17**

<b>College/Demographic</b>	<b>College Prepared</b>	<b>Unprepared</b>	<b>Overall</b>
<b>American River</b>	64.0	36.6	42.5
Asian	76.4	52.5	58.0
White	65.6	39.7	45.7
African-American	56.5	23.0	26.0
Hispanic	52.4	34.1	37.8
<b>Cosumnes River</b>	62.4	34.7	41.5
Asian	65.8	44.4	48.9
White	66.4	34.1	45.5
African-American	70.6	25.2	29.8
Hispanic	58.2	29.9	35.7
<b>Folsom Lake</b>	72.7	42.5	50.0
Asian	78.6	50.0	57.1
White	69.6	42.6	49.9
African-American	100.0	33.3	42.9
Hispanic	82.9	39.1	48.0
<b>Sacramento City</b>	69.6	42.2	48.8
Asian	79.8	58.2	63.0
White	77.0	43.3	55.9
African-American	58.3	26.8	29.6
Hispanic	60.4	41.2	44.6

LRCCD’s effort to close the completion rate gaps for traditionally underserved groups rely heavily on reducing the number of these (unprepared) students in remedial education classes for English and Math. As previously stated, High School GPAs will become the primary placement tool, replacing assessment tests for these subjects. Furthermore, students who are placed in college credit English and Math courses, who otherwise might have been assigned to remedial classes, will be required to take a co-requisite class to aid them in successfully passing these compulsory classes. LRCCD will also eliminate college level algebra as a requirement for graduation or transfer to a CSU, substituting statistics for Liberal Arts and other non-STEM majors, because Algebra has been an impediment to completion of degree requirements for many of their students. The Grand Jury noticed a potential issue LRCCD faculty and staff should be mindful of as this change occurs.

Will students who could have successfully completed Algebra and higher-level Math be steered away from STEM majors because they're provided a less rigorous option?

This issue is relevant because proponents of the *Vision for Success* emphasize the need to graduate more students from college to enable California to successfully compete in the global market. Yet, a shortage of STEM majors is frequently mentioned as a concern toward global competitiveness.

During the course of the investigation, a number of implementation issues arose, which could bear on the successful achievement of the goals identified and are as follows:

- While there is broad agreement among administrative and faculty staff regarding the goals, concerns were raised over the time and resources available to implement various components within the stated deadlines. This matter particularly affects the two campuses that were not part of the pilot program, and therefore, are behind the two leading campuses in completing the implementation process. As a result, problems could be created for the estimated 10 percent to 14 percent of students taking classes at multiple campuses within LRCCD.
- While LRCCD is monitoring its student achievement rates, it lacks a formal system to determine the reasons why students are dropping out before completing their studies. Without any real-time data to understand why students are dropping out, important insights may be missed as to ways student achievement rates can be improved.
- With the exception of one campus, Career Technical Education (CTE) courses are fairly limited. In part, this reflects the higher costs associated with many CTE programs. In addition, it is unclear whether counselors encourage students to consider CTE programs, even if those students are struggling with college level academic coursework.
- CTE programs also take a fairly long time to develop. Testimonial comments maintained that it takes up to six years to develop a new CTE program and produce new graduates. The last new CTE module was for solar construction that occurred seven years ago. As a result, CTE instruction may be unable to keep up with the demands of a rapidly changing labor market.
- During our investigation, we were made aware of issues pertaining to AB 1725, which stipulates that faculty play a major role in formulating curriculum. A mediation process occurred to ensure that issues would not arise that would hamper the implementation process for the VfS goals. Subsequently, information received stated that these issues were being addressed.
- Online education provides just 10 percent of overall class offerings, although testimonial information obtained suggested this percentage could be increased to 20 percent by 2020. Nonetheless, while approximately 70 percent of the students attending LRCCD are part-time, often due to work or other responsibilities, online learning is underutilized as a viable option for many courses. In essence, the onus is primarily on students to attend courses when faculty present them, regardless of the convenience to students. This situation possibly exacerbates timely completion. Instead, the State of California is funding an online community college curriculum statewide for certificate programs, scheduled to start in fall of 2019. This program is intended to reach the 25-35 year-old cohort, who lack a college degree, in order to fuel the economy's need for skilled labor. The results of this program may provide the impetus for greater expansion of existing academic courses provided online by LRCCD.
- Part-time students makeup approximately 70 percent of LRCCD students. A concerted effort is being made to facilitate the movement of these students to full-time. The basis for this change is that full-time students are more likely to attain their academic goals and do so in a more timely fashion. It needs to be noted that nearly 40 percent of LRCCD students are 25 or older, and therefore, likely have to work and perhaps also have family

support responsibilities. Also, in conjunction with the comments concerning online education, there has been limited regard to class schedules that meet student time frames. For example, evening and weekend classes are particularly limited. Meanwhile, state programs such as the College Promise Grants (AB 19) only go to full-time students. To see why this approach can be problematic for a student living independently, consider the following information provided by Sacramento City College:

**Table 6**  
**2018-19 Estimated Cost of Attendance**

Category	With Parents	Without Parents
<b>Tuition/Fees</b>	1,242	1,242
<b>Books/Supplies</b>	1,918	1,918
<b>Room/Board</b>	5,418	13,778
<b>Misc./Personal</b>	3,258	2,996
<b>Transportation</b>	1,250	1,250
<b>Total</b>	13,086	21,184

Source: <https://www.scc.losrios.edu/financialaid/pay-for-college/college-costs/>

For a full-time student carrying 15 units each semester, the College Promise Grant (AB 19) provides \$1,380 annually. This would leave a student living with a parent approximately an \$11,706 shortfall, and for those living independently, \$19,804 below what is estimated to attend full-time. Ultimately, a student would likely have to go into significant debt in order to attend an LRCCD campus full-time without any outside income or additional grant funding.

## **FINDINGS**

- F1. LRCCD administration and faculty are committed to improving student achievement rates and related goals encompassed within State Legislation, California's Community College *Vision for Success*, and State Chancellor's directives.
- F2. LRCCD's Guided Pathways module does not by itself allow for students to seamlessly transfer between Academic and CTE programs.
- F3. The success of Guided Pathways is dependent upon adequate counseling services and perhaps a change in the counseling model.
- F4. LRCCD lacks a formal survey process for students at entrance and exit in order to better understand student achievement issues.
- F5. LRCCD's financial flexibility to adjust existing or new programs and services to meet student achievement goals is constrained by the fiscal requirements between the Fifty Percent Law and the collective bargaining agreements.

- F6. The quantity of scope of Online classes are insufficient to meet the work/life issues of two large cohorts of LRCCD's students; those 25 or older, which comprise nearly 40 percent of students overall, and part-time students that represent approximately 70 percent of students.
- F7. CTE Programs take an estimated six years to develop and produce the first graduates. This is too long to react to fast-changing demands in the labor market.

## **RECOMMENDATIONS**

- R1. The LRCCD Administration and Faculty should be commended this year by the Board of Trustees for their commitment to improving student achievement rates.
- R2. The LRCCD Chancellor should ensure, as part of its implementation, that Guided Pathways includes a seamless administrative system for students to switch between Academic and CTE programs.
- R3. The LRCCD Board of Trustees should budget sufficient resources for case management/student advisor services to augment existing counseling services as needed to ensure the success of Guided Pathways.
- R4. The LRCCD Chancellor should ensure within the next 12 months that a survey process that includes entrance and exit interviews is developed to ascertain whether further actions are needed to address student achievement issues.
- R5. The LRCCD Board of Trustees should reconsider its 80 percent funding agreement as part of its collective bargaining negotiation with the goal of providing more financial flexibility to meet current and future student achievement rate challenges.
- R6. The LRCCD Board of Trustees and Chancellor should work with the academic senate and faculty to enhance the number and scope of online classes offered.
- R7. The LRCCD Chancellor should streamline the process for establishing CTE programs to reduce the number of years it takes to develop these types of programs over the next 12 months.

## **REQUIRED RESPONSES**

Pursuant to Penal Code sections 933 and 933.05 the grand jury requests responses as follows:

Responses from the following elected officials within 60 days:

- John Knight, Los Rios Board of Trustees President  
1919 Spanos Court  
Sacramento, California 95825

From the following governing bodies within 90 days:

- Brian King, Los Rios Board of Trustees Chancellor  
1919 Spanos Court  
Sacramento, California 95825

Mail or hand-deliver a hard copy response to:

David De Alba, Presiding Judge Sacramento County Superior Court  
720 9<sup>th</sup> Street, Dept. 47  
Sacramento, CA 95814

In addition, please email response to:

Becky Castaneda, Grand Jury Coordinator at [castanb@saccourt.com](mailto:castanb@saccourt.com)

## Endnotes:

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<sup>1</sup> Foundation for California Community Colleges. *Vision for Success: Strengthening the California Community Colleges to Meet California's Needs*. 2017. p. 10.

<sup>2</sup> Ibid, p. 5.

<sup>3</sup> Koseff, Alexei. "California Public Colleges Collaborate on Fix to Broken Transfer Process." *Sacramento Bee*, April 15, 2014.

<sup>4</sup> California Community Colleges. *2017 State of the System Report*, p. 6.

[http://californiacommunitycolleges.cccco.edu/Portals/0/Reports/2017\\_SOSReport\\_ADA-web.pdf](http://californiacommunitycolleges.cccco.edu/Portals/0/Reports/2017_SOSReport_ADA-web.pdf).

<sup>5</sup> Ibid, p. 1.

<sup>6</sup> Los Rios Community College District. *2018-19 Tentative Budget Presented to the Board of Trustees June 13 2018*. p. 21. <http://www.losrios.edu/board-of-trustees/media/others/2018/6.D%20Enclosure%20-%202018-19%20Tentative%20Budget.pdf>.

<sup>7</sup> Ibid. p. 20. (See also CAL. EDU CODE § 84362 & 5 CCR §§ 51025, 53311.).

<sup>8</sup> Ibid, p. 21.



# RECREATIONAL MARIJUANA: GROWING HEALTH CRISIS FOR SACRAMENTO COUNTY YOUTH?

## SUMMARY

The 2018-2019 Sacramento County Grand Jury investigated Sacramento County's response to the legalization of marijuana with respect to youth and youth services. This report examines the marijuana education and prevention strategies of the Sacramento County Department of Health Services, the Sacramento County Office of Education, and Sacramento County's School Districts.

The investigation found that although many prevention programs and partnerships have been developed to date, additional needs for youth services continue to be identified.

This Grand Jury Report recommends a unified county-wide approach to address the safety and health of our youth. This includes an increased focus on partnering, funding and the development of educational programs that would benefit all youth and their families throughout Sacramento County.

## BACKGROUND

Voters in California passed Proposition 64 (Prop 64), the "Adult Use of Marijuana Act" in 2016. Prop 64 legalized the recreational use of marijuana. Retail sales began in January 2018.

The legalization and retail sales of recreational marijuana are still relatively new; harmful youth impacts are just emerging. The Grand Jury found limited data regarding usage trends since the passage of Prop 64 but results from the *California Healthy Kids Survey* (CHKS), coupled with anecdotal reports, indicate that marijuana usage among youth has increased. The surveys indicate that alcohol and marijuana are the primary drugs of choice for youth.

Marijuana potency has more than tripled since the 1980s. Access to marijuana and marijuana products has increased with more conspicuous means of consumption, such as vaping pens and edibles. The health concerns for youth and their developing brains continue to be studied but potential adverse ramifications to youth health are high.

## METHODOLOGY

The Grand Jury interviewed individuals from the following agencies:

- City of Sacramento, Office of Cannabis Policy and Enforcement
- Sacramento County Department of Health Services
- Sacramento County Office of Education
- Elk Grove Unified School District
- Sacramento City Unified School District
- San Juan Unified School District

The Grand Jury reviewed information at the following websites:

- Bureau of Cannabis Control, [www.bcc.ca.gov](http://www.bcc.ca.gov)
- California Cannabis Portal, [www.cannabis.ca.gov](http://www.cannabis.ca.gov)
- California Department of Education, *Adult Use of Marijuana Act*, [www.cde.ca.gov/](http://www.cde.ca.gov/)
- California Department of Food and Agriculture, [www.cdffa.ca.gov](http://www.cdffa.ca.gov)
- California Department of Health Care Services, [www.dhcs.ca.gov](http://www.dhcs.ca.gov)
- California Department of Public Health, *Let's Talk Cannabis*, [www.cdph.ca.gov](http://www.cdph.ca.gov)
- California School Climate, Health and Learning Surveys (CalSCHLS), California Healthy Kids Survey (CHKS), [www.calschls.org/reports-data/dashboard/](http://www.calschls.org/reports-data/dashboard/)
- Drug Policy Alliance, [www.drugpolicy.org](http://www.drugpolicy.org)
- Smart Approaches to Marijuana (SAM), [www.learnaboutsam.org](http://www.learnaboutsam.org)
- Substance Abuse and Mental Health Services Administration (SAMHSA), [www.samhsa.gov](http://www.samhsa.gov)

The Grand Jury reviewed the following materials:

- *Sacramento City Council Cannabis Workshop*, August 9, 2018, power point presentation
- Sacramento City cannabis report: revenue, expenditures, staffing, December 2018
- Alcohol and Drug Services Brochures: Alcohol and Drug Prevention, Youth Treatment Services, Options for Recovery, and Adult System of Care
- Sacramento County Alcohol and Drug Services Overview, power point presentation
- “*Sacramento County Coalition for Youth, Action Plan, Creating Community Action to Prevent Youth Alcohol Use*”, June 2016.
- ASAP Project (Alcohol & Substance Abuse Prevention)
- Sacramento County Youth, Marijuana Prevention Campaign, “*Future Forward*”
- *Healthy Kids Survey 2015-2016, Healthy Kids Survey 2017-2018*, Elk Grove Unified School District
- *Healthy Kids Survey 2014-2015, Healthy Kids Survey 2016-2017*, San Juan Unified School District
- *California Cannabis Advisory Committee, 2018 Annual Report*

## DISCUSSION

### Proposition 64 and Youth Protections

In 1996, California passed Proposition 215, the “Compassionate Use Act”, which legalized the use of medical marijuana.

In 2016, California passed Prop 64, which legalized the recreational use of marijuana. While the possession and consumption of marijuana became legal immediately, retail sales of recreational marijuana did not start until the state began issuing licenses in January 2018.

The legal age for recreational marijuana use in California is 21. People age 18 and over may use marijuana with a medical prescription.

Effective January 1, 2018, Prop 64 imposed a cultivation tax on all harvested marijuana and a 15% excise tax on the purchase of medical and recreational marijuana. This tax is in addition to regular state and local sales taxes.

Prop 64 includes a number of measures designed to protect youth, such as:

- Funding for youth services through the “Community Reinvestment Fund” and the “Youth Education, Prevention, Early Intervention and Treatment Account”
- Packaging and labeling standards, including warning labels and child resistant packaging
- Prohibition of possession of marijuana and marijuana products on the grounds of a school, day care or youth center while children are present
- Marketing and advertising restrictions for marijuana and marijuana products

While Prop 64 identified some measures to protect youth, educational programs and funding have lagged.

A statewide Cannabis Advisory Committee was established to advise the Bureau of Cannabis Control and other licensing authorities regarding best practices and guidelines to protect public health. In its 2018 Annual Report, the Advisory’s Subcommittee on Public Health and Youth adopted seven recommendations. A few key recommendations include:

- Proper identification training as an employee-training requirement to prevent sales of marijuana and marijuana products to youth at point of sale or upon delivery of product
- Updates to the marketing and advertising restrictions to require that 85% of the audience is reasonably expected to be 21 years of age or older
- Annual data collection and reporting on youth use and overuse, including ER visits and treatment episodes, and DUI and poison control calls

The Bureau of Cannabis Control has not implemented any of the youth related recommendations to date.

### **Today’s Marijuana**

The psychoactive chemical in marijuana is tetrahydrocannabinol (THC). Marijuana potency has more than tripled since the 1980’s, when leaf marijuana contained 2% to 4% potency. Most marijuana sold today is a hybrid of indica (calming, relaxing effect) and sativa (stimulating or cerebral effect). Newer strains of marijuana continue to be developed to meet consumer needs.

Marijuana now comes in many forms. The Drug Enforcement Administration (DEA) reports that the THC content of leaf marijuana averages 14% to 17%. Marijuana extracts, such as oils, have an average THC level of 60%. Wax and dabs have been reported to have THC levels of more than 90 percent.

Marijuana edibles, such as brownies, cookies, and lollipops, can have THC levels of 30% or more. The onset of symptoms after ingestion of an edible can take as long as one to four hours,

and symptoms can last for several hours. While there is child-safe packaging for edibles sold in dispensaries, edibles can easily be made at home.

According to the DEA, many marijuana users prefer vaping pens or electronic smoking devices because they are convenient to use and easy to conceal. Some vaping pens have a 3-in-1 function and can be used for wax, dry herb or liquid cannabis. These electronic smoking devices are popular with youth and easy to obtain on-line.

The high THC levels in some forms of marijuana can lead to scromiting (simultaneous screaming and vomiting), poisoning and complications due to interaction with other medications

### **Marijuana and the Developing Brain**

In September 2017, The California Department of Public Health (CDPH) launched its “Let’s Talk Cannabis” health information and education campaign. The campaign includes the scientific basis for restricting access of marijuana and marijuana products to persons under the age of 21 years.

According to research noted in the campaign, regular use of marijuana by youth may lead to physical changes in the brain. Regular marijuana use has been linked to anxiety, depression and suicide, especially for teens with a family history of mental illness. Marijuana use as a teen can lead to marijuana dependence and increase the risk of using or abusing other substances or illegal drugs.

Research further indicates that marijuana can impact memory, learning and attention span. Regular use of marijuana has been linked to a higher risk of dropping out of school, unemployment and underemployment.

### **Youth Trends in Sacramento County**

The *California Healthy Kids Survey* (CHKS) is an anonymous, confidential survey administered by local school districts to students in grades five, seven, nine, and eleven. The survey allows schools and communities to collect and analyze data regarding local youth health risks and behaviors in a variety of areas.

In addition to the required modules, CHKS includes a recommended module called “alcohol and other drugs” for middle school and high school students. The questions regarding marijuana use in the alcohol and other drugs module were modified in the 2018 survey to include eating and vaping in addition to smoking.

The survey results for Sacramento County school districts can be found at the CalSCHLS webpage. The results indicate that marijuana usage is common, particularly with high school students. Usage in non-traditional schools, such as continuation schools, is typically more than double that of traditional schools. Marijuana usage is also being noted in the middle schools. The surveys indicate that alcohol and marijuana are now the primary drugs of choice for youth.

Education and prevention experts in Sacramento County report that marijuana is as easy to obtain as alcohol. Youth under the influence of marijuana have been reported on school campuses across the county, sometimes resulting in medical referrals for overuse and scromiting. The juvenile justice system reports that about 80% of the youth coming into its facilities are using marijuana.

Educators and prevention experts indicate that there are many misconceptions about marijuana now that it is legal. Marijuana use has become normalized in many households. According to the results from CHKS, youth indicate that they obtain marijuana from friends or family members. Youth have reported that they believe that marijuana is safe and healthy for recreational use, since it is now legal and used medicinally.

### **Funding for Youth Programs and Services - General**

At the Federal level, funding for prevention programs is available through the Substance Abuse and Mental Health Services Administration (SAMSHA) within the U.S. Department of Health and Human Services. The funds are provided to the states and then passed on to the counties and other prevention providers based on their identified needs.

The Safe and Drug-Free Schools and Communities Act is a state and local grant program authorized by the Federal Government in 1994 to promote a drug-free learning environment.

At the State level, Prop 64 includes a funding mechanism for youth services. However, revenues from the cultivation and excise taxes must be distributed annually using the priorities outlined in the law. Regulation and research efforts are wholly funded prior to funding for community reinvestment and youth education, prevention and treatment programs.

Prop 64 funds were not received for youth programs in the 2018-2019 funding cycle. The next funding allocation will occur in July 2019. Moving forward, it is unknown when funds will be received and how those funds will be distributed to various entities in Sacramento County that provide youth services.

On-going education and prevention resources for youth are largely dependent on securing federal and state grants and obtaining funding from private sources such as Kaiser Health.

### **Funding for Youth Programs and Services – Sacramento County**

The Office of Behavioral Health Services within the Sacramento County Department of Health Services (SCDHS) provides alcohol and drug prevention & treatment services for youth throughout the County.

SCDHS treatment programs are funded through Drug Medi-Cal. The funds are used to contract with treatment providers and cannot be used for prevention programs. Services for youth treatment up to age 18 are an entitlement. Reimbursement is provided based on cost report data from the CalOMS treatment database, which is California's data collection and reporting system for substance use disorder services.

SCDHS prevention programs target youth from ages 10 to 17 and transitional youth from ages 18 to 26. Their programs are funded with SAMSHA dollars funneled through the California Department of Health Care Services. SCDHS typically receives \$1.2 million annually for youth prevention programs. These funds are used to contract with four service providers, including the Sacramento County Office of Education.

Last year, SCDHS submitted an Alcohol and Substance Abuse Prevention (ASAP) Project proposal targeting youth and marijuana. It received a one-time allocation of \$3.8 million to be used primarily for the ASAP and Future Forward campaigns. The funds are on track to be expended by June 30, 2019.

This year, SCDHS requested and received \$750,000 of SABG (Substance Abuse, Prevention and Treatment Block Grant) funds through the California Department of Health Care Services. These dollars will be used for additional prevention projects focusing on marijuana and other substances.

### **Sacramento County Youth Programs and Partnerships**

The *Friday Night Live* program for high school students and *Club Live* program for middle school students are designed to build leadership skills, provide opportunity for community engagement, encourage positive peer influence, and prevent alcohol and drug use among teenagers. Participation is at the discretion of each school district and school within the county. There are over fifty high schools and middle schools participating. The Sacramento County Office of Education (SCOE) provides coordination and support. SCDHS is the primary source of funding, which is provided on a first-come, first-served basis.

The *Alcohol and Substance Abuse Prevention (ASAP) Project* was initiated through a one-time grant targeting youth and marijuana. The goal is to help communities develop effective strategies for preventing and managing youth substance abuse and subsequent negative consequences. The Sacramento County ASAP project included these four prevention strategies and accomplishments:

- Community Outreach and Engagement: six town halls, brief intervention pilot study, marijuana prevention summit
- Media Campaign: billboards, print media (magazines, newspapers) digital, transit, PSAs on TV, theaters, sporting events and on radio
- Community Prevention Initiatives: youth-led marijuana and/or alcohol use prevention projects, seven applications funded
- Youth Summit: held June 18, 2018

The *Sacramento County Coalition for Youth (SCCY)* was first established to address underage drinking in Sacramento County, where alcohol is the most frequent substance abused by youth. However, based on results found in the CHKS, the SCCY will be updating its action plan to include both alcohol and marijuana as the primary drugs of choice among youth. Coordination and support for SCCY is provided by SCOE, with funding coming through SCDHS.

In partnership with numerous public agencies in the County, the SCCY developed a public education campaign titled *Future Forward*, with new messaging *Start Smart, Finish Strong*. The campaign aims to distill misconceptions about marijuana use by separating fact from fiction. The campaign was designed to reach out to youth and their families by providing updated information on the law, the drug itself, and the effects of marijuana on youth. Future Forward campaigning is now happening in the Friday Night Live and Club Live programs.

The *Coalition for a Safe and Healthy Arden Arcade (CSHAA)* is a prevention collaborative of the Sheriff's Community Impact Program and is dedicated to promoting safe choices for youth. They are funded by the Office of National Drug Control Policy. Their focus is on underage drinking and substance abuse. CSHAA and SCCY partnered to host the 2019 Sacramento Marijuana Prevention Summit.

Moving forward, many of the programs currently underway that focus on marijuana and other substances will continue. Using SABG funds, the following projects are planned for this year:

- Expand the use of evidence-based programs such as: town hall meetings, youth summit, and community workshops, exhibits and training (SCCY working together with service providers)
- Provide on-going training to dispensary staff that includes a youth prevention component, specifically decreasing youth access to marijuana by informing the public how to safely store and dispose of marijuana. (SCOE working together with City of Sacramento)
- Coordinate with local public health offices and coalitions to implement the “Let’s Talk Cannabis” campaign (SCCY is the lead)

### **Education and Prevention Programs in the School Districts**

While Prop 64 legalized recreational marijuana for adults 21 and older, the Education Code continues to prohibit use, possession, possession for sale and being under the influence of marijuana while on school grounds or while attending a school-sponsored activity.

Section 51260 of the Education Code states that drug education should be conducted in health education classes for grades 1 through 6. It requires drug education to be conducted in health or any other appropriate area of study for grades 7 through 12. In accordance with the Health and Safety Code, drug education should address tobacco, alcohol, narcotics, or other dangerous drugs.

The *Tobacco Use Prevention Education* (TUPE) grant program is a state funded program supported by the 1988 Proposition 99 California Tobacco Tax. TUPE funds support health education efforts aimed at the prevention and reduction of tobacco use by youth. The five school districts in Sacramento County that receive TUPE funds are: Elk Grove, Sacramento City, Folsom-Cordova, San Juan and Twin Rivers. School Districts receiving TUPE funds are required to administer the California Healthy Kids Survey (CHKS).

Each school district runs its own programs related to alcohol and other drugs. School districts may use in-house resources for their programs, or they may contract with service providers or private prevention specialists to provide training programs and materials. Some educational tools, such as a speaker series and the documentary “the Other Side of Cannabis,” are readily available at no cost. School districts may also participate in the programs run by SCOE at their own discretion.

Some school districts within Sacramento County have Youth Program Specialists on staff to provide drug prevention and intervention services for the youth in their district. These positions are typically funded by federal, state or private grants. Continuation of these services is dependent upon securing funds from outside of the school district.

Each school district is responsible for administering the California Healthy Kids Survey or CHKS, which is a voluntary self-assessment by the students. School Districts cover CHKS administrative fees. The results of CHKS are used for requesting funds and developing prevention programs for youth. It should be noted that there is a significant variation in the percentage of student participation in CHKS by school districts throughout the County, with Sacramento City Unified School District having a very low participation rate.

Each school district sets its own policies as they pertain to marijuana violations on campus although it must follow the Education Code for expulsions.

School districts often prefer prevention or remedial programs over suspensions for marijuana violations. They prefer to optimize attendance and days of learning for each student.

## **ACKNOWLEDGEMENTS**

The 2018-2019 Sacramento County Grand Jury would like to acknowledge and thank the host of dedicated individuals that we met during the course of this investigation. We are grateful for their tireless efforts that often go above and beyond the course of their normal duties, all in the interest of the safety and well-being of our youth.

## **FINDINGS**

- F1. Legalization, increased availability, and easy access have led to misconceptions regarding marijuana use, particularly with youth.
- F2. There are significant toxicity and health concerns for youth that can lead to diminished academic performance, regressed socialization, and numerous physical and health issues.
- F3. Although many prevention programs and partnerships have been developed to date, additional needs for youth services continue to be identified.
- F4. Although there are some data from the Healthy Kids Survey (CHKS), consolidated data from multiple sources would paint a broader picture and help identify focus areas and funding needs for youth services.
- F5. While Sacramento County has been admirably proactive in obtaining grant funding for youth prevention, additional funding would allow for more community-based programs and for more direct support to youth in the County's middle and high schools.
- F6. Since results from the Healthy Kids Survey (CHKS) are used for requesting funds and developing prevention programs, improved participation by school districts would benefit county youth and their families.
- F7. To increase awareness, provide a consistent message, and reach a larger audience, schools and other community organizations that serve youth would benefit from presentation materials related to marijuana.
- F8. Since each school district in the County runs its own programs related to alcohol and other drugs, there is a significant variation in the resources available to students and their families throughout Sacramento County.

## RECOMMENDATIONS

- R1. The Sacramento County Department of Health Services (SCDHS) and the Sacramento County Office of Education (SCOE) should maintain current youth prevention programs as well as spearhead new initiatives for county youth and their families. (F1, F2, F3)
- R2. SCDHS and SCOE should continue their highly successful collaborations with partners, such as the Sacramento County Coalition for Youth (SCCY) and the Coalition for a Safe and Healthy Arden Arcade (CSHAA). Over the next budget cycle, SCDHS and SCOE should proactively expand partnerships with entities such as school districts, parent-teacher associations, city governments, public health officials, Child Protective Services, and law enforcement. (F1, F2, F3)
- R3. SCDHS, SCOE, and their partners should collect and measure trend data from multiple sources, using whatever means are possible. Possible data include youth usage, treatment data, suspensions, expulsions, arrests, DUIs, and ER visits. (F4)
- R4. Over the next budget cycle, SCDHS, SCOE, and school districts should vigorously pursue sustainable funding for education and prevention programs for youth and their families from multiple sources such as: Prop 64, Federal and State grants, and private organizations. (F5)
- R5. With support from SCOE, school districts should take measures to improve participation in the California Healthy Kids Survey (CHKS) during the next survey cycle, with a focus on middle, high, and non-traditional schools. The survey should include the “alcohol and other drugs” module. (F6)
- R6. In partnership with service providers and others, SCOE should continuously update and expand upon “ready-to-go” informational packages and effective campaigns specific to marijuana that can be shared with school districts or other community-based organizations that serve youth. (F7, F8)
- R7. School districts should create on-line resources for teachers, youth, and their families. (F8)
- R8. School districts should establish Youth Program Specialists or similar positions to administer programs related to alcohol and drug prevention in the next budget cycle. (F8)

## REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the 2018-2019 Sacramento County Grand Jury requires responses as follows:

From the following governing bodies within 90 days:

- Sacramento County Department of Health Services (All Findings, R1, R2, R3 and R4)
- Sacramento County Office of Education (All Findings, R1, R2, R3, R4, R5 and R6)
- District Superintendents, for the following Sacramento County School Districts (All Findings, R4, R5, R6, R7 and R8):

- Arcohe Union School District
  - Center Unified School District
  - Elk Grove Unified School District
  - Elverta Joint School District
  - Folsom Cordova Unified School District
  - Galt Joint Union School District
  - Galt Joint Union High School District
  - Natomas Unified School District
  - River Delta Unified School District
  - Sacramento City Unified School District
  - San Juan Unified School District
  - Twin Rivers Unified School District
- City of Sacramento (All Findings, R2)

Mail or hand-deliver a hard copy response to:  
David De Alba, Presiding Judge Sacramento County Superior Court  
720 9<sup>th</sup> Street, Dept. 47  
Sacramento, CA 95814

In addition, please email response to:  
Becky Castaneda, Grand Jury Coordinator at [castanb@saccourt.com](mailto:castanb@saccourt.com)

## **GLOSSARY**

ASAP	Alcohol and Substance Abuse Prevention
BCC	Bureau of Cannabis Control (the Bureau)
BOP	business operating permit
BOT	business operation tax
CCF	Cannabis Control Fund
CDPH	California Department of Public Health
CSHAA	Coalition for a Safe and Healthy Arden Arcade
DEA	Drug Enforcement Administration
PROP 64	Proposition 64- Adult Use of Marijuana Act
SABG	Substance Abuse, Prevention & Treatment Block Grant
SAMSHA	Substance Abuse and Mental Health Services Administration
SCDHS	Sacramento County Department of Health Services
SCOE	Sacramento County Office of Education
SCCY	Sacramento County Coalition for Youth
THC	tetrahydrocannabinol
TUBE	Tobacco Use Prevention Education

## **APPENDIX A**

### **SACRAMENTO COUNTY'S RESPONSE TO RECREATIONAL MARIJUANA LEGALIZATION**

#### **Regulations and Licensing in Sacramento County**

Prop 64 legalized the adult use of marijuana and the indoor cultivation of a small number of plants for personal use. Cities and counties have the authority to establish local regulations and ordinances for the outdoor cultivation, residential cultivations limits, manufacturing and dispensing of marijuana and marijuana-related products.

At the state level, the Bureau of Cannabis Control is charged with the licensing, regulation, and enforcement of commercial marijuana businesses including distributors, retailers, and testing laboratories.

Applicants for state commercial marijuana licenses must be in compliance with all local regulations and ordinances.

The County of Sacramento includes seven incorporated cities: Citrus Heights, Elk Grove, Folsom, Galt, Isleton, Rancho Cordova, and Sacramento City. All seven cities and the County have developed local ordinances or municipal codes outlining their current regulations pertaining to marijuana. The regulations vary by municipality and can found on their respective webpages. Delivery has not been banned anywhere in Sacramento County.

At the time of this report, the City of Sacramento and the City of Isleton have issued business operating permits (BOPs) for outdoor cultivation and dispensaries.

The City of Sacramento first adopted regulations for medical dispensaries in 2011. Since the passage of Proposition 64 in 2016, the City has adopted a regulatory infrastructure for the cultivation, manufacturing, laboratory testing, and distribution of recreational marijuana. The regulations address both storefront and non-storefront (delivery-only) dispensaries.

The City of Sacramento established the Office of Cannabis Policy and Enforcement that has been tasked with transitioning marijuana into to a legal framework within the city limits.

Additionally, this office partners with code enforcement and law enforcement to drive out illegal activities related to marijuana cultivation and distribution.

At the time of this report, the City of Sacramento has issued 30 BOPs for storefront dispensaries located within the City limits and numerous BOPs for delivery-only dispensaries, which deliver throughout Sacramento County.

# THE FLORIN RESOURCE CONSERVATION DISTRICT: A CASE OF MISTAKEN IDENTITY?

## SUMMARY

The 2018-2019 Sacramento County Grand Jury received complaints regarding the Florin Resource Conservation District (FRCD) and its subsidiary, the Elk Grove Water District (EGWD). These complaints alleged issues with a recent water rate increase (improper and misleading notices, procedural errors), problems with the composition of the Board of Directors, and a general lack of oversight by the Board of Directors. Given the serious nature of the complaints, the Sacramento County Grand Jury undertook a thorough and comprehensive investigation of the FRCD, covering many aspects of its operations.

Over the last 18 months, the FRCD approved a major shift in mission and operations, foregoing its resource conservation duties and focusing only on “all future activities, performed by the Florin Resource Conservation District be limited to water related activities that provide a benefit to Elk Grove Water District ratepayers, effective July 1, 2018.”<sup>1</sup> This is a major shift from its original mission and will have profound implications for the FRCD’s future.

The Grand Jury found issues with the process of FRCD’s shift in operations, its representation of district rate-payers, its professional services contracting practices, the manner in which it conducts board meetings, a lack of oversight by the Board of Directors, a lack of general engagement by the ratepayers, and other policies and procedures. We were impressed with the way the District conducted its recent water rate study but had concerns about its water rate increase process. Although the District operations normally run well, we were also concerned about a main line break in December 2018. This report will discuss each of these issues in detail.

## BACKGROUND

Resource Conservation Districts are governed by provisions of the California Public Resources Code, Division 9. The California legislature enacted (and subsequently amended) this code to “provide for the organization and operation of resource conservation districts for the purposes of soil and water conservation, the control of runoff, the prevention and control of soil erosion, and erosion stabilization, including, but not limited to, these purposes in open areas, agricultural areas, urban development, wildlife areas, recreational developments, watershed management, the protection of water quality and water reclamation, the development of storage and distribution of water, and the treatment of each acre of land according to its needs.”<sup>2</sup>

The Florin Soil Conservation District (FSCD) came into being when a group of Florin area farmers felt the need for a locally governed district to ensure efficient use of water for irrigation, improve drainage, improve flood control, and make other land improvements. The district was approved by the public in an election in June 1953. The FRCD is one of 98 Resource Conservation Districts in the State of California and is one of three in Sacramento County. **It is the only Resource Conservation District in the state that directly provides municipal water service.**

During its early years, the District expanded into the areas of Franklin and Elk Grove and became the Florin Resource Conservation District. Over time, the agricultural areas of the FRCD gave way to development and increasing urbanization, diminishing the original role of the FRCD. In 1999, the FRCD bought the Elk Grove Water Works, ultimately renaming it the Elk Grove Water District (EGWD). This move gave the FRCD the ability to fulfill one of the mandates of an RCD (“the development of storage and distribution of water”).

The Sacramento Local Agency Formation Commission (LAFCo) is responsible for conducting periodic reviews of special districts within Sacramento County. These reviews, called Municipal Services Reviews (MSRs), are often the only independent review of a Special District which allows the larger community to consider the effectiveness of the District and the provision of municipal services, such as the distribution of water. LAFCo’s most recent MSR for the Florin Resource Conservation District/Elk Grove Water District was completed at the end of 2016 and was formally presented to the LAFCo Board of Directors on February 1, 2017. Among its findings were: 1) FRCD was unusual in that most of it was comprised of urban areas, and 2) the FRCD, proper, had little in the way of income or resources (EGWD was determined to have sufficient revenues to fund operations and maintenance, both in the near term and long term).<sup>3</sup>

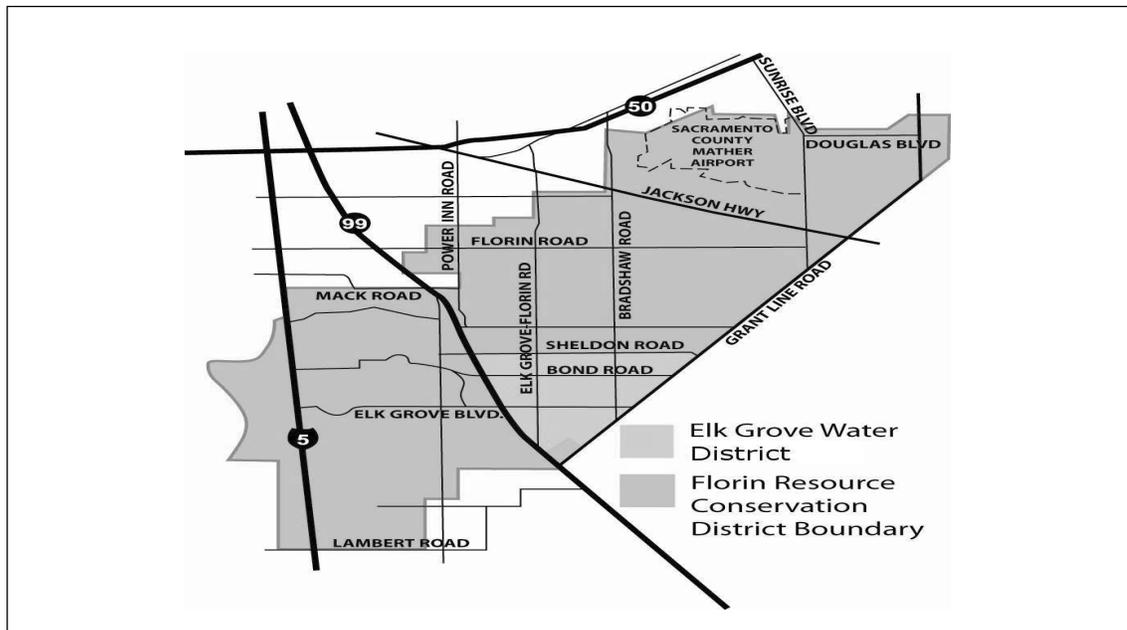
In September 2017, the FRCD Board began a continuing discussion about District goals and challenges. The main issue, as described by LAFCo’s finding, was that FRCD had little income or resources and had no way of generating either, with the exception of grants from various sources. Although not part of the LAFCo study, it must be noted that grant funding is not a certainty, and, as such, is not a sustainable budgetary model.

This discussion culminated during the April 18, 2018 Board meeting. At that meeting, the General Manager reviewed the options available to the Board. The Board voted 4 to 1 to adopt a resolution, declaring that, effective July 1, 2018, activities performed by FRCD would be solely related to water and water related activities, benefitting the EGWD rate payers (Resolution 04.18.18.01). The Board also passed Resolution 04.18.18.02 which requires a two-thirds vote of the Board to change any part of Resolution 04.18.18.01, effectively requiring four of the five Board Directors to concur.<sup>4</sup>

The FRCD replaced its outside legal counsel in June 2018, after experiencing many difficulties with their prior counsel. They appointed an individual on an interim basis. This appointment was extended in December 2018 for a one-year period.

In July 2018, the FRCD Board of Directors approved rate increases to be phased in over the upcoming five-year period, beginning January 1, 2019. At that time, only three of the five Directors lived within the boundaries of the EGWD. All lived within the greater FRCD boundaries. Figure 1, below, shows the EGWD and FRCD boundaries. The EGWD boundaries can be seen, in context within the larger Sacramento County water districts in Figure 2, which can be found in the Appendix.

Figure 1. A map of the boundaries of the FRCD and the EGWD



## METHODOLOGY

The Sacramento County Grand Jury:

- Reviewed Special Districts and Resource Conservation Districts, primarily through internet research:
  - California Special Districts Association
  - California Department of Conservation.
    - California Resource Board Directors Handbook
    - California Resource Conservation District Guides, Volumes 1-3.
- Researched the Florin Resource Conservation District by various means:
  - Sacramento LAFCo's most recent Municipal Service Review Report
  - FRCD policies
  - FRCD manuals
  - FRCD meeting agendas and minutes
  - FRCD operational reports
  - FRCD budgets and other financial documents, including its most recent Comprehensive Annual Financial Report
  - FRCD Water Rate Studies.
- Conducted interviews and made observations
  - Individuals who were affected by the FRCD
  - Elected officials of the FRCD
  - An employee of the FRCD
  - Direct observation of an FRCD Board Meeting.

## **DISCUSSION**

### **BOARD DECISION TO ALTER ITS MISSION**

The FRCD Board began a discussion about its goals and challenges in September 2017. Over the course of several months, three options were developed by staff. The review and ultimate recommendations to the Board were made at the FRCD staff level. The eight-page report did not include a discussion of the long-term consequences of the change, nor are they included in the most recent Strategic Plan.

#### **Staff presented three options for Board consideration:**

**Option 1** was to take no action. The General Manager indicated that it was not a viable option, as the FRCD would not be able to cover any future election costs and that future Directors would be appointed by Sacramento County Board of Supervisors.

**Option 2** was to declare that all future activities performed by FRCD would be solely to water related activities, benefitting the EGWD rate payers, effective July 1, 2018. This option would merge all FRCD and EGWD funds and accounts, keep the existing governance structure in place, and preserve its overall boundaries.

**Option 3** was to split FRCD and EGWD into two separate entities. Ultimately, this would, in all probability lead to the dissolution of FRCD and the formation of a new water district.

Two resolutions were prepared for the Board assuming the adoption of Option 2. No outside or third-party analysis or recommendations were sought. No outside consultant reviewed the status of the District or explored other possible avenues to address the future of the FRCD and its subsidiary, the EGWD. The decision to look at this only from the narrow perspective of the FRCD/EGWD staff concerns the Grand Jury. It would be prudent, given the magnitude of change being considered, to seek out the broadest possible perspectives to ensure that all options are considered.

The major difference in the California Government Code requirements between Resource Conservation Districts and Water Districts is the composition of the Board of Directors. As a Water District, the Board can only be composed of people living within the boundaries of the Water District, <sup>5</sup> ensuring equitable representation of those households within the District.

The General Manager's recommendation was to adopt Option 2. Citing the lengthy process of dissolution of the existing district and the difficult and protracted process of creating a new special district (i.e., a water district), the Board, on a 4 to 1 vote, adopted Option 2. The Sacramento County LAFCo confirmed that the decision was within the scope and authority of the Board as FRCD is an independent special district and is self-governing.

The FRCD was approved under the provisions of the California Public Resources Code, but is now, for all intents and purposes, acting as a water district and should be acting under the

provisions of the California Water Code. As mentioned before, FRCD is the only Resource Conservation District that is a municipal water service provider.

## **REPRESENTATION OF INDIVIDUAL RATE PAYERS WITHIN THE EGWD BOUNDARIES**

A key concern of the Grand Jury is the makeup of the Board of Directors and, under the current structure, the resulting inequity in direct representation. At the time of the decision, two of the five Board members lived outside the boundaries of the EGWD. Currently, two of the five Board members live outside the boundaries of the EGWD. It is conceivable, that in the future, this discrepancy could be even larger.

The California Government Code speaks to this issue directly but offers little, if any, guidance, in this instance. The Public Resources Code states “directors shall (1) reside within the district and either own real property in the district or alternatively have served, pursuant to the district’s rules, for two years or more as an associate director providing advisory or other assistance to the board of directors, or (2) be a designated agent of a resident landowner within the district.”<sup>6</sup> The Water Code states that “Each district shall have a board of five directors each of whom, whether elected or appointed, shall be a voter of the district.”<sup>7</sup>

As long as the FRCD continues to bill itself as a Resource Conservation District, it maintains the ability to allow its Directors to be selected outside the boundaries of the EGWD, even though they have determined to concern themselves only with matters pertaining to the Elk Grove Water District. This means that all District decisions can be made by individuals who are not subject to those decisions. This has the potential to deny equitable representation to the residents and ratepayers within the boundaries of the EGWD.

## **WATER RATE STUDIES AND RATE INCREASES**

Since acquiring the EGWD in 1999, the FRCD has authorized three general rate increases, with the most recent in July 2018. This increase was effective January 2019.

Proposition 218, the “Right to Vote on Taxes Act,” was passed by popular state-wide vote in November 1996. In brief, it gave taxpayers the right to vote on local tax increases and required taxpayer approval of property-related assessments and fees. Proposition 218’s specific rules and regulations, especially those applying to governmental water providers, can be found in Article XIIIID of the California Constitution.<sup>8</sup>

In order to raise rates, a public water provider must:

- Identify the parcels of land within its jurisdiction that will be affected by the rate increase
- Send a written notice of the proposed rate increase to all affected landowners and all tenants that pay a bill directly
- Conduct a public hearing at least 45 days after notices have been sent out and count all written protests from affected parties.

The written notice must include the amount of the increase, why it is needed, how it was calculated, and when and where the required public hearing will be held.

A provider cannot raise rates if a majority (50% plus 1) of affected parties within the service district submit written protests. If an affected party (either a property owner or tenant who pays a water bill directly) does not submit a written protest, that affected party is counted as a vote in **favor** of the increase. Written protests may be submitted before or at the public hearing.

Prop. 218 also codified the idea that water charges have to reflect only the cost of services. Governmental water providers are not allowed to earn a profit from water rate increases.

For the 2019 rate increase, the FRCD retained an outside consultant, HDR Engineering, Inc., to prepare a water rate study, which included a financial plan, a cost of services analysis and a rate design plan. The FRCD formed a Community Advisory Committee (CAC) to provide input into the water rate study process. The CAC met publicly at least six times, allowing public testimony. In May 2018, staff recommended to the Board Members that they: <sup>9</sup>

- “Approve the 2018 Water Rate Fee Study subject to the receipt and consideration of any protests and comments received before and during the public hearing conducted in compliance with Proposition 218.”
- “Direct staff to initiate the Proposition 218 compliance process, including the mailing of a notice of the public hearing for the consideration of the proposed water rates to the record owners of property to be subject to the water service fees and any tenants who are directly liable for the payment of water service fees.”

The Water Rate Study was approved at the Board meeting of May 16, 2018, subject to the subsequent (and mandated) public hearing. Owner and tenant notices were sent the following day (May 17, 2018) with a protest deadline of July 2, 2018. The Public Hearing was set for the July Board meeting, to be held July 18, 2018.

The FRCD met the three basic criteria listed above. It identified affected parcels, sent written notices to affected parties, and conducted a public hearing at least 45 days after notices had been sent. Further, the FRCD went beyond the requirements of Proposition 218 by hiring an independent consultant to prepare a water rate study, identifying the need, the cost of service, and the future rate design. Neither the independent consultant nor the Community Advisory Committee is required by the mandates of Prop 218, and the Grand Jury commends the FRCD for taking those proactive steps.

The FRCD erred in setting the protest deadline at July 6, 2018, as the law mandates that written protests be accepted until and at the public rate hearing (scheduled to be July 18, 2018). The notice sent to the public did not clearly state that written protests would be accepted until and at the public hearing. In fact, the notice specifically stated that “All written protests must be received by the District by the close of business on **July 6, 2018.**” (emphasis added) Further, the notice stated that the Board of Directors would consider timely submitted written protests and oral protests at Public Hearing on the Rate Increase. In the next sentence, however, the notice stated that “Oral comments at the Public Hearing will not qualify as formal protests.” The notice

did not state that the absence of a protest letter from any given ratepayer would be considered a vote for the rate increase (“Notice To Property Owners Of Public Hearing On Proposed Water Service Rates,” undated), and may have led people to a conclusion that they did not have to take any action if they did not approve of the rate increase.

## **FRCD DEBT AND DEBT SERVICE**

When the FRCD acquired the EGWD, it took on a debt, associated simply with the cost of purchase. The FRCD had been financed in the past by grants, an unpredictable and periodic source of funding.

As the EGWD is reliant on groundwater to serve its customers, a second water treatment plant had to be built after the purchase. This second facility was costly, due in part to the treatment standards in place, and put the District further in debt.

In its 2018-2019 Operating Budget, <sup>10</sup> the District shows that its outstanding debt is \$44,145,000. In that same budget, the District compared itself to the Carmichael and San Juan Water Districts. Carmichael has an outstanding debt of \$21,170,000, with approximately 84% of the customer bases of the EGWD, while the San Juan Water District has an outstanding debt of \$36,710,000, with approximately 57% of the customer base of the EGWD.

Although the District has made considerable progress in reducing the debt, it has been paying a substantial debt service. Debt service and bond retirement payments account for more than 25% of the District’s yearly operating budget.

The Environmental Finance Center Network (EFCN), in partnership with the University of North Carolina, provides a method of financial benchmarking for Water Utilities. One factor is what is called a Debt Service Coverage Ratio. Simply put, it is a ratio of Net Operating Revenues (Operating Revenues – Operating Expenses [excluding depreciation]) divided by Debt (Principal plus Interest Payments on long term debt). If the ratio is 1.0, it means that the agency has exactly enough money from revenues to cover its annual debt service after all operating expenses have been paid. Ratios of 1.2, according to the EFCN, demonstrate an acceptable level of debt service coverage. The Grand Jury reviewed FRCD’s Debt Service Coverage Ratio averages over the last four budget cycles and next fiscal year’s budget cycle and found that it was not less than 1.8 for any given fiscal year. FRCD maintains adequate revenue to meet all operating expenses and meet both debt and bond obligations.

## **PROFESSIONAL SERVICES CONTRACTS AND PRACTICES**

FRCD’s basic policy regarding Legal Counsel is Policy #17, established by resolution 09.23.09.01. The resolution simply states that the Board recognizes the need to utilize legal services, and that the Board shall appoint legal counsel. In June 2018, the Board dismissed its legal counsel for performance issues and contracted with a new legal counsel, on an interim basis. At that time, no new Request for Proposal (RFP) was issued for applicants. An individual was hired without the benefit of an RFP or background check. That new legal counsel’s tenure was extended in December of 2018, for one year, without any automatic extension.

It is important to note that in the original discussion of June 2018, the staff report specifically stated that the “process does not conflict with the attached Policy No. 3 Purchase of Goods and Services from Outside Vendors (also Resolution 09.23.09.01), which prescribes the solicitation process for professional services, as that policy specifically excludes legal counsel from the definition of ‘professional services’.”<sup>11</sup>

However, in November 2018, the Board was asked by staff to adopt Resolution 11.14.18.02 to repeal the earlier Policy No. 3 and establish a new policy on the “Purchase of Goods and Services from Outside Vendors.” The Board was also asked by staff to adopt Resolution 11.14.18.03, establishing a new “Professional and Consultant Services Agreements Policy,” as a stand-alone policy. Both resolutions were adopted by the Board at their November 2018 Board meeting. This new policy was in effect when the current legal counsel’s contract was renewed in December 2018.

Although the prior Policy (adopted by Resolution 09.23.09.01) did specifically exclude legal counsel services from the definition of professional services, the newly adopted Resolution 11.14.18.03, “Professional and Consultant Services Agreements Policy,” does not. Resolution 11.14.18.03, in its first paragraph, also states that “All professional and consultant services required by the District shall be made in accordance with this policy.”<sup>12</sup>

Section 6 of that resolution states that “selection for professional and consultant services, defined as the services of a private architect, landscape architect, engineer, doctor, environmental scientist, investment advisor, financial, land surveying, or construction project management firm, or other similar professional services **as defined in Section 37103 of the California Government Code**, shall be based on best qualified and most responsible proposer, as determined by the District”<sup>13</sup> (emphasis added).

Section 37103 of the California Government Code states that “the legislative body may contract with any specially trained and experienced person, firm, or corporation for special services and advice in financial, economic, accounting, engineering, **legal**, or administrative affairs”<sup>14</sup> (emphasis added).

The extension of current legal counsel’s contract, then, appears to conflict with the policy of the Board, requiring that selection shall be based on the best qualified and most responsible proposer because only one individual was considered; no one else was allowed to propose their services.

## **MAIN LINE BREAK**

In January 2019, members of the Grand Jury observed a Board Meeting of the FRCD. During that meeting, the General Manager delivered a report about EGWD operations during the month of December 2018. During that report, it was disclosed that a water main had broken on the night of December 25<sup>th</sup> (Christmas Day) and more than a million gallons of water was lost before the breakage was noticed and ultimately repaired.

A response was delayed because there was no automatic notification process in place. FRCD has a policy (Resolution #04.25.12.02) requiring 24-hour response but did not have a mechanism to monitor for such line breaks or pressure losses.

Many modern water systems have flowmeters with telemetry to detect leaks or pressure losses and automated alarm systems to alert standby personnel that repairs are needed. The EGWD should acquire and maintain such a system as it already has a policy to have staff available for emergency purposes at all times.

While most of the water would have found its way back into the underground aquifers that supply a large part of the EGWD's water, there would have been the additional cost of retreating the water. In addition, there is a larger issue of liability. FRCD was fortunate that the break did not create a public safety hazard for nearby businesses, homes and transportation systems. This could have resulted in significant damage and liability issues for FRCD.

## **HEALTH BENEFITS**

In November 2017, the Board of Directors first discussed the issue of health benefits for Board members. Although FRCD/EGWD employees already had health coverage, Directors did not. By law, Board members cannot receive remuneration for the work they do on behalf of the District, but they can receive health benefits. In February 2018, the Board members unanimously approved health benefits (medical, vision, and dental) for themselves.

During our investigation, three facts were revealed: 1) an ad hoc committee was set up to work with staff to develop appropriate policies. The ad hoc committee never met; no policy regarding health benefits for Directors was ever established; 2) the issue was brought up to benefit one individual on the Board who did not have health benefits from any other source; and 3) at this point, health benefits are not provided to Board Directors but could be instituted for them at any time and without any further public discussion.

## **BOARD MEETINGS AND CLOSED SESSIONS**

California regulates legislative bodies in many ways, but the most important way to ensure transparency and citizen participation is through the Brown Act <sup>17</sup> In general, all meetings of local legislative bodies must be held in open session, with the following exceptions: personnel issues, public security, pending litigation, labor negotiations, and real property negotiations. The subjects of any closed session must be described in a notice or agenda for the meeting, and agendas are required to be posted at least 72 hours in advance of the meeting. Brown Act regulations also require the legislative body to orally announce, in an open session, the issues to be heard at a closed session. If any final actions are taken, the legislative body must report the action, in open session, after the conclusion of the closed session.

Legislative bodies differ on how they conduct their closed sessions. Some hold their sessions prior to regular sessions, and announce any actions taken at the beginning of the regular open session. When Grand Jury members observed an FRCD Board meeting, the FRCD Board held an open session (approximately 1½ hours in length), announced they were going into closed

session, and dismissed the public. We learned that they would allow the public, if any stayed after an indeterminate wait, back in after the closed session, to announce reportable actions, if any.

During the period from 2/15/17 through 1/16/19, FRCD held 22 regular meetings, 15 with closed sessions. All but one of those closed sessions were held after the regular session. The FRCD conducted 12 Special Meetings, 7 with closed sessions. Six of those seven had closed sessions before an open session or the entire meeting was closed. The other had closed sessions before and after the open session. In reviewing agendas for the closed sessions, it was apparent that FRCD had legitimate reasons for conducting the closed sessions.

The Grand Jury is concerned by FRCD's practice of dismissing the public after the open session to go into closed session, instead of holding the closed session before the open session. As stated above, the FRCD Board is required, by provisions of the Brown Act, to return to Open Session and report any final actions taken during the closed session. FRCD does not typically post minutes of any session until those minutes have been approved during the following month's Board meeting, adding to the period of time that the public may be uninformed of closed session actions.

## **BOARD MEMBER ELECTION**

FRCD elections are held on an at-large basis. Candidates are elected from the entire FRCD and not from individual districts within the FRCD. In November 2018, three seats were open for election or re-election. Two of the sitting Directors chose to run for re-election. The remaining seat was open until one individual submitted an application late in the process. There were no other candidates. Since there were three seats open and only three candidates, an election was not necessary; the County Board of Supervisors appointed the three candidates to fill the three vacancies. The Grand Jury was unable to ascertain if this was a recurring issue; the previous election (2016) was contested with three persons vying for two seats.

## **BOARD OVERSIGHT OF OPERATIONS**

Governing Boards are, for the most part, policy and decision makers. Actual control of operations is often delegated to a General Manager, or other named employees. FRCD policies indicate that the Board is "responsible for **formulating** (emphasis added) and approving policies for the operation, administration, and planning of the District's facilities and activities within the District," while the General Manager "shall have complete administrative authority over the District and shall be responsible for the efficient operation of the system in all departments/divisions, as designated in their job description" (both quotes are from the FRCD Board Member Guide Book).

After interviewing board members, the Grand Jury identified differences in the level of understanding and knowledge of FRCD regulations, operations, and institutional history. There was a wide degree of latitude in responses to our questions and inquiries, with some Board members indicating a broad depth of knowledge while others displayed little, if any, operational knowledge, deferring to the General Manager. These responses suggested a certain amount of

deference was afforded to the General Manager in the area of operational activities. This deferral went so far as relinquishing a board member position on the Sacramento Central Groundwater Authority (SCGA), a Joint Powers Authority started to manage groundwater usage, and appointing the General Manager as FRCD's representative.

It is the practice of the FRCD to issue an "FRCD Board Members Guide Book" to each new member of the Board. The Guide is thorough and extensive, but it was apparent that several Board members did not review or use it. It is the Grand Jury's belief that members of the Board of Directors must have a basic operational knowledge of their District in order to make reasoned, sensible, and informed operational, administrative, and planning decisions.

## **GENERAL CITIZEN INVOLVEMENT AND OVERSIGHT**

One of the most obvious and disappointing aspects of our review of the Florin Resource Conservation District is the lack of citizen involvement. When the members of the Grand Jury observed a board meeting, they outnumbered members of the public (3 Grand Jury members; 2 members of the public).

California's Little Hoover Commission recognized this very problem in a report titled "Special Districts: Improving Oversight and Transparency." <sup>15</sup> The Report noted that a distinct benefit of special districts (focusing on specific services within a specific area) also lowers that district's visibility. This low visibility contributes to District challenges reaching out to the public. As the Commission stated "Low visibility of special districts contributes to challenges with public engagement." <sup>16</sup>

FRCD recognizes this and has undertaken efforts to increase general public involvement. These efforts range from participating at various forums, public gatherings (such as Western Festival, Elk Grove's Multicultural Days, etc.), flyers, bill stuffers, and so on. The FRCD has expanded its board to include Associate Directors, who, while not able to vote on decisions of the board, sit with the Board and have an equal voice and even footing with the elected Board members.

The Little Hoover Commission noted and commended the California Special Districts Association and the Sacramento based Institute for Local Government efforts to help Special Districts improve public engagement practices. If the FRCD has not reached out to these organizations for their guidance, they should.

## **FINDINGS**

- F1.** The FRCD Board decided to alter its basic mission, without benefit of an outside review or other investigation, relying solely on a staff report. The three options did not consider the legal differences between Resource Conservation Districts and Water Districts.
- F2.** Because Board Members are elected at large from the entire area of the FRCD and not from within the smaller boundary of the EGWD, equitable representation of rate-payers may be denied.

- F3.** The FRCD complied with all legal requirements with its decision to adopt a rate increase at the July 18, 2018 Board meeting.
- F4.** The FRCD erred in setting the protest deadline at July 2, 2018, as Prop 218 mandates that written protests be accepted until and at the public rate hearing (scheduled to be July 18, 2018).
- F5.** FRCD is actively working to reduce its debt, debt service and bond retirement payments, while maintaining an adequate debt service coverage ratio.
- F6.** The FRCD did not follow its own policy when extending the current Legal Counsel's contract, which led to the creation of an unfair hiring practice.
- F7.** Because the FRCD policy manual is silent on interim contracts, the potential exists for extending interim contracts in lieu of soliciting proposals for professional services.
- F8.** FRCD is unable to monitor leaks and pressure losses in a timely manner. This is a public safety issue and a potential liability for FRCD.
- F9.** After voting to award health benefits to Board members, no further action was taken, no policies were created, and no health insurance benefits were awarded to Board members. The Board could institute health benefits for themselves with no further public discussion.
- F10.** The practice of conducting closed sessions after open sessions at the Board meeting may lead to an uninformed public and forestalls knowledge or comments. This practice does not encourage public engagement.
- F11.** Candidate pools for Board Member seats are so low that elections are sometimes not required. As a consequence, Board members are appointed by the County Board of Supervisors, denying a voice to the public in selection of those who represent them.
- F12.** The lack of adequate Board member awareness of regulations, operations, and institutional history can lead to poor decisions on the part of the Board and leads to an over-reliance on the General Manager and staff.
- F13.** There is a pronounced lack of public oversight of the FRCD, as shown by poorly attended meetings and few Board candidates.

## **RECOMMENDATIONS**

- R1.** The FRCD Board should review its decision, by December 31, 2019, to alter its basic mission. This action should be taken with an expanded view, educating both the Board and the general public about the differences between Resource Conservation Districts and Water Districts. This review should include the use of outside consultants and expanded public participation and engagement.

- R2.** The FRCD Board of Directors should complete its updated Strategic Plan by June 30, 2020. The new Strategic Plan should include a discussion of its long-term vision and its long-range mission. This discussion should include a comprehensive review of the mission of the FRCD, whether it should continue as an independent district (either as an RCD or a water district) or consolidate with another area water provider (such as SCWA Zone 40).
- R3.** FRCD should consider, by June 30, 2020, a plan to ensure that only those people living within the EGWD boundary are eligible to become Board members. Board members should be elected from within EGWD boundaries to ensure equitable representation of the population served.
- R4.** FRCD should review its actions during the most recent water rate study and rate increase approval, by June 30, 2020, to ensure that such future actions follow the protest period mandated under Proposition 218. Action should be taken to review and amend Board policies to ensure that future rate studies and proposals for rate increases conform to the procedures outlined in Proposition 218.
- R5.** FRCD should review and amend, by December 31, 2019, contracting policies for professional and consultant services to address time limits, types of professional services and other requirements.
- R6.** FRCD should develop, by December 31, 2019, new policies relative to interim contracting for professional services for board approval. Minimize the use of interim contracts and maximize the use of standard contracts using a competitive process for professional services.
- R7.** FRCD should begin, by December 31, 2019, the process of planning and installing flowmeters in its main water transmission lines to monitor for breaks, pressure losses, etc. These monitoring devices should also be connected to an automatic alert system for on-call emergency employees.
- R8.** FRCD should rescind its vote approving health benefits for Board members, by September 30, 2019, since no action has ever been taken to implement them.
- R9.** FRCD should conduct its closed sessions before general Board meetings to ensure the public is notified timely of any actions resulting from those closed sessions. Board bylaws should be updated, by December 31, 2019, to address timing of closed sessions.
- R10.** FRCD should establish policy, by December 31, 2019, to ensure a programmatic on-boarding process for new Board Members that includes both policy and operations. In addition, FRCD should establish, by December 31, 2019, a web-page with Board policies for public review.
- R11.** FRCD should, on an ongoing basis, expand its outreach to its ratepayers, in order to increase their engagement with the business and activities of the district. This could include, but is not limited to, increased inserts with ratepayer's monthly bills, enhanced web interaction, media outreach, such as a periodic column in the Elk Grove Citizen or

other avenues, and practical workshops for ratepayers. FRCD should also engage with both the California Special Districts Association and the Institute for Local Government to learn about any other outreach efforts that are possible.

## **REQUIRED RESPONSES**

Pursuant to Penal Code sections 933 and 933.05 the grand jury requests responses as follows:

From the following elected official within 90 days:

- Florin Resources Conservation District Board of Directors  
Tom Nelson, Chair  
9257 Elk Grove Boulevard  
Elk Grove, California 95624

Mail or hand-deliver a hard copy response to by September 30, 2019 to:

David De Alba, Presiding Judge Sacramento County Superior Court  
720 9<sup>th</sup> Street, Dept. 47  
Sacramento, CA 95814

In addition, please email response to:

Becky Castaneda, Grand Jury Coordinator at castanb@saccourt.com

## **INVITED RESPONSE**

- Sacramento Local Agency Formation Commission  
Donald Lockhart, Executive Director  
1112 I Street, Suite 100  
Sacramento, Ca 95814

Mail or hand-deliver a hard copy response to:

David De Alba, Presiding Judge Sacramento County Superior Court  
720 9<sup>th</sup> Street, Dept. 47  
Sacramento, CA 95814

In addition, please email response to:

Becky Castaneda, Grand Jury Coordinator at castanb@saccourt.com

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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## **GLOSSARY**

**Brown Act** - California Government Code 54950-54959 dictates that governmental meetings be open to the public, with a few exceptions

**CAC** - Community Advisory Committee

**CEQA** - California Environmental Quality Act

**Cortese-Knox Hertzberg** -

**CSDA** - California Special Districts Association

**DLRP** - Division of Land Resource Protection (within the Ca State Dept of Conservation)

**EFCN** - The Environmental Finance Center Network

**EGWD** - Elk Grove Water District

**EGWS** - Elk Grove Water Service

**EGWW** - Elk Grove Water Works

**FRCD** - Florin Resource Conservation District

**FSCD** - Florin Soil Conservation District

**LAFCo** - Local Agency Formation Commission

**MSR** - Municipal Service Review

**Prop 218** - “Right to Vote on Taxes Act,” gave taxpayers the right to vote on local tax increases and required taxpayer approval of property related assessments and fees.

**RCD** - Resource Conservation District

**SCGA** - Sacramento Central Groundwater Authority

**GRAND JURY** - Sacramento County Grand Jury

## **APPENDIX**

**Figure 1** - FRCD and EGWD Boundaries p. 79

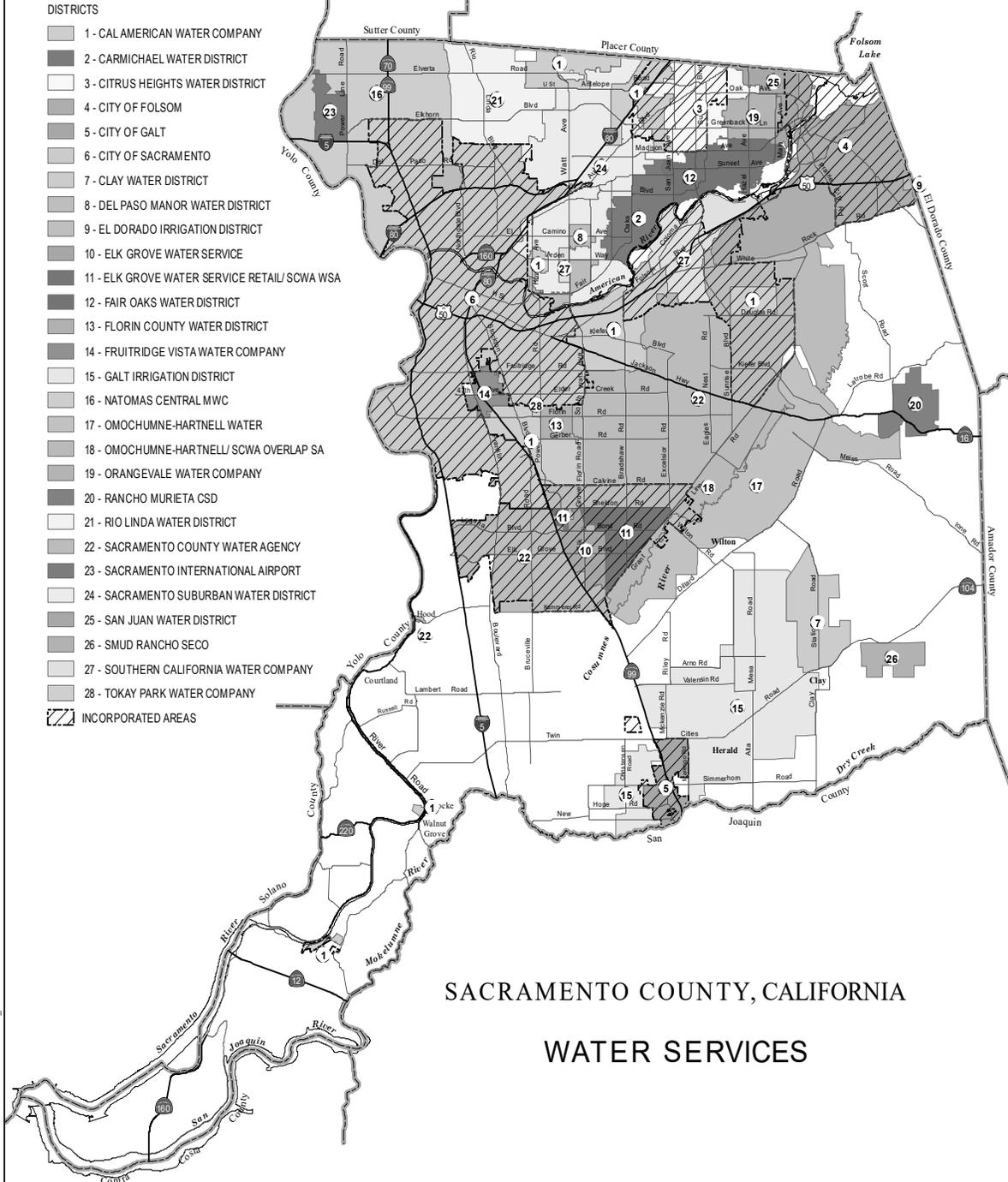
**Figure 2** - Water Districts in Sacramento County p. 92

**Figure 3** - Resource Conservation Districts in Sacramento County p. 93

**Figure 2 Water Districts in Sacramento County**

**DISTRICTS**

- 1 - CAL AMERICAN WATER COMPANY
- 2 - CARMICHAEL WATER DISTRICT
- 3 - CITRUS HEIGHTS WATER DISTRICT
- 4 - CITY OF FOLSOM
- 5 - CITY OF GALT
- 6 - CITY OF SACRAMENTO
- 7 - CLAY WATER DISTRICT
- 8 - DEL PASO MANOR WATER DISTRICT
- 9 - EL DORADO IRRIGATION DISTRICT
- 10 - ELK GROVE WATER SERVICE
- 11 - ELK GROVE WATER SERVICE RETAIL/ SCWA WSA
- 12 - FAIR OAKS WATER DISTRICT
- 13 - FLORIN COUNTY WATER DISTRICT
- 14 - FRUITRIDGE VISTA WATER COMPANY
- 15 - GALT IRRIGATION DISTRICT
- 16 - NATOMAS CENTRAL MWC
- 17 - OMOCHUMNE-HARTNELL WATER
- 18 - OMOCHUMNE-HARTNELL/ SCWA OVERLAP SA
- 19 - ORANGEVALE WATER COMPANY
- 20 - RANCHO MURIETA CSD
- 21 - RIO LINDA WATER DISTRICT
- 22 - SACRAMENTO COUNTY WATER AGENCY
- 23 - SACRAMENTO INTERNATIONAL AIRPORT
- 24 - SACRAMENTO SUBURBAN WATER DISTRICT
- 25 - SAN JUAN WATER DISTRICT
- 26 - SMUD RANCHO SECO
- 27 - SOUTHERN CALIFORNIA WATER COMPANY
- 28 - TOKAY PARK WATER COMPANY
-  INCORPORATED AREAS

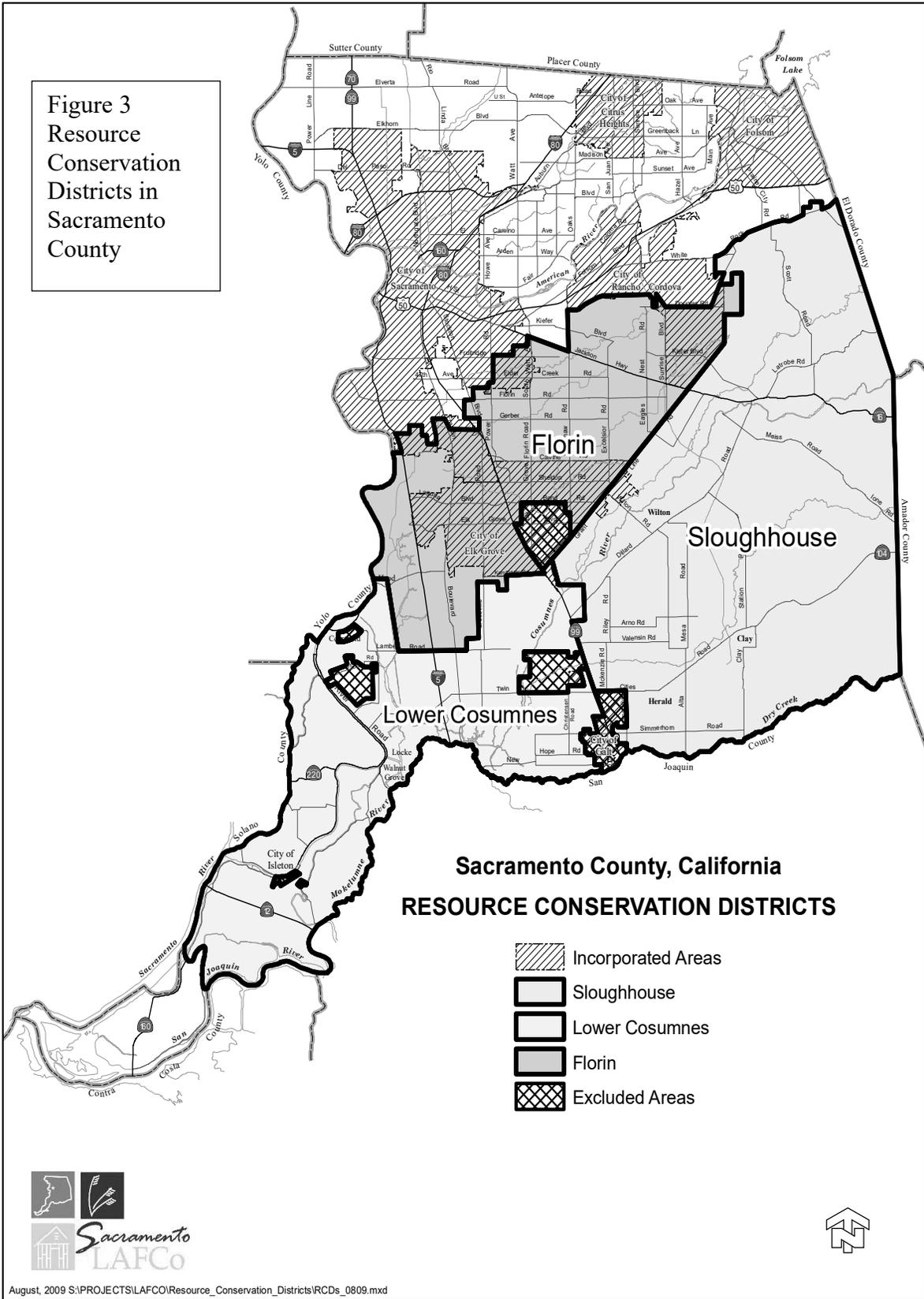


**SACRAMENTO COUNTY, CALIFORNIA  
WATER SERVICES**

January 11, 2018: MAPS:PDF:3LAFCO DISTRICTS:Water Districts:Water Districts\_0809.mxd



Figure 3  
Resource  
Conservation  
Districts in  
Sacramento  
County



## Endnotes:

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<sup>1</sup>Elk Grove Water District. Board of Directors Meeting. Minutes, April 18, 2018. <https://www.egwd.org>.

<sup>2</sup> California Legislative Information. California Law. Public Resources Code – PRC.

<http://leginfo.legislature.ca.gov>.

<sup>3</sup> Sacramento LAFCo. Municipal Service Reviews. “Florin Resource Conservation District/Elk Grove Water District.” <http://www.saclafco.org>.

<sup>4</sup> Elk Grove Water District. Board of Directors Meeting. Minutes. April 18, 2018. <https://www.egwd.org>.

<sup>5</sup> California Legislative Information. California Law. Water Code, Division 12, Part 3, Chapter 1, Article 1, Section 30500. <http://leginfo.legislature.ca.gov>.

<sup>6</sup> Ibid, Public Resource Code, Division 9, Chapter 3, Article 8, Section 9352 (b).

<sup>7</sup> Ibid. California Law, Water Code, Division 12, Part 3, Chapter 1, Article 1, Section 30500.

<sup>8</sup> Ibid. California Constitution.

<sup>9</sup> Elk Grove Water District. Board of Directors Meeting. Minutes. May, 16, 2018. <https://www.egwd.org>.

<sup>10</sup> Elk Grove Water District. Operating Budget. 2018-19. <https://www.egwd.org>.

<sup>11</sup> Elk Grove Water District. Board of Directors Meeting. Board Packet. June 18, 2018. <https://www.egwd.org>

<sup>12</sup> Elk Grove Water District. Board of Directors Meeting. Board Packet. November 14, 2018. <https://www.egwd.org>

<sup>13</sup> Ibid.

<sup>14</sup> California Legislative Information. California Law. Cal. Gov't Code § 37103. <http://leginfo.legislature.ca.gov>

<sup>15</sup> Little Hoover Commission Report #239, August 2017.

<sup>16</sup> Ibid, 36-37.

# **PUBLIC CONFINEMENT REVIEW**

## **BACKGROUND**

The California Penal Code Section 919 (b) requires each county grand jury within the State of California to inquire into the condition and management of the public prisons within their respective counties. To meet this obligation the 2018-2019 Sacramento County Grand Jury inspected the facilities and was briefed by the management staff on operations at all six confinement facilities within the county.

## **METHODOLOGY**

The Grand Jury visited all detention facilities within Sacramento County and the Sacramento County Work Release Division. Prior to and after scheduled visits, the Grand Jury reviewed demographic and facility data from publications provided during the visits and from other research sources. During each facility tour, the Grand Jury was briefed by staff on operations. At several toured facilities, the Grand Jury members were permitted to meet informally with inmates. Discussions with the inmates centered on aspects of incarceration and rehabilitation programs.

### **Facilities Visited**

The Grand Jury conducted site visits at all detention and other facilities listed below within Sacramento County:

- Sacramento County Main Jail
- Sacramento County Rio Cosumnes Correctional Center
- Sacramento County Work Release Division
- Sacramento County Youth Detention Facility
- Folsom State Prison
- California State Prison-Sacramento
- Folsom Women's Facility

## **FACILITY DISCUSSION**

### **Sacramento County Main Jail Tour, August 24, 2018**

According to data presented to the Grand Jury by the Sheriff, the Sacramento County Main Jail's mission is to ensure public safety by the secure detention of those persons in their custody and to ensure the detainees are provided a safe and humane environment with treatment consistent toward that end.

The facility was completed in 1989 consisting of two nine-story towers with a design population capacity of 2,380 and an operating capacity of 2,432. Seven floors are for the housing of inmates while the remaining two floors are dedicated to Superior Court and Jail Administration support space.

Data provided by the Sheriff's staff indicated that as of July 2018, the average daily population based on the previous fiscal year was 1,977, of which 88 percent were men. The total authorized

staffing includes 375 positions of which 256 are sworn officers and 119 are support staff. An August 19, 2018 report, stated there were 43 vacancies consisting of 23 Sheriff and 20 support staff personnel. Command staff indicated sworn personnel shortages had been mitigated through the use of overtime. There were no adverse conditions or management issues noted by the Grand Jury members.

### **Rio Cosumnes Correctional Center Tour, September 7, 2018**

According to their website, “Rio Cosumnes Correctional Center (RCCC) houses inmates sentenced to county jail as determined by the Sacramento County Courts.”<sup>1</sup> Staff indicated it functions as the overflow facility when the Sacramento County Main Jail exceeds its capacity. Originally built in 1960 to house 750 inmates in barracks, RCCC’s current daily population ranges from 1,600-2,000 inmates. There are 1,450 minimum, medium and maximum-security male inmates. The 200 female inmates are classified as minimum and medium security.

A local newspaper reported on April 26, 2019 that, “The Sacramento County Board of Supervisors authorized the County to solicit bids for an \$89.3 million seven-building, 86,000 square-foot project next to the existing Rio Cosumnes Correctional Center. The new buildings will house medical, rehabilitation and support services: twenty-six medical and mental health beds, a pharmacy, a clinic and infirmary, classrooms, a culinary arts room, a vocational shop building, a laundry and a warehouse and other ancillary support buildings.”<sup>2</sup> This project is estimated to be completed in 2021.

During the tour, deficiencies in the antiquated facilities were pointed out to the Grand Jury and were described as: a decaying perimeter fence area, limited mental health space, limited space for vocational training, and the use of a trailer building for training. Center staff indicated one of the greatest challenges they currently faced, was in the area of medical and mental health space. This challenge was in part mitigated through the use of space not original designed for medical or mental health purposes. While the adverse conditions were noted, the subsequent construction of the new facilities will alleviate most conditions. No management issues were noted by the Grand Jury members.

### **Sacramento County Work Release Division, September 14, 2018**

While the Work Release Division (WRD) does not house inmates, its mission is to, “Provide quality alternative correctional programs for convicted offenders in Sacramento County by working in partnership with local entities such as government agencies, the citizens of the community and local public organizations.”<sup>3</sup>

Various alternative sentencing programs have been attempted during previous decades. Currently, Sacramento County’s program is described as, “The Work Release Division is Sacramento County’s alternative sentencing program for inmates. It allows qualified inmates to serve their sentences on electronically monitored Home Detention, or by participating in community work projects. Inmate counts usually range from 1,500-1,800 assigned on Work Project at any given time, while the home detention count is approximately 250.”<sup>4</sup> “Through a longstanding commitment to effectively manage the inmate population by utilizing the least restrictive means of incarceration, 22 percent of the Sacramento County inmate population are participants in the Sheriff’s Work Project or Home Detention.”<sup>5</sup> The Home Detention Unit was

expanded at the end of 2012 to include a Supervised Own Recognizance (O/R) Program for pretrial inmates. “This program utilizes electronic monitoring and guidelines similar to those already in place for sentenced Home Detention participants.”<sup>6</sup>

The Sheriff’s Work Project has evolved into one of the largest alternative programs in the nation. The current average number of inmates participating in the program is over 1,000 a week. The labor provided by inmate work crews is valued at over \$5 million per year. “The program is a valuable tool for the criminal justice system which benefits our community by alleviating overcrowding in jails and reducing jail expenses to taxpayers.”<sup>7</sup> There were no adverse conditions or management issues noted by the Grand Jury members.

### **Sacramento County Youth Detention Facility Tour, September 21, 2018**

Historically, Sacramento County utilized various approaches to youth incarceration and detention. Today, “Youth offenders who have been arrested, booked, and determined to be a risk to the community, are detained at the Sacramento County Youth Detention Facility (YDF),”<sup>8</sup> operated by the Sacramento County Probation Department. The YDF has a design population capacity of 426 with an average daily population of 140 last reported in 2018. Due to the efforts of the Sacramento County Probation Department’s use of diversion programs, community services programs, along with home supervision as an alternative to detention, incarcerated population have declined in the last several years. There were no adverse conditions or management issues noted by the Grand Jury members.

### **Folsom State Prison Tour, September 28, 2018**

According to prison officials and data provided the Grand Jury, Folsom State Prison (FSP) was built in 1880, is the state’s second oldest prison and currently houses minimum security male inmates. The reported inmate population on June 6, 2018, was 2,339, beyond the design population capacity of 2,066. Prison staff and media outlets both report The Public Safety Realignment Act of 2011 (AB 109) has helped with alleviating overcrowding. As well, FSP has a low number of administrative appeals compared to the rest of the state. These appeals relate to possible release dates pursuant to Proposition 57 which mandated inmate early release for non-violent offenses. The Proposition also stresses inmate training and preparedness for ultimate societal reintegration. The facility appeared to be fulfilling its obligation in the areas of training and inmate reintegration. Lastly, in 2018, FSP completed a new intermediate healthcare clinic which provides on-site nursing, and primary medical and dental care. There were no adverse conditions or management issues noted by the Grand Jury members.

### **Folsom Women’s Facility Tour, September 28, 2018**

Opened in January 2013, the Folsom Women’s Facility (FWF) was created to provide the re-entry needs of the lowest-risk female offenders in California. The facility has a design population capacity of 403. On average, the population is near or above that capacity. Level I through III inmates with a prison sentence of five or fewer years are incarcerated at FWF. The inmates are afforded various re-entry programs including education, career technical training, self-help courses, activity groups and physical fitness. The self-contained facility is located on a 1,200-acre site which also includes Folsom Prison (FSP) and California State Prison, Sacramento

(CSP-Sac). There were no adverse conditions or management issues noted by the Grand Jury Members.

### **California State Prison-Sacramento Tour, October 19, 2018**

“California State Prison-Sacramento (CSP-Sac) first opened in 1986 as New Folsom Prison. In 1992 its name was changed to California State Prison-Sacramento. It was originally designed as an 1,828-bed high security prison to house inmates serving life sentences without parole. The average population is 2,000 inmates. Currently, it serves primarily as a Level IV (high security) prison with three exercise yards and a stand-alone Administrative Segregation Unit. In addition, there is a Level I Minimum Support Facility which houses 150 inmates. Located on 882 acres, CSP-Sac is part of a larger complex that includes Folsom State Prison and Folsom Women’s Facility.”<sup>9</sup> There were no adverse conditions or management issues noted by the Grand Jury Members.

## Endnotes:

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<sup>1</sup> Sacramento County. Sacramento County Sheriff's Department. Rio Cosumnes Correctional Center (RCCC). (website). [www.sacsheriff.com/Pages/Organization/RCCC/RCCC.aspx](http://www.sacsheriff.com/Pages/Organization/RCCC/RCCC.aspx).

<sup>2</sup> Yoon-Hendricks, Alexandra. "\$89M expansion set for Sacramento County jail. Here's why the need is called 'critical'." April 26, 2019. <https://www.sacbee.com/news/local/article229633559.html>.

<sup>3</sup> Sacramento County. Sacramento County Sheriff's Department. Work Release Division. (website). [https://www.sacsheriff.com/Pages/Organization/Work\\_Release/WorkRelease.aspx](https://www.sacsheriff.com/Pages/Organization/Work_Release/WorkRelease.aspx).

<sup>4</sup> Ibid.

<sup>5</sup> Jones, Scott R. *Strategies for success: A Proactive Response to Public Safety Realignment*. p. 10. <https://www.sacsheriff.com/Pages/Organization/Documents/Strategies%20for%20Success%20web.pdf>.

<sup>6</sup> Ibid, p. 13.

<sup>7</sup> Ibid, p. 16.

<sup>8</sup> Sacramento County. Juvenile Hall (Youth Detention Facility) – Probation Department Services. (website). <http://www.saccounty.net/services/Pages/Juvenile-Hall-Youth-Detention-Facility-Probation-Department-Services-.aspx>.

<sup>9</sup> Grand Jury Sacramento County. Grand Jury Final Reports. (website). 2017-2018. pp. 66, 67. <http://www.sacgrandjury.org/reports/reports.asp>.



# REVIEW OF RESPONSES TO THE 2017-2018 GRAND JURY REPORTS

The *2017-2018 Sacramento County Grand Jury Final Report* contained five investigative reports that required responses from various governing boards and elected officials in Sacramento County.

The 2018-2019 Sacramento County Grand Jury reviewed the responses to these reports submitted by the identified government entities for compliance with the requirements in Penal Code Sections 933 and 933.05.

The full version of the *2017-2018 Sacramento County Grand Jury Final Report* and the submitted responses can be found at the Sacramento County Grand Jury website, [www.sacgrandjury.org](http://www.sacgrandjury.org)

## 1. Is There a Home for Every Foster Child?

### REASON FOR INVESTIGATION

The 2017-2018 Sacramento County Grand Jury conducted an investigation of the foster care system in Sacramento, focusing on the Centralized Placement Support Unit (CPSU), which is an intake center licensed to house children for up to 24 hours. The Grand Jury also looked into the entities that work with CPSU as part of the overall foster care youth intake process.

### 2017-2018 FINDINGS

- F1. CPSU has experienced, compassionate and dedicated staff whose priority is the welfare of the children they serve.
- F2. The current location of the CPSU is in a high crime neighborhood that places CPSU staff and traumatized youths in undue danger.
- F3. Since the enactment of SB 855 in 2014, no measurable progress has been made to find suitable options that address the unique treatment and placement needs of the expanded population of high risk children.
- F4. There is a lack of communication on spending priorities between senior management and the needs of the service providers.
- F5. CPS and DHHS are still focused on ineffective recruitment strategies rather than considering innovative approaches to gain more placement models for the expanded population it serves.
- F6. CPS personnel hired to recruit placement opportunities for children are unable to focus their efforts due to other job activities.

## 2017-2018 RECOMMENDATIONS

- R1. Acknowledge the social workers and supervisors of the CPSU for their outstanding service and dedication.
- R2. Relocate the CPSU to a safer environment.
- R3. Develop a plan and accelerated timeline to increase placement options for all children with immediate needs and children requiring Short Term Residential Treatment Centers.
- R4. Senior management needs to improve transparency and open communication between county policy makers and service providers so that budget allocations better match the needs of Sacramento County foster children.
- R5. Create an analytical model that compares cost effectiveness, resulting in the ability to pro-actively develop and implement alternative models.
- R6. Determine the necessary hiring or utilization of existing staff to allow recruiters to focus exclusively on placement opportunities for children.

## 2017-2018 RESPONSES

The Sacramento County Executive provided responses to the findings and recommendations noted above on September 11, 2018. The Sacramento County Board of Supervisors agrees with all responses provided by the County Executive.

The 2018-2019 Sacramento County Grand Jury notes that the required responses are in compliance with PC Section 933 and PC Section 933.05.

The Sacramento County Executive reported the following actions:

- R1. *The recommendation has been implemented.* The department supports CPS in its acknowledgement and appreciation of the important, difficult, and sometimes dangerous work CPS staff members perform on a daily basis.
- R2. *The recommendation requires further analysis.* CPS has moved several CPS staff away from the CRH site and is researching plans to take children to other locations for assessment. During the next six months, CPS will complete its analysis of the feasibility of relocating CPSU to a safer environment.
- R3. *The recommendation is being implemented.* CPS continues to work with its foster family agency (FFA); group home; Short-Term Residential Therapeutic Program (STRTP); County resource home; relative caregiver; and non-related, extended family member providers to help develop solutions.

- R4. *The recommendation has been implemented.* Please refer to CPS activities related to the Title IV-E Waiver, FPRRS funding opportunity and on-going monthly meetings with service providers referenced in response to Finding 4 above.
- R5. *The recommendation has not yet been implemented, but will be implemented in the future.* Not enough time has passed since the passage of CCR legislation to develop an analytical model that compares the cost effectiveness of the alternative models. Sacramento County CPS cannot develop service models independent of the regulations set forth by the State of California.
- R6. *The recommendation has been implemented.* CPS has begun transitioning the Recruiters/Trainers away from non-recruitment activities as well as utilizing staff throughout the department to help with recruitment

## **2. Strengthening the Internal Audit Functions of Sacramento County**

### **REASON FOR INVESTIGATION**

The 2017-2018 Sacramento County Grand Jury conducted an investigation of Sacramento County's internal audit process. The focus was on "best practices" which could be incorporated into Sacramento County operations.

### **2017-2018 FINDINGS**

- F1. The Sacramento County Internal Audit Unit lacks the necessary independence to perform operational audits and report their findings directly to the Board of Supervisors.
- F2. Sacramento County lacks a process for independent outside operational audits.
- F3. There is a lack of public transparency in the current audit process.
- F4. Current staffing levels are not at maximum strength and are not sufficient to undertake an increased role in performing internal operational audits.
- F5. Sacramento County currently lacks staff in the audit section with the breadth of experience or broader education to also process operational audits, in addition to financial audits.
- F6. Audit reports that are available to the public are often written to address specific accounting and legal needs and are not readily understandable to the public.
- F7. The Audit Committee is comprised of department heads.
- F8. The Internal Audit Unit, as well as the Department of Finance as a whole, are understaffed in IT support.

## **2017-2018 RECOMMENDATIONS**

- R1. Create an elected position of County Auditor. Remove the Internal Audit Unit from the Department of Finance, eliminating unnecessary levels of supervision.
- R2. Emphasize independent operational audits to review processes and procedures. Emphasize Risk Assessment Modeling to develop operational audits and scheduling.
- R3. Establish a strong mission statement and objectives for the Internal Audit Unit. The County should work to improve its website and to support it.
- R4. Staffing increases are necessary to also undertake operational audit workloads.
- R5. Hire and retain staff with a wide breadth of education and experience that they can bring to operational and process audits.
- R6. Make all reports more transparent to the public, particularly the readability and accessibility of completed operational and performance audits.
- R7. Maintain and expand the Audit Committee to include one or two members of the Board of Supervisors. The Board should also consider appointing members of the public to the Audit Committee.
- R8. Improve information technology support for the Internal Audit Unit and the Department of Finance.
- R9. The County Auditor should be a permanent member of the COMPASS Steering Committee.

## **2017-2018 RESPONSES**

The Sacramento County Executive provided responses to the finding and recommendations noted above on September 11, 2018. The Sacramento County Board of Supervisors agrees with all responses made by the County Executive.

The 2018-2019 Sacramento County Grand Jury notes that the required responses are in compliance with PC Section 933 and PC Section 933.05.

The Sacramento County Executive reported the following actions:

- R1. *The recommendation will not be implemented because it is not reasonable* for the County to create an elected Auditor position. In 1996, the voters of Sacramento County approved Measure C which changed the County Charter to remove the County Auditor from the elected list of county officers. In addition, Measure C revised the County Charter to consolidate the offices of Auditor and Treasurer into the newly created office of the Director of Finance, which is an appointed position.

- R2. *The recommendation has been implemented.* The County has developed a “Risk Assessment Study and Audit Plan”. The risk based operational tool is used as a guide for the Department of Finance Management (Director of Finance, Assistant Auditor-Controller and IAU managers) to prepare the annual Audit Plan.
- R3. *The recommendation has been implemented.* The Department of Finance website has long standing statements pertaining to vision, mission and value statements.
- R4. *The recommendation requires further analysis that will be completed within the next six months.* The Department of Finance will examine workloads, timeline and requirements to determine appropriate staffing levels.
- R5. *The recommendation has been implemented.* Current audit staff have the necessary education, training and experience to complete audits including operational audits.
- R6. *The recommendation has not yet been implemented,* but is in the process of being implemented. Audit reports are available on the County’s Open Data Portal which allows for improved search and sort functionality.
- R7. *The recommendation requires further analysis that will be completed in the next six months.* Sacramento County is making its first steps to transform the internal audit function, and is working to improve the audit reporting structure and processes.
- R8. *The recommendation has been implemented.* The IAU is a unit within the Department of Finance (DOF) and has access to use the Department of Technology (DTECH) through service requests and various user groups.
- R9. *The recommendation has been implemented.* The Director of Finance (County Auditor) has historically been and is a member of the COMPASS Steering Committee.

### **3. Cosumnes Fire Department: “Second Chance to Make it Right”- School Inspections**

#### **REASON FOR INVESTIGATION**

The 2017-2018 Sacramento County Grand Jury opened an investigation into the Cosumnes Fire Department (CFD), specifically for its responsibility to oversee Fire & Life Safety inspections of schools within its jurisdiction. The report looked at the fire code compliance inspection process as it relates to high schools within the fire district.

#### **2017-2018 FINDINGS**

- F1. CFD has an ongoing lack of focus, priority and accountability in regard to inspections.
- F2. There is a lack of documentation of inspections and re-inspections.
- F3. Previously purchased Image Trend software has not been fully implemented.

- F4. Review of data received on high school re-inspections indicates 70% non-compliance.
- F5. There is no incentive for schools to resolve listed violations due to lack of CFD enforcement. Not correcting these violations increases the risk to children in Elk Grove and Galt school districts.

### **2017-2018 RECOMMENDATIONS**

- R1. Amend the job description for the Fire Marshal to include responsibility and accountability for California Fire Code required inspections and implement scheduled rotation of all inspectors through all job inspection classifications.
- R2. Establish and develop a training program for all applicable personnel and a staff of fully trained professionals to ensure continuity in the processing of the documents.
- R3. Fully implement Image Trend software to improve documentation of inspections and re-inspections.
- R4. School administration needs to be actively involved in the remediation of noted violations.
- R5. CFD should process unresolved violations after re-inspections by issuance of citations.

### **2017-2018 RESPONSES**

The Cosumnes Fire Department provided responses to findings (F1, F2, F3 and F5) and recommendations (R1, R2, R3 and R5) on September 24, 2018. By resolution, the Cosumnes Community Services District Board of Directors concurred with all responses made by the fire department.

The 2018-2019 Sacramento County Grand Jury notes that the required responses are in compliance with PC Section 933 and PC Section 933.05.

The Cosumnes Fire Department reported the following actions:

- R1. *The CFD is in concurrence with this recommendation* and will be implemented by the end of December 2018.
- R2. *The CFD is in non-concurrence with this recommendation.* The lack of documentation stemmed from inspections and re-inspections not being completed, not a lack of training or trained personnel.
- R3. *The CFD is in concurrence with this recommendation.* On July 16, 2018, the ImageTrend software implemented.
- R5. *The CFD is in concurrence with this recommendation.*

The Elk Grove Unified School District (EGUSD) provided responses to finding F4 and recommendation R4 above on September 19, 2018.

The 2018-2019 Sacramento County Grand Jury notes that the required responses are in compliance with PC Section 933 and PC Section 933.05.

The Cosumnes Fire Department reported the following actions:

- R4. *The EGUSD is in concurrence with this recommendation and it has been implemented.* EGUSD and CFD have worked collaboratively to establish procedures and practices to ensure that the Administration is actively involved with not only the remediation of violations but all fire inspections reports.

The Galt Joint Union High School District (GJUHSD) provided responses to finding F4 and recommendation R4 on September 27, 2018.

The 2018-2019 Sacramento County Grand Jury notes that the required response was in compliance with PC Section 933. However, the response is not in compliance with PC Section 933.05. The GJUHSD did not include specific language required either agreeing or wholly or partially disagreeing with the finding. The format for responding to the recommendation as stated in PC Section 933.05 was not followed.

- R4. The GJUHSD places student and public safety as ongoing and high priority. For this purpose, additional emphasis has been focused in collaboration with Cosumnes Fire District Staff over the last two years to ensure the district facilities are within fire compliance and safe for occupants. Whenever there is an area (or areas) of concern, a District Work Order is generated in a timely manner to resolve and issues that can be corrected in-house. If necessary, a contractor and vendors are retained while staff maintains ongoing discussions with the inspector to ensure compliance.

#### **4. A Tarnished Jewel: Status of Illegal Camping on the American River Parkway**

##### **REASON FOR INVESTIGATION**

The 2017-2018 Sacramento Grand Jury conducted an investigation regarding illegal camping on the American River Parkway. Due to increased illegal camping in recent years, the Parkway is unable to be fully utilized. The report examined the adverse impacts of illegal camping and the current efforts to address them.

##### **2017-2018 FINDINGS**

- F1. An inordinate amount of the money and effort spent on the parkway is a result of the approximate 200 illegal campers on the parkway.
- F2. Current ordinances do not act as an effective deterrent to illegal camping in the parkway.

##### **2017-2018 RECOMMENDATIONS**

- R1. The focus should be on the removal of the estimated 100 “service resistant” campers on the parkway.

R2. A carefully crafted “stay-away” ordinance should be considered by both the City of Sacramento and the County of Sacramento.

## 2017-2018 RESPONSES

The Sacramento City Manager provided responses to findings and recommendations noted above on November 21, 2018. The Mayor and the Sacramento City Council approved the responses at the City Council meeting on November 20, 2018.

The 2018-2019 Sacramento County Grand Jury notes that the required responses did not comply with the timeliness requirement outlined in PC Section 933. The required responses did comply with PC Section 933.05.

The Sacramento City Manager reported the following actions:

- R1. *The recommendation has been implemented.* The City has already implemented programs to address homelessness and illegal camping within City limits, although not in the manner recommended here. These efforts have included, as appropriate, removing illegal campers from the parkway, but the City anticipates utilizing a more holistic approach to accomplishing our citywide goals.
- R2. *The recommendation will not be implemented.* The City already has an illegal camping ordinance which provides the “balanced options” referenced in the grand jury report. In performing “compassionate policing”, Sacramento police officer attempt to put homeless individuals in contact with mental health, housing and other service providers.

The Sacramento County Executive provided responses to the findings and recommendations noted above on September 11, 2018. The Sacramento County Board of Supervisors agrees with all responses made by the County Executive.

The 2018-2019 Sacramento County Grand Jury notes that the required responses are in compliance with PC Section 933 and PC Section 933.05.

The Sacramento County Executive reported the following actions:

- R1. *The recommendation has been implemented.* As part of the Parkway Initiatives funded last year, Park Rangers are working in tandem with the County’s Department of Human Assistance staff and the non profit Sacramento Self Help Housing to place illegal campers in rental homes which serve as shelters until permanent housing can be arranged. Participants receive services such as health care, obtaining official documents including identification cards, driver’s licenses, birth certificates or social security cards.
- R2. *The recommendation will not be implemented.* The City currently has a “stay away” ordinance, which is not being utilized to the extent it has been in the past. The County believes it would be impulsive and counterproductive to pursue a similar “stay away” ordinance at this time. Adequate time must be given for the Parkway and Homeless

Assistance Initiatives to address the most vulnerable and service resistant illegal campers on the Parkway, as per Recommendation 1, cited above.

## **5. Middle of the Night Jail Releases: Balancing Safety and Jail Processing Concerns**

### **REASON FOR INVESTIGATION**

The 2017-2018 Sacramento County Grand Jury conducted an investigation to minimize the number of middle of the night releases from the Sacramento County Jail and to reduce potential safety problems for the person being released and for the community.

### **2017-2018 FINDINGS**

- F1. The new jail management system (ATIMS) being implemented in the Jail will modernize and make more efficient all jail operations from intake to release.
- F2. Until the ATIMS system becomes operational, the Jail continues to process releases without regard to the time of release. This results in more than necessary late-night releases occurring on a daily basis.
- F3. There may be inconsistencies within the different shifts regarding how Court Ordered Releases (COR) are processed by Jail desk personnel and given to release officers. The chain of command, including who is responsible, is not defined.
- F4. The Jail has no written checklist type system in place to inform inmates of their options upon release.
- F5. The Jail does not have a taxi service contract or taxi voucher system that would provide persons being released in the middle of the night with the free option of a taxi service.
- F6. The present debit card system is not user friendly, does not offer a cash option, and may result in a service charge. Further, use of the system may result in the loss of amounts under \$20.

### **2017-2018 RECOMMENDATIONS**

- R1. Implementation of the new ATIMS system should be expedited and specifically be aimed at minimizing late night releases.
- R2. Until implementation of ATIMS, steps should be taken to minimize late night jail releases as recommended.
- R3. Existing written instructions on processing CORs should be updated with a goal of processing such releases consistently and as quickly as possible.

- R4. A written or electronic checklist-type release form should be developed and utilized to fully inform persons being released of their options during the late night hours to incorporate all suggestions previously noted.
- R5. The County should contract or use a voucher system to provide a taxi service option for late night releases.
- R6. The existing debit card system should be reviewed, with the aim of making it more user friendly. Persons being released should be given cash if their balances are less than \$20

## **2017-2018 RESPONSES**

The Sacramento County Sheriff provided responses to the findings and recommendations noted above on September 11, 2018.

The 2018-2019 Sacramento County Grand Jury notes that the required responses are in compliance with PC Section 933 and PC Section 933.05.

The Sacramento County Sheriff reported the following actions:

- R1. *The recommendation will not be implemented because it is not reasonable.* The Sheriff's Department is working diligently with ATIMS developers to implement the new jail management system in accordance with a set schedule that has been created by industry experts. New software will not change the requirements for release of inmates nor will it replace the need for more personnel to perform necessary work to accurately calculate and confirm each scheduled release.
- R2. *The recommendation has been implemented.* The Sheriff's Department must maintain compliance with a court-ordered consent decree and section 853.6 of the Penal Code. All arrestees booked with only misdemeanor warrants shall be issued a citation and released, unless judges' remarks indicate otherwise. The Sheriff's Department attempts to minimize late night releases.
- R3. *The recommendation has not yet been implemented* but will be addressed in the release of the ATIMS system.
- R4. *The recommendation has not yet been implemented* but will be addressed in the near future. The Sheriff's Department is working with the Department of Health and Human Services and is working to develop signage for inmates in the release tank to access the County's 211 system.
- R5. *The recommendation has not yet been implemented.* The Sheriff's Department believes this recommendation should involve a discussion with County leadership to contemplate the facilitation and financing of such a venture.
- R6. *The recommendation will not be implemented because it is not reasonable.* The Sheriff's Department does not keep cash on hand. This would require an increase in staffing in order to comply with the County's policy on separation of duties with cash handling.

# Sacramento County Grand Jury Complaint Process

## General Information

A major function of the Sacramento County Grand Jury is to examine local county and city government, special districts, school districts, and any joint powers agency located in the county to ensure their duties are being carried out lawfully.

### The Grand Jury:

- May review and evaluate procedures used by these entities to determine whether more efficient and economical methods may be employed;
- May inspect an audit the books, records and financial expenditures as noted above to ensure that public funds are properly accounted for and legally spent;
- May investigate any charges of willful misconduct in office by public officials;
- Shall inquire into the condition and management of the public prisons within the county.

Anyone may ask the Grand Jury to conduct an investigation of any issue within its jurisdiction. Whether it chooses to investigate such a complaint is entirely in its discretion and may be affected by workload, resource limitations or legal restrictions.

By law, the proceedings of the Grand Jury are confidential. The findings and recommendations of those complaints and issues it chooses to address are published in its final report.

## Complaint Process

- Present your complaint as soon as possible. The Grand Jury's term of service begins July 1st and ends June 30th of the following year.
- Identify your specific concern and describe the circumstances as clearly and concisely as possible.
- Document your complaint with copies of pertinent information and evidence in your possession.
- A copy of the Grand Jury Complaint Form may be found at <http://www.sacgrandjury.org/documents/complaint.asp>
- Mail or deliver your complaint in a sealed envelope to:  
Sacramento County Grand Jury  
720 9th Street, Room 611  
Sacramento, CA 95814

Among the responsibilities of the Grand Jury is the investigation of the public's complaints to assure that all branches of city and county government are being administered efficiently, honestly and in the best interest of its citizens.

Complaints submitted to the Grand Jury will be treated confidentially whenever possible. However, it may be impossible to conduct an investigation without revealing your name and complaint.

The results of the complaints investigated by the Grand Jury are published in its final report in which the residents of the county are made aware of its investigations, findings and recommendations, and the entities reported on are required by statute to respond.

# GRAND JURY COMPLAINT FORM

**PERSON OR AGENCY ABOUT WHICH COMPLAINT IS MADE**

NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 \_\_\_\_\_  
 TELEPHONE NUMBER: \_\_\_\_\_

**GRAND JURY USE ONLY:**

Date Received: \_\_\_\_\_  
 Number: \_\_\_\_\_  
 Subject: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**NATURE OF COMPLAINT** (Describe events in the order they occurred as clearly and concisely as possible. Also indicate what resolution you are seeking. Use extra sheets if necessary and attach copies of any correspondence you feel is pertinent. Documentation becomes the property of the Grand Jury and will not be returned. *Please note: The Sacramento County Grand Jury has no jurisdiction over state or federal agencies, the courts, judicial officers, private companies or most organizations.*)

**WHAT PERSONS OR AGENCIES HAVE YOU CONTACTED ABOUT YOUR COMPLAINT?**

Person or Agency	Address	Date of Contact	Result

**WHO SHOULD THE GRAND JURY CONTACT ABOUT THIS MATTER?**

Person or Agency	Address	Telephone No.

YOUR NAME: \_\_\_\_\_ DRIVER'S LICENSE NO.: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 TELEPHONE NO.: \_\_\_\_\_

The information I have submitted on this form is true, correct and complete to the best of my knowledge.

\_\_\_\_\_  
 Complainant's Signature \_\_\_\_\_  
 Date

(This blank form may be duplicated.)







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