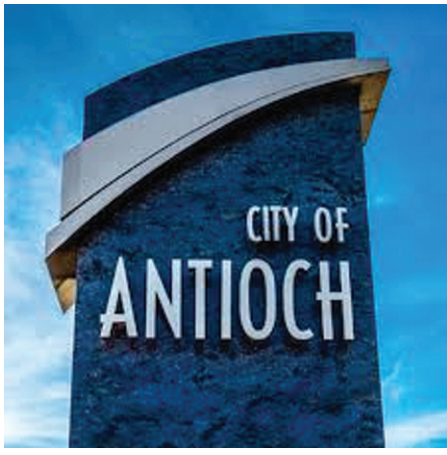


Contra Costa County Civil Grand Jury Report Summaries 2023-2024

Challenges Facing the City of Antioch

Antioch is a dynamic and diverse city that faces a number of challenges, including high turnover in City leadership, a City employee vacancy rate that is four-times the national average, and possible Brown Act violations by the Mayor and certain City Council members. Hiring and retaining an experienced and qualified City Manager, a process that is currently underway, will be an important first step in addressing these challenges, but more needs to be done. (See page 4)



The Community Warning System: Will Everyone Get a Warning?

In the 2017 Wine Country fires and the 2018 Camp Fire warning systems in those counties failed to alert people for various reasons. Could that happen with the Contra Costa County warning system too? The Grand Jury investigated risks that the Contra Costa County warning system could also fail, and found areas for improvement that may get warnings out to more people sooner. (See page 5)



Does DCD Utilize Best Practices to Enforce Disability Accessibility Standards?

Businesses are required to make their facilities accessible to people with disabilities. The California Construction-Related Accessibility Standards Compliance Act, the Americans with Disabilities Act (ADA), along with other statutes, help California businesses comply with state and federal accessibility standards. After investigation, the Grand Jury recommends the Board of Supervisors pursue whether DCD is enforcing accessibility standards in its commercial buildings. (See page 6)



Petroleum Refineries and Hazardous Material Releases

Contra Costa County is home to two major petroleum refineries as well as other businesses that employ hazardous materials in their operations. These materials can pose a significant health risk to the surrounding community if not properly maintained. The Hazardous Materials Division of Contra Costa Health Services has the responsibility to monitor the use of these hazardous materials through periodic inspections and to respond to any accidental release of hazardous materials

that does occur. The Grand Jury has investigated the procedures used for these important health and safety responsibilities and has determined that additional staff are needed at Contra Costa Health Services to improve their ability to quickly and fully respond to emergencies. Also, the Community Warning System presently used to advise and warn residents when accidental hazardous material releases occur should be modified in a way to reach more residents. (See page 6)



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Back row left to right: Christopher Rayner, Dr. John Anderson, Michael Davidson, William Faoro, Peter Appert, Richard Patterson, Ron Irelan, Weldon Theobald
 Front row left to right: Maria Del Carmen Torralba, Maureen Woelffer, Karen O'Neil, Georgia Addison, Hon. Judge Terri Mockler, Joanne Sarmento, Elizabeth Berke-Dreyfuss, Susan Rainey, Julee Matt-Hamilton

A Letter from the Civil Grand Jury Foreperson

Dear Judge Mockler,

On behalf of the 2023-2024 Contra Costa County Civil Grand Jury, I am honored to present to you and the citizens of Contra Costa County the Grand Jury's final reports. The reports contain our findings and recommendations regarding government agencies within our jurisdiction. We hope these reports will help inform the public and contribute to improved local government.

I would like to express my appreciation for your judicial oversight. I would also like to thank Judge Jill Fannin for her judicial oversight during the first half of our term.

The Jury is grateful for the enthusiastic support of Maria Zarco and Elisa Pantaleon, Court Administration. We are also grateful to Hannah Shafsky and Rebecca Hooley, County Counsel, for their advice, guidance, and constructive feedback throughout the investigative and report-writing processes.

The Jury appreciates the cooperation received from the many public officials who responded to our questions and requests. We respect their dedication and expertise. We are also grateful to those who facilitated tours of their facilities and demonstrated such professionalism and pride in their work.

Lastly, I want to thank the 2023-2024 grand jurors. We had no carryover jurors at the start of our term. We brought our knowledge and experience to the work. As a jury, we worked together to improve our community. I am grateful for the opportunity to serve with these jurors.

Respectfully,

Joanne Sarmento, Foreperson
 2023-2024 Contra Costa County Civil Grand Jury

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The Civil Grand Jury issues reports based on their investigations!

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Hold your local city and county government agencies accountable for their actions.

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Increase transparency and improve oversight.

Jurors serve a one-year term and unlike regular jury service, it is not a full-time or in-court commitment.

Inspections, interviews, and meetings are conducted in-person or virtually and do not require travel to Martinez.

Through these investigations, they develop findings and recommendations that agencies must legally respond to in writing.

Grand jurors must be US Citizens and residents of Contra Costa County for at least one year and eighteen years of age or over.

CHALLENGES FACING THE CITY OF ANTIOCH



Over the past ten years, Antioch has had six permanent or acting City Managers, with an average tenure of less than two years. At least two of the City's last three permanent City Managers were terminated by the Mayor and City Council or resigned under threat of termination. The level of turnover has been disruptive to City operations and has imposed incremental costs on the City. Importantly, it has impacted the process of filling other senior management positions. As a result, over half of the City's most senior leadership positions are currently held by acting or part-time personnel.

In addition to turnover in City leadership, Antioch currently experiences a level of vacancies in total City staff that is roughly four-times the national average. These issues are related. In the absence of a permanent City Manager, several department head positions have not been filled, which has delayed the hiring

process for staff within these departments. The result is a 21.6% City employee vacancy rate. This high vacancy rate has negatively impacted Antioch's citizens by delaying City capital projects and slowing police response times to calls, contributing to a higher crime rate in recent years.

In the course of our investigation, the Grand Jury learned that turnover in the City Manager position and high employee vacancy rates are both related to a failure, at times, by the Mayor and City Council to respect the City Manager's operating authority. The Grand Jury believes that certain actions by the Mayor and City Council in recent years involved overstepping their authority, contributing to the turnover in City leadership.

The Grand Jury also learned in the course of its investigation that one or more violations of California's Brown Act (a law requiring open and public meetings

by government officials) may have occurred involving certain members of the Antioch City Council. The Grand Jury's findings were consistent with an investigation conducted by the Contra Costa County District Attorney's Office.

The Grand Jury recommended that the City Council follow through on the process of hiring and retaining an experienced and qualified City Manager. A new City Manager's success will depend, in part, on the Mayor and City Council creating an environment that while maintaining appropriate oversight, enables the City Manager to operate with independence and without inappropriate interference. To ensure that the Mayor and City Council perform their duties in compliance with the Brown Act, the Grand Jury also recommended that the City Attorney conduct Brown Act training seminars for the Mayor, City Council, City Manager and all department heads on an annual basis.

The Contra Costa Community Warning System: Will Everyone Get a Warning in Time?

When disasters strike, Americans expect their government to quickly notify them of imminent danger and the actions they need to take to prevent injury or loss of life. But in the deadly fires that devastated the town of Paradise and destroyed parts of Santa Rosa, failures in those counties' warning systems contributed to injuries and the loss of life. Warnings also came too late for residents to flee their homes in the 2017 San Jose floods and hundreds had to be rescued.

The Grand Jury investigated Contra Costa County's Community Warning System, or CWS, that provides countywide emergency warnings. The Grand Jury found several risks that could result in warnings being delayed, or going out to only a fraction of the people in danger. For example, under some circumstances the CWS may not use the nation-wide system that sends Amber alerts to all cell phones in a designated area. Instead, warning messages will go primarily to people who have gone online, created a CWS account, and registered their address and contact data, including their email address.

To reduce the risk that people won't get a warning, the Grand Jury recommends the County automatically create these accounts from existing utility and telecom companies' databases. People who don't want an account created for them can request that none be created.

The Grand Jury also found that in major disasters, such as the 2017 Wine Country Fires and the 2018 Camp Fire, failure of those warning systems was often a result of the destruction of power and telecom infrastructure. Without that infrastructure, cell phones, landlines, and email don't work. The Grand Jury found that other localities, such as the city of Berkeley and areas in Marin County, are mitigating this risk by installing long-range acoustic devices that can broadcast audible messages up to a mile away. For people outdoors these devices may make the difference between life and death. The Grand Jury recommends the County commission a feasibility study to determine locations in the County where these devices could be effective.



The Grand Jury also found that Contra Costa County is the only Bay Area county that relies entirely on an on-call specialist to operate the CWS when needed. All the other counties have trained warning system operators in their 24/7 dispatch centers. The Grand Jury recommends that Contra Costa train officers in its dispatch center to operate the CWS.

The Grand Jury also found several other areas of improvement. The Grand Jury recommends the County commission an independent expert team to conduct a

comprehensive risk analysis of the CWS. The design and operation of the CWS could benefit from a greater diversity of experience and ideas, and the Grand Jury recommends the County create a CWS advisory body comprised of emergency response experts from around the County. Lastly, the Grand Jury found a lack of understanding as to why half the participants in two evacuation drills in Richmond claimed they didn't receive the CWS test alert, and recommends the CWS conduct tests to understand these claims.

IMPROVING THE RESPONSE TO HAZARDOUS MATERIAL RELEASES



Contra Costa County is home to more petroleum refineries than any other county in the Bay Area. The two largest are Martinez Refining Company (PBF Energy) and the Chevron Richmond Refinery.

Petroleum refineries store and utilize hazardous materials that pose a potential health risk to the surrounding community. Contra Costa Health Services' Hazardous Materials Division (HazMat) can utilize a notification program using the Community Warning System to alert surrounding communities to the release of hazardous materials.

Currently, only about 30% of residents have registered their cell phones to receive notifications on their phones and/or by text or email of reported releases or threatened releases of hazardous materials. Anyone wishing to do so can log on to the Contra Costa Health Services web site at cwsalerts.com to register for those notifications they wish to receive. The Grand Jury encourages all residents to do so.

To further improve the Community Warning System the Grand Jury has made two recommendations: First, the Grand Jury has confirmed from survey evidence that members of the public want information from HazMat regarding any release from the petroleum refineries that can be observed or sensed by the public off site, including supposed "non-hazardous" releases that are not currently reported. This change to the

Community Warning System can be implemented for those members of the public who want such information. Second, in order to increase the number of County residents who are registered with the Community Warning System, the Grand Jury has recommended that the County, as permitted by state law, acquire the cell phone numbers of County residents from the phone providers and institute a so called "opt-out" system. Under this system, cell phone numbers would be automatically added to the Community Warning System. Any member of the public who wished to could opt-out of all or part of the system after receiving notification that their cell phone had been added. In addition, the Grand Jury has determined from the HazMat staff that the current structure used to respond to hazardous material releases is not as effective as it could be. To address this deficiency three new Hazardous Materials Supervisory positions should be added to the staff. In addition, HazMat should place a toxicologist on retainer. A toxicologist on retainer would reduce the current delay in the public's understanding of the health impacts of a serious hazardous release incident such as the Thanksgiving 2022 release from Martinez Refining Company (PBF Energy).

Pursuant to state law, funding for these new positions can and should be assessed directly to the petroleum refineries and the other emitters of hazardous materials in the County.

THE BUILDING DEPARTMENT'S ENFORCEMENT PRACTICES FOR CONSTRUCTION-RELATED ACCESSIBILITY STANDARDS ARE OPEN TO QUESTIONS

One requirement of the California Construction-Related Accessibility Standards Compliance Act is that "a public agency shall employ or retain at least one building inspector who is a certified access specialist." A Certified Access Specialist (CASp) is a person who has met criteria specified by the California Division of the State Architect (DSA) for knowledge of "standard acts governing access to buildings for persons with disabilities." The CASp certification process verifies that a CASp has a detailed knowledge of accessibility standards. In Contra Costa County the building department - for the unincorporated areas of the county and cities that do not have their own building departments - is a part of the Department of

Conservation and Development (DCD). Except for a three-month period in 2021, DCD did not employ or retain a CASp during the ten-year period preceding this Grand Jury investigation.

The Grand Jury was unable to verify that DCD staff have been adequately trained to review building plans and building inspections for compliance with the accessibility requirements in the Building Code as no staff have been certified by the DSA.

The Grand Jury recommended that the Board of Supervisors investigate whether DCD is using best practices to enforce accessibility standards in commercial buildings in the areas of the county where it has jurisdiction.



Would YOU Make A *Good* Grand Juror?

Do you feel the need to increase the efficiency of County and Local government, reduce costs, and improve services?

- Are you willing to devote your time and energy to that goal?
- Are you willing to take a position on an issue even though there will be those who will disagree with you?

How are your Listening and Analytical Skills?

- Are you a good communicator?
- Are you a good listener?
- Do you have a good memory for detail?
- Can you separate the “Wheat from the Chaff?”

Can you ask penetrating questions, examine documents, and help prepare clear, concise reports?

- Are you good at separating facts from rumor, emotional responses, and personality or ideological differences?
- Can you express yourself well in writing?

Are you willing to cooperate with 18 others in reaching a consensus?

- Do you value diversity of views?
- Can you evaluate differing ideas?
- Can you take direction from others?
- Are you willing to assume leadership responsibility?

Can you maintain confidentiality outside the Grand Jury?

- The Grand Jury operates in secrecy
- Your work must be confidential from everyone other than fellow Grand Jurors
- Grand Jurors are sworn “Officers of the Court”
- There are penalties for violating the “secrecy” of the Grand Jury

Are you willing to commit to a full year of productive work?

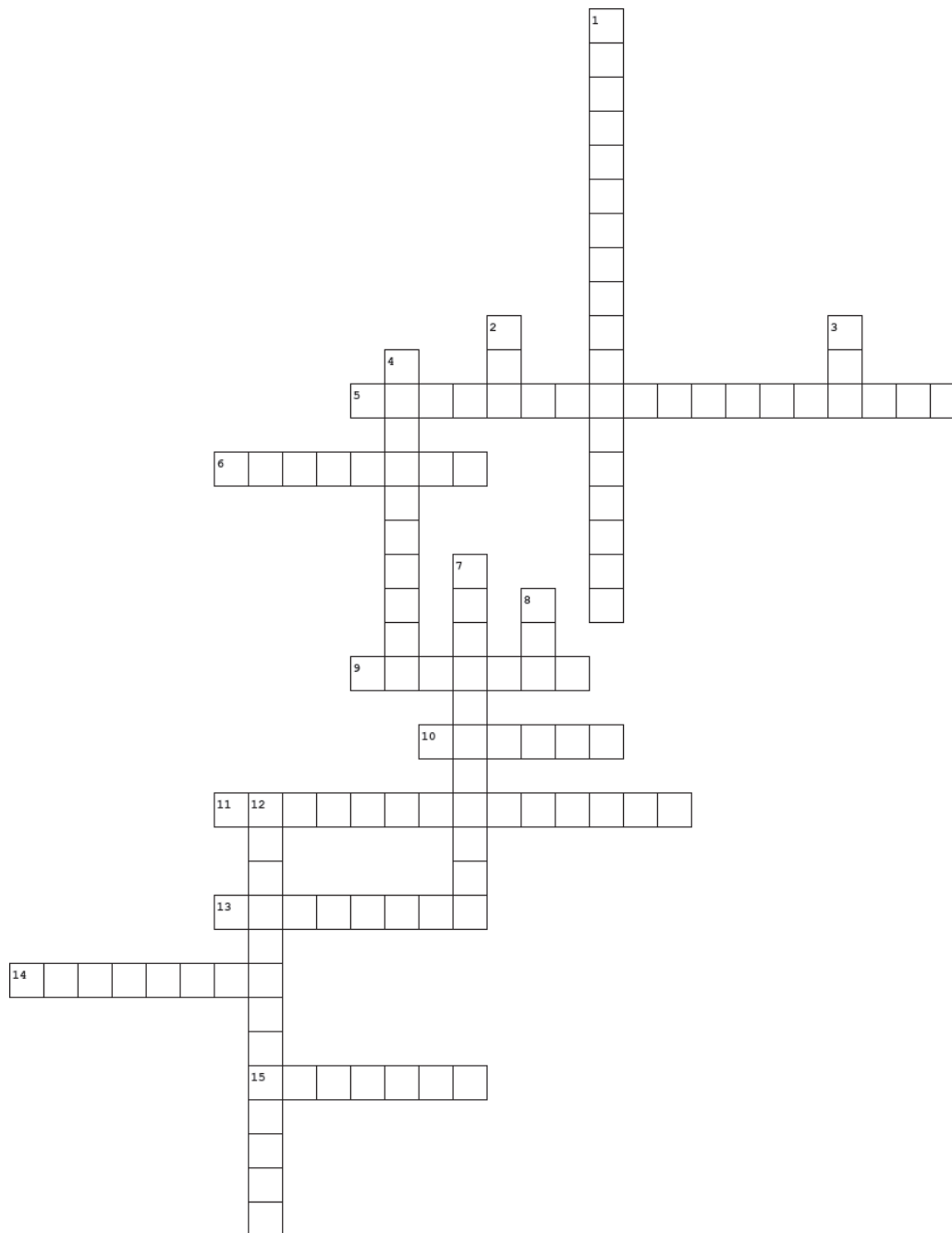
- The Grand Jury terms runs from July 1 to June 30
- Can you make a substantial contribution?
 - ...at least three half-days a week in meetings
 - ...30 hours a week or more in reading and research
- It is necessary that absences be minimized and if possible planned
- Can you sustain enthusiasm under prolonged demands?

Are you willing to receive your “rewards” through personal satisfaction?

- There is little, if any, public recognition for individual contribution
 - ...Your reports may be unpopular and subject to criticism by the “subjects” and the media
- Financial compensation is small
 - ...You will receive a stipend for meeting attendance and compensation for mileage
 - ...Parking is provided

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CIVIL GRAND JURY PUZZLER



Down

1. Oversees the emergency alert system
2. Department that oversees construction and accessibility access
3. Contra Costa County emergency alert system
4. Member presiding over the civil grand jury
7. CEO of a city
8. Federal law requiring equal access to persons with disabilities
12. Formal inquiry to discover facts

Across

5. Elected officials overseeing county government
6. Minimum age to serve on the civil grand jury
9. Length of a grand juror's term
10. Division of Contra Costa Health Services responding to toxic incidents
11. Court appointed body to investigate local government
13. How to receive emergency alerts
14. Open and public meeting law
15. Second largest city in Contra Costa County

• ADA
• Antioch
• Board of Supervisors
• Brown Act
• City Manager
• Civil Grand Jury
• HAZMAT
• Investigation
• Office of the Sheriff
• One Year
• Register
• CWS
• DCD
• Eighteen
• Fore person

The Civil Grand Jury is not a courtroom jury. Instead of listening to a trial and deliberating, the nineteen members of the Civil Grand Jury actively investigate and report on the work of local government with the goal of improving governmental accountability and transparency.