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HOMELESSNESS: THE ELUSIVE DEFINITION OF SUCCESS



Homelessness: The Elusive Definition of “Success”

2021-2022 Stanislaus County Civil Grand Jury

Case #22-05GJ

SUMMARY

Homelessness is a growing problem around the country. Stanislaus County is no exception. Homeless is defined as an individual or family lacking a fixed, regular, and adequate nighttime residence.

Unemployment, lack of affordable housing, poverty, mental health, substance abuse, domestic abuse and family conflict are among the contributing causes. The public and private efforts to address homelessness are as diverse as its causes.

The Stanislaus County Civil Grand Jury (SCCGJ) identified dozens of public agencies, private organizations, and non-profits working in this arena. It is hard to evaluate coordination, effectiveness, and accountability when efforts are so fragmented.

The SCCGJ found that while efforts to coordinate all these agencies and their activities are being pursued, accountability is lacking. Given the significant dollars spent to address homelessness, this lack of accountability is problematic and can undermine the public’s confidence in our public agencies.

This report aims not to get into all the specific details as to where the money is coming from and where it is going. Rather, the SCCGJ intends to raise awareness of the scope and magnitude of this issue and how we as a community address it. Failings concerning how our community deals with homelessness is not unique to Stanislaus County, but nevertheless Stanislaus County needs to be more successful.

METHODOLOGY

The SCCGJ reviewed numerous reports, publications and plans developed over the last few decades by local, state and federal agencies. It researched local private and non-profit organizations fighting homelessness. It requested and received information and materials from both the public and private entities. It interviewed representatives of both the public agencies and private organizations.

BACKGROUND

Organization For decades there have been organized efforts to combat homelessness.

- The efforts began with a federally required organization called the “Continuum of Care” to track homeless individuals and families over thirty years ago.

- In 2001 Stanislaus County and the City of Modesto recognized the Continuum as the planning and coordinating body for homeless programs and services.
- In 2015 the Homeless Action Council was formed to reduce and prevent homelessness.
- In 2017 the Continuum and Homeless Action Council merged to create the Stanislaus County Community System of Care (CSOC).
- In 2019 the Stanislaus Homeless Alliance was created to provide one vision, one program strategy, one funding strategy, and one annual report card to communicate performance outcomes.
- In 2019 Stanislaus County created a Homeless and Housing Services Division in the Community Services Agency. Several cities have also designated staff to work on homelessness.

Plans Numerous plans have been adopted over the years to address homelessness. The most recent is the Stanislaus 2021 Regional Strategic Plan to Address Homelessness.

Many agencies, organizations and non-profits have programs to address homelessness. These programs include emergency shelters, transitional shelters which provide a bridge between emergency and permanent housing, permanent housing, and rental assistance.

For example, at the County level, the Community Services Agency, the Behavioral Health and Recovery Services Agency, the Health Services Agency, the Planning and Community Development Department, and Chief Executive Office are all involved in addressing homelessness.

Appendix A contains a non-exhaustive list of key homeless and housing programs and services in the County as documented in the Stanislaus 2021 Regional Strategic Plan to Address Homelessness.

Funding There are at least seventeen federal and state sources that must or can be used to fund homeless programs (see Appendix B). Funding for homeless efforts increased dramatically during the pandemic. The SCCGJ was able to identify a minimum of \$30 million in state and federal funding allocated to these efforts in Stanislaus County over a recent three year period, and the amount is likely to be higher. Significant private funding has also occurred.

Coordination Since 1988 there have been several efforts to coordinate services. The latest attempt was the creation of the Stanislaus Homeless Alliance. The Alliance’s Board is comprised of elected officials from throughout the County. A key mission of the Alliance is “...to coordinate development of a shared performance measurement system to assess effectiveness, quality, efficiency, access, and availability of homeless services throughout Stanislaus County.”

The County’s Community Services Agency operates the Homeless Management Information System, a searchable database of information on homeless individuals. Data is entered into the system by service providers, creating a single source of information on homeless individuals. This system can provide analysis of how families and households move through the homeless care system over time, as well as reports on overall system performance.

The question could be asked, “Do we judge programs based on their good intent, or on the actual outcomes?” The SCCGJ acknowledges that the programs and funds currently used to address homelessness help many individuals and families. The concern of the SCCGJ is whether the funds come attached with a way to assess if there has been progress toward reducing or ending homelessness.

DISCUSSION

Efforts to address homelessness fall into two categories. The first category is getting people off the streets and into shelter. Many of the programs in Stanislaus County fall into this category. The SCCGJ refers to these as the service programs.

The second category is combating the underlying causes of homelessness. The SCCGJ refers to these as the prevention programs.

Point-in-Time Counts Agencies receiving federal funds for homelessness are required to annually conduct a count of the homeless during a single twenty-four-hour period. This is done the same night throughout the United States. While the methods for these counts have changed over time, and recently were complicated by the COVID-19 pandemic, they provide a ballpark estimate of the number of homeless. The following table shows the Point-in-Time counts for Stanislaus County since 2005, showing the total numbers, total in emergency shelters, total in transitional shelters, total unsheltered, and percentage unsheltered.

Stanislaus County Point-In-Time Counts

Year	Total	In Emergency Shelters	In Transitional Housing	Unsheltered	% Unsheltered
2005	1,613	484	194	935	58%
2010	1,800	496	305	999	56%
2015	1,408	558	167	693	49%
2016	1,434	566	138	730	51%
2017	1,661	683	157	821	49%
2018	1,356	578	172	606	45%
2019	1,923	662	173	1,088	57%
2020	2,107	803	217	1,087	52%
2021	2,900*				

*2021 number is initial estimate

There are homeless individuals throughout the County, with over 80% living in the greater Modesto-Riverbank-Empire area.

Modesto	1,592
Turlock	232
Patterson	78
Empire	77
Oakdale	36
Ceres	29
Riverbank	26
Newman	21
Denair	7
Waterford	6
Salida	2
Hughson	1

Among the homeless identified in the 2020 Point-in-Time count:

- 18% had mental health issues
- 19% suffered from substance abuse
- 7% were victims of domestic violence
- Over 5% were unaccompanied youth
- Over 60% had been in jail, prison, or juvenile detention
- 25% spent time in a treatment center
- 12% had been in foster care

In 2020 over half of those receiving homeless services were doing so for the first time. There is not a large influx of homeless from other regions into the county. The vast majority of those receiving homeless services in Stanislaus County are from our County.

Several service providers interviewed noted that on any given night there is a surplus of emergency shelter beds. The challenge is getting them filled.

The most recent homeless plan, the Stanislaus 2021 Regional Strategic Plan to Address Homelessness, recommended the following eight goals:

- Increase availability of permanent housing for people experiencing homelessness
- Increase access to and availability of mental health, substance abuse treatment, and other supportive services to increase housing stability and well-being
- Achieve equity in governance, outreach, provision of services, program participation, and outcomes while improving outreach, care and culturally attuned services to vulnerable and historically underserved populations
- Increase coordination of services, access, and information to build capacity across the homeless system of care
- Increase pathways to essential community services that support self-sufficiency
- Increase participation of people with lived experience of homelessness in decision-making and feedback processes across the homeless system of care
- Strategically support homelessness prevention, diversions, and rapid resolution

- Improve coordination of homeless programs to further public health and safety in support of community standards and increased access to services for people experiencing homelessness

COMMENDATION

The SCCGJ salutes all the public agencies and private organizations working to alleviate homelessness. The recommendations which follow are meant to help these agencies and organizations as they address this complicated and challenging task.

FINDINGS

- F1.** The number of homeless in Stanislaus County fluctuates from year to year but is increasing over time. This trend was exacerbated by the COVID-19 pandemic.
- F2.** The most significant causes of homelessness are lack of affordable housing, substance abuse, and mental health.
- F3.** Efforts to better coordinate the system of care are underway. These include the Stanislaus Homeless Alliance at the policy level, and the Homeless Management Information System at the operational level.
- F4.** Since over half of the homeless each year are in the care system for the first time, efforts to prevent homelessness have not been successful enough. Without greater prevention success, homelessness cannot be reduced.
- F5.** Despite enormous funding for homeless programs, and despite the fact that there are many individual successes, overall the system to date has not reduced homelessness.
- F6.** There is insufficient accountability for the effective use of homeless funds. While many agencies are accountable to their funding sources, primary responsibility for measuring accountability and effectiveness rests with the Community Services Agency, the Community System of Care, and the Stanislaus Homeless Alliance.

RECOMMENDATIONS

- R1.** More accountability needs to be introduced into the system. The Community System of Care, the Stanislaus Homeless Alliance, and the Community Services Agency should take the lead, demand verifiable performance, and focus funding and other resources on those agencies and organizations with demonstrable success. This should be done by jointly adopting a performance evaluation system prior to allocation of the next round of

federal homeless funding. Progress on achieving the eight goals set forth in the Stanislaus 2021 Regional Strategic Plan to Address Homelessness should be included in performance evaluations.

- R2.** More focus should be given to preventing homelessness. To the extent there are funds not earmarked for other purposes, in the budgeting process of each jurisdiction, priority should be given to allocating these funds for affordable housing, substance abuse treatment, and mental health services.
- R3.** All cities in the County should continually be encouraging the construction of significantly more affordable housing. They should evaluate their plans, procedures, and requirements with the goal of balancing community goals, standards, and aspirations with the need for affordable housing.
- R4.** All cities should report annually to the Community System of Care and Stanislaus Homeless Alliance on the steps they have taken to help produce more affordable housing.
- R5.** Subsequent civil grand juries are encouraged to monitor progress on these recommendations and consider a more in-depth investigation into efforts to produce affordable housing.

REQUIRED RESPONSES

The following responses are required within sixty days after receipt of this report per Penal Code §933 and §933.05.

- Director of the Stanislaus County Community Services Agency: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4,**
- Chairperson, Community System of Care: **F1, F2, F3, F4, F5, F5, R-1, R2, R3, R4**
- Chair, Stanislaus Homeless Alliance: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4**

The following responses are required within ninety days after receipt of this report per Penal Code §933 and §933.05.

- Modesto City Council: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4**
- Turlock City Council: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4**
- Ceres City Council: **F1, F2, F3, F4, F5, F6, R1, R32, R3, R4**
- Riverbank City Council: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4**
- Oakdale City Council: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4**
- Patterson City Council: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4**
- Newman City Council: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4**
- Hughson City Council: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4**

- Waterford City Council: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4**

These responses shall be submitted to:

Honorable Robert B. Westbrook

Presiding Judge, Superior Court of California, County of Stanislaus

P.O. Box 3488

Modesto, CA 95353

DISCLAIMER

This case, #22-05GJ, is issued by the 2021-2022 Stanislaus County Civil Grand Jury with the following exception: a member of the jury voluntarily recused due to a potential conflict of interest. This juror was excluded from all phases of the investigation, including interviews, deliberations, voting, writing, and approval of this report. None of the information included in this report was obtained from the recused juror to prevent any potential bias in the report.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §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.

Appendix A: Homeless Agencies, Non-Profits, Programs, and Services

Sources: Stanislaus 2021 Regional Strategic Plan to Address Homelessness and Civil Grand Jury Research

Emergency Shelter:

- Community Housing and Shelter Services
- Family Promise of Greater Modesto
- Modesto Gospel Mission
- Salvation Army
- Turlock Gospel Mission
- Haven's Women's Center
- We Care (Turlock)
- Turning Point
- Helping Others Sleep Tonight
- Children's Crisis Center
- Stanislaus County Affordable Housing Corporation
- Oakdale Rescue Mission
- HOST House (Patterson)
- Naomi's Place (Patterson)

Seasonal Shelter:

- Stanislaus County Housing Authority
- Stanislaus County Affordable Housing Corporation

Transitional Housing:

- Center for Human Services
- Cambridge Academy through HOST House and Naomi's Place
- Community Impact Central Valley

Rapid Re-Housing

- Center for Human Services
- Family Promise
- We Care
- WestCare
- Catholic Charities of the Dioceses of Stockton
- Community Shelter and Housing Services

Permanent Supportive Housing

- Community Housing and Shelter Services
- Stanislaus County Affordable Housing Corporation
- We Care
- Community Impact Central Valley
- Stanislaus County Housing Authority
- Turning Point

Day Center

- Modesto Gospel Mission
- Turlock Gospel Mission
- Turning Point

Shower and Laundry Services

- What Would Jesus Do Ministry

Public Agencies with programs or roles in addressing homelessness:

- Stanislaus County Community Services Agency
- Stanislaus County Health Services Agency
- Stanislaus County Behavioral Health and Recovery Services
- Stanislaus County Planning and Community Development Department
- Stanislaus County Chief Executive Office
- City of Modesto
- City of Patterson
- City of Riverbank
- City of Turlock

Appendix B: Funding Sources for Homeless Programs and Services

Sources: Stanislaus 2021 Regional Strategic Plan to Address Homelessness and Civil Grand Jury Research

Following are some of the large number of funding sources that are either targeted at or can be used for homeless services.

Federal:

- Community Development Block Grants (CDBG)
- Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH)
- Emergency Solutions Grants (ESG)
- CARES, multiple rounds of pandemic relief funds
- Department of Veterans Affairs Supportive Housing Program
- Administration for Children and Families

State of California

- CalWORKs Housing Support Program (HSP)
- California Emergency Solutions and Housing Funds (CESH)
- Homeless Coordinating and Financing Council (HCFC)
- Homeless Emergency Aid Program (HEAP)
- Homeless Housing, Assistance and Prevention Program (HHAP)
- Homeless Youth Emergency Services and Housing Program
- Human Trafficking Victim Assistance Program
- Housing and Disability Advocacy Program (HDAP)
- HomeKey Program
- Housing Opportunities for Persons with AIDS
- No Place Like Home (NPLH)

MEASURE L TRANSPARENCY



Measure L Transparency

2021-2022 Stanislaus County Civil Grand Jury

Case # 22-06GJ

SUMMARY

The intent of the Stanislaus County Civil Grand Jury's (SCCGJ) inquiry into Measure L, the local transportation sales tax, was to gauge the transparency between the cities/County and the public regarding the use of public funds. In addition, SCCGJ examined whether the public information requirements of the Master Funding Agreements (MFA) were being followed. The cities of Hughson, Newman, and Oakdale were evaluated, as well as the Stanislaus Council of Governments (StanCOG), which is the administrator of the MFAs.

SCCGJ finds that the cities of Newman and Hughson are not meeting the public information requirements of Measure L and changes to their respective websites are needed. The City of Oakdale is meeting the minimum requirements, however, additional information would be beneficial.

SCCGJ also finds that StanCOG is not adequately enforcing the public information requirements of Measure L. Minimum requirements and guidelines should be developed for the cities, County, and StanCOG to use on their respective websites. Furthermore, StanCOG should modify its internal procedures for determining compliance with the public information requirements, as well as adopt the required Public Awareness Program.

GLOSSARY

MFA	Master Funding Agreement
MLOC	Measure L Oversight Committee
SCCGJ	Stanislaus County Civil Grand Jury
StanCOG	Stanislaus Council of Governments

BACKGROUND

In November 2016, Stanislaus County voters approved a twenty-five-year, one-half cent sales tax known as Measure L: Local Roads First Transportation Funding Measure Ordinance #16-01. Measure L began in fiscal year 2017-2018 and will remain in effect until 2041. Measure L funds are to be used exclusively for transportation improvements, such as road repair work, stop signs, traffic lights, bike paths, and sidewalks. Measure L funds may not replace other sources of funds previously used for traffic improvements, nor be used for new roads. While it was originally

projected that the tax would raise \$960 million over twenty-five years, or \$38 million per year, the program has already raised over \$166 million, ahead of projections. For example, in FY 2020-2021, over \$56 million was collected. Since this is one of the largest voter approved sales taxes in County history, the proper, efficient, and effective administration of these funds is important to foster and maintain confidence in our public agencies.

Sixty-five percent of all funds are to be used locally as follows:

- Fifty percent to local streets and roads
- Ten percent to traffic management
- Five percent to bike/pedestrian improvements

The remaining thirty-five percent of the funds are broken down as:

- Twenty-eight percent for regional projects
- Seven percent for transit programs

StanCOG is the local agency which administers Measure L. All nine cities in the county, in addition to Stanislaus County, receive funds. Each of these agencies has an MFA with StanCOG containing requirements for making information about expenditures available to the public, as well as reports that must be filed with StanCOG.

The MFAs for 2020-2025 contain three separate and distinct public information requirements for cities (see Article IV, Sections A(5) through A(7) as follows:

- Provide current and accurate information on its website regarding the expenditure of Measure L funds
- Post signage at each project in excess of \$250,000 identifying it as funded in whole or part by Measure L
- Actively participate in a “public awareness program” in partnership with StanCOG to provide public information on Measure L activities

In addition to these public information requirements, the MFAs also require the cities to provide StanCOG with information which includes, but is not limited to:

- Monthly revenue, expenditure, and cash balance reports
- Quarterly “milestone” reports showing progress on projects
- Annual program compliance reports
- Independently audited financial statements for the prior fiscal year regarding use of Measure L funds

During this investigation, SCCGJ reviewed who is the responsible party for enforcing compliance with the requirements of Measure L. The primary responsibility for enforcement of the MFAs rests with the StanCOG policy board and the withholding of funds is the tool to enforce compliance. The responsibility of the Measure L Oversight Committee (MLOC) is to verify the results of the annual audits. The MLOC is composed of one citizen from each jurisdiction.

This is the third investigation of Measure L by SCCGJ. In 2018 and 2020, the overall implementation and use of funds by Ceres, Patterson, and Turlock were explored. Although regional and transit projects receive Measure L funds, this investigation concentrated on the local project portion of the program.

METHODOLOGY

While the MFAs contain a number of reporting requirements for cities and StanCog, SCCGJ focused on three requirements:

- 1) How effectively is StanCOG enforcing the requirements for public information contained in the MFAs?
- 2) How are the cities of Newman, Hughson, and Oakdale informing their citizens about Measure L through their websites?
- 3) Are the cities and StanCOG participating in a public awareness program?

During the investigation SCCGJ:

- Reviewed Ordinance #16-01, which established Measure L
- Reviewed the websites of StanCOG, Hughson, Newman, and Oakdale
- Reviewed the 2020-2025 MFA's between StanCOG and the three cities above
- Interviewed staff from each of the three cities and StanCOG
- Reviewed StanCOG Annual Reports
- Reviewed letter from StanCOG Executive Director dated April 8, 2022, regarding public awareness programs.

DISCUSSION, STANCOG

StanCOG has a responsibility to the public to be transparent about the use of Measure L funds. It is also responsible for the distribution of Measure L funds to the cities and County and to

enforce the requirements of the MFAs. Failure of a city or the County to comply with the requirements can result in the withholding of funds.

Each fiscal year all cities must submit to StanCOG:

- Capital Improvement Program
- Roadway resurfacing map
- Traffic management plan
- Pedestrian and bicycle plan
- Other documents which identify all programs and projects the city intends to fund partially or fully with Measure L funds

A maintenance of effort calculation must also be submitted and verified by an independent audit. This calculation ensures that Measure L funds have been used to increase, not substitute for existing funds. In addition to the monthly revenue and expenditure reports, the cities and county are also required to submit quarterly milestone reports, detailing their projects' progress.

During the course of this investigation, StanCOG's Measure L website was not operating properly. The current website, which became functional again in February 2022, contains links to an abundance of Measure L information, including annual reports, project updates, and monthly revenue and expenditure reports.

DISCUSSION, HUGHSON

- Hughson receives 1.26% of the Measure L sales tax from StanCOG
- \$1,209,193 for streets and roads
- \$241,839 for traffic management
- \$120,919 for bike/pedestrian
- Total funding received through FY 2020-2021 was \$1,571,951
- During the same time period it spent \$698,291, primarily for streets and roads

Hughson has chosen to save some of its revenue over several years in order to have sufficient funds for major road projects. Hughson's website contained only general information regarding Measure L, in addition to a press release and annual report from StanCOG for 2017-2018.

DISCUSSION, NEWMAN

Newman also receives 1.26% of the Measure L funds from StanCOG. Because its percentage is relatively small, Newman opted to borrow money from its general fund reserves, enabling the city to undertake projects up front rather than waiting years to accumulate the necessary funds.

Initially, \$1.6 million was borrowed from the general fund reserve, which is to be paid back within five years. The City of Newman's share of revenue Measure L funds as of June 30, 2021, was:

- \$1,209,193 for streets/roads,
- \$241,839 for traffic management
- \$120,919 for bike/pedestrian improvements.
- Total funding received through for FY 2020-2021 was \$1,571,951

Once these funds are paid back, the City of Newman anticipates it will borrow from its general fund reserves to finance additional Measure L projects.

When the investigation began, Newman's website contained no information on Measure L. After interviews with Newman staff, the website was modified to contain:

- General information on Measure L
- A link to StanCOG's 2019-2020 Annual Report, which contains information on Newman's revenues and expenditures for that fiscal year
- The 2019-2020 annual letter from the MLOC reviewing the third-party audit for that fiscal year
- A link to a video at StanCOG which provides an overview of Measure L
- A link to StanCOG's MLOC webpage

DISCUSSION, OAKDALE

Oakdale receives 3.86% of the Measure L funds from StanCOG. As of June 30, 2021, the City of Oakdale's revenue from Measure L was:

- \$3,704,357 for streets/roads
- \$740,871 for traffic management
- \$370,436 for bikes/pedestrians
- Total funds received through FY 2020-2021 was \$4,815,664

Oakdale's website contained the following Measure L information:

- A general description of Measure L

- A brief list of current, completed, and future projects
- A link to StanCOG’s Measure L website

FINDINGS, StanCOG

- F1.** The local website requirements of the MFAs are very general and don’t provide adequate guidance to the cities and County regarding website content.
- F2.** Despite information that was outdated or missing entirely from the Newman and Hughson websites, StanCOG did not enforce the MFA website posting requirements nor withhold funds from these jurisdictions.
- F3.** While it is impractical to enforce the percentage allocations between streets/roads, traffic management, and bike/pedestrian projects on an annual basis, StanCOG does not have a procedure in place to enforce these percentage allocations over the long term.
- F4.** StanCOG has not adopted a public awareness program with the cities/County as required in the MFAs.

FINDINGS, HUGHSON

- F5.** The information currently on Hughson’s website does not give the public a clear understanding of the program, how Measure L funds have been used, and future city plans for these funds.
- F6.** Hughson does not have a public awareness program as required by its MFA.

FINDINGS, NEWMAN

- F7.** The information currently on Newman’s website does not give the public a clear understanding of the program, how the Measure L funds have been used, and future city plans for these funds.
- F8.** Newman does not have a public awareness program as required by its MFA.
- F9.** Newman currently has no representative on the MLOC.

FINDINGS, OAKDALE

- F10.** Oakdale’s website has general information on Measure L overall, and limited information on current, completed, or future projects.

- F11.** Oakdale does not have a public awareness program as required by its MFA.
- F12.** Oakdale’s website has a link to StanCOG which is non-operational.

RECOMMENDATIONS, StanCOG

- R1.** StanCOG should develop a minimum standard for the local websites by December 31, 2022, including a requirement that the information be updated bi-annually. Minimum requirements for local websites would include:
- A description of Measure L and the city’s plan for these funds
 - Total revenues and expenditures over the life of the program
 - A list of past, current, and future projects with enough detail for the public to understand how the cities prioritize their projects
 - A contact number for additional information
 - A link to StanCOG for detailed information
- R2.** StanCOG should develop procedures to verify and enforce compliance with MFA requirements prior to disbursement of funds by December 31, 2022.
- R3.** StanCOG should discuss how the percentage allocations will be enforced over the long term with the local agencies by December 31, 2022, so that enforcement does not become impossible later in the program.
- R4.** StanCOG should adopt the public awareness program as required by the MFAs by March 31, 2023.

RECOMMENDATIONS, HUGHSON

- R5.** Within three months after adoption by StanCOG of a standard for local websites, Hughson should update its website to be in compliance.
- R6.** Three months after adoption of a public awareness program by StanCOG, Hughson should implement the program.

RECOMMENDATIONS, NEWMAN

- R7.** Within three months after adoption by StanCOG of a standard for local websites, Newman should update its website to be in compliance.
- R8.** Three months after adoption of a public awareness program by StanCOG, Newman should implement the program.

R9. Newman should appoint a representative to MLOC by October 31, 2022.

RECOMMENDATIONS, OAKDALE

R10. Within three months after adoption by StanCOG of a standard for local websites, Oakdale should update its website to be in compliance.

R11. Three months after adoption of a public awareness program by StanCOG, Oakdale should implement the program.

R12. Oakdale's website link to StanCOG should be connected by December 31, 2022.

REQUEST FOR RESPONSES

The following responses are required pursuant to Penal Code §933 and §933.05. The SCCGJ requests responses from the following governing bodies within ninety days:

- City of Hughson City Council: **F5, F6, R5, R6**
- City of Newman City Council: **F7, F8, F9, R7, R8, R9**
- City of Oakdale City Council: **F10, F11, F12, R10, R11, R12**

The above listed responses are required pursuant to Penal Code §933 and §933.05. The SCCGJ requests response from the following governing body within sixty days:

- StanCOG Executive Director: **F1, F2, F3, F4, R1, R2, R3, R4.**

Responses are to be submitted to:

The Honorable Robert B. Westbrook
Presiding Judge, Superior Court of California, County of Stanislaus
P.O. Box 3488
Modesto, CA 95353

DISCLAIMER

Case #22-06GJ is issued by the 2021-2022 Stanislaus County Civil Grand Jury with the following exception: a grand jury member recused voluntarily due to a perceived conflict of interest. The recused grand juror was excluded from all phases of the investigation, including interviews, deliberations, voting, and in writing and approval of this report. None of the information included in this report was obtained from the excluded grand juror as a means of mitigating a potential bias to the integrity of this report.

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.

CAREER AND TECHNICAL EDUCATION: PROGRAMS FOR AT-RISK STUDENTS



Career and Technical Education Programs for At-Risk Students

2021-2022 Stanislaus County Civil Grand Jury

Case # 22-15GJ

SUMMARY

Career and Technical Education (CTE), formally known as Vocational Education, is a program of study that includes academic, occupational, and technical course content with a specific career focus. CTE is available for all students, whether they are considering a career trade or college education. CTE was designed to support the development of our county's future workforce.

Not everyone will go to college and get a four-year degree. CTE at our high schools provides career options in technical and innovation sectors that have the ability to attract the new companies of the next decade to Stanislaus County. Non-tech jobs are also vital to Stanislaus County, such as healthcare, agriculture, food processing, trucking, and construction. A workforce skilled in both technical and non-technical fields is required to achieve economic growth.

The Strengthening of Career and Technical Education for the 21st Century Act (Perkins V) was signed into federal law in 2018 and guarantees on-going funding for CTE programs. California provides additional funds through State funding for CTE facilities and the Local Control Funding Formula (LCFF).

Federal and State agencies provide CTE program standards for access, equity, participation, and student performance, with a focus on special populations. Perkins V targets special populations: English learners, economically disadvantaged families, including low-income youth and adults.

For two reasons the Stanislaus County Civil Grand Jury (SCCGJ) review of CTE programs focused on how they are utilized by two subsets of the student population, English learners and continuation high school students. The first reason is the large number of students who are English learners. The second is that English learners and continuation high school students are most at-risk of not graduating. SCCGJ assessed how effective the programs have been in achieving access, equity, participation, and achievement for these student populations.

The SCCGJ concluded that there is a large variety of CTE programs accessible to these student populations. However, in terms of equity and participation, there are barriers to full utilization of the programs. In terms of achievement, the results are lackluster, and steps should be taken to better promote CTE and the completion of its pathways.

GLOSSARY

CDE

California Department of Education

College/Career Readiness	High school graduates prepared for college or a career.
CTE	Career Technical Education
CTE Pathway	Career pathways are a sequence of continuous education and training in a specific sector that prepares students for in-demand employment opportunities.
CTE Completer	Student who completes at least 300 hours of courses in an industry pathway, including the capstone course, and receives a grade of C- or better in the capstone course. Capstone is the final course in a planned sequence of courses that provides a rigorous and intensive culmination of a course of study.
CTSO	Career Technical Student Organization
Continuation High School	School offering an alternative high school diploma program for students who are at least sixteen years old, have not graduated from high school, are still required to attend school, and are at-risk of not graduating.
Comprehensive High School	School offering more than one course of specialization in its program. Generally, offer college preparatory courses and one or more scientific or vocational courses.
English Learner (EL)	Student who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English.
LCFF:	Local Control Funding Formula
Perkins V	Known as the Perkins V 21 st Century Act, federal law to improve career-technical education, integrate academic and career-technical instruction, serve special populations, and meet gender equity needs.
SCCGJ	Stanislaus County Civil Grand Jury
SCOE	Stanislaus County Office of Education

BACKGROUND

CTE today spans fifteen industry groups. In addition to traditional programs such as automotive repair and construction, CTE now includes classes in fields such as Agriculture and Natural Resources, Health Science and Medical Technology, Engineering and Architecture, Information and Communication Technologies, Business and Finance, Manufacturing and Product

Development, and Arts/Media/Entertainment. While classes in all these industry groups are not necessarily offered in all districts in the County, there are over one hundred CTE courses being offered locally (see Appendix A).

High school students in Stanislaus County may enroll in a single CTE course as an elective or as a choice because they have an interest. Other students may decide to participate and complete a sequence of courses that classifies them as a CTE Pathway Completer. This metric requires that the pathway provides 300 hours in an industry sector, and the student completes the pathway. This is an accomplishment and an indicator that the student is college/career ready.

CTE pathway programs are beneficial for student's education advancement, career aspirations, ability to earn college credit, and experiences that stand out on college and job applications, as well as the future ability to self-support.

The California Education Code requires each high school district to offer programs that can lead to admission to the University of California or a California State University, as well as programs that lead to employment in business or industry. It mandates that CTE is available to all residents sixteen years and older. Education Code §51228 states that CTE should be "...a course of study that provides an opportunity for those pupils to attain entry-level employment skills in business or industry upon graduation from high school".

The Strengthening of Career and Technical Education for the 21st Century Act (Perkins V) was signed into federal law in 2018. It guarantees ongoing funding for CTE programs. In fact, in 2020 California was allocated \$128,798,161 from Perkins V.

Prior to 2013-2014 school year each California school district received the same amount of funding per pupil from the State. Currently, the amount of per pupil support each district receives is in part a function of the needs of each district's students through the Local Control Funding Formula (LCFF). California also provides additional funds for CTE facilities and programs.

LCFF has three categorical funding areas that assist the majority of Stanislaus County Schools to adequately address our student's needs. The formula is as below:

- a base grant which provides a uniform per-student allotment
- a supplemental grant of an additional 20% is added to the base to districts for each English learner, low income, and foster youth in their population
- on top of this districts where English learners, low income, and foster youth comprise over 55% of the student body, an additional fifty percent of the base grant is awarded for each English learner, low income, and foster youth student

Therefore, Stanislaus County, with its low-economic and diverse ethnic populations receives additional funds above the base grant to support students for success. These additional funds are expected to strengthen CTE programs that engage students in learning, enable performance tracking for continuous improvement, improve facilities, and promote community business partnerships.

Federal and State CTE funding comes with standards for access, equity, participation, and achievement. Access occurs when classes are offered. Equity occurs when all students have the

ability to enroll in the classes as well as the support to be successful. Participation occurs when students believe there is value in the classes and enroll. Achievement occurs when students complete the course of study, gaining skills that enable them to find productive employment.

Across Stanislaus County’s high schools, English learners comprise on average 13.1% of all students. At some schools the percentage is much higher.

Table 1 shows a representative sample of high schools for the 2019-2020 school year. This is the latest complete data set prior to the COVID-19 pandemic interruption.

Table 1: Enrollment and English Learners in Selected High Schools

(Source: CDE Dashboard)

	Total Enrolled	Number of English Learners	% of English Learners
MODESTO CITY SCHOOLS			
Comprehensive High Schools			
Beyer High School	1,654	83	5%
Davis High School	1,901	456	24%
Downey High School	2,115	211	10%
Enochs High School	2,324	70	3%
Gregori High School	2,264	113	5%
Johansen High School	1,732	173	10%
Modesto High School	2,514	251	10%
Continuation High School			
Elliott Alternative	505	76	15%
TURLOCK UNIFIED SCHOOL DISTRICT			
Comprehensive High Schools			
Turlock High School	2,528	404	16%
Pitman High School	2,080	312	15%
Continuation High School			
Roselawn High School	166	55	33%
CERES UNIFIED SCHOOL DISTRICT			
Comprehensive High Schools			
Ceres High School	1,744	192	11%
Central Valley High School	2,079	250	12%
Continuation High School			
Argus High School	215	36	17%
PATTERSON UNIFIED SCHOOL DISTRICT			
Comprehensive High School			
Patterson High School	1,723	379	22%
Continuation High School			
Del Puerto High School	72	14	19%
RIVERBANK UNIFIED SCHOOL DISTRICT			
Comprehensive High School			
Riverbank High School	756	219	29%
Continuation High School			
Adelante High School	62	22	36%
NEWMAN-CROWS LANDING			
Comprehensive High School			
Orestimba High School	942	225	24%
Continuation High School			
West Side Valley High School	19	8	42%
WATERFORD UNIFIED SCHOOL			

	Total Enrolled	Number of English Learners	% of English Learners
DISTRICT			
Comprehensive High School			
Waterford	623	107	17%
Continuation High School			
Sentinal	33	6	18%
OAKDALE JOINT UNIFIED SCHOOL DISTRICT			
Comprehensive High School			
Oakdale High School	1,690	105	6%
Continuation High School			
East Stanislaus	87	10	12%

The primary language of English learners is Spanish. Other languages include Assyrian, Punjabi, Arabic, Cambodian, Hindi, Lao, Hmong, Filipino, Vietnamese, and Portuguese. Because of community diversity, assuring access to CTE pathways for English learners is challenging.

Literature and research on CTE suggest that combining academic and CTE in high schools can keep students options open. This integrated approach encourages students to pursue career and college aspirations during high school. The literature and research also indicate that among the “benefits of CTE participation are a reduction in behavioral problems, reduction in drop-outs, and an increase in school interconnectedness”.

METHODOLOGY

The SCCGJ obtained information from:

- Interviews of school administrators from throughout the County
- Documents submitted from all the school districts pertaining to English learner and continuation high school students
- Review of school district websites
- Public information from the California Department of Education (CDE)
- Federal Perkins V legislation

DISCUSSION, ENGLISH LEARNERS

Because much of CTE instruction involves technical language, it can be challenging for instructors to meet the needs of English learners. Simultaneously learning English and CTE is equally challenging for English learners. Bilingual classroom aides work with CTE teachers to support EL students to enroll and complete a CTE pathway of study.

English learners are required to take English literacy classes, as well as required high school credits for graduation. These required courses fill the student’s schedule, limiting their ability to participate in CTE pathway courses during a normal school day.

Many CTE courses and English learner classes are scheduled at the same time on the master schedule, resulting in a barrier to participate in CTE courses.

Access to technology, particularly learning applications, are not always provided in alternate languages, creating a barrier to participation. “Destination Medicine”, a valuable career medicine symposium, has only been offered in English, resulting in a lack of access for English learner students,

Promotion of CTE programs in most districts is not optimal for English learners. All students have equal access to register in an CTE class through a campus-wide balloting process. Proactive engagement of students and parents/guardians to assure information regarding CTE pathway benefits is critical before balloting. The SCCGJ did not identify a broad communication strategy for CTE promotion.

More parents/guardians might be motivated to encourage their children to participate if they are aware and understand the CTE offerings. Information marketing can be so effective, providing information to students and parents on a regular basis, and building a solid relationship. Information offered in a newsletter or blog doesn’t set off alarms because it’s not a sales pitch; it’s a genuine attempt to educate.

The SCCGJ identified that balloting for CTE courses was standard but marketing to parents and students was inconsistent. Furthermore, the SCCGJ was unable to identify measures being employed to track the effectiveness of promotional efforts especially, for English learners.

Most school districts offer, but do not adequately promote available transportation for available CTE programs.

CTE students incur out-of-pocket expenses for CTE activities such as Career Technical Student Organizations (CTSO), competitions, and work-based experiences. These expenses can act as a barrier to participation.

Table 2 addresses whether English Learners enroll in CTE programs at a greater or lesser extent than the rest of their student bodies in 2019-2020.

Table 2: Student Body and EL Enrollment in CTE

(Source: CDE Dashboard, Information collected from CALPADS report 3.14)

High School	Total Students	Non EL CTE Enrolled	Total % Enrolled	EL Students	EL CTE Enrolled	EL % Enrolled
Beyer	1,654	494	31%	83	24	29%
Davis	1,901	860	59%	456	250	55%
Downey	2,115	864	45%	211	203	96%
Enochs	2,324	1,159	49%	70	59	84%
Gregori	2,264	861	40%	113	57	50%
Johansen	1,732	908	58%	173	133	66%
Modesto	2,514	695	31%	251	224	89%
Turlock	2,528	1,124	49%	404	207	51%
Pittman	2,080	823	46%	312	115	37%
Ceres	1,774	918	58%	192	65	33%
Central Valley	2,079	1,172	64%	250	108	43%
Oakdale	1,690	763	48%	105	35	33%
Patterson	1,723	756	56%	379	211	56%
Riverbank	756	335	62%	219	85	39%
Orestimba	942	697	97%	225	170	76%

High School	Total Students	Non EL CTE Enrolled	Total % Enrolled	EL Students	EL CTE Enrolled	EL % Enrolled
Waterford	623	253	49%	107	22	21%

Enrollment numbers above include students who enroll in a CTE course as an elective, and students who enroll in a sequence of courses that complete a pathway.

Table 3: Asks the question whether English learners students and the English student peers complete CTE Pathways at similar rates?

Table 3: 2019 Completion Rate EL% vs Student Body Completers

(Source: CDE Dashboard and Information collected from CALPADS 3.14)

High School	EL CTE Completers	% EL Completers	All Other Completers	% All Other Completers
Beyer	3	13%	92	19%
Davis	14	6%	94	13%
Downey	19	9%	130	7%
Enochs	5	8%	145	13%
Gregori	17	12%	106	12%
Johansen	17	13%	97	11%
Modesto	3	1%	33	5%
Turlock	21	10%	81	7%
Pitman	6	5%	50	6%
Ceres	6	9%	100	11%
Central Valley	5	5%	115	9%
Oakdale	2	6%	89	12%
Patterson	10	5%	60	8%
Riverbank	2	2%	9	0%
Orestimba	15	2%	66	9%
Waterford	0	0%	14	6%

Table 3 demonstrates that while students enroll in CTE they are not completing the Pathway.

DISCUSSION, CONTINUATION HIGH SCHOOL STUDENTS

The minimum attendance for continuation high students is fifteen hours per week or 180 minutes per day. However, many continuation high schools in the County provide full day programs that exceed the minimum daily requirement. In addition to the required academic courses for graduation, the program of instruction includes:

- Occupational or career orientation or a work-study schedule and intensive guidance and counseling
- Supplemental programs and services including, but not limited to, independent study, regional occupation programs, and career counseling
- Concurrent enrollment in community college and/or adult education, and job placement and apprenticeship.

Continuation high school students focus on credit recovery to meet graduation requirements, with limited time within the student’s day to enroll in CTE.

There are eighteen continuation high schools in the County. In 2019 eleven districts did not have CTE programs at their continuation high schools. In 2020-2021, Modesto City Schools initiated a CTE program at Elliot Alternative High School.

SCOE operates seven continuation high schools. The students at these high schools are referred from other districts in the County, due to the students’ unique needs and SCOE’s ability to effectively provide for these students. SCOE’s high schools offer CTE programs, but five of the seven have very low or no participation. In 2019, there were 232 students enrolled in CTE at SCOE high schools, with only one completer in the CTE pathway.

DISCUSSION, GRADUATION AND “COLLEGE/CAREER READY” RATES

The SCCGJ examined two metrics for judging the success of high school programs for EL and continuation students. The first was graduation rates and the second “college/career readiness”.

Graduation rates identify the percentage of students who have fulfilled State and district graduation course requirements. These requirements are in the areas of English, mathematics, social sciences, science, physical education, and foreign language or performing/visual arts.

“College/career readiness” measures the percentage of graduates who are prepared for college or a career. In California there are eight ways to qualify as “ready”:

- Completion of a CTE Pathway
- Advanced Placement Exams
- International Baccalaureate Exams
- University of California (UC) and California State University (CSU) a-g requirements
- Grade 11 Smarter Balanced Summative Assessments in ELA and Mathematics
- College course credits
- State Seal of Biliteracy
- Military Science/Leadership

Note that CTE Pathway completers are considered “college/career ready”.

Table 4 compares the graduation and college/career “ready” rates for English learners. College/Career ready is the percent of students that have the knowledge and skills upon graduation, to enter and succeed; whether it be college or career.

Table 4: 2019 English learner graduation rates and College/Career “ready” rates

(Source: CDE Dashboard and CDE Career/College indicator report)

Beyer, Enochs, and Oakdale EL population is small, CCI prepared rate was used as “Ready” Rate.

High School	English Learner Graduation Rate	English Learner “Ready” Rate
Beyer	74%	8%
Davis	74%	16%
Downey	85%	10%
Enochs	95%	27%
Gregori	93%	16%
Johansen	79%	9%
Modesto	88%	8%
Turlock	89%	23%
Pitman	80%	17%
Ceres	70%	52%
Central Valley	94%	49%
Oakdale	59%	0%
Patterson	91%	2%
Riverbank	96%	4%
Orestimba	100%	24%

Table 5 shows Graduation and College/Career Readiness Rates for Selected Continuation High Schools

Table 5: Continuation Schools Graduation and College/Career Readiness Percentages

(Source: CDE Dashboard and College/Career Measures Report)

High School	Graduation Rate	“Ready” Rate
SCOE Continuation Schools (which offer CTE)	39%	1%
Argus (Ceres, no CTE)	65%	4%
Endeavor (Ceres, no CTE)	51%	6%
Elliott (Modesto, no CTE in 2019)	73%	1%
East Stanislaus (Oakdale, no CTE)	56%	2%
Roselawn (Turlock, no CTE)	91%	1%
Sentinel (Waterford, no CTE)	96%	0%
Del Puerto (Patterson)	65%	0%
Adelante (Riverbank)	81%	3%

FINDINGS: Access and Equity

- F1.** At comprehensive high schools in the County, while the CTE course offerings do not thoroughly cover all fifteen industry groups, and vary substantially by district and school, all students, including English learners, do have access to the programs.
- F2.** Continuation high schools’ access to CTE programs is very limited.
- F3.** Master schedule conflicts limit English learner participation in CTE programs because required EL classes, graduation classes, and CTE classes are frequently offered at the same time.
- F4.** Promotion by districts of available CTE transportation is lacking.

- F5.** Payment for out-of-pocket CTE expenses is a barrier to participation for some students.
- F6.** Access to technology, particularly learning applications are not always provided in alternate languages creating a barrier to participation.
- F7.** Promotion of CTE programs for English learners and continuation high school students is inadequate.
- F8.** More support is needed for English learners and continuation high school students, to improve access and promote equity of CTE pathways. This support can take many forms, including education for parents and students on the value of CTE.

FINDINGS Participation

- F9.** English learner enrollment in CTE varies considerably by district and school.

FINDINGS Achievement

- F10.** The CTE completion rate for English learners is low.
- F11.** The graduation rate for continuation high school students varies dramatically by school, and the graduation rates are significantly lower than for comprehensive high schools.
- F12.** EL high school graduates who graduate have low “college/career” scores.
- F13.** The percentage of continuation high school students who graduate varies from school to school, but the percent not “college/career ready” is significantly low.
- F14.** Districts need to find additional avenues for English learners and continuation high school students to gain skills to help them succeed in life, be it in college or in a career. Promoting greater participation in CTE is an opportunity.

RECOMMENDATIONS Access, Equity and Participation

- R1.** Districts should develop strategies for reaching out to English learners and continuation high school students, to promote CTE programs.
- R2.** Districts should develop strategies to support English learners and continuation high school students who enroll in CTE programs. Among possible strategies would be providing interpreters for both students and their families. Additionally, districts should evaluate incorporating English as a second language teachers into CTE.

- R3.** With the next release of master schedules, districts should create more flexible class schedules, making it easier for English learner and continuation high school students to both satisfy graduation requirements and participate in CTE programs.
- R4.** By December 31, 2022, districts whose continuation high schools do not offer CTE should begin planning to incorporate such programs in their curriculum.
- R5.** To promote access, equity, and participation, districts should promote CTE transportation options.
- R6.** To promote access, equity, and participation, districts should provide for out-of-pocket expenses for CTE enrollees in their 2022-2023 budgets.
- R7.** By December 31, 2022, all districts should develop a plan to provide CTE learning applications that reflect the diversity of their population.

RECOMMENDATIONS Achievement

- R8.** All school districts should participate in a county-wide evaluation of why English learners and continuation high school students have such a poor “college/career ready” scores. This effort should be led by SCOE and occur during the 2022-2023 school year.

REQUIRED RESPONSES

The following responses are required within ninety days after receipt of this report per Penal Code §933 and §933.05.

- Stanislaus County Board of Education: **F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, R1, R2, R3, R4, R5, R6, R7, R8**
- Board of Trustees, Ceres Unified School District: **F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, R1, R2, R3, R4, R5, R6, R7, R8**
- Board of Education, Newman-Crows Landing School District: **F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, R1, R2, R3, R4, R5, R6, R7, R8**
- Board of Trustees, Oakdale Joint Unified School District: **F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, R1, R2, R3, R4, R5, R6, R7, R8**
- Board of Trustees, Patterson Unified School District: **F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, R1, R2, R3, R4, R5, R6, R7, R8**
- Board of Trustees, Riverbank Unified School District: **F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, R1, R2, R3, R4, R5, R6, R7, R8**

- Board of Trustees, Turlock Unified School District: **F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, R1, R2, R3, R4, R5, R6, R7, R8**
- Board of Trustees, Waterford Unified School District: **F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, R1, R2, R3, R4, R5, R6, R7, R8**
- Board of Trustees, Modesto City Schools: **F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, R1, R2, R3, R4, R5, R6, R7, R8**

These responses shall be submitted to:

Honorable Robert B. Westbrook

Presiding Judge, Superior Court of California, County of Stanislaus

P.O. Box 3488


Modesto, CA 95353

DISCLAIMER

This case, #22-15GJ, is issued by the 2021-2022 Stanislaus County Civil Grand Jury with the following exception: a juror voluntarily recused due to a potential conflict of interest. This juror was excluded from all phases of the investigation, including interviews, deliberations, voting, writing, and approval of this report. None of the information included in this report was obtained from the recused juror to prevent any potential conflict of interest.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §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.

Appendix A: CTE Programs Offered in Stanislaus County



CAREER TECHNICAL EDUCATION in Stanislaus County

- **CERES**
Jay Simmonds, 556-1552
 - Advanced Animal Science ● ▲ ■
 - Advanced Animation ▲
 - Advanced Digital Photo/Graphics ▲
 - Advanced Vet Science ▲ ■
 - Advanced Video Production ▲
 - Ag and Soil Chemistry ▲
 - Ag Leadership ● ▲
 - Ag Systems Management ▲
 - Ag Welding ● ▲
 - Animation ▲
 - Computer Graphics I ▲
 - Computer Programming (Game Design) ▲
 - Criminal Justice ▲
 - Food Science ▲
 - Intro to Ag Mechanics ● ▲
 - Intro to Animal Ag ▲
 - Intro to Engineering - Robotics 1 ▲
 - Intro to Green Manufacturing ▲
 - Intro to Plant and Animal Ag ▲
 - Intro to Power Mechanics ▲
 - Intro to Veterinary Science ● ▲ ■
 - Manufacturing Computer Drafting ● ▲
 - Manufacturing Electricity Engineering ● ▲
 - Manufacturing Engineering & Design ● ▲
 - Manufacturing Industries ● ▲
 - Police Procedures ▲
 - Principles of Engineering Robotics 2 ▲
 - ROP Ag Advanced Floriculture ▲
 - ROP Intro to Floriculture ▲
 - ROP Intro to Plant Production ▲
 - ROP Plant Production ▲
 - ROP Power Mechanics ● ▲
 - ROP Welding Fabrication II-Metal Fabrication ● ▲
 - ROP Welding ● ▲
 - Video Production ▲
- **DENAIR**
Kara Backman, 632-8911
 - Ag Mechanics
 - Crime Scene Investigation ▲
 - Farm Management
 - Floral Design ▲
 - Landscaping
 - Small Engines
- **HUGHSON**
Lighthall Loren, 883-0480
 - Advanced Digital Photography
 - Advanced Floriculture
 - Ag Biology ▲
 - Ag Earth
 - Ag Equipment*
 - Ag Marketing/Farm Management
 - Ag Shop Survey
 - Farm to Fork
 - Floriculture* ▲
 - Nursery Landscape Occup*
 - Photography
 - Plant Science ▲
 - Small Engines*
 - Veterinary Science ▲
- **MODESTO**
Rachelle Barkus, 576-4161
 - 3D Graphics Animation ▲
 - Ag 1-5
 - Ag Diesel Engine Tech*
 - Ag Leadership
 - Ag Science Systems Mgmt ▲
 - Agricultural Carpentry & Construction Tech
 - Agricultural Manufacturing
 - Agricultural Marketing & Animal Industries
 - Agricultural Mechanics*
 - Agricultural Small Engine Repair*
 - Agricultural Small Engine Tech*
 - Agriculture Power Mechanics
 - Agriscience
 - Animal Science*
 - Apprenticeship Pathway
 - Automotive Technician
- **MODESTO cont'd**
 - Biology & Sustainable Agriculture
 - Biotechnology 4
 - Broadcast Journalism
 - Cabinet Construction
 - Carpentry
 - Child Development
 - Computer Business Application
 - Computer Game Design
 - Computer Programming* ▲
 - Cosmetology*
 - Criminal Justice* ▲
 - Culinary Arts
 - Desktop Publishing & Photo Journalism
 - Digital Audio Production ▲
 - DSLR Photography & Manipulation
 - Electrical Technology
 - Employment Opportunities
 - First Responder
 - Floral Design
 - Floriculture
 - Game Design
 - Graphic Communications
 - Greenhouse & Horticultural Practices
 - Health Careers
 - History & Art of Floral Design* ▲
 - Horticulture & The Environment
 - Hospital & Health Ancillary Svc Occup
 - Hospital & Health Service Occup
 - Industrial Tech & Engineering Academy
 - Integrated Agricultural Biology* ▲
 - Intro to Structured Programming
 - Introduction to Fire Protection
 - Landscape Design & Maintenance
 - Launch Your Own Business
 - Life Management
 - Marketing Essentials
 - Medical Office Occupations
 - Medical Science
 - Multi Media & Animation Design
 - Multimedia Broadcasting ▲
 - Multimedia Production

Legend:

- Articulated
- ▲ a-g Approved
- * Leads to State Certification
- Dual Enrollment

-continued on back page-

2019-06-14



CAREER TECHNICAL EDUCATION in Stanislaus County

• **MODESTO cont'd**

- NFTE Entrepreneur Owning Your Future▲
- Nursing Assist Precertification Program*
- Ornamental Horticulture
- Photo Capture & Manipulation▲
- Pre Engineering
- Programming & Game Design
- Project Supervision
- Retail Sales & Marketing
- Retail Supervisor
- Robotics Engineering▲
- Sheet Metal & Industrial Fabrication*
- Small Business & Ownership Mgmt
- Structural Ag Welding
- Studio Recording ▲
- Teaching & Learning
- Veterinary Science*▲
- Video & Media Production
- Video Game Design
- Virtual Business

• **NEWMAN-CROWS LANDING**

Justin Pruett, 862-2918

- Ag Mechanics
- Ag Welding*
- Computer Gaming
- Computer Programming▲
- Criminal Justice
- Culinary Arts
- Floriculture▲
- Microsoft Office▲
- Nursery Landscape▲
- Robotics
- Veterinary Technician*

Legend:

- Articulated
- ▲ a-g Approved
- * Leads to State Certification
- Dual Enrollment

• **OAKDALE**

Joni McGinnis, 847-3007

- Ag Welding/Equip Construction
- Automotive Training
- Computer Assisted Drafting
- Computer Graphics*▲
- Computer Programming*▲
- Fine Woodworking▲
- Floriculture▲
- Hospital Health Services
- Virtual Business Enterprise▲

• **PATTERSON**

Jeff Rowe, 885-7700

- Accounting
- Ag Biology
- Ag Earth and Environmental Science
- Ag Engineering
- Ag Food Science
- Ag Mechanics*
- Ag Power and Small Engines
- Ag Sales and Marketing
- Ag Welding*
- Anatomy & Physiology
- Animal Science
- Auto Mechanics*
- Chemistry and Agriscience
- Computer Applications
- Floral Design*▲
- Health Careers Lab
- Medical Terminology
- Ornamental Horticulture
- Plant & Nursery Management*
- Safe Forklift Operation
- Supply Chain and Logistics

• **RIVERBANK**

Ed Vaca, 869-2383

- Building Construction
- Cabinet Making
- Culinary Arts
- Multi-Media
- Vocational Ag Welding

• **SCOE**

Dallas Ptaa, 238-1500

- Construction Technology
- Culinary Arts*
- Multi-Media
- Plant Production/Greenhouse Mgmt.
- Robotics▲
- Small Engine/Motor Repair*
- Supply Chain Tech
- Web Design

• **TURLOCK**

Tami Truax, 887-0843

- Ag Mechanics*▲
- Agriscience▲
- Animal Science
- Business Management*▲
- Education*▲
- Engineering Technology*▲
- Financial Services*
- Food Service & Hospitality
- Ornamental Horticulture*▲
- Patient Care▲
- Production & Managerial Arts
- Public Safety*▲
- Software & Systems Development*▲
- Structural Repair & Refinishing*
- Systems Diagnostics, Services & Repair

• **WATERFORD**

Tonya Bibbins, 874-9017

- Ag Mechanics
- Ag Welding
- Early Childhood Education
- Floriculture▲
- Horticulture



RIVERBANK LANGUAGE ACADEMY: THE BROWN ACT AND OTHER OBSERVATIONS



Riverbank Language Academy: The Brown Act and Other Observations

2021-2022 Stanislaus County Civil Grand Jury

CASE # 22-16GJ

SUMMARY

Since 1953, virtually all levels of local government in California have operated under the Brown Act. The Act, authored by Assemblyman Ralph M. Brown (D-Modesto), is often referred to as an “Open Meeting Law” or “Sunshine Law”.

The Brown Act defines the manner in which local government is required to disclose intended actions so the general public is informed and is provided the opportunity to participate in the deliberations of their elected local leaders. The Brown Act is intended to strike a balance between public access and the need for confidential deliberations, with the presumption in favor of public access.

The Riverbank Language Academy (RLA) is a charter school operating under a charter issued by the Riverbank Unified School District (RUSD). The Stanislaus County Civil Grand Jury (SCCGJ) determined the Brown Act is applicable to the RLA. The SCCGJ also determined the RLA did not adhere to specific sections of the Brown Act pertaining to the time requirements for posting an agenda, use of their website to post RLA Advisory Board agendas, access to RLA Advisory Board agendas and minutes, and remote participation in RLA Advisory Board meetings.

While the primary focus of the SCCGJ’s investigation was the RLA’s observance of the Brown Act, in the course of its investigation the SCCGJ made other observations of RLA practices not addressed in the Brown Act. These practices include the use of a school calendar and an archive of past RLA Advisory Board agendas and minutes, both found on the RLA website. The SCCGJ determined these practices contribute to the public’s awareness of RLA governance and administration. However, the SCCGJ also determined the use of these practices was inconsistent.

The SCCGJ determined compliance with the Brown Act ultimately results from regular training and self-regulation on the part of elected officials and administrators. To maintain the public’s confidence in the RLA, it is essential the training provided by the RLA’s legal counsel be consistently followed.

GLOSSARY

Brown Act Government Code §54950

RLA Riverbank Language Academy

RUSD Riverbank Unified School District

BACKGROUND

In 1992, California became the second state in the nation to adopt public charter school legislation. As of the start of the 2021-2022 school year, there were more than 1,300 charter schools and seven all-charter school districts operating in California.

Charter schools operate as either dependent or independent schools. A dependent charter school is a charter school created by a school district, is part of that district's system, and is governed by the Brown Act. An independent charter is one established by a community-based organization, operates under a charter not issued by a school district, and is not subject to the Brown Act. As a dependent charter school, operating under a charter issued by the RUSD, the RLA is subject to the Brown Act.

The RLA was founded in 2007. In school year 2021-2022, it is projected the RLA will serve 570 students in grades K-8 offering a two-way immersion program. Two-way immersion programs combine English language students and Spanish language students. The main goals for all dual immersion programs are the achievement of strong levels of academic proficiency while valuing cultural diversity.

The RLA is governed by a five-member advisory board composed of two elected Board members representing parents of RLA students, two elected Board members representing the Riverbank community and an appointed representative of the RUSD. The school is administered by a full-time, on site Director/Principal.

In response to a citizen complaint, the 2019-2020 SCCGJ initiated an investigation of the RLA. This investigation focused on the process by which candidates were elected to the RLA Advisory Board and the RLA's compliance with the Brown Act.

The 2021-2022 SCCGJ revisited the RLA's adherence to the Brown Act and its election practices. Because the next election to the RLA Advisory Board will not occur until mid-2023, the SCCGJ did not review the RLA's election practices. The SCCGJ did, however, review the RLA's compliance with the Brown Act for the period July-October 2021.

METHODOLOGY

In the course of its investigation the SCCGJ reviewed the Brown Act, conducted interviews, unsuccessfully attempted to remotely attend a meeting of the RLA Advisory Board, reviewed relevant documents, and reviewed the RLA website.

Documents reviewed:

- RLA Charter
- RLA Bylaws
- Memorandum of Understanding between the RUSD and the RLA
- Calendar of RLA Advisory Board meetings for school year 2021-2022

- Agendas and minutes for all regular and special meetings of the RLA Advisory Board for the period July-October 2021
- Terms of Office and Election Schedule for the RLA Advisory Board
- Annual Report of the RUSD review of the RLA
- Brown Act “in-service” training material that occurred for the RLA Advisory Board and administration during 2019-2021

DISCUSSION

Brown Act To affirm the significance of the Brown Act in the governance of the RLA, the SCCGJ reviewed documents associated with the creation and operation of the RLA. The documents reviewed included the following:

- The RLA Charter (dated October 19, 2019) section Affirmations and Declarations states, “The Riverbank Language Academy shall comply with the Ralph M. Brown Act.”
- The Bylaws of the RLA, Article VI, Advisory Board, Section 17 states, “All meetings of the Advisory Board and its committees shall be called, noticed, and held in compliance with the provisions of the Ralph M. Brown Act.”
- The Memorandum of Understanding between the RUSD and the RLA states, “The Charter School agrees to comply at all times with laws which generally apply to public agencies and to comply with federal and state laws...including but not limited to the following: The Ralph M. Brown Act...”

The SCCGJ determined the State Education Code expressly states charter schools are subject to the Brown Act unless the charter school is operating under a charter issued by the State of California. Since the RLA operates under a charter approved by the RUSD, the SCCGJ determined the Brown Act applies to the RLA.

Key sections of the Brown Act reviewed by the SCCGJ include the following:

- Section 54954.2 (a) (1) requires that at least 72 hours before a regular meeting of the legislative body, the legislative body or its designee shall physically post an agenda in a location that is freely accessible to members of the public.
- Section 54956 (a) requires that at least 24 hours before a special meeting, the legislative body or its designee body shall physically post its agenda in a location that is freely accessible to members of the public.
- Section 54956.5 (b) (1) allows a legislative body to hold an emergency meeting without complying with either the 72 hour or 24-hour notice requirements.

- Section 54954.2 (A) requires that legislative bodies with a website must post their agendas on the primary internet website homepage of the agency.
- Section 54954.2 (A) (i) requires that agendas posted on an agency’s website be “Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search application.”
- Section 54953 states, “... a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency...Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public.”

Following its review of the Brown Act, during the period July-October 2021, the SCCGJ reviewed RLA practices subject to the Brown Act. Those practices include the following:

- The SCCGJ reviewed the agendas for the August 25 and August 27, 2021, regular meetings of the RLA Advisory Board. The agenda for these regular meetings was posted 24 hours before the scheduled meetings. In late 2021, the SCCGJ’s review of the RLA website, determined these meetings were later posted as “special meetings” of the RLA Advisory Board. (See Appendix A)
- The SCCGJ did not determine whether physical postings of the RLA Advisory Board agendas occurred on site. The SCCGJ did, however, review the RLA’s website to determine whether the RLA was posting the RLA Advisory Board agenda on the school website as required by the Brown Act.
- The SCCGJ reviewed the RLA website to determine whether RLA Advisory Board agendas were retrievable, downloadable, indexable, and electronically searchable.
- The SCCGJ reviewed the manner in which the RLA conducted teleconferencing meetings of the RLA Advisory Board. Specifically, the SCCGJ reviewed the instructions for participation in teleconferencing of RLA Advisory Board meetings contained on RLA Advisory Board agendas and the RLA website. (See Appendix B)
- The SCCGJ documented Brown Act training was provided annually (2019-2021) through in-service training conducted by the RLA’s legal counsel. A review of the minutes of these workshops indicates a majority of the RLA Advisory Board and RLA administration attended these workshops.
- As part of this training, in 2019, legal counsel addressed the Brown Act requirements for posting agendas on the school’s website. In 2020, the legal counsel again covered this

topic. In 2021, the legal counsel reviewed the same issue as in the prior two years and discussed the timeliness requirements for posting for regular, special and emergency meetings.

Other Observations In the course of its investigation, the SCCGJ made other observations not related to the Brown Act. Specifically, the SCCGJ observed the RLA website contained a school calendar and an archive of past RLA Advisory Board agendas and minutes. The SCCGJ determined both of these features provide valuable information for parents, students, and the general public. A review of the school calendar and archived documents revealed the following:

- The RLA website school calendar included the statement, “For Board Meeting Information Check the Calendar.” The SCCGJ noted the school calendar contained significant events such as the dates for holidays, vacations, minimum days, furlough days, and book fairs, but the calendar did not contain information regarding upcoming RLA Advisory Board meetings. In 2022, the practice of calendaring the dates of RLA Advisory Board meetings resumed.
- In reviewing the RLA website, the SCCGJ determined the practice of archiving past RLA Advisory Board agendas and minutes did not occur in the period July-October 2021. The SCCGJ determined the practice of archiving past agendas and minutes resumed by the end of 2021.
- During its investigation, the SCCGJ learned the RUSD was in the process of transitioning to a new content management system for school websites.

FINDINGS

- F1.** The RLA Advisory agendas for the regular meetings of August 25 and 27, 2021, were not posted within 72 hours as required by the Brown Act.
- F2.** The RLA did not post RLA Advisory Board agendas on the school website.
- F3.** The RLA did not maintain RLA Advisory Board agendas in a retrievable, downloadable, indexable, and electronically searchable manner commonly used in internet search applications.
- F4.** The RLA did not include information on RLA Advisory Board agendas and the school website necessary to remotely access RLA Advisory Board meetings.
- F5.** The RLA was inconsistent in including the dates of RLA Advisory Board meetings on the school calendar located on the school website.
- F6.** The RLA has resumed the practice of archiving past RLA Advisory Board agendas and minutes.

- F7.** The SCCGJ did not make a determination that the change to a new content management system for school websites impacted the RLA’s ability to adhere to the Brown Act.

RECOMMENDATIONS

- R1.** At all times, the RLA should correctly post all meetings of the RLA Advisory Board as required by the Brown Act.
- R2.** By December 31, 2022, the RLA Advisory Board and administration should meet with the RLA legal counsel for in-service training on the Brown Act requirements for posting agency agendas on the school website.
- R3.** By December 31, 2022, the RLA Advisory Board and administration should meet with the RLA legal counsel for in-service training on the Brown Act requirement that agendas are downloadable, indexable, and electronically searchable.
- R4.** The RLA administration should consult with the Information Technology Department of the RUSD to develop procedures to ensure the public’s remote access to RLA Advisory Board meetings and present these procedures to the RLA Advisory Board for adoption by December 31, 2022.
- R5.** The RLA administration should include the dates of all scheduled RLA Advisory Board meetings on the school calendar on the school’s website at the start of each new school year.
- R6.** The RLA should continue the practice of archiving past RLA Advisory Board agendas and minutes.
- R7.** The SCCGJ recommends future juries review the practices by which candidates are elected to the RLA Advisory Board.

REQUEST FOR RESPONSES

Pursuant to Penal Code §933 and §933.5, the SCCGJ requests responses as follows:

From the following governing officials within 90 days:

RLA Advisory Board of Directors: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4, R5, R6.**

INVITED RESPONSES

From the following within 60 days:

RUSD Superintendent: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4, R5, R6.**

RLA Director/Principal: **F1, F2, F3, F4, F5, F6, R1, R2, R3, R4, R5, R6.**

THESE RESPONSES SHALL BE SUBMITTED TO :

Honorable Robert B. Westbrook

Presiding Judge, Superior Court of California, County of Stanislaus

P.O. Box 3448

Modesto, CA 95353

DISCLAIMER

This case, #22-16GJ, is issued by the 2021-2022 Stanislaus Civil Grand Jury with the following exception: one juror recused due to a potential conflict of interest. This juror was excluded from all phases of the investigation, including interviews, deliberations, voting, writing, and approval of this report. None of the information included in this report was obtained from the recused juror to prevent any potential bias in the report.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §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.

APPENDICES

Appendix A: RLA Regular Meeting Agendas for August 25 & 27, 2021; RLA Special Meeting Agendas for August 25 & 27, 2021

Appendix B: RLA Regular Meeting Agenda for October 20, 2021

APPENDIX A

DATE POSTED: August 24, 2021

**REGULAR MEETING OF THE RLA BOARD
RIVERBANK UNIFIED SCHOOL DISTRICT
Virtual Meeting via Zoom
Meeting ID: 940 4248 6834 PW: RLAbboardmt
August 25, 2021 @ 4:30 p.m.**

*PROCEDURES TO BE USED IN THE CONDUCT OF REGULAR BOARD MEETINGS:
Any member of the audience may address an action item during the discussion period for that item only.
Time allowed for each individual is three (3) minutes.*

- I. CALL TO ORDER
 - A. Flag Salute
 - B. Agenda Approval

- II. PUBLIC COMMENTS

This period is for public comments during which the Board invites members of the public to address areas of specific concern. Members of the public may address the RLA on matters not on the agenda. We request speakers to limit their comments to three (3) minutes.

 - A. Public Comments

- III. CLASSIFIED PERSONNEL
 - A. Co-Ed Soccer 2021—Returning Coach—Jesus Quintero (pending background check and clearance)
 - B. Volleyball 2021—New Coach—Alexandra Flores (pending background check and clearance)

- IV. ADJOURNMENT
 - A. Vote to Adjourn

Please Note: Any individual who requires special accommodation, including but not limited to an American Sign Language Interpreter, accessible seating or documentation in accessible formats, should contact the Director or designee at least two days before the meeting date.

Please Note: Regarding Public Comments: Complaints against specific RLA/District employees should be resolved through the RLA/District personnel Complaint Procedure. The right to address the Board does not exempt the speaker from any potential liability for defamation. The proceedings of the Board are recorded and are a part of the public record. The law limits the response of Board members and prohibits the Board from taking any formal action.

APPENDIX A

DATE POSTED: August 26, 2021

**REGULAR MEETING OF THE RLA BOARD
RIVERBANK UNIFIED SCHOOL DISTRICT
Virtual Meeting via Zoom
Meeting ID: 940 4248 6834 PW: RLAbboardmt
August 27, 2021 @ 9:00 a.m.**

*PROCEDURES TO BE USED IN THE CONDUCT OF REGULAR BOARD MEETINGS:
Any member of the audience may address an action item during the discussion period for that item only.
Time allowed for each individual is three (3) minutes.*

- I. CALL TO ORDER
 - A. Flag Salute
 - B. Agenda Approval

- II. PUBLIC COMMENTS

This period is for public comments during which the Board invites members of the public to address areas of specific concern. Members of the public may address the RLA on matters not on the agenda. We request speakers to limit their comments to three (3) minutes.

 - A. Public Comments

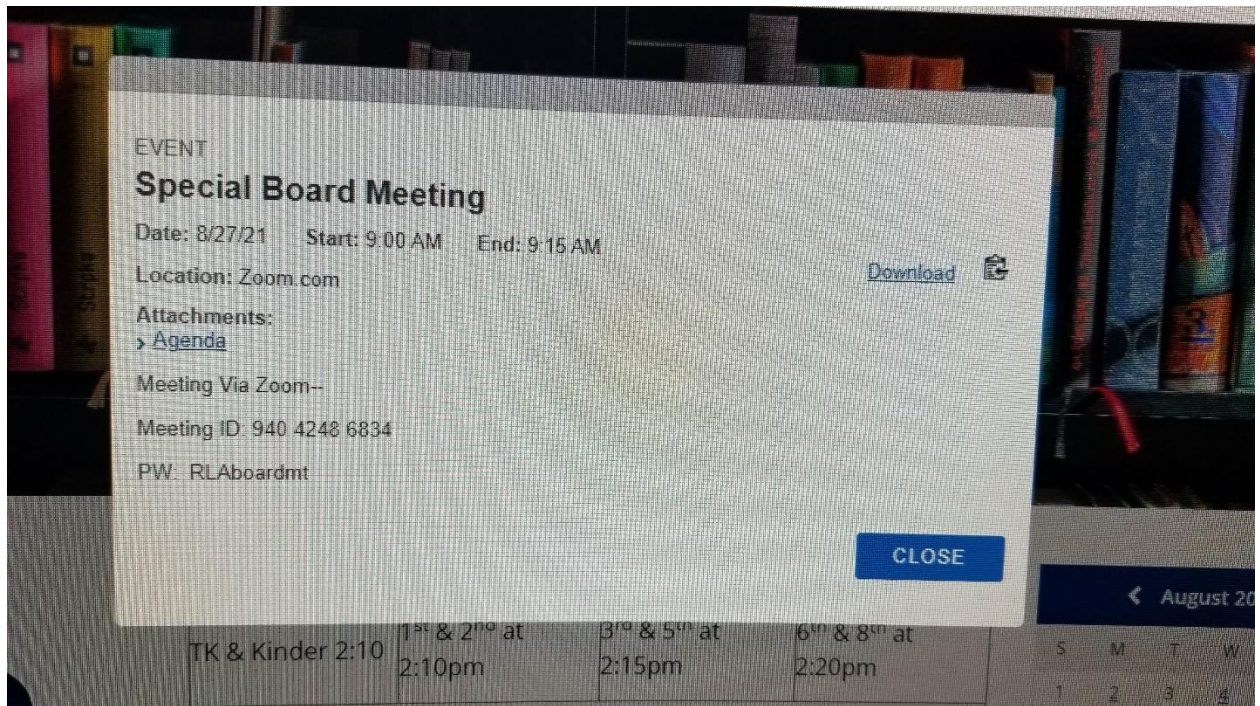
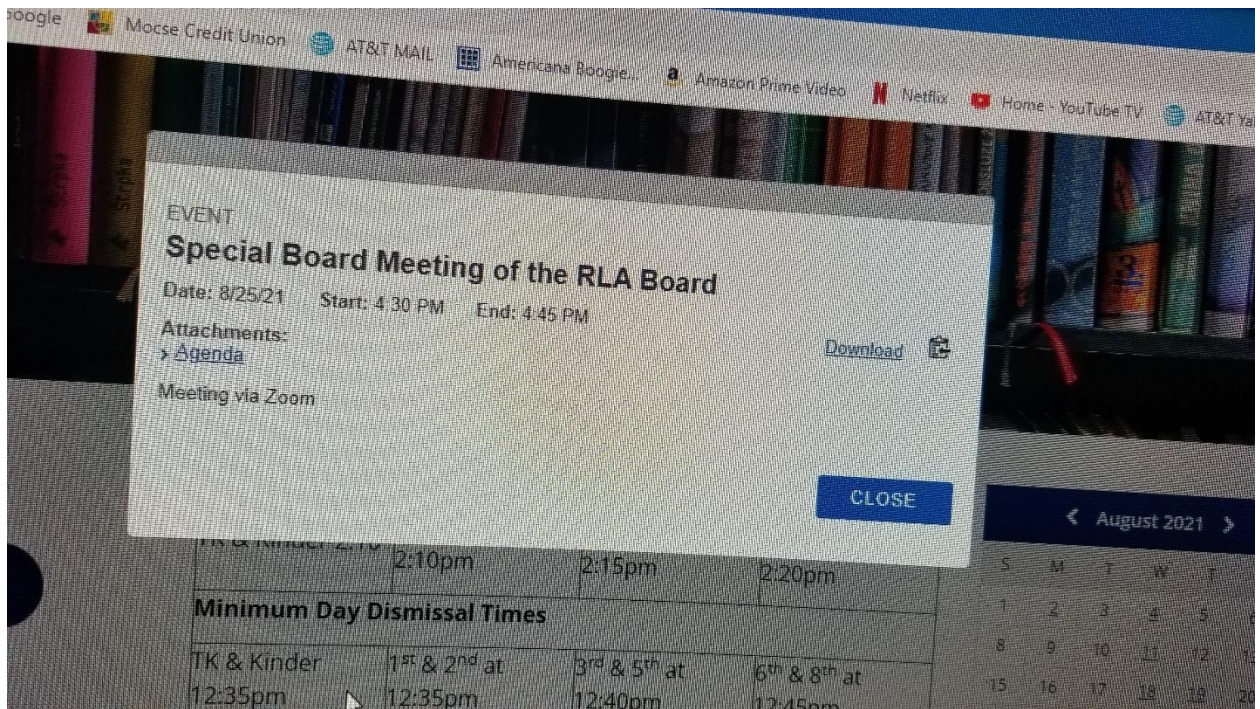
- III. CLASSIFIED PERSONNEL
 - A. Co-Ed Soccer 2021—Returning Coach—Jesus Quintero (pending background check and clearance)
 - B. Volleyball 2021—New Coach—Alexandra Flores (pending background check and clearance)

- IV. ADJOURNMENT
 - A. Vote to Adjourn

Please Note: Any individual who requires special accommodation, including but not limited to an American Sign Language interpreter, accessible seating or documentation in accessible formats, should contact the Director or designee at least two days before the meeting date.

Please Note: Regarding Public Comments: Complaints against specific RLA/District employees should be resolved through the RLA/District personnel Complaint Procedure. The right to address the Board does not exempt the speaker from any potential liability for defamation. The proceedings of the Board are recorded and are a part of the public record. The law limits the response of Board members and prohibits the Board from taking any formal action.

APPENDIX A



APPENDIX B

Date Posted October 15, 2021

REGULAR MEETING OF THE RLA BOARD
RUSD Board Room
6715 7th Street
Riverbank, CA 95367
October 20, 2021 @ 5:30 p.m.

*PROCEDURES TO BE USED IN THE CONDUCT OF REGULAR BOARD MEETINGS:
Any member of the audience may address an action item during the discussion period for that item only.
Time allowed for each individual is three (3) minutes.*

- I. CALL TO ORDER
 - A. Flag Salute
 - B. Agenda Approval

- II. PUBLIC COMMENTS

This period is for public comments during which the Board invites members of the public to address areas of specific concern. Members of the public may address the RLA on matters not on the agenda. We request speakers to limit their comments to three (3) minutes.

 - A. Public Comments

- III. BOARD MEMBERS' REPORTS

- IV. CLOSED SESSION
 - A. Conference with Legal Counsel/Litigation (Government Code 54956.9 (b)—Special Education

- V. DIRECTOR'S REPORT- Vanessa Rojas
 - A. Professional Development & Training
 1. State and Federal Program Network & LCAP Professional Learning Network—V. Rojas –October 1
 2. Teaching with Trauma in Mind—RLA Teachers and Staff—October 6
 - B. Student and School Events—
 1. Riverbank Language Academy Site Summit—September 30
 2. Sense of Community Assemblies—October 1, 2021
 3. Red Ribbon Week Activities and Events—October 25-29
 - C. RLA Parent Meetings---English Learner Advisory Committee—Wednesday 10/20
 - D. Director's Calendar for 2021-2022
 - E. California Schools Dashboard Local Indicators—Report
 - F. Upcoming Meetings & Events
 - Red Ribbon Week Activities—October 25-29
 - Anti-Drug Assembly—October 29
 - RUSD Board Meeting—November 2, 2021 @ 5:30 PM
 - Regular Meeting of the RLA Board—November 17, 2021 @ 5:30 PM

- VI. CONSENT ITEMS
 - A. Consider Adoption of the Warrants—September 2021
 - B. Consider Adoption of the Minutes—Regular Meeting of the RLA Board—September 15, 2021

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THE FUTURE OF URBAN WATER SUPPLY AND DEMAND



The Future of Urban Water Supply and Demand

2021-2022 Stanislaus County Civil Grand Jury

Case #22-07GJ

SUMMARY

California has some of the most variable weather conditions in the country. There are frequent swings between wet and dry years. It is projected that this variability will increase and be manifested in either a decrease in total precipitation over time and/or more frequent and extreme swings between wet and dry years.

While the majority of water use in the state is for agriculture, this investigation examines how two cities, Modesto and Patterson, are preparing to meet the challenges posed by this changing water landscape. These challenges come both from the changing climate and from State mandates for water use reduction.

GLOSSARY

AFY: acre feet per year. One acre foot equals about 320 gallons, or enough water to cover an acre of land, about the size of a football field, one foot deep.

GPCD: gallons per capita daily. Volume of metered water to residential properties, divided by the total population served, then divided by 365.

Groundwater: water present beneath the ground.

Surface water: water that collects on the surface of the ground.

Blended water: a combination of surface water and groundwater.

Non-potable water: water not treated to drinking water standards.

Potable water: water that is safe to be used as drinking water

Overdraft: use of groundwater which exceeds the rate at which it is replenished.

Secondary sewage treatment: the removal of biodegradable matter from sewage.

Tertiary sewage treatment: treatment which removes inorganic compounds, bacteria, viruses, and parasites from sewage.

SCCGJ: Stanislaus County Civil Grand Jury

BACKGROUND

The State has enacted significant water legislation applicable to urban water suppliers for over three decades, most notably in the last fifteen years. These include:

- Requirement that cities prepare Urban Water Management Plans every five years
- Modification of building codes mandating water meters and fixture efficiency standards
- Mandated reductions in per capita water use
- Requirement that Sustainable Groundwater Management Plans be prepared for most underground water basins with the goal over time of eliminating groundwater depletion
- Requirement that State agencies prepare standards, including for indoor residential water use, outdoor residential water use, commercial and industrial landscape water use, and water system losses. These standards are currently in preparation

The State mandates that local suppliers plan for six levels of water shortage, ranging from 10% to 50%. In their Urban Water Management Plans, each supplier must show the steps it will take to reduce demand by these percentages.

Restrictions on water supply come not just from variable climate and restrictions on pumping, but from water quality issues and water facility failures.

One of the most effective ways to promote water conservation is through water pricing. As with all goods, the higher the price the lower the consumption. In 1996 California voters approved Proposition 218. Among its provisions is a requirement that utility fees imposed by local governments not exceed the cost of providing those services. A court ruling in 2015, *Capistrano Taxpayers Association v. City of San Juan Capistrano*, confirmed that the cost of a service must be related to the cost of its provision. Therefore, a city could have a tiered water rate structure based on volume, but it would need to first show that the cost of providing the additional water was higher.

METHODOLOGY

The SCCGJ:

- Reviewed materials related to water conservation in California, Stanislaus County, Modesto, and Patterson
- Reviewed various water documents and plans related to water in Modesto and Patterson, including each city's Urban Water Management Plan
- Interviewed staff from the City of Modesto and City of Patterson

DISCUSSION, CITY OF MODESTO

Until the mid-1990s all of Modesto’s water came from groundwater wells. Modesto and the Modesto Irrigation District (MID) then entered into an agreement to partially replace groundwater with surface water. A surface water treatment plant was built by MID at Modesto Reservoir. About 50% of the City’s water now comes from treated surface water.

During dry years MID reduces its treated surface water deliveries to Modesto and the City compensates by pumping additional groundwater. During wet years, the system is designed to maximize MID deliveries, thus reducing groundwater pumping and helping to recharge the groundwater. Since the City began using blended water, its groundwater levels have risen, reversing the downward trend prior to the project.

The City projects that the surface water treatment plant can supply up to 67,200 acre feet per year (AFY). Up to 53,000 AFY is the maximum amount of groundwater pumping before levels are projected to decrease. Given the switching between sources, it is difficult to project total available water in any given year.

Future constraints on this supply include limitation on groundwater pumping based on the Sustainable Groundwater Plans in preparation, periods of drought that limit the amount of available surface water, and the interaction between these two constraints. For example, during prolonged dry periods with reduction in available surface water, limitations on groundwater pumping might constrain the City from fully compensating with groundwater.

In 2020 Modesto used about 53,000 AFY. Its projection for water demand, based on an assumption of 1% annual population growth, is:

2025	64,000 AFY
2030	68,000 AFY
2035	73,000 AFY
2040	78,000 AFY

State and local regulations and incentives, in addition to a growing public awareness of California’s water supply concerns, have led to reductions in GPCD water use. As shown below, consumption has been declining over time. During the drought years of 2014 and 2015 it decreased substantially. However, by 2020 it had increased about 7%.

2005	274 gpcd
2013	225 gpcd
2014	199 gpcd
2015	163 gpcd
2020	175 gpcd

Following are the steps Modesto has identified for the six levels of water shortage. Based on a state executive order, the City has recently enacted the second level (20% reduction), while

indicating it might be necessary to enact the third level (30% reduction). The following restrictions on days and hours for outdoor watering do not apply for drip irrigation systems.

10% reduction	Expand public information programs, prohibit outdoor water use from noon to 7 pm, limit outdoor watering to three days per week, prohibit hosing concrete and building exteriors, encourage restaurants serve water only on request, give property owners 24 hours to repair any leaks
20% reduction	10% reductions plus limit outdoor water use to two days per week from Nov 1 through March 31
30% reduction	10% and 20% reductions plus prohibit restaurants from serving water, mandatory retrofit with low-flow showerheads with remodeling, no use of outdoor water features except for maintenance, no irrigation for 48 hours after rainfall, hotels and motels must offer opt out linen service, increase in frequency of meter reading
40% reduction	10%, 20% and 30% reductions plus prohibit outdoor water use from 9 am to 7 pm (including car washes), modify water rate structure to offset anticipated revenue losses from reduced water use
50% reduction	10%, 20%, 30%, 40% reductions plus prohibit outdoor water use except for trees and shrubs by hand or drip irrigation, car washing only at commercial car washes
Greater than 50%	10%, 20%, 30%, 40%, 50% reductions plus moratorium on all new landscaping except for zero-scape, a building moratorium on all new construction including swimming pools, and attempt to purchase additional surface water from MID.

Once any of these steps is adopted, first time violators receive a warning notice. Each subsequent violation results in a fine of between \$150 and \$500. The primary method of enforcing these steps is water waste patrols. However, during the COVID-19 pandemic such patrols were curtailed.

Modesto adopted its first water conservation plan in 1990. The plan currently includes mandatory water meters on existing and new construction (required by the State), educational programs, water surveys for residential properties to detect leaks, rebates for high-efficiency clothes washers, low flow toilets, removal of turf and installation of low water demand landscaping, installation of rain barrels, installation of drip irrigation, installation of smart irrigation controllers, and purchase of high efficiency sprinkler nozzles.

Information on the use of the rebates and public outreach efforts was requested from the City. But since the City did not respond to this request, the SCCGJ was unable to evaluate the effectiveness of these programs.

Modesto will soon complete its program to retrofit all existing properties with water meters. Prior to meters the City's water rates were based on property size. With meters they consist of a fixed meter charge based on the size of the water line connecting to the property, plus a volume rate which is the same regardless of amount of water consumed.

In 2016 the City commissioned a consultant to study its water rates and fees. The consultant found Modesto’s costs of producing water could not support a tiered rate and still comply with Proposition 218. In place of a tiered rate structure, the consultant recommended, and the City adopted, a surcharge which can be applied during droughts, applying equally to all customers.

Education is a key component of Modesto’s conservation program, especially at the elementary level. Here again, this aspect of the program was curtailed by the COVID-19 pandemic.

Another part of the program is reducing water system loss. This is basically water lost to leaking pipes. The most recent estimate by the City was a 10% system loss, or roughly 52 gallons per connection per day. A connection is the point where an individual customer’s service line connects to the main city line. There are over 78,000 connections.

DISCUSSION, CITY OF PATTERSON

Patterson gets all its water from groundwater. It has seven wells for potable water, and three for non-potable water. The non-potable water is used primarily for landscape irrigation.

In 2020, the City supplied a total of 3,894 AFY of potable water. Based on 2.26% annual population growth, it projects that even with conservation measures, it will have significant gaps in needed supply in the future. In 2050 that projected gap is 7,424 AFY. The same is true for non-potable water, with a gap of 1,286 AFY projected by 2050.

GPCD increased in the early 2000s, but declined during the 2014 and 2015 drought years. Between 2015 and 2020 GPCD increased 16%, close to the level from the early 2000s. These numbers are for potable water only.

2001	154 gpcd
2005	151 gpcd
2010	170 gpcd
2015	126 gpcd
2020	146 gpcd

The City has few existing options to meet its projected supply gaps without overdrafting groundwater. It is therefore exploring three strategies.

The first strategy is recycling sewage from its treatment plant. One way to do this would be to transfer its sewage, which receives secondary treatment, to Modesto’s treatment plant, which is just across the San Joaquin River from Patterson’s plant. Modesto’s plant has tertiary treatment. The treated sewage would be put in the Delta Mendota Canal, from which Patterson would extract it, treat it, and use for potable water supply. This project could produce 5,320 AFY and has a price tag of \$42 million.

Alternatively, Patterson could upgrade its own treatment plant to provide tertiary treatment. The treated sewage would be percolated into the groundwater and later extracted for non-potable water. This project could produce 5,040 AFY and has a price tag of \$39 million.

The second strategy is greater reliance on non-potable water for commercial and public landscaping. The City projects between 10-25% of its potable supply can be saved in this manner by 2035.

The third strategy is stormwater capture. The City recently entered into an agreement with the Del Puerto Water District and others related to the proposed construction of a reservoir using, in part, water flow from Del Puerto Creek. The Agreement gives Patterson the right to capture creek water released from the future reservoir at no cost except for the actual cost of building and maintaining a diversion facility from the creek. The total amount that can be captured is:

- Wet year: 1,700 AFY
- Above normal year: 1,400 AFY
- Below normal year: 800 AFY
- Dry year: 600 AFY
- Critical year: 200 AFY

Under this Agreement, the City also retains the right to capture flood flows from Del Puerto Creek.

These three strategies combined are projected to be able to supply 20-40% of total demand by 2035.

Following are the steps Patterson has identified it will take for the six levels of water shortage. Until the recent state executive order, Patterson had been at level 1.

Consumption Reduction Action	Level When Action Applies	Projected Reduction
Demand Reduction Program	All levels	0-50%
Voluntary Water Use Reductions	1-3	0-30%
Voluntary Restrictions, no waste, not enforced	1-2	0-20%
Public Outreach Measures, General	1-2	0-20%
Public Outreach Measures, General and Specific	3-6	30-50%
Expedite Conversion of Water Efficient Fixtures	1-3	10-30%
Irrigation Reduction, limit 3 days/week	1-2	0-20%
Irrigation Reduction, limit 2 days/week	1-4	0-40%
Irrigation Reduction, parks/open spaces	2-6	20-50%
Irrigation Reduction, no lawn watering	5-6	40-50%
Customer Leak Repair, w/in five days of detection	1-6	10-50%
Utility Leak Repair, expedite larger repairs	3-6	20-50%
Mandatory restrictions, no waste enforced	3-6	20-50%
Apply flow restrictions to customers	5-6	40-50%
Water shortage rate surcharge	3-6	20-50%
Apply penalties for excessive water use	3-6	20-50%
Restrict water use for priority uses only	4-6	30-50%
Mandatory water rationing, per capita allotment	5-6	40-50%

First time violators of these requirements receive a notice. The second violation results in a \$25 fine, the third violation a \$50 fine, and the fourth and subsequent violations a \$100 fine. Water may be shut off after the third fine, but to date this has not occurred.

Patterson enforces these water reduction mandates through water waste patrols. The patrols were severely cut back during the COVID-19 pandemic.

Patterson projects that the conservation measures it has adopted contribute about 3% to potable water supply today, rising to over 7% by 2050. It has two rebate programs to encourage water conservation. The first is turf replacement, with a rebate of \$1 per square foot. To date about 27,000 square feet of turf has been removed. The second is for low-flow toilets with a \$100 rebate. It estimates there are 2,400 homes in Patterson that qualify for the toilet rebate. To date about 100 units have been converted.

The City also distributes low flow shower heads, faucet aerators, shut off nozzles, and leak detection tablets free of charge.

System water loss reached a high of eighty-three gallons per connection per day in 2017. In 2020 the loss was reduced to thirty gallons per connection per day. Historically, the City has experienced water system losses of 10-12%. The goal is to reduce loss to 8%. There are approximately 6,900 connections.

Water rates in Patterson have a base amount paid by all which varies accordingly to the size of the connection. Above this base, there are two tiers of charges based on volume used. In the second tier the rates are higher than in the first tier.

FINDINGS, OVERALL

- F1.** The changing climate is putting pressure on the supply side for urban water systems.
- F2.** The likelihood of more stringent state mandated reductions in water use is putting pressure on the demand side.
- F3.** Even if sufficient supply may exist in any given year in Modesto or Patterson, state mandates may still require greater conservation measures.

FINDINGS, CITY OF MODESTO

- F4.** The City showed foresight in moving to a blended water supply over 25 years ago and is well positioned to maintain an adequate supply of water.
- F5.** While Modesto has greatly reduced its per capita daily consumption, based on likely State action, it will need to further reduce its gallons per capita daily usage.

- F6.** The City’s rate consultant assumed that rate increases or surcharges due to drought conditions, after being offset by lowered consumption, would result in no net increase in total cost to customers. The SCCGJ finds this assumption to be risky and that reductions in daily per capita consumption may result in financial pressure on the water fund and thus customers.
- F7.** The City is losing over four million gallons of water per day due to system leakage.

FINDINGS, CITY OF PATTERSON

- F8.** The City has made progress on securing additional sources of water through its Agreement with the Del Puerto Water District.
- F9.** Other possible strategies to increase supply are not yet finalized.
- F10.** Since 2001 Patterson has reduced its GPCD consumption by 9%. Based on likely State action, it will need to further reduce its gallons per capita daily usage.
- F11.** The City’s conservation programs, such as turf and toilet replacement, have had minor impact to date.
- F12.** Further reductions in daily per capita consumption will result in pressure on the City water fund to cover fixed costs.
- F13.** The City is losing about 207,000 gallons of water per day due to system leakage.
- F14.** The City has a tiered rate structure, i.e., per unit water costs more the more one uses.

RECOMMENDATIONS, CITY OF MODESTO

- R1.** Modesto should adopt a more aggressive conservation program to reduce its gallons per capita daily consumption and the severity of future rate increases.
- R2.** Modesto should better educate its citizens on the need to conserve so that when greater restrictions are required, the public is more accepting of the need.
- R3.** Modesto should accelerate its efforts to limit water system loss.

RECOMMENDATIONS, CITY OF PATTERSON

- R4.** Patterson should move as quickly as possible to evaluate and implement, if deemed feasible, the other strategies it has identified to increase supply.
- R5.** Patterson should better educate its citizens on the need to conserve so that when greater restrictions are required, the public is more accepting of the need.

- R6.** Patterson should adopt a more aggressive conservation program to reduce its gallons per capital daily consumption and the severity of future rate increases.
- R7.** Patterson should accelerate its efforts to limit water system loss.
- R8.** While the SCCGJ supports a tiered rate structure to promote conservation, Patterson should once again evaluate whether this structure complies with the requirements of Proposition 218.

REQUEST FOR RESPONSES

The following responses are required pursuant to Penal Code §933(c) and §933.05:

City of Modesto City Council: **F1, F2, F3, F4, F5, F6, F7, R1, R2, R3**

City of Patterson City Council: **F1, F2, F8, F9, F10, F11, F12, F13, F14, R4, R5, R6, R7, R8**

F1, F2, These responses are required to be submitted to the Court within ninety days of receipt of the report. They shall be submitted to:

Honorable Robert B. Westbrook

Presiding Judge, Superior Court of California, County of Stanislaus

P.O. Box 3488

Modesto, CA 95353

DISCLAIMER

This case, #22-07GJ, is issued by the 2021-2022 Stanislaus County Civil Grand Jury with the following exception: two jurors voluntarily recused due to a potential conflict of interest. These jurors were excluded from all phases of the investigation, including interviews, deliberations, voting, writing, and approval of this report. None of the information included in this report was obtained from the recused jurors to prevent any potential bias in the report.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §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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City of Modesto. “City of Modesto Water Rate and Fee Study”. September 2016.

City of Patterson. “Draft 2020 Urban Water Management Plan”. March 2021.

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THE EASTSIDE MOSQUITO ABATEMENT DISTRICT



THE EAST SIDE MOSQUITO ABATEMENT DISTRICT

2021-2022 Stanislaus County Civil Grand Jury

Case #22-13GJ

SUMMARY

The 2021-2022 Stanislaus County Civil Grand Jury (SCCGJ) initiated an investigation into the East Side Mosquito Abatement District (ESMAD) in Stanislaus County, California. The district covers the northern part of Stanislaus County. This investigation initially focused on the threat of mosquito-borne diseases such as West Nile Virus (described in the references) and public access to services via ESMAD website. SCCGJ conducted an examination of documents provided by the district, interviewed its personnel, analyzed ESMAD website, and toured its headquarters. As the investigative focus evolved, SCCGJ found a need for improving the manner in which ESMAD informs the public, gathers data, and maintains its facilities.

GLOSSARY

BOS	Stanislaus County Board of Supervisors
ESMAD	East Side Mosquito Abatement District
IVM	Integrated vector management, a rational decision-making process that encourages optimal use of resources for efficient, cost-effective and sustainable vector control.
SCCGJ	Stanislaus County Civil Grand Jury
TMAD	Turlock Mosquito Abatement District
Vector	A living organism that transmits an infectious agent from an infected animal to a human or another animal
21st Century IDEA	21st Century Integrated Digital Experience Act

BACKGROUND

ESMAD board of trustees is appointed by the Stanislaus County Board of Supervisors (BOS). Local officials created the district in 1939 in order to control the mosquito population in the northern part of Stanislaus County between the Tuolumne River and the southern boundary of San Joaquin County. ESMAD jurisdiction covers an area of over 550 square miles. The district includes ten distinct zones: the western area, the southwestern area, and the Stanislaus County communities of Empire, Knights Ferry, Modesto, Oakdale, Riverbank, Salida, Waterford, and Valley Home. (Appendix A features a map of the ESMAD service area.)

Property taxes provide the funding for ESMAD, a non-enterprise independent special district. Non-enterprise districts deliver services that provide general benefits to entire communities and do not charge a fee for services. Non-enterprise districts primarily rely on property taxes for their revenues.

The BOS allocated \$2,972,100 to ESMAD for its fiscal year 2020-2021 budget. The district currently employs five full-time staff: a district director, an assistant director, an office manager, at least one field technician, and a mechanic. Seasonal workers are employed on an as-needed basis during peak mosquito breeding season, including contracted pilots, biologists, and laboratory technicians.

Given that the water essential to farming and ranching provides favorable breeding conditions for mosquitoes, concerns of SCCGJ initially centered around mosquito-borne diseases such as West Nile Virus and St. Louis Encephalitis, public awareness of ESMAD, and how to access its services. The investigative focus evolved, and the SCCGJ found a need for improving the manner in which ESMAD informs the public, gathers data, and maintains its facilities.

METHODOLOGY

This investigation included the following activities:

- 1) Examined ESMAD documents for three fiscal years from 2018-2021 that included budget, actual expenditures, logs and records of abatement activity, agendas and minutes for all board meetings, and annual financial audit reports. ESMAD provided all requested documents.
- 2) Interviewed district personnel.
- 3) Reviewed ESMAD website and compared it with the websites of other mosquito abatement districts throughout the Central Valley.
- 4) Toured ESMAD in order to directly observe the nature and scope of its operations.

DISCUSSION

As previously stated, SCCGJ initially focused on how ESMAD dealt with the threat of mosquito-borne diseases such as West Nile Virus and St. Louis Encephalitis. The other initial concern related to public awareness of the district and how members of the public accesses its services. Following an examination of ESMAD documents and its website, interviews with its personnel, and a tour of the ESMAD. SCCGJ discovered a need for improving the manner in which the district informs the public, gathers data, and maintains its facilities. Consequently, during the course of the inquiry the SCCGJ investigative focus evolved to include the following issues:

- Field operations, with a focus on data gathering and recording
- Public awareness of ESMAD and how to access services from it via its website
- Management and maintenance of ESMAD facilities

Field Operations, with a Focus on Data Gathering and Recording

SCCGJ learned that ESMAD previously did all of its record keeping of treatment activities on paper. When ESMAD responded to a service call, the assigned field technician filled out a paper form in order to document activities related to the call. See Appendix B for an example of a handwritten service call form. ESMAD does not maintain a searchable spreadsheet or database of treatment activities. A searchable database allows for citizens to quickly determine if the area in which they live has been treated for mosquitoes. Further, such a database facilitates the use of data analysis tools which allows agencies like ESMAD to spot trends based on the number of calls for service it receives. SCCGJ has learned that ESMAD understood that it needed to update its use of technology, particularly in terms of electronic reporting and record keeping. The SCCGJ also learned that in early 2021, as part of its effort to modernize and streamline its operations, ESMAD acquired computer technology and software and began training its staff to use electronic (digital) record keeping methods.

ESMAD made changes in operational habits with respect to how the mission of the district is carried out. For example, one issue ESMAD confronted occurred when members of the community bypassed the ESMAD office and contacted field technicians directly for services. This opened the door for inaccurate record keeping and potential theft of resources. In order to end this sort of activity, ESMAD enacted strict inventory control measures, including a monthly inventory of its chemicals.

Currently, ESMAD uses integrated vector management (IVM) in its effort to control mosquitoes. This approach includes educating the public about the importance of removing standing water where mosquitoes breed, the use of mosquito fish in permanent standing water, the use of chemical fogging to kill mosquito larvae, and aerial spraying.

Public Awareness of ESMAD and Accessing Services from its Website

Insofar as educating the public is concerned and facilitating access to its services, the ESMAD website needs reorganization and an update. It does not contain all of the latest information relevant to ESMAD's mission. For example, the ESMAD website does not post a schedule indicating when and where the district plans to treat a given area for mosquitoes, nor does the website display a request for services form.

On the ESMAD site's home page the link designated "board info" (information about the ESMAD board of trustees) links to a page entitled "meeting minutes" that lists the dates and agendas for regular board meetings and notices relevant to the meetings, such as cancellations. The most recent ESMAD board meeting minutes posted on its website was from its December 10, 2019 meeting. Minutes of ESMAD board meetings after that date are not available on the website (See Appendix C). The names of ESMAD board members are on the "About Us" page and not on the "Board Info" page.

As a matter of comparison, the "About Us" link on the opening website page for the Turlock Mosquito Abatement District (TMAD) allows access to a list of its governing board members and their cities of residence, a list of primary district staff, a brief district history, a service area map, a list of job opportunities, and contact information. The opening page of the TMAD website has over forty five links related to the various categories of information it presents, such as those for programs, services, resources, public information, board meeting agendas and minutes, a service request form, and treatment notifications. (See Appendix C).

"The 21st Century Integrated Digital Experience Act (21st Century IDEA), was signed into law in December 2018. The Act aims to improve the digital experience for government customers and reinforces existing requirements for federal public websites." Although 21st Century IDEA focuses on federal government websites, its website contains many ideas on website design likely to be useful for any public agency funded by taxpayers. According to 21st Century IDEA, websites should be consistent and user-centered. The ESMAD site is inconsistent with respect to the location of the information it presents, such as for its board members. The site is not user-centered. For example, a service request form is not on the website. (Appendix D provides information about 21st Century IDEA and website requirements.)

Management and Maintenance of the ESMAD Facilities

ESMAD's base of operations in East Modesto is a generally well-organized workplace. ESMAD maintains a fleet of service vehicles, including pickup trucks and all-terrain vehicles. In addition to a small bulldozer and forklift, ESMAD also owns two specialized single engine airplanes used for spraying large areas. The mechanics space is well organized. Chemicals used for the control of mosquitoes are grouped according to type and stored in an onsite warehouse. A chain link fence topped with barbed wire encloses the entire ESMAD facility, including its airstrip.

A tour of the ESMAD facility included a stop at the laboratory where ESMAD examines mosquito samples, processes dead birds and other animals, and conducts other relevant

laboratory activity. The lab, a room of approximately 130 square feet, was very cluttered and appeared to lack adequate storage space. Boxes and other containers sat on the floor next to the refrigerator. The only fire extinguisher sat on the floor. It was not properly mounted on the wall in accordance with state and federal requirements, as noted under laboratory safety in the references). The sink adjacent to the eyewash station was full of assorted glass and plastic containers. The sign for the eyewash station is partially hidden by extraneous material such as plastic containers and spray bottles. Access to the eyewash station is impeded by cardboard boxes and other equipment sitting on the floor. California law requires that emergency eyewash facilities be in accessible locations that require no more than 10 seconds for an injured person to reach (also noted under laboratory safety in the references). The microscope was not in use and sat uncovered on the counter where samples are examined. The stainless-steel lab table and the desk in the lab lay cluttered with various boxes, papers, and other items.

ESMAD only seasonally employs a full or part time biologist or lab technician capable of processing and examining biological samples such as dead birds infected with pathogens like the West Nile Virus. (See Appendix E: ESMAD Photographs, for pictographic documentation.)

FINDINGS

- F1.** Before January 2021, ESMAD used paper daily log forms that were completed by its personnel in the field after completing service calls. However, in early 2021, ESMAD switched from using paper forms to using electronic tablets or laptop computers in order to record work conducted by personnel in the field.
- F2.** ESMAD enacted strict inventory control measures, including a monthly inventory of its supply of chemicals.
- F3.** ESMAD works collaboratively with county health officials and local news media in order to educate the public about the threat mosquitoes pose to public health.
- F4.** The ESMAD website is in need of reorganization and an update consistent with the ideas contained in the 21st Century Integrated Digital Experience Act.
- F5.** The ESMAD website does not contain all of the latest information relevant to ESMAD's mission.
- F6.** There is no service request form on the ESMAD website.
- F7.** There is no information on the ESMAD website concerning areas sprayed for mosquitos and does not post a schedule indicating when and where the district plans to treat a given area for mosquitoes.
- F8.** ESMAD does not maintain a searchable spreadsheet or database of treatment activities on its website.
- F9.** ESMAD does not feature a service area map on its website
- F10.** The ESMAD board information is not properly organized on its website.
- F11.** 2020 and 2021 ESMAD board meeting minutes are not displayed on its website

F12. The ESMAD laboratory room is cluttered, which may interfere with the efficient execution of laboratory procedures and potentially compromise the safety of those who work there. The SCCGJ does note that the status of the lab may be affected by the seasonal nature of mosquito abatement work.

RECOMMENDATIONS

- R1.** ESMAD should continue its conversion to the use of electronic tablets or laptop computers in order to record work conducted by personnel in the field.
- R2.** ESMAD should place a service request form on its website no later than December 31, 2022.
- R3.** ESMAD should place a treatment schedule with a service area map on its website no later than December 31, 2022.
- R4.** By December 31, 2022 ESMAD should create and post on its website a searchable database of treatment activities so members of the public can learn if ESMAD treated the area where they reside.
- R5.** ESMAD board information should be placed on the ESMAD home page of its website (usually with the “About Us” or “Board Information” tabs) no later than December 31, 2022. This page should include 1) the names of board members and the terms of their tenure, and 2) agendas and minutes of board meetings.
- R6.** ESMAD should mount the laboratory fire extinguisher on the wall in an easily accessible location in accordance with state and federal law by December 31, 2022.
- R7.** ESMAD should move the laboratory eyewash station to an unobstructed location where workers can reach it within 10 seconds of an eye injury by December 31, 2022. This also requires placing the eyewash station sign in a prominent location.
- R8.** ESMAD should declutter its laboratory by providing more storage space for supplies and unused equipment that can be quickly retrieved when needed

REQUEST FOR RESPONSES

The following responses are required pursuant to Penal Code §933 and §933.05. The SCCGJ requests responses from the following governing bodies within ninety days:

- ESMAD Board of Trustees: **F1,F2,F3,F4,F5,F6,F7,F8,F9,F10,F11,F12, R1,R2,R3,R4,R5,R6,R7,R8**

The above listed responses are required pursuant to Penal Code §933 and §933.05. The SCCGJ request the following governing body within sixty days:

- District Director of ESMAD: **F1,F2,F3,F4,F5,F6,F6,F7,F8,F9,F10,F11,F12, R1,R2,R3,R4,R5,R6,R7,R8**

Responses are to be submitted to:

The Honorable Robert B. Westbrook
Presiding Judge, Superior Court of California, County of Stanislaus
P.O. Box 3488
Modesto, CA 95353

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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Mosquito Abatement Districts

East Side Mosquito Abatement District: <https://eastsidemosquito.com>

Turlock Mosquito Abatement District: <http://www.turlockmosquito.org>

Merced County Mosquito Abatement District: <https://www.mcmosquito.org>

Sacramento-Yolo Mosquito and Vector Control District: <https://www.fightthebite.net/>

Mosquito and Vector Control Association of California (MVCAC): <https://www.mvcac.org>

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The Centers for Disease Control and Prevention. “West Nile Virus.” Accessed February 17, 2022. <https://www.cdc.gov/westnile/index.html>

World Health Organization. “West Nile Virus.” Accessed February 17, 2022. <https://www.who.int/news-room/fact-sheets/detail/west-nile-virus>

Snyder, Robert E. “West Nile virus in California, 2003–2018: A Persistent Threat,” Accessed November 18, 2020. <https://journals.plos.org/plosntds/article?id=10.1371/journal.pntd.0008841>

The Vector-Borne Disease Section of the California Department of Public Health. “2021 West Nile Virus Activity in California.” Accessed February 17, 2022. <https://westnile.ca.gov>

“West Nile Virus (WNV) is a mosquito-borne virus that causes disease in humans, horses, and birds. WNV spreads to people through the bite of an infected mosquito, and it can make people sick and even cause death. WNV is common in the United States, especially in California, and is a problem that is here to stay.”

“West Nile virus is the most common and serious vector-borne disease in California. There have been more than 7,000 human cases and over 300 deaths reported in California since 2003. The mosquitoes that spread WNV are found throughout the state.”

St. Louis Encephalitis Virus

The Vector-Borne Disease Section of the California Department of Public Health. “St. Louis Encephalitis Virus.” Accessed February 17, 2022. <https://westnile.ca.gov/sle.php>

“What is St. Louis encephalitis virus (SLEV)? SLEV is a virus spread by mosquitoes that can make people sick. Most people infected with SLEV don't have symptoms, but in rare cases, SLEV can cause swelling or inflammation of the brain (encephalitis) and lead to death. The symptoms and transmission of SLEV are similar to West Nile virus (WNV), but SLEV is less common in California than WNV.”

Recent News Reports

Carlson, Ken. “Mosquitoes infected with West Nile virus are found in Modesto. Could be a bad season,” *Modesto Bee*. Accessed June 12, 2021.

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Staff reports. “Human infection of mosquito-borne illness found in Stanislaus County.” *Turlock Journal*. November 9, 2021. <https://www.turlockjournal.com/news/local/human-infection-mosquito-borne-illness-found-stanislaus-county/>

Website Modernization

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<https://digital.gov/resources/21st-century-integrated-digital-experience-act/#agencies-must-report-progress-on-website-modernization>

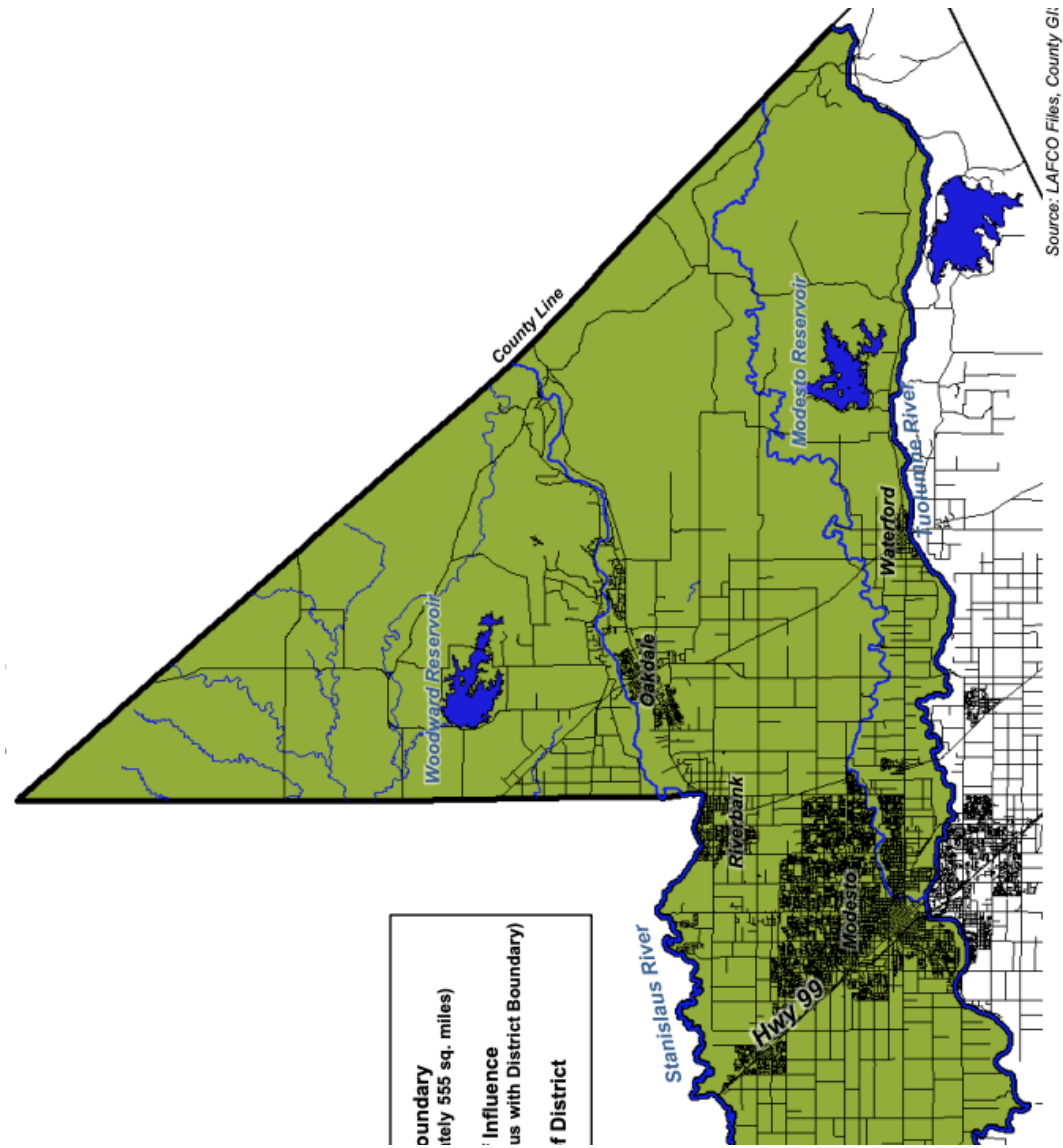
Laboratory Safety

United States Department of Labor Occupational Safety and Health Administration
<https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.157>

California Code of Regulations on Fire Extinguishers
<http://www.cafireprotection.com/fire-extinguishers/>

§5162. Emergency Eyewash and Shower Equipment
<https://www.dir.ca.gov/title8/5162.html>

APPENDIX A: EAST SIDE MOSQUITO SERVICE AREA MAP



Retrieved from <http://www.stanislauslafco.org/PDF/SOI/Districts/EastsideMAD.pdf>

APPENDIX B: SAMPLE OF HANDWRITTEN SERVICE CALL RECORD

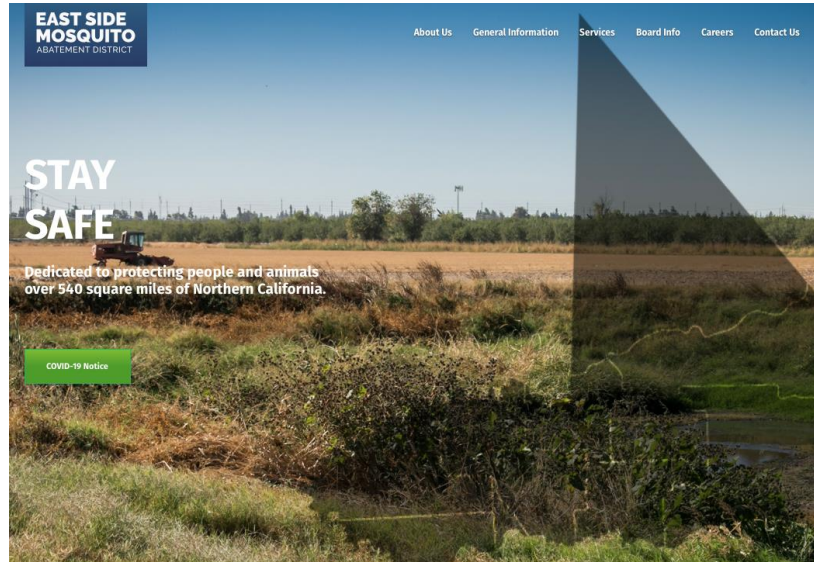
EAST SIDE MOSQUITO ABATEMENT DISTRICT DAILY REPORT

NAME: EDDIE STEWART VACATION: _____ SICK LEAVE: _____ HOLIDAY: _____ OTHER: _____
 DATE: 11-6-70 DISTRICT # 3 # OF INSPECTIONS: 7
 # OF APPLICATIONS: 0

TIME	OWNER - ADDRESS	TYPE	N/P	LARV. POWER		LARV. HAND		ADULT POWER		ADULT HAND		COLD FOG		
				ACRES	GAL	ACRES	GAL	ACRES	CE	ACRES	CE	ACRES	CE	
11:00	Dry Creek Park	Grass	N											
11:30	Beard Brook Park	Grass	N											
12:15	Leech Rd.	Grass	N											
1:45	Frieland Ave.	Tree	N											
1:15	Davidson Rd.	Grass	N											
1:45	DeWitt Rd.	Pitch	N											
2:00	Milnes/Church	Other	N											
SUB-TOTAL FROM BACK PAGE														
TOTAL GRANULES														
TOTAL INSECTICIDES														
TIME DISTRIBUTION													MILEAGE	
LAVICIDING: EQUIPT. MAINT.:													TRUCK #	19
ADULTICIDING: MAPPING:													STOP	17,867
INSPECTION: 5:00 RECORD KEEPING: 15													START	19,837
FISH PLANTING: TRAVEL TIME: 45													TOTAL	30
WEEDS-PRODUCT: OTHER: YARD/MEETING 4:00													MALE	
SUB-TOTAL: 3:00													START	8
REMARKS:													STOP	

APPENDIX C: PRIMARY WEBSITE PAGES OF ESMAD AND TMAD

Opening web page of the East Side Mosquito Abatement District (ESMAD)



Opening web page of the Turlock Mosquito Abatement District (TMAD)

Virus Activity	Humans	Dead Birds	Mosquito Samples
Turlock West Nile Virus	0	1	5
California WNV	3	84	414
Turlock St Louis Encephalitis Virus	0	0	0 View Virus Activity
California SLEV	0	0	2 [*] Current as of 7/24/2021

APPENDIX D: WHAT DOES IT MEAN TO MODERNIZE WEBSITES?

According to Digital.gov, a division of the United States General Services Administration, public-facing websites and digital services should use the U.S. Web Design System and meet eight specific requirements:

1. **Accessible** - be accessible to individuals with disabilities in accordance with Section 508
2. **Consistent** - have a consistent appearance
3. **Authoritative** - not overlap with or duplicate existing websites
4. **Searchable** - contain a search function
5. **Secure** - be provided through a secure connection
6. **User-centered** - be designed around user needs with data-driven analysis
7. **Customizable** - provide an option for a more customized digital experience
8. **Mobile-friendly** - be functional and usable on mobile devices

APPENDIX E: ESMAD PHOTOGRAPHS

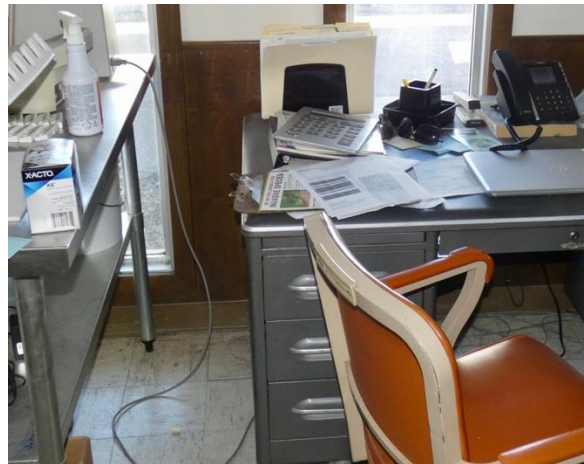
ESMAD uses a fleet of pickup trucks and all-terrain vehicles that are sometimes equipped with special spraying equipment.



ESMAD has two airplanes it uses for aerial spraying.



ESMAD has a lab for testing specimens, but it is somewhat cluttered.



The ESMAD stores chemicals by category, under strict inventory control, and according to standard safety protocols.



PUBLIC SAFETY FACILITY TOURS



Public Safety Facility Tours

2021-2022 Stanislaus County Civil Grand Jury

Case #22-14 GJ

California Penal Code §919(b) requires grand juries to “inquire into” the condition and management of public prisons within a county. The term “public prison” is not defined in the Penal Code and the SCCGJ heeded the advice of the California Grand Jury Association that the term applied only to state-operated adult correctional facilities. There are no such facilities in Stanislaus County. However, like many counties, the SCCGJ has traditionally toured public safety facilities.

Subsequent to the completion of this report, the California Attorney General opined that local detention facilities are to be included in this definition. Future SCCGJ’s will therefore approach compliance with Penal Code §919(b) based on this new definition of public prisons.

Since the jury did not receive any complaints regarding public safety facilities in the County, this report is limited to brief descriptions and observation of eight public safety facilities toured.

Stanislaus County Sheriff’s Detention Center (Detention Center) 200 E. Hackett Road, Modesto

On November 10, 2021, members of the SCCGJ toured the Stanislaus County Sheriff’s Detention Center. The Detention Center is designed for safe and secure detainment of inmates sentenced and/or awaiting trial. Approximately seventy percent of the inmates are unsentenced and of those about eighty percent have been charged with felonies. The average stay for an inmate is 193 days.

At the date of the tour, the Detention Center had approximately 1,300 inmates with a maximum capacity for 1,762, including both maximum and minimum-security housing units.

There are special housing units for inmates who require protective custody or have mental health issues. Inmates are offered daily time outdoors.

Each inmate is assessed during intake for medical, psychological, and psychosocial needs and reassessed periodically based on need. All inmates are then assessed by the classification staff as to their current charge, criminal record, and presenting behavior which will determine their degree of security risk, protective custody needs, and mental and medical health needs.

Contracted medical and social services are available on site at all times reducing the need to transport inmates for outside medical care and to treat life threatening issues. Inmates considered at risk for suicide are placed in a special cell and checked every fifteen minutes. In addition, these inmates are assessed every eight hours by a mental health professional to determine suitability for release from special holding. COVID-19 protocols were observed at the facility which may include whole pod lockdowns for two weeks, COVID-19 testing, and vaccinations against the COVID-19 virus.

All meals are provided by an outside vendor and prepared for the inmates on site. The facility is able to accommodate special diets for medical and/or religious needs.

Educational opportunities are provided for inmates. Attendance is voluntary following an assessment process for inmates who demonstrate life-skill and good behavior progress. Courses vary in availability and include anger management, general health care, parenting, and skills for transitioning back to the community.

**Stanislaus County Re-Entry & Enhanced Alternatives to Custody Training (REACT)
194 E. Hackett Road, Modesto**

On November 10, 2021, members of the SCCGJ toured REACT, which houses low-risk adult offenders. The housing capacity of the facility is 288 inmates; however, the current population is limited due to a lack of staff. Inmates in REACT have the opportunity to participate in programming that will prepare them for successful re-entry into the community. The educational and treatment programs were cancelled during the first twelve months of the COVID-19 pandemic. At the time of the SCCGJ tour, some of the programs have resumed and are offered via Zoom only. Inmate visitations are currently permitted. A Veterans unit is planned for the future. The SCCGJ observed REACT to be clean and well-maintained.

**Stanislaus County Court Holding Center (Holding Center)
12th and H Street, Modesto**

On November 15, 2021, members of the SCCGJ toured the Stanislaus County Court Holding Center. This is a three-story jail structure built in 1954. In light of the expansion of the Detention Center on Hackett Road, the downtown jail is no longer housing inmates. Rather, inmates are transported to the Holding Center for court in the mornings and afternoons. Inmates remain shackled while at the Holding Center. The Sheriff's Department continues to utilize this facility due to the convenience and security of holding inmates while they wait to appear before court.

The members of the SCCGJ observed the facility to be outdated. The facility was cold and in stark contrast to the Detention Center on Hackett Road which has been updated over the years.

**Stanislaus County Juvenile Detention Facilities (JDF)
2015 Blue Gum Avenue, Modesto**

On November 9, 2021, members of the SCCGJ toured the JDF. There are two facilities, the Stanislaus County Juvenile Hall (JH) and the Commitment Center (JCC). Both facilities house minors who have committed offenses prior to their eighteenth birthday. The JH was built in 1977 and can accommodate up to 158 minors. At the time of our visit, there were thirty-six minors housed at the JH and ten minors housed at the JCC.

The JH was designed to provide a safe and secure environment for minors whose cases are pending adjudication. There is an intake unit with separate housing for males and females, as well as a maximum-security unit. The JCC, built in 2013, has a maximum capacity of sixty sentenced minors. The goal of the JCC is to change the delinquent habits, attitudes, and behaviors of minors, guiding them toward a more productive and law-abiding lifestyle. Both

facilities offer education, mental health services, and access to faith programs, all geared toward helping the minors to improve their lives.

The JDF operates on a “point system”, i.e., positive behavior allows minors to earn privileges such as the ability to have possession of personal hygiene items, wall hangings in their room, and access to additional recreational activities and the library. The detention facilities were observed to be clean and well maintained. The staff were engaged with the minors during the tour. The minors have outdoor space for physical activities along with an indoor gym in both the JH and JCC.

The JCC has a commercial kitchen that prepares food for both facilities. Minors are provided two hot and one cold meal each day. A dietician plans the meals with the goal of being healthy and multi-cultural. The menu rotates on a five-week schedule. JCC minors can earn the opportunity to attend culinary education and “hands on” experience cooking on Thursdays and Fridays. Successful completion will provide them with a culinary arts certificate.

The JDF has made modifications due to the COVID-19 pandemic. The intake unit, where minors are initially housed, has medical staff available 24-hours a day. All minors are COVID-19 tested before admission to the facility and automatically placed on a 72-hour quarantine. Once they enter a housing unit, the minors will not have a roommate for an additional eleven days.

Juvenile Court hearings are also conducted at the JDF. There are two court rooms, which are small, compact, and allow for a minimum of participants. As a result of COVID-19, only trials and contested matters are in person and they are held in the JCC recreation room which allows for adequate social distancing. All other matters such as family visits are currently done virtually until COVID-19 restrictions are relaxed.

Sheriff’s Drone Program 3805 Cornucopia Way, Modesto

Representatives of the SCCGJ were given a presentation by the Stanislaus County Sheriff’s Department on the use of unmanned aerial vehicles (UAV/Drone). This included a flight demonstration on how drones assist deputies in the performance of their duties.

The program was established in 2018 and has a certificate of authorization by the Federal Aviation Administration (FAA). The program has ten law enforcement personnel that are FAA Part 107 certified UAV pilots.

There are established protocols for requesting assistance for a UAV. Drones are only to be used in response to an incident that has already occurred. Drones can be utilized for search and rescue, responding to criminal activity, missing persons, locating a suspect, wild fire observation, and assisting fire departments.

Stanislaus County Coroner's Facility
921 Oakdale Road, Modesto

On September 21, 2021, members of the SCCGJ toured the Stanislaus County Coroner's facility. The Sheriff's Department assumes overall responsibility for this specialized division with day-to-day operation under the leadership of an assigned lieutenant. It is staffed with forensic pathologists, autopsy technicians, detectives, and clerical staff. Chaplain staff are available to both Coroner's Office staff and families of the deceased. There are two family rooms available for privacy of grieving families. Patrol Officers or Homicide Detectives handle the initial investigation surrounding a death. The forensic pathologist will determine the cause of death, and the Coroner Detective will review the police reports and the autopsy report to determine the manner of death.

As mandated by county and/or state law, certain deaths must be reported to the Coroner's Office. The Coroner's Office determines which deaths require an autopsy, including, but not limited to unnatural death, homicide, suicide, drowning, or when the death certificate has not been signed. In calendar year 2020, 3,905 deaths were reported to the Stanislaus County Coroner's Office. Five hundred and twenty-four autopsies were completed with an additional 172 cases that were external inspections, toxicology inspections, or a combination of external inspection with toxicology. It was shared with the members of SCCGJ that all decedents are expected to be treated with respect and dignity while the chain of evidence is maintained throughout all processes.

On site refrigerated storage provides for seventy-two bodies to be maintained until ready to be released to a mortuary. In addition, there are ten portable storage racks which can store an additional forty bodies in the refrigerator and available portable storage in case of a mass casualty event.

The Body Census at the morgue fluctuates daily and can vary significantly based on various factors. The Body Census can be as low as in the twenties range or as high as in the seventies range. Bodies are identified during an intake process. Positive identification may be pending in some circumstances. An on site DNA sequencer is available to provide timely identification for law enforcement personnel. Remains are released only when a positive identification, involving multiple steps, has been determined

After a search for relatives, indigent persons are cremated with the cremains being held at the facility for one year. Cremains are scattered at sea after one year, or if the deceased is a known military veteran, interment is at the Veterans National Cemetery in Santa Nella, California.

There are multiple autopsy stations with separate observation decks for law enforcement and legal personnel. A designated area, sealed to protect evidence and to retrieve remains, has limited personnel access. A separate room is designated for use by donor networks for tissue retrieval used in transplantation. Infection control practices are maintained in all areas with high efficiency particulate air (HEPA) filters, use of personal protective equipment (PPE), and blood-borne-pathogen precautions.

In anticipation that the death rate for COVID-19 might exceed its storage capacity, the Coroner's Office added additional storage space with a leased forty foot refrigerated storage container,

which has since been returned. Additional quantities of equipment and materials such as PPE and cleaning supplies were added to existing stock.

**Modesto Police Department's Real Time Crime Center (The Center)
600 10th Street, Modesto**

On October 5, 2021, members of the SCCGJ completed a site visit at the Center, which is a hub where police collect and analyze surveillance, intelligence, and data from a number of sources in real-time. It is equipped with walls of monitors with live feeds from camera networks. Analysts are able to access a wide variety of surveillance technologies, including automated license plate readers, predictive policing, and other available technologies (see picture on page 87).

The Center has been in place for approximately six years and is staffed by police officers, technicians, and analysts. The goal of the Center is to increase safety for citizens and its officers, decrease crime, and efficiently utilize resources. It is currently operational during daytime hours, which are the recognized high-volume times. The Center is planning an expansion which will include 24-hour operations and increased monitoring capabilities.

With advanced monitoring technology, the Center can actively triage developing incidents and provide crucial information to responding officers and other first responders. The Center can dispatch other emergency teams based on live pictures of the scene, even before a call to the Stanislaus Regional 911 Center has been received.

The Center monitors the location of on-duty officers, active investigations, stopped vehicles, and sites waiting for a police response. Officers are dispatched after triage to specific locations based on established priority of need.

Camera monitoring areas, located throughout Modesto, allow the MPD to search for and/or track locations of specific vehicles, as well as individuals on foot. This process has also proven beneficial in locating missing persons. The Center has an in-house technician who installs and maintains the cameras.

The Center works in conjunction with the body cameras worn by police officers, which can be viewed in real time. Body cameras are automatically activated when a taser is turned on, weapon is removed from the holster, or when lights and sirens are activated.

The MPD is partnering with local businesses and organizations to purchase cameras in order to expand future surveillance opportunities.

**Stanislaus Regional 9-1-1 Emergency Call Center (SR911)
3705 Oakdale Road, Modesto**

On November 2, 2021, members of the SCCGJ toured the SR911. It is a Joint Powers Authority Agreement between Stanislaus County and the City of Modesto formed in 1998. It is directed by the Dispatch Agency Commission composed of City of Modesto Mayor, a Stanislaus County member of the Board of Supervisors, City of Modesto City Manager, CEO of Stanislaus County, City of Waterford City Manager, City of Modesto Fire Chief, and Stanislaus County Sheriff.

The Dispatch Advisory Board includes members from the Sheriff's Office, the County Fire Warden, the (MPD) and the Modesto Fire Chief, along with rotating membership from the Dispatch Agency Commission.

Employees work 12-hour shifts. Attention is given to employee wellness and a workout room is planned for the future. SR911 shares the building with the Office of Emergency Services and the County Fire Marshall, which enhances coordination of services.

SR911 provides services to all law enforcement agencies in Stanislaus County including the Modesto Police and Fire Departments, Stanislaus County Sheriff's Department, and the Stanislaus County Probation Department. In addition, SR911 provides services to contracted cities and fire departments in Stanislaus County.

The SR911 employees differentiate and prioritize emergency and non-emergency calls. Priority is determined based on established call processing and dispatch protocols. Staff has the responsibility to directly dispatch needed services. Special attention is given to a caller who is threatening suicide. The individual on the line until the appropriate entity arrives on the scene. The SR911 has access to the locations of all emergency service providers and monitors the status of emergency situations in real-time.

According to the SR911 2020 Annual Report, this agency handled 556,504 emergency and non-emergency calls in fiscal year 2020. Approximately eighty-six percent of the calls were from cell phones. Seventy-five percent of the calls were for the city of Modesto.

Commendation

The SCCGJ would like to commend the Stanislaus County Sheriff's Department, Modesto Police Department, Stanislaus County Probation Department, and the Stanislaus Regional 9-1-1 Emergency Call Center for providing the SCCGJ with tours/presentations. The tours/presentations were thorough, and staff were knowledgeable and professional. The SCCGJ left with a knowledge of the good work you and your staff are contributing to our community.

ELECTION OBSERVATIONS



ELECTION OBSERVATIONS

2021-2022 Stanislaus County Civil Grand Jury

Case # 22-02GJ

The jury was invited by the Clerk-Recorder to observe county elections procedures for two all-mail ballot special elections. Based on these observations, and the fact that no complaints were received regarding elections, the jury is not issuing a report. Following is a brief description of the jury's observations.

The first election was to fill a vacant city council seat for District 1 in Ceres after the City Council was unable to reach a consensus in appointing a new member; the second was to decide whether the Governor should be recalled and, if so, whom his replacement should be.

Jurors observed election activities on both August 31 and September 14, 2021. The Stanislaus County Registrar of Voters conducted a tour of the Elections Office for members of the jury and several public officials, while explaining the process. Jurors observed the verification of signatures of registered voters, including ballots with discrepancies. Ballots are then scanned and recorded electronically onto specially formatted USB drives. Once staff has confirmed the integrity of the drives, the drives are manually connected to the tally computer in order to transfer the data.

Jury members returned to the Elections Office on September 2 and September 16, 2021, to observe the next step of the balloting process. After every election, the Elections Office is required to perform a manual tally of 1% of precincts selected at random, which are compared to the software-counted votes to verify they match. This includes reconciling the number of ballots which have been invalidated for various reasons.

Jurors were able to observe various steps of the balloting process as well as the checks and balances designed to ensure the accuracy and security of this process. Elections Code 15104(b) also allows that, in addition to grand jurors and representatives of any political party with a candidate on the ballot, representatives from "...any other interested organization shall be permitted to observe and challenge the manner in which the vote by mail ballots are handled, from the processing of vote by mail ballot return envelopes through the counting and disposition of the ballots".

SUMMARY OF RESPONSES TO THE 2020-2021 STANISLAUS COUNTY CIVIL GRAND JURY

STANISLAUS COUNTY
CIVIL GRAND JURY



FINAL REPORT
2020-2021

SUMMARY OF THE RESPONSES TO THE 2020-2021 STANISLAUS COUNTY CIVIL GRAND JURY

2021-2022 Stanislaus County Civil Grand Jury

Case #22-12GJ

SUMMARY

Each year the Stanislaus County Civil Grand Jury (SCCGJ) issues a report with findings and recommendations directed to Stanislaus County officials, agencies, municipal and other public entities. The continuity process is to monitor the filing of responses to the previous year's grand jury report and advise the current grand jury if those responses are complete and legally sufficient, or if additional follow-up is necessary. If the recommendations of the SCCGJ are not verifiably implemented, or at least seriously considered, this function is undermined.

The golden rule of continuity is to: *Do for last year's grand jury what you would like next year's grand jury to do for you; do for future grand juries what you would like previous grand juries to have done for you.*

BACKGROUND

Penal Code §933(a) requires the civil grand jury to "submit to the presiding judge of the Superior Court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year." Penal Code §933(c) requires comments from the governing body, elected county officers, or agency heads to the presiding judge of the Superior Court on the findings and recommendations within a required time period. Governing bodies of public agencies are required to respond no later than ninety days after the civil grand jury submits a final report; elected county officers and agency heads are required to respond no later than sixty days after the civil grand jury submits a final report.

All SCCGJ reports and the responses can be viewed on the following website:
[http://www.stanct.org/final reports](http://www.stanct.org/final-reports)

METHODOLOGY

The responses and comments submitted concerning reports issued by the 2020-2021 SCCGJ were evaluated by the 2021-2022 SCCGJ. Penal Code §933.05 (a) requires responses to findings. Responses to findings include one of the following:

1. Agrees with finding
2. Agrees partially

3. Disagrees wholly

Per PC §933.05 (b) Responses to recommendations require one of the following:

1. Implemented – with a summary
2. Will implement – with a timeframe for implementing
3. Further analysis needed – with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter. The study should be concluded within six months from the date of the publication of the Civil Grand Jury report.
4. Will not implement – because it is not warranted or is not reasonable, with an explanation thereof.

GLOSSARY

CLA – CliftonLarsonAllen, LLP, Certified Public Accountant
GSA – General Services Agency
MFA –Master Funding Agreement
MLOC – Measure L Oversight Committee
PC – California Penal Code
SCCGJ – Stanislaus County Civil Grand Jury
StanCOG – Stanislaus Council of Governments

**Participation in the Annual Financial Audit Report
 For the Fiscal Year Ending June 30, 2021
 Case # 21-14GJ**

Reason for Investigation

Civil Grand Juries are required to investigate and report on the operations, accounts, and records of the departments or functions of the county, per California Penal Code §925. The County contracted with the firm CliftonLarsonAllen, LLP, Certified Public Accountants (CLA) to conduct the external audit. Their report on the audit, which was presented to the SCCGJ on April 2, 2021, found no material (non-trivial or significant) misstatements in the current year’s financial reporting by the Auditor-Controller office. The SCCGJ learned that CLA discovered the County did not approve lessors as vendors on federally funded projects. The SCCGJ recommended the County amend its federal program vendor approval policy to include lessors.

Agencies Asked to Respond

- ❖ Stanislaus County Auditor-Controller.....**F1, R1**
- ❖ Stanislaus County Board of Supervisors.....**F1, R1**

Findings	Stanislaus Auditor-Controller			Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other
	Agree w/ Finding	Agrees Partially	Disagrees Wholly					
F1. The County’s process for pre-approving a vendor’s eligibility to participate in federally funded programs failed to include vendors who were lessors of space to the program.		X		R1. The County shall implement an expanded clearance process by December 31, 2021, that will certify all vendors on federally funded programs, beyond the traditional supplies of goods and services, are not disbarred or suspended from participation.		X		

Conclusion

The SCCGJ acknowledges the recommendation will be implemented. The General Services Agency (GSA) will work to include the requirement to “test for suspension and debarment” for leases. This will be part of the GSA contract verification process for federally funded programs which will be implemented by the County Auditor Controller. The SCCGJ appreciates this effort to include lessors in their current eligibility process.

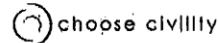
The SCCGJ encourages future juries to “look back” to determine that appropriate implementation of the vendor eligibility process has been completed.



AUDITOR-CONTROLLER

*Kashmir Gill, CPA
Auditor-Controller*

1010 10th Street, Suite 5100, Modesto, CA 95354
PO Box 770, Modesto, CA 95353-0770
Phone: 209.525.6398 Fax: 209.525.7507



July 22, 2021

Laurie Overly
Foreperson
The Honorable Civil Grand Jury
County of Stanislaus
Modesto, California

SUBJECT: Auditor-Controller Response 2020-2021 Stanislaus County Civil Grand Jury Final Report.

This letter will serve as the Auditor-Controller's response to the Grand Jury Final Report for the 2020-2021 year.

We have included the Grand Jury findings and recommendations followed by our response.

Participation In the Annual Financial Audit Report – Grand Jury Case number 21-14GJ

Finding:

F1: Grand Jury's Finding: The county's process for pre-approving a vendor's eligibility to participate in federally funded programs failed to include vendors who were lessors of space to the programs.

Stanislaus County Auditor-Controller Response: Per CLA, the County did not comply with the Procurement and Suspension and Department compliance requirement for leases. The County complied with this compliance requirement for all contracts other than leases. We tested all the lease contractors for debarment and suspension without exception. The County's General Services Agency (GSA) is working on adding a requirement to test for suspension and debarment for leases as part of GSA's contract verification process.

The findings did not modify the auditor's opinion on the County's single audit report since our report is free from material misstatement.

Recommendation:

R1: Grand Jury's Recommendation: The county shall implement an expanded clearance process by December 31, 2021, that will certify all vendors on federally funded programs, beyond the traditional suppliers of goods and services, are not disbarred or suspended from participation.

STRIVING TOGETHER TO BE THE BEST!

Stanislaus County Auditor-Controller Response: The County will be including the testing for suspension and debarment for leases as part of the contract verification process.

Please feel free to contact me if you have any additional questions or require further information.

Sincerely,


Kashmir Gill, CPA
Auditor-Controller

STRIVING TOGETHER TO BE THE BEST!

Findings	Agree w/ Finding	Agrees Partially	Disagrees Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other
Stanislaus County Board of Supervisors								
F1 The County's process for pre-approving a vendor's eligibility to participate in federally funded programs failed to include vendors who were lessors of space to the program.			X	R1. The County shall implement an expanded clearance process by December 31, 2021, that will certify all vendors on federally funded programs, beyond the traditional supplies of goods and services, are not disbarred or suspended from participation.		X		

Conclusion

The Stanislaus County Board of Supervisors has directed the County Auditor Controller to implement a contract verification process for federally funded programs. The SCCGJ encourages the Stanislaus County Board of Supervisors to ensure that implementation has occurred no later than December 31, 2021.

Future SCCGJs are encouraged to revisit this issue to determine the 2020-2021 the SCCGJ recommendation has been implemented.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA: 8.B.8
AGENDA DATE: September 21, 2021

SUBJECT:

Consideration and Approval of Response to the Stanislaus County Civil Grand Jury
Regarding the Stanislaus County Civil Grand Jury 2020-2021 Final Report

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2021-0436

On motion of Supervisor Grewal Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: B. Condit, Withrow, Grewal, C. Condit, and Chairman Chlesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION:

ATTEST: 
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No. M-39-O-5

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Chief Executive Office

BOARD AGENDA:8.B.8

AGENDA DATE: September 21, 2021

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Consideration and Approval of Response to the Stanislaus County Civil Grand Jury Regarding the Stanislaus County Civil Grand Jury 2020-2021 Final Report

STAFF RECOMMENDATION:

1. Accept the responses to the Stanislaus County Civil Grand Jury 2020-2021 Final Report, along with any changes the Board of Supervisors wishes to make to the recommended responses and authorize the Chairman of the Board to forward the response to the Presiding Judge of the Superior Court by September 26, 2021.
2. Direct the Chief Executive Officer to ensure that any recommended actions by the Board of Supervisors be followed and completed by the subject County departments and report back to the Board of Supervisors, as appropriate.

DISCUSSION:

The Stanislaus County Board of Supervisors received the Stanislaus County Civil Grand Jury (SCCGJ) 2020-2021 Case #21-14GJ report on June 28, 2021. The Stanislaus County Chief Executive Office received the full Final Report on August 10, 2021. The report identifies several areas of investigation concerning the operations of various public agencies.

The SCCGJ has invited the Stanislaus County Board of Supervisors to respond to the published findings and recommendations related to Stanislaus Council of Governments Enforcing Measure L Master Funding Agreement and has required the Auditor-Controller and the Board of Supervisors to respond to a finding identified during participation in the annual Financial Audit Report for the Fiscal Year ending June 30, 2020 in accordance with Penal Code Section 933.05. The Auditor-Controller has responded to the SCCGJ Final Report within the time frame allowed and the responses are attached to this report.

The recommended responses from the Board of Supervisors are as follows:

- **Case #21-14GJ - Participation in the Annual Financial Audit Report for the Fiscal Year Ending June 30, 2020 (Required Response):**

Finding 1: The county's process for pre-approving a vendor's eligibility to participate in federally funded programs failed to include vendors who were lessors of space to the programs.

Response: The Board of Supervisors disagrees with this finding. As stated in the attached response by the Auditor-Controller, the County complied with this compliance requirement for all contracts other than leases. The County tested all the lease contractors for debarment and suspension without exception. The County's General Services Agency (GSA) is working on adding a requirement to test for suspension and debarment for leases as part of GSA's contract verification process.

The Board supports the auditor's opinion that the County's financial statements are free from material misstatement.

Recommendations 1: The county shall implement an expanded clearance process by December 31, 2021, that will certify all vendors on federally funded programs, beyond the traditional suppliers of goods and services, are not disbarred or suspended from participation.

Response: The Board of Supervisors supports the process outlined by the Auditor-Controller for testing for suspension and debarment for leases as part of the contract verification process.

- **Case #21-17GJ – Is Stanislaus Council of Governments Enforcing Measure L Master Funding Agreement? (Invited Response):**

The Board of Supervisors respectfully declines to comment.

POLICY ISSUE:

The SCCGJ studies and investigates citizen complaints and the operations of selected public agencies, publishing its findings, conclusions, and recommendations at the end of each fiscal year. Pursuant to California Penal Code §933 (c), every elected county officer or agency head for which the grand jury has responsibility identified as the subjects of these investigations, are invited or required to respond to the findings and recommendations to the Presiding Judge of the Superior Court within 60 days after the final report is submitted with an information copy of the response sent to the Board of Supervisors. The Board of Supervisors, when identified as the governing body of the public agency, is invited or required to respond no later than 90 days after the final report is submitted.

FISCAL IMPACT:

There is no fiscal impact associated with acceptance of the SCCGJ 2020-2021 Final Report and the response to the Presiding Judge of the Superior Court.

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Boards' priority of *Delivering Efficient Public Services and Community Infrastructure* by acknowledging receipt of the SCCGJ 2020-2021 Final Report.

STAFFING IMPACT:

There is no staffing impact associated with the recommended Board actions.

CONTACT PERSON:

Jody Hayes, Chief Executive Officer

Telephone: (209) 525-6333

ATTACHMENT(S):

1. 2020-2021 Grand Jury Report
2. Auditor Controller response to #21-14GJ

**Is Stanislaus Council of Governments Enforcing
Measure L Master Funding Agreement?
Case # 21-17GJ**

Reason for Investigation

In November 2016, more than 70% of Stanislaus County voters approved Measure L: Local Roads First Transportation Funding Measure Ordinance #16-01, as a 25-year, one-half cent special sales tax used exclusively for regional and local transportation, as well as other transit improvements. The Stanislaus Council of Governments (StanCOG) administers Measure L funds.

Resolution 17-10 was approved November 15, 2017, by the StanCOG Policy Board adopting the Measure L Master Funding Agreement (MFA). The MFA sets forth the general terms and conditions each jurisdiction must comply with in order to receive the funds. An executed copy for each jurisdiction is on file with StanCOG.

Agencies Asked to Respond

- ❖ City of Turlock City Council.....**F2, R2**
- ❖ City of Ceres City Council.....**F3, R3**
- ❖ City of Patterson City Council.....**F4, R4**
- ❖ StanCOG Board of Directors.....**F1, F2, F3, F4, R1, R2, R3, R4**
- ❖ Measure L Oversight Committee.....**F1, F2, F3, F4, R1, R2, R3, R4**

Findings		Agree w/ Finding	Agrees Partially	Disagrees Wholly	Recommendations		Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other
StanCOG Board of Directors										
<p>F1. StanCOG, as the “Pass-Through” agent for Measure L, has failed in its responsibility to follow through with the requirements of the Measure L MFA to withhold funding from those entities not in compliance with the agreement.</p>			X		<p>R1. StanCOG shall establish a procedure for monitoring and enforcing compliance with the requirements of the MFA by December 31, 2021.</p>					X

Findings				Recommendations				
	Agree w/ Finding	Agrees Partially	Disagrees Wholly		Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other
F2. City of Turlock has not provided sufficient information on their website to inform the public about how they are using the funds, as required by their MFA.			X	R2. City of Turlock shall update and maintain their website in accordance with the requirements of the MFA and provide the same data to StanCOG.				X
F3. City of Ceres has not provided sufficient information on their website to inform the public about how they are using the funds, as required by their MFA.			X	R3. City of Ceres shall update and maintain their website in accordance with the requirements of the MFA and provide the same data to StanCog.				X
F4. City of Patterson has not provided sufficient information on their website to inform the public about how they are using the funds, as required by their MFA.			X	R4. City of Patterson shall update and maintain their website in accordance with the requirements of the MFA and provide the same data to StanCOG.				X

Conclusion

At present, StanCOG as the watchdog for the public, is not satisfying its role as Measure L administrator.

The SCCGJ acknowledges that recommendation 1 (R1) will not be implemented by StanCOG. The SCCGJ recognizes that the voters authorized StanCOG to administer Measure L funding and StanCOG adopted a MFA providing procedures that each jurisdiction must comply with in order to receive Measure L.

In this MFA each jurisdiction must create and maintain an accurate website that informs the public how Measure L funds are being utilized. If this does not happen StanCOG may withhold funding until compliance is achieved.

The SCCGJ emphasizes the MFA must be adhered to and StanCOG, as the administrative agency, is required to enforce the requirement. The response from StanCOG that “At present, all receiving entities are in compliance with the provisions of Measure L MFA.” is not supported by the SCCGJ findings that the cities of Ceres, Patterson, and Turlock did not provide sufficient information on their website. Furthermore, in their response to

the SCCGJ, each of these cities acknowledged their websites did not contain the required data and pledged to update and maintain their websites.

Furthermore, StanCOG responded, “The sufficiency of that information is subjective.” StanCOG should be proactive in developing objective standards for the clear display of Measure L information on its member websites.

RW 9/21



1111 I Street, Ste 308
Modesto, CA 95354
209.525.4600 Main
209.558.7833 Fax
www.stancog.org

September 1, 2021

Member Agencies

City of Ceres

The Honorable Robert B. Westbrook
Presiding Judge, Superior Court of California, County of Stanislaus
P.O. Box 3488
Modesto, CA 95353

City of Hughson

City of Modesto

City of Newman

Re: 2020-2021 Stanislaus County Civil Grand Jury Report – Is Stanislaus Council of Governments Enforcing Measure L Master Funding Agreement? (Case #21-17GJ)

City of Oakdale

Dear Judge Westbrook:

City of Patterson

Stanislaus Council of Governments is providing the request for responses to findings and recommendations in Case #21-17GJ pursuant to California Penal Codes § 933 and § 933.05.

City of Riverbank

City of Turlock

Findings:

City of Waterford

F1. StanCOG, as the “Pass-Through” agent for Measure L, has failed in its responsibility to follow through with the requirements of the Measure L MFA to withhold funding from those entities not in compliance with the agreement.

Stanislaus County

Response: The respondent disagrees wholly or partially with the finding and shall include an explanation.

Policy Board Chair
Terrance P. Withrow

Explanation: Entities receiving Measure L funds are required to comply with the provisions of the Measure L MFA which requirements include, but are not limited to, providing current and accurate information on the recipients’ website. At present, all receiving entities are in compliance with the provisions of the Measure L MFA. However, it is acknowledged that all entities could provide more clarity on their respective websites and StanCOG will work with all receiving entities to update their websites accordingly.

Policy Board Vice-Chair
Richard O’Brien

F2. City of Turlock has not provided sufficient information on their website to inform the public about how they are using the funds, as required by their MFA.

Response: The respondent disagrees wholly or partially with the finding and shall include an explanation.

Executive Director
Rosa De León Park

Explanation: Entities receiving Measure L funds are required to provide “current and accurate information” on their websites. The sufficiency of that information is subjective. StanCOG will request all entities receiving Measure L funds update their websites to reflect the status of or strategy being utilized for Measure L funds by the respective agency.

The Honorable Robert B. Westbrook
Presiding Judge, Superior Court of California, County of Stanislaus
September 1, 2021
Page Two

F3. City of Ceres has not provided sufficient information on their website to inform the public about how they are using the funds, as required by their MFA.

Response: The respondent disagrees wholly or partially with the finding and shall include an explanation.

Explanation: Entities receiving Measure L funds are required to provide “current and accurate information” on their websites. The sufficiency of that information is subjective. StanCOG will request all entities receiving Measure L funds update their websites to reflect the status of or strategy being utilized for Measure L funds by the respective agency.

F4. City of Patterson has not provided sufficient information on their website to inform the public about how they are using the funds, as required by their MFA.

Response: The respondent disagrees wholly or partially with the finding and shall include an explanation.

Explanation: Entities receiving Measure L funds are required to provide “current and accurate information” on their websites. The sufficiency of that information is subjective. StanCOG will request all entities receiving Measure L funds update their websites to reflect the status of or strategy being utilized for Measure L funds by the respective agency.

Recommendations:

R1. StanCOG shall establish a procedure for monitoring and enforcing compliance with the requirements of the MFA by December 31, 2021.

Response: The respondent disagrees wholly or partially with the finding and shall include an explanation.

Explanation: StanCOG has a procedure in place for monitoring and enforcing compliance with the requirements of the MFA to ensure funds are being spent in accordance with the Measure L Ordinance and Expenditure Plan. Each agency is required to provide detailed financial information regarding Measure L funds by the 10th of each month. Jurisdictions out of compliance are notified Measure L funds will be withheld until compliance is achieved. StanCOG hosts a Measure L website which contains information specific to each receiving agency and updates the website quarterly. Please see www.stanislausmeasurel.com

R2. City of Turlock shall update and maintain their website in accordance with the requirements of the MFA and provide the same data to StanCOG.

Response: The Respondent agrees with the finding.

The Honorable Robert B. Westbrook
Presiding Judge, Superior Court of California, County of Stanislaus
September 1, 2021
Page Three

R3. City of Ceres shall update and maintain their website in accordance with the requirements of the MFA and provide the data to StanCOG.

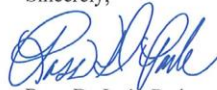
Response: The Respondent agrees with the finding.

R4. City of Patterson shall update and maintain their website in accordance with the requirements of the MFA and provide the same data to StanCOG.

Response: The Respondent agrees with the finding.

If you require additional information or have any questions, please contact me at 209.525.4600 or email at rpark@stancog.org.

Sincerely,



Rosa De León Park
Executive Director
Stanislaus Council of Governments

Findings	Agree w/ Finding	Agrees Partially	Disagrees Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other
Measure L Oversight Committee								
F1. StanCOG, as the “Pass-Through” agent for Measure L, has failed in its responsibility to follow through with the requirements of the Measure L MFA to withhold funding from those entities not in compliance with the agreement.			X	R1. StanCOG shall establish a procedure for monitoring and enforcing compliance with the requirements of the MFA by December 31, 2021.				X
F2. City of Turlock has not provided sufficient information on their website to inform the public about how they are using the funds, as required by their MFA.			X	R2. City of Turlock shall update and maintain their website in accordance with the requirements of the MFA and provide the same data to StanCOG.				X
F3. City of Ceres has not provided sufficient information on their website to inform the public about how they are using the funds, as required by their MFA.			X	R3. City of Ceres shall update and maintain their website in accordance with the requirements of the MFA and provide the same data to StanCog.				X
F4. City of Patterson has not provided sufficient information on their website to inform the public about how they are using the funds, as required by their MFA.			X	R4. City of Patterson shall update and maintain their website in accordance with the requirements of the MFA and provide the same data to StanCOG.				X

Conclusion

StanCOG’s website states, “Measure L includes strong taxpayer safeguards to ensure that the projects and programs approved by the voters are funded and delivered. A Citizens Oversight Committee has been created to provide an enhanced level of accountability for expenditures made under the Expenditure Plan to ensure that all voter mandates are carried out and that financial integrity and performance of the program is maintained.”

In response to Finding 1 the MLOC stated, “The MLOC is created by Section 18 of the Measure L Ordinance and its scope of authority is limited to review the independent fiscal audit of the expenditures of the tax funds and issue an annual report on its findings

regarding compliance with the requirements of the Expenditure Plan and the Ordinance. The MLOC does not have authority to enforce or opine on the enforcement of the Measure L MFA”.

The SCCGJ maintains a differing opinion than the MLOC. Measure L specifically states, “The Measure L Oversight Committee is responsible for oversight of the proper use of sales tax funds and implementation of the programs and projects set forth in the Expenditure Plan...” The MLOC was established as a safeguard to oversee those jurisdictions are held to a high level of accountability and compliance.

The cities of Ceres, Patterson, and Turlock failed to comply with the ordinance by not maintaining websites to inform the public on use of Measure L funds. The MLOC is expected to use its oversight responsibility to ensure its member entities are in compliance with the Measure L Ordinance.

Future SCCGJs are encouraged to continue to review compliance with the Measure L Ordinance.

PW 9/21



1111 I Street, Ste 308
Modesto, CA 95354
209.525.4600 Main
209.558.7833 Fax
www.stancog.org

August 31, 2021

**Measure L
Oversight
Committee**

The Honorable Robert B. Westbrook
Presiding Judge, Superior Court of California, County of Stanislaus
P.O. Box 3488
Modesto, CA 95353

Dave Pratt
City of Ceres

Mike Day
City of Hughson

Craig Lewis
City of Modesto

William Bowker
City of Oakdale

Peter La Torre Jr.
City of Patterson

Cary Pope – Chair
City of Riverbank

Joel Bernard – Vice Chair
City of Turlock

City of Waterford

Roman Acosta
Stanislaus County

Re: 2020-2021 Stanislaus County Civil Grand Jury Report – Is Stanislaus Council of Governments Enforcing Measure L Master Funding Agreement? (Case #21-17GJ)

Dear Judge Westbrook:

Measure L Oversight Committee (“MLOC”) is providing the request for responses to findings and recommendations in Case #21-17GJ pursuant to California Penal Codes § 933 and § 933.05.

Findings:

F1. StanCOG, as the “Pass-Through” agent for Measure L, has failed in its responsibility to follow through with the requirements of the Measure L MFA to withhold funding from those entities not in compliance with the agreement.

Response: The respondent disagrees wholly or partially with the finding and shall include an explanation.

Explanation: The MLOC is created by Section 18 of the Measure L Ordinance and its scope of authority is limited to “review the independent fiscal audit of the expenditures of the tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance.” The MLOC does not have authority to enforce or opine on the enforcement of the Measure L MFA.

F2. City of Turlock has not provided sufficient information on their website to inform the public about how they are using the funds, as required by their MFA.

Response: The respondent disagrees wholly or partially with the finding and shall include an explanation.

Explanation: The MLOC is created by Section 18 of the Measure L Ordinance and its scope of authority is limited to “review the independent fiscal audit of the expenditures of the tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance.” The MLOC does not have authority to enforce or opine on the sufficiency of information contained on the City’s

The Honorable Robert B. Westbrook
Presiding Judge, Superior Court of California, County of Stanislaus
Page 2
August 31, 2021

website. However, it is acknowledged that recipients of Measure L funds could provide more clarity on their respective websites and the MLOC will relay any comments received regarding recipient websites to StanCOG so such comments can be addressed.

F3. City of Ceres has not provided sufficient information on their website to inform the public about how they are using the funds, as required by their MFA.

Response: The respondent disagrees wholly or partially with the finding and shall include an explanation.

Explanation: The MLOC is created by Section 18 of the Measure L Ordinance and its scope of authority is limited to “review the independent fiscal audit of the expenditures of the tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance.” The MLOC does not have authority to enforce or opine on the sufficiency of information contained on the City’s website. However, it is acknowledged that recipients of Measure L funds could provide more clarity on their respective websites and the MLOC will relay any comments received regarding recipient websites to StanCOG so such comments can be addressed.

F4. City of Patterson has not provided sufficient information on their website to inform the public about how they are using the funds, as required by their MFA.

Response: The respondent disagrees wholly or partially with the finding and shall include an explanation.

Explanation: The MLOC is created by Section 18 of the Measure L Ordinance and its scope of authority is limited to “review the independent fiscal audit of the expenditures of the tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance.” The MLOC does not have authority to opine on procedures for monitoring and enforcing compliance with the requirements of the MFA. However, it is acknowledged that recipients of Measure L funds could provide more clarity on their respective websites and the MLOC will relay any comments received regarding recipient websites to StanCOG so such comments can be addressed.

Recommendations:

R1. StanCOG shall establish a procedure for monitoring and enforcing compliance with the requirements of the MFA by December 31, 2021.

Response: The respondent disagrees wholly or partially with the finding and shall include an explanation.

Explanation: The MLOC is created by Section 18 of the Measure L Ordinance and its scope of authority is limited to “review the independent fiscal audit of the expenditures of the tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance.” The MLOC does not have authority to opine on procedures for monitoring and enforcing compliance with the requirements of the MFA. However, it is acknowledged the MLOC is aware of the StanCOG procedures in place for monitoring and enforcing compliance with the requirements of the MFA to ensure funds are being spent in accordance with the Measure L Ordinance and Expenditure Plan.

The Honorable Robert B. Westbrook
Presiding Judge, Superior Court of California, County of Stanislaus
Page 3
August 31, 2021

R2. City of Turlock shall update and maintain their website in accordance with the requirements of the MFA and provide the same data to StanCOG.

Response: The respondent disagrees wholly or partially with the finding and shall include an explanation.

Explanation: The MLOC is created by Section 18 of the Measure L Ordinance and its scope of authority is limited to “review the independent fiscal audit of the expenditures of the tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance.” The MLOC does not have authority to enforce or opine on the information contained on the City’s website.

R3. City of Ceres shall update and maintain their website in accordance with the requirements of the MFA and provide the data to StanCOG.

Response: The respondent disagrees wholly or partially with the finding and shall include an explanation.


Explanation: The MLOC is created by Section 18 of the Measure L Ordinance and its scope of authority is limited to “review the independent fiscal audit of the expenditures of the tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance.” The MLOC does not have authority to enforce or opine on the sufficiency of information contained on the City’s website.

R4. City of Patterson shall update and maintain their website in accordance with the requirements of the MFA and provide the same data to StanCOG.

Response: The respondent disagrees wholly or partially with the finding and shall include an explanation.

Explanation: The MLOC is created by Section 18 of the Measure L Ordinance and its scope of authority is limited to “review the independent fiscal audit of the expenditures of the tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance.” The MLOC does not have authority to enforce or opine on the sufficiency of information contained on the City’s website.

Sincerely,

DocuSigned by:


2771D832C78F4D1...

Cary Pope, Chair
Measure L Oversight Committee

Findings	Agree w/ Finding	Agrees Partially	Disagrees Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other
City of Turlock City Council								
F2. City of Turlock has not provided sufficient information on their website to inform the public about how they are using the funds, as required by their MFA.	X			R2. City of Turlock shall update and maintain their website in accordance with the requirements of the MFA and provide the same data to StanCOG.	X			

Conclusion

The SCCGJ acknowledges this recommendation will be implemented by the City of Turlock no later than December 31, 2021. The SCCGJ acknowledges the City of Turlock for their efforts in complying with the MFA and encourages them to continually update accurate information for the public.



AMY BUBLAK
MAYOR

OFFICE OF THE MAYOR
ADMINISTRATIVE SERVICES

156 S. BROADWAY, SUITE 230 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5542 | FAX 209-668-5668 | TDD 1-800-735-2929

September 14, 2021

The Honorable Robert B. Westbrook, Presiding Judge
Stanislaus County Superior Court of California, Stanislaus County
PO Box 3488
Modesto, CA 95353

Re: Stanislaus County Civil Grand Jury Case No. 21-17GJ

Your Honor:

The Turlock City Council submits to you the following responses to the findings and recommendations received from the Stanislaus County Civil Grand Jury on June 28, 2021, regarding the above-referenced case number.

**STANISLAUS COUNTY STANCOG STUDY
IS STANCOG ENFORCING MEASURE L MASTER FUNDING AGREEMENT?**

FINDINGS

F2: City of Turlock has not provided sufficient information on their website to inform the public about how they are using the funds, as required by their MFA.

The City of Turlock agrees with the finding.

RECOMMENDATIONS

R2: City of Turlock shall update and maintain their website in accordance with the requirements of the MFA and provide the same data to StanCOG.

The City of Turlock agrees with the recommendation.

THE HONORABLE ROBERT B. WESTBROOK, PRESIDING JUDGE
September 14, 2021
Page 2

IMPLEMENTATION

The recommendation has been implemented. The City of Turlock has updated the City of Turlock Measure L website page to include all required reports in accordance with the Master Funding Agreement and has designated staff to maintain the website. The updated website can be found at the following link <https://ci.turlock.ca.us/streettraffic/measure/>. All required data has been provided to StanCOG.

Sincerely,



Amy Bublak, Mayor
Pam Franco, Vice Mayor
Nicole Larson, Council Member
Rebecca Monez, Council Member
Andrew Nosrati, Council Member

Findings				Recommendations				
	Agree w/ Finding	Agrees Partially	Disagrees Wholly		Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other
City of Ceres City Council								
F3. City of Ceres has not provided sufficient information on their website to inform the public about how they are using the funds, as required by their MFA.	X			R3. City of Ceres shall update and maintain their website in accordance with the requirements of the MFA and provide the same data to StanCog.		X		

Conclusion

The SCCGJ acknowledges this recommendation will be implemented for the City of Ceres no later than December 31, 2021. SCCGJ acknowledges the City of Ceres for its efforts in complying with the MFA and encourages them to continually provide updated and accurate information for the public.



RECEIVED
OCT 21 2021

City Manager's Office
2220 Second Street
Ceres, CA 95307
(209) 538-5751
FAX (209) 538-5650

CITY COUNCIL
Javier Lopez, Mayor
James Casey, Dist. 1 Linda Ryno, Dist. 2
Bret Silveira, Dist. 3 Couper Condit, Dist. 4

September 27, 2021

Honorable Robert B. Westbrook
Presiding Judge
Superior Court of California
County of Stanislaus
P.O. Box 3488
Modesto, CA 95353

**Subject: City of Ceres Response to 2020-2021 Stanislaus County Civil Grand
Jury – Is Stanislaus Council of Governments Enforcing Measure L
Master Funding Agreement? – Case #21-17GJ**

The City of Ceres has reviewed the findings and recommendations of the 2020-2021 Stanislaus County Civil Grand Jury – Is Stanislaus Council of Governments Enforcing Measure L Master Funding Agreement? 21-17GJ

RESPONSE TO FINDINGS:

F3. City of Ceres has not provided sufficient information on their website to inform the public about how they are using the funds as required by the MFA.

The City of Ceres agrees with the finding.

RESPONSE TO RECOMMENDATIONS:

R3. City of Ceres shall update and maintain their website in accordance with the requirements of the MFA and provide the same data to StanCOG.

The City of Ceres agrees with the recommendation and it will be implemented by December 31, 2021.

If you have any further questions, please contact Interim City Manager Alex Terrazas at (209) 538-5751.

Sincerely,

Javier Lopez
Mayor

cc: Tom Hallinan, City Attorney
 Alex Terrazas, Interim City Manager

Findings				Recommendations				
	Agree w/ Finding	Agrees Partially	Disagrees Wholly		Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other
City of Patterson City Council								
F4. City of Patterson has not provided sufficient information on their website to inform the public about how they are using the funds, as required by their MFA.	X			R4. City of Patterson shall update and maintain their website in accordance with the requirements of the MFA and provide the same data to StanCOG.		X		

Conclusion

The 2021-2022 SCCGJ observed the City of Patterson failed to comply with the statutory requirement for response as stipulated by PC §933(c). The response was due September 30, 2021. It was received ninety-one days later on December 30, 2021.

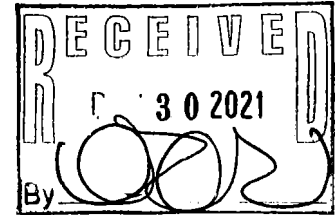
The City of Patterson should develop and implement new procedures for responding to the SCCGJ’s findings and recommendations to ensure the City’s response is delivered to the presiding judge in a timely manner. These procedures should be developed and implemented within ninety days of the publication of this report by having the city attorney conduct a study session to advise the city’s elected officials of their response requirement under PC §933(c).

The SCCGJ acknowledges the Measure L recommendation has been implemented by the City of Patterson. The SCCGJ encourages the City of Patterson to remain compliant and to continually provide updated and accurate information on their website for the public.



**City of Patterson City
Manager's Office**

1 Plaza
P.O. Box 667 Patterson, CA
95363 Phone (209) 895-8015



December 20, 2021

Stanislaus County Civil Grand Jury
Case Number 21-17GJ
P.O. Box 3387
Modesto, CA 95353

RE: Response to Civil Grand Jury Case Number 21-17GJ

The City of Patterson has read the Grand Jury's report with regards to the Measure L Funding Agreement, Case# 21-17GJ.

Per the Grand Jury's finding and requested response for items F4 and R4;

- **Finding: F4.** *City of Patterson has not provided sufficient information on their website to inform the public about how they are using the funds, as required by their MFS*
- **Recommendation: R4.** *City of Patterson shall update and maintain their website in accordance with the requirements of the MFA and provide the same data to StanCOG*

The City of Patterson has updated its website to include all Measure L projects (completed, in-progress, future), as well as the Measure L Reports. In addition, the City's website has also included a weblink directed to the "Stanislaus Council of Governments" Measure L website containing Patterson's spendings.

- Monthly Expenditure Report
- Monthly Cash Balance Report
- Quarterly Milestone Report

The City of Patterson will continue to update its website for the following items listed on MFA and be posted no later than June 30, 2022.

- Maintenance of Effort Form
- Annual Single Audit - Measure L
- Resolution of Approved Annual Budget/CIP identifying project funded by Measure L
- Annual Measure L Project List

Sincerely,

Ken Irwin City
Manager

REPORT ON THE STANISLAUS COUNTY ANNUAL FINANCIAL REPORT AND AUDIT

*County of Stanislaus,
California*

Annual Comprehensive Financial Report
Fiscal Year Ended June 30, 2021



Prepared by

Stanislaus County Auditor-Controller's Office

Kashmir Gill, CPA, Auditor-Controller

Report on the Stanislaus County Annual Financial Report and Audit

2021-2022 Stanislaus County Civil Grand Jury

Case #22-17GJ

SUMMARY

California Penal Code §925 requires that civil grand juries investigate and report on the operations, accounts and records of the departments or functions of the county. The 2021-2022 Stanislaus County Civil Grand Jury (SCCGJ) undertook an investigation of the County's Comprehensive Annual Financial Report (CAFR) and its external audit. The SCCGJ reviewed all information available at the time this report was completed.

GLOSSARY

Comprehensive Annual Financial Report (CAFR): A set of US government financial statements comprising the financial report of a state, municipal, or other governmental entity that complies with the accounting requirements published by the Governmental Accounting Standards Board.

Single Audit: The Single Audit is a rigorous organization-wide audit or examination of an entity that expends \$750,000 or more of federal funds received for its operations. This Single Audit is also known as the Office of Management and Budget (OMB) A-133 Audit.

SCCGJ: Stanislaus County Civil Grand Jury

CLA: CliftonLarsonAllen LLP

METHODOLOGY

The SCCGJ reviewed the "County of Stanislaus, California Annual Financial Report for Fiscal Year Ended June 30, 2021". This report was made available to the SCCGJ on May 5, 2022, along with a summary letter from the auditing firm CliftonLarsonAllen LLP (CLA). The Single

Audit from CLA was not available at the time the writing of this report was required. This timing is significantly different from years past, when this information became available in or around January of the year following the closing of the fiscal year.

BACKGROUND

The summary from CLA indicates that they “have audited the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the County of Stanislaus as of and for the year ending June 30, 2021”. It was noted that all significant transactions have been recognized in the financial statements, in the proper period. Any uncorrected mistakes that were found were deemed to be immaterial when looking at the financial statements as a whole. They found one instance where management agreed to re-state an item in the financial statement. This was in regards to reclassifying an entry that was in the Tax Resources fund, and was moved to the General Fund as a matter of proper accounting standards. There were no instances where there was a disagreement with management in regards to financial accounting, reporting, or auditing, that would be significant to the CAFR.

DISCUSSION

Members of the SCCGJ attended a presentation by CLA on October 14, 2021, during the early stages of the audit. CLA provided the SCCGJ with an overview of the audit process they were contracted to perform. The purpose of the audit, as stated in the presentation, is to be able to “express opinions providing reasonable, but not absolute, assurance whether the County’s financial statements are free from material misstatements”. Additionally, they stated a second purpose was to “obtain reasonable assurance about whether the County has complied with federal requirements that may have a direct and material effect on each of the County’s major programs”. At that time, they set the expectation that the SCCGJ would receive the completed audit no later than mid-December 2021, which was consistent with previous years’ audits. As of the time of writing this report in May 2022, the Single Audit is unavailable for our review.

FINDINGS

- F1.** This SCCGJ investigation is incomplete in that the Single Audit report was not received in time to include in the review.
- F2.** The Financial Report summary indicates that the general accounting policies of Stanislaus County are being followed.

RECOMMENDATIONS

- R1.** In order for future SCCGJs to fully investigate the County's CAFR and Single audit, the documents need to be provided on a timely basis.
- R2.** The 2022-2023 SCCGJ is encouraged to review the final audit report for June 30, 2021, in its entirety per California Penal Code §925.

REQUIRED RESPONSES

The following responses are required within sixty days after receipt of this report per Penal Code §933 and §933.05.

- Stanislaus County Auditor-Controller: **F1, R1**

The following responses are required within ninety days after receipt of this report per Penal Code §933 and §933.05.

- Stanislaus County Board of Supervisors: **F1, R1**

These responses shall be submitted to:

Honorable Robert B. Westbrook

Presiding Judge, Superior Court of California, County of Stanislaus

P.O. Box 3488

Modesto, CA 95353