

This document is an extract of a larger publication.

civilgrandjury.org is a project of UnGovr.org, a US-based 501(c)(3) nonprofit dedicated to government transparency and public accountability.



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**SUPERVISING JUDGE OF THE
CONTRA COSTA COUNTY CIVIL GRAND JURY**



Photography by S. Todd Rogers Photography

HONORABLE JOHN T. LAETTNER
2010 - Present

Superior Court of California

COUNTY OF CONTRA COSTA
725 COURT STREET
P.O. BOX 911
MARTINEZ, CA 94553-0091



June 16, 2017

Members of the 2016-2017 Grand Jury
Contra Costa County
725 Court Street
Martinez, CA 94553

Dear Grand Jury Members:

On behalf of the Judges of the Contra Costa County Superior Court, I wish to thank you for your service as members of the 2016-2017 Grand Jury. Your dedication in pursuit of the public objectives entrusted to you under the law was exceptional and is very much appreciated not only by us, but by all citizens of this county. You are to be commended for your work and accomplishments.

A special thanks is due, of course, to your foreperson, Jim Mellander. It is due largely to his leadership skills that your work was conducted so harmoniously and well.

Since the time of our founding fathers, the role of the Grand Jury has been to protect the public against abusive, corrupt, and/or wasteful governmental practices. By making constructive suggestions on how our county's governmental bodies can operate more effectively and efficiently, you have continued to perform that function in a most positive way. You should be proud of your service.

Thank you very much.

Very truly yours,

JOHN T. LAETTNER
Supervising Judge of the
2016-2017 Grand Jury

June 16, 2017

Honorable John T. Laettner
Judge of the Superior Court
Contra Costa County
725 Court Street
Martinez, CA 94553

Dear Judge Laettner,

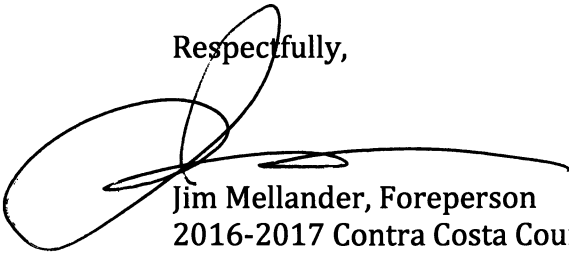
On behalf of the 2016-2017 Contra Costa County Civil Grand Jury, it is my honor to submit our final report. The report is a compilation of investigations that contain findings and recommendations regarding government agencies within our jurisdiction.

During our year of service, we met dozens of dedicated government employees, and we appreciate their cooperation in our investigations. Contra Costa County citizens can be justifiably proud of their workforce.

I would like to express our appreciation for your judicial oversight. We are deeply thankful for the support of Elisa Pantaleon, the Superior Court Administrative Assistant, and the District Attorney Advisor, Steve Moawad. Additionally, Rebecca Hooley, the County Counsel Advisor, spent countless hours reviewing the report, and we are sincerely grateful for her editing expertise. The Grand Jury would also like to especially commend Susan Leff of Golden Gate University for special services in furtherance of the Grand Jury's mission.

Finally, I would like to thank the Grand Jury members for their unwavering commitment to this extraordinary public service. We hope that our efforts will lead to meaningful change.

Respectfully,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line that ends in a small flourish.

Jim Mellander, Foreperson
2016-2017 Contra Costa County Civil Grand Jury

CONTRA COSTA COUNTY CIVIL GRAND JURY 2016 – 2017



BACK ROW

Robert P. Finlayson, Clifford Bowen, Jim Mellander, Judge John Laettner, Arthur Webb,
Sukhdev Singh, Steve Francis, Richard Lamb

FRONT ROW

Greg Villaseran, Marianne Bonner, Mario Gutierrez, Carlene Valentine, Joan D'Onofrio,
Laine Lawrence, Linda Savage, Harold Fates, James Agrusa

NOT PICTURED

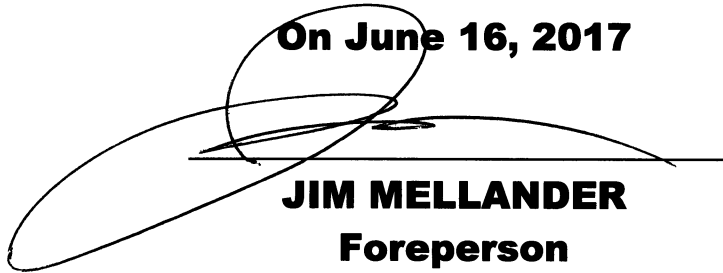
Jan Yakubisin, Ernie Gonzalez, Kristina Maiken

The 2016-2017 Contra Costa County

Grand Jury

Approved this Final Report

On June 16, 2017



JIM MELLANDER
Foreperson

I accept for filing this Final Report of the
2016-2017 Contra Costa County Grand Jury

On

June 16, 2017



HON. JOHN T. LAETTNER

Supervising Judge of the 2016-2017 Grand Jury

A REPORT BY
THE 2016-2017 CONTRA COSTA CIVIL GRAND JURY
725 Court Street
Martinez, California 94553

Report 1701

COMPLIANCE AND CONTINUITY REPORT

Contact:
Jim Mellander
Grand Jury Foreperson
510-334-1845

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CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1701

COMPLIANCE AND CONTINUITY REPORT

The Contra Costa County Civil Grand Jury is impaneled annually to investigate city and county government, special districts and certain non-profit corporations to ensure that their functions are performed in a lawful, economical and efficient manner. Findings and recommendations developed from these investigations are contained in the reports signed by the Civil Grand Jury Foreperson and the Grand Jury Judge. Responses to these reports must be made within certain time constraints and in accordance with specific formats pursuant to 933 and 933.05 of the California Penal Code. These responses to recommendations must include one of the following legally permitted options:

- The recommendation has been implemented
- The recommendation has not yet been implemented, but will be implemented in the future
- The recommendation requires further analysis
- The recommendation will not be implemented because it is not warranted or is not reasonable

The 2016-2017 Civil Grand Jury reviewed 15 reports from the 2015-2016 Civil Grand Jury. There were 162 letters, with copies of applicable reports, mailed out to the different entities from which responses were required. These 15 reports made a cumulative total of 686 recommendations to the various recipients, of which 430 responses (63%) stated that the recommendation(s) have been or will shortly be implemented and 74(11%) responses stated that the recommendation required further analysis. For further explanation and clarification of subject responses to recommendations, refer to their full responses posted online. Responses to the 2015-2016 Grand Jury reports are posted on the Contra Costa County Grand Jury Website in their entirety and can be viewed at:

<http://www.cc-courts.org/civil/grand-jury-reports.aspx>

The Grand Jury believes it is important for future Grand Juries to continue to review these responses and to be vigilant in seeing that recommendations that have been accepted have been carried out. In this manner, the commitment and hard work of past and future Grand Juries will result in positive changes for the citizens of Contra Costa County.

**CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1602
PROTECTING OUR GROUND WATER RESOURCES
Who is Minding the Storage?**

Recommendation # 1: As funds are identified or become available, the Board of Supervisors should consider directing EHD to update their website alerting domestic well owners about the risks of not periodically checking the water quality of their potable water wells, and preparing an informational brochure containing the same cautionary information.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 2: As funds are identified or become available, the Board of Supervisors should consider directing appropriate County departments to review the well records and databases of DWR, water districts, and the County to document well locations, develop a county-wide database, and map the locations as an overlay on the County GIS.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 3: As funds are identified or become available, the County Assessor should consider verifying that the assessed value of each parcel reflects the presence or absence of wells by reviewing assembled well data and, where discrepancies between records are identified, confirming whether a well exists and its status, active or abandoned.

RESPONDENT	RESPONSE
Contra Costa County Assessor	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 4: As funds are identified or become available, the Board of Supervisors should consider directing EHD and the County Flood Control District to jointly review proposed flood control projects to determine how to design or modify the projects to protect local wells, and the groundwater below, in DACs.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 5: The Board of Supervisors should consider establishing a Groundwater Advisory Council to further promote public awareness about groundwater conservation and protection.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because is not warranted or is not reasonable

Recommendation # 6: The Board of Supervisors should consider directing the County Water Agency to become involved in the formation of GSAs in the County and to periodically report to the Board on the status of each GS.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation requires further analysis

Recommendation # 7: The Board of Supervisors should encourage each water district whose sphere of Influence overlays "low" and "very low" priority groundwater basin in the County to form a GSA to analyze its groundwater basin and determine its potential for expansion and exploitation.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 8: As funds are identified or become available, the City should consider consulting hydrological specialists to provide advice about the best locations for accessing groundwater for landscape irrigation and emergency purpose.

RESPONDENT	RESPONSE
El Cerrito City Council	The recommendation requires further analysis
Richmond City Council	The recommendation requires further analysis
City of San Pablo City Council	The recommendation requires further analysis

Recommendation # 9: As funds are identified or become available, the City of Pittsburg should consider forming a GSA for the "low priority" Pittsburg Plain groundwater basin in order to establish its practical sustainable yield and maximum storage capacity.

RESPONDENT	RESPONSE
Pittsburg City Council	The recommendation will not be implemented because it is not warranted or is not reasonable

**CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1603
PENSION REFORM
If Not Now, When?**

Recommendation #1: The Board of Supervisors should seriously consider adopting a policy of seeking judicial clarification or reform of the California Rule.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #2: The Supervisors should consider empaneling a task force, a study group or an internal committee to examine options for challenging the California Rule that would weigh the following considerations:

- *Potential cost savings for the County;*
- *Potential resources to be freed up for other priorities such as service enhancements and other wage and benefit improvements;*
- *Opportunities to participate as an amicus curiae in existing legal cases;*
- *Opportunities for challenging the California Rule through legal proceedings such as a declaratory relief action that would not expose the County's financial position to undue risk in the event of an adverse result; and*
- *Whether the County should undertake the legal challenge alone or in cooperation with other jurisdictions or organizations with a common interest in the issue, such as the California State Association of Counties (CSAC).*

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 3: The Supervisors should consider issuing a formal statement on their policy toward seeking reform of the California Rule, with an explanation of how they propose to manage their unfunded pension liability in the event no steps are taken to reform or adjust the California Rule.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 4: The Supervisors should consider securing a legal opinion from outside counsel experienced in the field of pension and collective bargaining law on the merits of a legal challenge to the California Rule based on the argument that the Rule should now be modified based on California's collective bargaining system for public employees.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

**CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1604
ARE OUR SCHOOLS IN COMPLIANCE WITH THE “EpiPen” LAW, SB 1266?
It Could be a Matter of “Life or Death”**

Recommendation #1: The West Contra Costa Unified School District should contact those schools within their district and verify the schools are in compliance with SB 1266.

RESPONDENT	RESPONSE
West Contra Costa Unified School District	The recommendation has been implemented

Recommendation #2: The Antioch Unified School District should contact those schools found not to be in compliance with SB 1266 and ensure they become compliant by the beginning of the 2016-2017 School year.

RESPONDENT	RESPONSE
Antioch Unified School District	The recommendation has been implemented

Recommendation # 3: Each of the School Districts should direct the School District Superintendent to contact all schools in their district at the start of each school calendar year to confirm that they are compliant with the requirements of SB 1266.

RESPONDENT	RESPONSE
Acalanes Union High School Board	The recommendation will not be implemented because it is not warranted or is not reasonable
Antioch Unified School Board	The recommendation has been implemented
Brentwood Union School Board	The recommendation has been implemented
Byron Union School Board	The recommendation has not yet been implemented, but will be implemented in the future
Canyon School Board	The recommendation has been implemented
John Sweet Unified School Board	The recommendation has not yet been implemented, but will be implemented in the future
Knightsen Elementary School Board	The recommendation has been implemented
Lafayette School Board	The recommendation has been implemented
Liberty Union High School Board	The recommendation has been implemented
Martinez Unified School Board	The recommendation has been implemented
Moraga School Board	The recommendation has not yet been implemented, but will be implemented in the future
Mt. Diablo Unified School Board	The recommendation has not yet been implemented, but will be implemented in the future
Oakley Union Elementary School Board	The recommendation has been implemented
Orinda Union School Board	The recommendation has been implemented
Pittsburg Unified School Board	The recommendation has been implemented

San Ramon Valley School Board	The recommendation has been implemented
Walnut Creek School Board	The recommendation has been implemented
West Contra Costa Unified School Board	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation #4: Each of the School District Boards should direct their School District Superintendent to report to the Board at the start of each school calendar year that the School District is compliant with the requirements of SB 1266.

RESPONDENT	RESPONSE
Acalanes Union High School Board	The recommendation will not be implemented because it is not warranted or is not reasonable
Antioch Unified School Board	The recommendation has been implemented
Brentwood Union High School Board	The recommendation has not yet been implemented, but will be implemented in the future
Byron Union School Board	The recommendation has not yet been implemented, but will be implemented in the future
Canyon School Board	The recommendation has been implemented
John Sweet Unified School Board	The recommendation has not yet been implemented, but will be implemented in the future
Knightsen Elementary School Board	The recommendation has been implemented
Lafayette School Board	The recommendation has been implemented
Liberty Union High School Board	The recommendation has been implemented
Martinez Unified School Board	The recommendation has been implemented
Moraga School Board	The recommendation has not yet been implemented, but will be implemented in the future
Mt. Diablo Unified School Board	The recommendation has not yet been implemented, but will be implemented in the future
Oakley Union Elementary School Board	The recommendation will not be implemented because it is not warranted or is not reasonable
Orinda Union School Board	The recommendation has not yet been implemented, but will be implemented in the future
Pittsburg Unified School Board	The recommendation will not be implemented because it is not warranted or is not reasonable
San Ramon Valley School Board	The recommendation has been implemented
Walnut Creek School Board	The recommendation has been implemented
West Contra Costa Unified School Board	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 5: The Contra Costa County Superintendent of Schools should contact his or her schools at the start of each school year to confirm that the schools are compliant with the requirements of SB 1266.

RESPONDENT	RESPONSE
Contra Costa County Superintendent of Schools	The recommendation has been implemented

Recommendation # 6: Contra Costa County Superintendent of Schools should consider reporting to the Board of Contra Costa Office of Education at the beginning of each school calendar year the status of compliance of the County to SB 1266.

RESPONDENT	RESPONSE
Contra Costa County Superintendent of Schools	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 7: The Contra Costa Office of Education should consider recommending to the California Preschool Instructional Network that preschools within its network first evaluate the practical and legal considerations of administering Pens to students and, if permissible, follow the mandate set forth in SB 1266 as closely as reasonably possible.

RESPONDENT	RESPONSE
Contra Costa County Office of Education Board	The recommendation will not be implemented because it is not warranted or reasonable

Recommendation # 8: The School Districts should consider the practical and legal issues of supplying Pens for field trips and other off-site school events, and working with school nurses to develop policies and procedures for their use at these events.

RESPONDENT	RESPONSE
Acalanes Union High School Board	The recommendation requires further analysis
Antioch Unified School Board	The recommendation has been implemented
Brentwood Union High School Board	The recommendation has not yet been implemented, but will be implemented in the future
Byron Union School Board	The recommendation has been implemented
Canyon School Board	The recommendation has been implemented
John Sweet Unified School Board	The recommendation requires further analysis
Knightsen Elementary School Board	This recommendation will not be implemented because it is not warranted or reasonable
Lafayette School Board	The recommendation has not yet been implemented, but will be implemented in the future

Liberty Union High School Board	The recommendation requires further analysis
Martinez Unified School Board	The recommendation has been implemented
Moraga School Board	The recommendation has not yet been implemented, but will be implemented in the future
Mt. Diablo Unified School Board	The recommendation requires further analysis
Oakley Union Elementary School Board	The recommendation has not yet been implemented, but will be implemented in the future
Orinda Union School Board	The recommendation requires further analysis
Pittsburg Unified School Board	The recommendation requires further analysis
San Ramon Valley School Board	The recommendation requires further analysis
Walnut Creek School Board	The recommendation has been implemented
West Contra Costa Unified School Board	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 9: The Contra Costa Office of Education should consider the practical and legal issues of supplying Pens for field trips and other off-site school events, and working with school nurses to develop policies and procedures for their use at these events.

RESPONDENT	RESPONSE
Contra Costa Office of Education Board	The recommendation requires further analysis

Recommendation # 10: The School Districts should consider working with school nurses to develop policies and procedures for reporting the use of Pens.

RESPONDENT	RESPONSE
Acalanes Union High School Board	The recommendation requires further analysis
Antioch Unified School Board	The recommendation has not yet been implemented, but will be implemented in the future
Brentwood Union High School Board	The recommendation has not yet been implemented, but will be implemented in the future
Byron Union School Board	The recommendation has been implemented
Canyon School Board	The recommendation has not yet been implemented, but will be implemented in the future
John Sweet Unified School Board	The recommendation has not yet been implemented, but will be implemented in the future
Knightsen Elementary School Board	The recommendation has been implemented
Lafayette School Board	The recommendation has been implemented
Liberty Union High School Board	The recommendation has been implemented
Martinez Unified School Board	The recommendation has been implemented

Moraga School Board	The recommendation has not yet been implemented, but will be implemented in the future
Mt. Diablo Unified School Board	The recommendation has not yet been implemented, but will be implemented in the future
Oakley Union Elementary School Board	The recommendation has been implemented
Orinda Union School Board	The recommendation has been implemented
Pittsburg Unified School Board	The recommendation has been implemented
San Ramon Valley School Board	The recommendation requires further analysis
Walnut Creek School Board	The recommendation has been implemented
West Contra Costa Unified School Board	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 11: The Contra Cost Office of Education should consider working with the Contra Costa Superintendent of Schools and school nurses to develop policies and procedures for reporting use of the pens.

RESPONDENT	RESPONSE
Contra Costa Office of Education Board	The recommendation has been implemented
Contra Costa County Superintendent of Schools	The recommendation has been implemented

Recommendation # 12: The School Districts should consider helping parents understand the risk of anaphylaxis and the protocols in place for emergency administration of epinephrine. The School Districts should consider "identifying funds" to carry out these activities.

RESPONDENT	RESPONSE
Acalanes Union High School Board	The recommendation requires further analysis
Antioch Unified School Board	The recommendation has been implemented
Brentwood Union High School Board	The recommendation has not yet been implemented, but will be implemented in the future
Byron Union School Board	The recommendation has not yet been implemented, but will be implemented in the future
Canyon School Board	The recommendation has not yet been implemented, but will be implemented in the future
John Sweet Unified School Board	The recommendation has not yet been implemented, but will be implemented in the future
Knightsen Elementary School Board	The recommendation has not yet been implemented, but will be implemented in the future
Lafayette School Board	The recommendation has not yet been implemented, but will be implemented in the future
Liberty Union High School Board	The recommendation has been implemented

Martinez Unified School Board	The recommendation has not yet been implemented, but will be implemented in the future
Moraga School Board	The recommendation has not yet been implemented, but will be implemented in the future
Mt. Diablo Unified School Board	The recommendation will not be implemented because it is not warranted or reasonable
Oakley Union Elementary School Board	The recommendation has been implemented
Orinda Union School Board	The recommendation has been implemented
Pittsburg Unified School Board	The recommendation has not yet been implemented, but will be implemented in the future
San Ramon Valley School Board	The recommendation requires further analysis
Walnut Creek School Board	The recommendation has been implemented
West Contra Costa Unified School Board	The recommendation has been implemented

Recommendation # 13: The Contra Costa Office of Education should consider helping parents understand the risks of anaphylaxis and the protocols in place for emergency administration of epinephrine. The Contra Costa Office of Education should consider "identifying funds" to carry out these activities.

RESPONDENT	RESPONSE
Contra Costa Office of Education Board	The recommendation requires further analysis

**CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1605
CARING FOR THE VICTIMS
Commercial Sexual Exploitation of Children in CC County**

Recommendation #1: Board of Supervisors should review Interagency Protocol for Serving Commercially Sexually Exploited Children (CSEC) in Contra Costa County, finalized in October 2015.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation #2: Board of Supervisors, City Councils and Sheriff's Department should consider recommending that all CSEC partners in the County, as listed in CSEC Protocol, adopt their own protocols and submit them to Child and Family Services (CFS) for approval.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable
Contra Costa County Sheriff	The recommendation has not yet been implemented, but will be implemented in the future
City of Antioch	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Brentwood	The recommendation requires further analysis
City of Clayton	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Concord	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Danville	The recommendation will not be implemented because it is not warranted or is not reasonable
City of El Cerrito	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Hercules	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Lafayette	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Martinez	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Moraga	The recommendation will not be implemented because it is not warranted or is not reasonable

City of Oakley	The recommendation has not yet been implemented, but will be implemented in the future
City of Orinda	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Pinole	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Pleasant Hill	The recommendation requires further analysis
City of Pittsburg	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Richmond	The recommendation will not be implemented because it is not warranted or is not reasonable
City of San Pablo	The recommendation will not be implemented because it is not warranted or is not reasonable
City of San Ramon	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Walnut creek	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #3: Board of Supervisors should consider directing CSF, as lead implementing bureau, to follow up on required plans and protocols from interagency CSEC Protocol partners in implementation of the Protocols.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #4: Board of Supervisors should consider directing CFS to expand its CSEC Response Flow Chart to include all critical steps necessary for welfare of child victims. This should include mental health evaluation by Health Department and Child Welfare hold requests by social workers.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation #5: The Board should consider directing CFS to train or hire specialized CSEC personnel to serve as primary referrals and to assist in navigating services to child victims, using funds provided by State Department of Social Services.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #6: The Board should consider directing CFS to follow the model of Family Justice Centers in assisting CSEC victims to navigate the multitude of available services.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

Recommendation #7: The Board should consider seeking funds to acquire or lease a facility to temporarily house CSEC victims. This would allow suspected victims to be placed in legal, non-criminal hold, rather than having law enforcement book child victims into Juvenile Hall with a criminal record.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation #8: If the County secures funding to construct or lease a CFS facility, the Board should consider housing specialized CSEC navigators at the facility, similar to the model at Calli House.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #9: The County Board, City Councils and Sheriff's Department should consider recommending all first responders (usually law enforcement) refer suspected CSEC victims to specialized, dedicated personnel, to be established within CFS.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

Contra Costa County Sheriff	The recommendation has not yet been implemented, but will be implemented in the future
City of Antioch	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Brentwood	The recommendation requires further analysis
City of Clayton	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Concord	The recommendation requires further analysis
City of Danville	The recommendation will not be implemented because it is not warranted or is not reasonable
City of El Cerrito	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Hercules	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Lafayette	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Martinez	The recommendation requires further analysis
City of Moraga	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Oakley	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Orinda	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Pinole	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Pleasant Hill	The recommendation requires further analysis
City of Pittsburg	The recommendation will not be implemented because it is not warranted or is not reasonable
City of Richmond	The recommendation has not yet been implemented, but will be implemented in the future
City of San Pablo	The recommendation will not be implemented because it is not warranted or is not reasonable
City of San Ramon	The recommendation has been implemented
City of Walnut Creek	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #10: The Board should direct CFS to formulate CSEC training programs, with appropriate emphases for different County departments interacting with child victims.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation #11: City Councils and Sheriff's Department should direct law enforcement to avail themselves of CSEC training programs formulated by CFS.

RESPONDENT	RESPONSE
Contra Costa County Sheriff Department	The recommendation has not yet been implemented, but will be implemented in the future
City of Antioch	The recommendation has not yet been implemented, but will be implemented in the future
City of Brentwood	The recommendation has not yet been implemented, but will be implemented in the future
City of Clayton	The recommendation has been implemented
City of Concord	The recommendation has not yet been implemented, but will be implemented in the future
City of Danville	The recommendation has been implemented
City of El Cerrito	The recommendation has not yet been implemented, but will be implemented in the future
City of Hercules	The recommendation has not yet been implemented, but will be implemented in the future
City of Lafayette	The recommendation has been implemented
City of Martinez	The recommendation has not yet been implemented, but will be implemented in the future
City of Moraga	The recommendation has been implemented
City of Oakley	The recommendation has been implemented
City of Orinda	The recommendation has been implemented
City of Pinole	The recommendation has not yet been implemented, but will be implemented in the future
City of Pleasant Hill	The recommendation requires further analysis
City Pittsburg	The recommendation has been implemented
City of Richmond	The recommendation has been implemented
City of San Pablo	The recommendation has been implemented
City of San Ramon	The recommendation has been implemented

City of Walnut creek	The recommendation has not yet been implemented, but will be implemented in the future
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**CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1606
RECLAIMING OUR WATER
More Complicated Than It Might Appear**

Recommendation # 1: The Board of Supervisors should consider facilitating (possibly through a Task Force) the formation of a JPA to promote water recycling, storm water capture and desalination projects.

RESPONDENT	RESPONSE
Dublin San Ramon Services District	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 2: CCCSD and CCWD shall explore the feasibility of cooperatively developing an IPR Injection Well Project.

RESPONDENT	RESPONSE
Central Contra Costa Sanitary District	The recommendation will not be implemented because it is not warranted or is not reasonable
Contra Costa Water District	The recommendation will not be implemented because it is not warranted or is not reasonable
Dublin San Ramon Services District	The recommendation requires further analysis

Recommendation # 3: CCCSD, CCWD, and DSRSD should consider the formation of a JPA to expand CCCSD's territory treatment capacity in order to free up fresh water for domestic and commercial customers.

RESPONDENT	RESPONSE
Central Contra Costa Sanitary District	The recommendation requires further analysis
Contra Costa Water District	The recommendation will not be implemented because it is not warranted or is not reasonable
Dublin San Ramon Services District	The recommendation requires further analysis

Recommendation # 4: The Board of Supervisors should consider directing that priority be given to capture and reuse the storm water where possible in all new County flood control projects.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 5: The Board of Supervisors should consider adopting ordinances that promulgate recycling and recovery of water on a County-wide basis.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

Recommendation # 6: The city should consider adopting requirements relating to the use of reclaimed water for planned communities and large commercial buildings to maximize its use.

RESPONDENT	RESPONSE
Walnut Creek City Council	The recommendation will not be implemented because it is not warranted or is not reasonable
Concord City Council	The recommendation has been implemented
San Ramon City Council	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 7: The district should consider facilitating the use of satellite wastewater treatment plants, where appropriate.

RESPONDENT	RESPONSE
Contra Costa Water District	The recommendation has been implemented
Central Contra Costa Sanitary District	The recommendation has been implemented
Dublin San Ramon Services District	The recommendation has been implemented
East Bay Municipal Utilities District	The recommendation has been implemented

Recommendation # 8: The Board of Supervisors should consider adopting a County goal to exceed the State average for recycled water use and establish a target date.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 9: The County and Districts should consider meeting to discuss each District's need for land for demonstration of scaled-up recycling and desalination projects using green technologies, which may qualify for State grant money, and the County's ability to lease such land.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not yet been implemented, but will be implemented in the future
Central Contra Costa Sanitary District	The recommendation requires further analysis
Dublin San Ramon Services District	The recommendation will not be implemented because it is not warranted or is not reasonable
Contra Costa Water District	The recommendation has been implemented
East Bay Municipal Utilities District	The recommendation has been implemented

Recommendation # 10: To promote public awareness and citizen involvement, the Board of Supervisors should consider establishing a citizen's "Water Reuse Advisory Council" affecting the County, which includes citizen stakeholders and technology experts to advise them on all water reuse issues.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 11: The Board of Supervisors should consider designating a single point of contact within County government for water recycle/reuse issues or establishing a permanent water sustainability subcommittee under their Transportation, Water and Infrastructure Committee to advise the committee on water reuse issues.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

**CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1607
DELTA LEVIES IN CONTRA COSTA COUNTY
How Well Do We Protect This Vital Safety System?**

Recommendation # 1: After identifying the necessary funding, LAFCO should consider including independent physical inspections of levee conditions, in addition to the self-reported evaluations of the conditions, in the MSRs of all County reclamation districts, if necessary by hiring an independent engineering firm to perform this function.

RESPONDENT	RESPONSE
Contra Costa County LAFCO	The recommendation will not be implemented because it is not warranted or reasonable

Recommendation # 2: After identifying the necessary funding, the County reclamation districts should collaborate in establishing and supporting a shared website, possibly approaching one of the Districts that already has a website to take the lead. This website should include "Best Practices," a calendar of date- or seasonal-specific tasks, such as preparation for nesting season when certain work is prohibited, and dates when Subventions Program applications are due, and a common log of significant levee incidents to identify and track historical trouble spots.

RESPONDENT	RESPONSE
The Board of Trustees of Bethel Island Municipal Improvement District	The recommendation will not be implemented because it is not warranted or reasonable
The Board of Trustees of Reclamation District 799 (Hotchkiss Tract)	The recommendation will not be implemented because it is not warranted or reasonable
The Board of Trustees of Reclamation District 800 (Byron Tract)	The recommendation will not be implemented because it is not warranted or reasonable
The Board of Trustees of Reclamation District 830 (Jersey Island)	The recommendation will not be implemented because it is not warranted or reasonable
The Board of Trustees of Reclamation District 2024 (Orwood/Palm Tract)	The recommendation will not be implemented because it is not warranted or reasonable
The Board of Trustees of Reclamation District 2025 (Holland Tract)	The recommendation will not be implemented because it is not warranted or reasonable
The Board of Trustees of Reclamation District 2026 (Webb Tract)	The recommendation will not be implemented because it is not warranted or reasonable
The Board of Trustees of Reclamation District 2059 (Bradford Island)	The recommendation will not be implemented because it is not warranted or reasonable
The Board of Trustees of Reclamation District 2065 (Veale Tract)	The recommendation will not be implemented because it is not warranted or reasonable
The Board of Trustees of Reclamation District 2090 (Quimby Island)	The recommendation will not be implemented because it is not warranted or reasonable

The Board of Trustees of Reclamation District 2117 (Coney Island)	The recommendation will not be implemented because it is not warranted or reasonable
The Board of Trustees of Reclamation District 2121 (Bixler Tract)	The recommendation will not be implemented because it is not warranted or reasonable
The Board of Trustees of Reclamation District 2122 (Winter Island)	The recommendation will not be implemented because it is not warranted or reasonable
The Board of Trustees of Reclamation District 2137 (Dutch Slough)	The recommendation will not be implemented because it is not warranted or reasonable

Recommendation # 3: After identifying the necessary funding, the County reclamation districts should consider taking turns hosting a short, local, annual conference for all District Board members and staff. Each conference should include an educational presentation on a matter of common interest, such as changes in regulations or levee standards, new technology or procedures for levee work, new sources of funding, and/or most effective techniques for successful grant applications.

RESPONDENT	RESPONSE
The Board of Trustees of Bethel Island Municipal Improvement District	The recommendation requires further analysis
The Board of Trustees of Reclamation District 799 (Hotchkiss Tract)	The recommendation requires further analysis
The Board of Trustees of Reclamation District 800 (Byron Tract)	The recommendation will not be implemented because it is not warranted or reasonable
The Board of Trustees of Reclamation District 830 (Jersey Island)	The recommendation has been implemented
The Board of Trustees of Reclamation District 2024 (Orwood/Palm Tract)	The recommendation will not be implemented because it is not warranted or reasonable
The Board of Trustees of Reclamation District 2025 (Holland Tract)	The recommendation has been implemented
The Board of Trustees of Reclamation District 2026 (Webb Tract)	The recommendation has been implemented
The Board of Trustees of Reclamation District 2059 (Bradford Island)	The recommendation will not be implemented because it is not warranted or reasonable
The Board of Trustees of Reclamation District 2065 (Veale Tract)	The recommendation has been implemented
The Board of Trustees of Reclamation District 2090 (Quimby Island)	The recommendation has been implemented
The Board of Trustees of Reclamation District 2117 (Coney Island)	The recommendation will not be implemented because it is not warranted or reasonable
The Board of Trustees of Reclamation District 2121 (Bixler Tract)	The recommendation has been implemented
The Board of Trustees of Reclamation District 2122 (Winter Island)	The recommendation has been implemented
The Board of Trustees of Reclamation District 2137 (Dutch Slough)	The recommendation has been implemented

Recommendation # 4: After identifying the necessary funding, reclamation districts should consider adding a "training module" for new and re-elected Board members to their required governance training (i.e. Brown Act and Ethics). This "module" or session should cover the district's levee regulations and protocols, the consequences of noncompliance with regulations and protocols, flood preparedness, and emergency response training - or at minimum a "back to basics" session with the consulting engineer to cover these concerns.

RESPONDENT	RESPONSE
The Board of Trustees of Bethel Island Municipal Improvement District	The recommendation will not be implemented because it is not warranted or reasonable
The Board of Trustees of Reclamation District 799 (Hotchkiss Tract)	The recommendation requires further analysis
The Board of Trustees of Reclamation District 800 (Byron Tract)	The recommendation has been implemented
The Board of Trustees of Reclamation District 830 (Jersey Island)	The recommendation has been implemented
The Board of Trustees of Reclamation District 2024 (Orwood/Palm Tract)	The recommendation has been implemented
The Board of Trustees of Reclamation District 2025 (Holland Tract)	The recommendation has been implemented
The Board of Trustees of Reclamation District 2026 (Webb Tract)	The recommendation has been implemented
The Board of Trustees of Reclamation District 2059 (Bradford Island)	The recommendation has been implemented
The Board of Trustees of Reclamation District 2065 (Veale Tract)	The recommendation has been implemented
The Board of Trustees of Reclamation District 2090 (Quimby Island)	The recommendation has been implemented
The Board of Trustees of Reclamation District 2117 (Coney Island)	The recommendation has been implemented
The Board of Trustees of Reclamation District 2121 (Bixler Tract)	The recommendation has been implemented
The Board of Trustees of Reclamation District 2122 (Winter Island)	The recommendation has been implemented
The Board of Trustees of Reclamation District 2137 (Dutch Slough)	The recommendation has been implemented

Recommendation # 5: Reclamation districts should formalize, or at a minimum document, all "Mutual Aid" agreements for future reference as reclamation district personnel change over time.

RESPONDENT	RESPONSE
The Board of Trustees of Bethel Island Municipal Improvement District	The recommendation has not yet been implemented, but will be implemented in the future
The Board of Trustees of Reclamation District 799 (Hotchkiss Tract)	The recommendation has not yet been implemented, but will be implemented in the future
The Board of Trustees of Reclamation District 800 (Byron Tract)	The recommendation has not yet been implemented, but will be implemented in the future
The Board of Trustees of Reclamation District 830 (Jersey Island)	The recommendation has not yet been implemented, but will be implemented in the future
The Board of Trustees of Reclamation District 2024 (Orwood/Palm Tract)	The recommendation has not yet been implemented, but will be implemented in the future
The Board of Trustees of Reclamation District 2025 (Holland Tract)	The recommendation has not yet been implemented, but will be implemented in the future
The Board of Trustees of Reclamation District 2026 (Webb Tract)	The recommendation has not yet been implemented, but will be implemented in the future
The Board of Trustees of Reclamation District 2059 (Bradford Island)	The recommendation has not yet been implemented, but will be implemented in the future
The Board of Trustees of Reclamation District 2065 (Veale Tract)	The recommendation has not yet been implemented, but will be implemented in the future
The Board of Trustees of Reclamation District 2090 (Quimby Island)	The recommendation has not yet been implemented, but will be implemented in the future
The Board of Trustees of Reclamation District 2117 (Coney Island)	The recommendation has not yet been implemented, but will be implemented in the future
The Board of Trustees of Reclamation District 2121 (Bixler Tract)	The recommendation has not yet been implemented, but will be implemented in the future
The Board of Trustees of Reclamation District 2122 (Winter Island)	The recommendation has not yet been implemented, but will be implemented in the future
The Board of Trustees of Reclamation District 2137 (Dutch Slough)	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 6: After identifying the necessary funding, the County Tax Collector should consider including informational material on flood preparedness or levee safety precautions, available at no charge from our County Flood Control or Central Valley Flood Control Agency or DWR, with every property tax bill that has an address within a reclamation district.

RESPONDENT	RESPONSE
The Contra Costa County Tax Collector	The recommendation has been implemented
The Contra Costa County Board of Supervisors	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 7: After identifying the necessary funding, the County Clerk Recorder should consider including informational material on flood preparedness or levee safety precautions, available at no charge from our County Flood Control or Central Valley Flood Control Agency or DWR, with election materials sent to addresses within a reclamation district.

RESPONDENT	RESPONSE
The Contra Costa County Clerk Recorder Elections Division	The recommendation will not be implemented because it is not warranted or reasonable
The Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or reasonable

Recommendation # 8: After identifying the necessary funding, the Board of Supervisors should consider directing the County Planning Department to provide each applicant for new construction or major remodeling in unincorporated areas within a reclamation district with a brochure or direction to an online website explaining levee safety rules and regulations, along with the reasons for same, applicable to their particular reclamation district and to require that each applicant confirm receipt of the brochure or link to website by initialing.

RESPONDENT	RESPONSE
The Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or reasonable

Recommendation # 9: The Oakley City Council should direct the Oakley Planning Commission to provide each applicant for new construction or major remodeling within a reclamation district in the City of Oakley with a brochure or direction to an online website explaining levee safety rules and regulations, along with the reasons for same, applicable to their particular reclamation district and to require that each applicant confirm receipt of the brochure or link to website by initialing.

RESPONDENT	RESPONSE
The Oakley City Council	The recommendation has not yet been implemented but will be implemented in the future

Recommendation # 10: The Board of Supervisors should consider directing the appropriate planning and/or land use departments to follow the precedent established by the East Cypress Corridor Project and condition approval of proposals for new residential or commercial development, where allowed on any unincorporated County land in a reclamation district, on financial support of the existing levees.

RESPONDENT	RESPONSE
The Contra Costa County Board of Supervisors	The recommendation has not yet been implemented but will be implemented in the future

Recommendation # 11: The City of Oakley should consider following the precedent established by the East Cypress Corridor Project and conditioning approval of proposals for new residential or commercial development, where proposed on Oakley's annexed land in a reclamation district, on financial support of the existing levees.

RESPONDENT	RESPONSE
The Oakley City Council	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 12: After identifying the necessary funding, the Board of Supervisors should consider directing the County's Transportation, Water, and Infrastructure Committee to establish a task force or initiate a staff study to investigate ways to encourage and facilitate grant-seeking coalitions of urban water agencies and/or other beneficiaries of the levee system, on smaller-scale projects with shorter time horizons than those currently being investigated by the Delta Protection Commission (i.e. similar to but including even smaller-scale projects than the Bacon Island improvement coalition).

RESPONDENT	RESPONSE
The Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or reasonable

Recommendation # 13: After identifying the necessary funding, the Board of Supervisors should consider directing the County's Transportation, Water, and Infrastructure Committee to establish a task force to investigate possible ways for the less-advantaged reclamation districts to obtain interim funding, including but not limited to grants or low-interest rate loans, to cover the initial two-year lag-time to obtain reimbursement for essential levee maintenance work from the Subventions Program.

RESPONDENT	RESPONSE
The Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or reasonable

**CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1608
WELFARE FRAUD INVESTIGATION IN CONTRA COSTA COUNTY
Looking Hard Enough?**

Recommendation # 1: The Board of Supervisors should consider, in order to make the position more attractive with higher net pay, offering non-benefitted status to candidates for Welfare Fraud Investigator, after reviewing the legal and policy related considerations of doing so.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 2: The Board of Supervisors should consider allowing Welfare Fraud Investigators to wear firearms at their personal discretion while conducting UHV's.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 3: To allow the Welfare Fraud Investigators time to perform more in-field investigations such as UHV's the Board of Supervisors should consider directing EHSD to create a position classification for Fraud Investigation Technicians or Aides, who would prepare and process case documentation.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 4: The Board of Supervisors should consider directing EHSD to hire two full time EHSD Overpayment Unit workers to fill the currently open positions.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

Recommendation # 5: As EHSD fraud referrals increase, and as funding is identified and made available, the District Attorney should consider increasing the number of Senior Inspectors and Deputy DAs so the investigations can also be done on Electronic Benefit Transfer card fraud and internal fraud within EHSD.

RESPONDENT	RESPONSE
Contra Costa County Office of the District Attorney	The recommendation has been implemented

**CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1609
HUMAN TRAFFICKING**

Recommendation # 1: City law enforcement agencies and the Sherriff's Department should consider incorporating expanded training for officers assigned to trafficking-related duties.

RESPONDENT	RESPONSE
Antioch City Council	The recommendation has not yet been implemented, but will be implemented in the future
Brentwood City Council	The recommendation has been implemented
Clayton City Council	The recommendation has been implemented
Concord City Council	The recommendation has been implemented
Danville City Council	The recommendation has been implemented
El Cerrito City Council	The recommendation has been implemented
Hercules City Council	The recommendation has been implemented
Lafayette City Council	The recommendation has been implemented
Martinez City Council	The recommendation has not yet been implemented, but will be implemented in the future
Moraga City Council	The recommendation will not be implemented because it is not warranted or is not reasonable
Oakley City Council	The recommendation has been implemented.
Orinda City Council	The recommendation has been implemented
Pinole City Council	The recommendation has been implemented
Pittsburg City Council	The recommendation has been implemented
Pleasant Hill City Council	The recommendation has been implemented
Richmond City Council	The recommendation has been implemented
San Ramon City Council	The recommendation has been implemented
San Pablo City Council	The recommendation will not be implemented because it is not warranted or is not reasonable
Walnut Creek City Council	The recommendation has been implemented
Contra Costa County Sheriff's Department	The recommendation has been implemented

Recommendation # 2: City Law enforcement agencies and the sheriff's department should consider increasing collaboration with State and federal law enforcement to expand "sweeps" and "stings" in high crime areas.

RESPONDENT	RESPONSE
Antioch City Council	The recommendation has not yet been implemented, but will be implemented in the future
Brentwood City Council	The recommendation has been implemented
Clayton City Council	The recommendation has been implemented
Concord City Council	The recommendation requires further analysis
Danville City Council	The recommendation has been implemented
El Cerrito City Council	The recommendation has been implemented

Hercules City Council	The recommendation will not be implemented because it is not warranted or is not reasonable
Lafayette City Council	The recommendation has been implemented
Martinez City Council	The recommendation will not be implemented because it is not warranted or is not reasonable
Moraga City Council	The recommendation has been implemented
Oakley City Council	The recommendation will not be implemented because it is not warranted or is not reasonable
Orinda City Council	The recommendation has been implemented
Pinole City Council	The recommendation has been implemented.
Pittsburg City Council	The recommendation has been implemented
Pleasant Hill City Council	The recommendation has been implemented
Richmond City Council	The recommendation has been implemented
San Ramon City Council	The recommendation has been implemented
San Pablo City Council	The recommendation has been implemented
Walnut Creek City Council	The recommendation has been implemented
Contra Costa County Sheriff's Department	The recommendation has been implemented

Recommendation # 3: City Law enforcement agencies and the sheriff's department should consider the benefits of assigning multidisciplinary teams in areas with significant drug, gang and/or prostitution activity to assist in identifying trafficking activities.

RESPONDENT	RESPONSE
Antioch City Council	The recommendation has been implemented
Brentwood City Council	The recommendation has been implemented
Clayton City Council	The recommendation will not be implemented because it is not warranted or is not reasonable
Concord City Council	The recommendation will not be implemented because it is not warranted or is not reasonable
Danville City Council	The recommendation has been implemented
El Cerrito City Council	The recommendation has been implemented
Hercules City Council	The recommendation has been implemented
Lafayette City Council	The recommendation will not be implemented because it is not warranted or is not reasonable
Martinez City Council	The recommendation will not be implemented because it is not warranted or is not reasonable
Moraga City Council	The recommendation will not be implemented because it is not warranted or is not reasonable
Oakley City Council	The recommendation will not be implemented because it is not warranted or is not reasonable
Orinda City Council	The recommendation has been implemented
Pinole City Council	The recommendation will not be implemented because it is not warranted or is not reasonable

Pittsburg City Council	The recommendation has been implemented
Pleasant Hill City Council	The recommendation has not yet been implemented, but will be implemented in the future
Richmond City Council	The recommendation has been implemented
San Ramon City Council	The recommendation has been implemented
San Pablo City Council	The recommendation will not be implemented because it is not warranted or is not reasonable
Walnut Creek City Council	The recommendation will not be implemented because it is not warranted or is not reasonable
Contra Costa County Sheriff's Department	The recommendation has been implemented

Recommendation # 4: The County Board of Supervisors should consider identifying funds to assign the Zero Tolerance Coalition to take a leadership role in developing report formats, collecting and reporting on comprehensive data about adult and child trafficking in Contra Costa County.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

Recommendation # 5: The County Board of Supervisors should consider directing the Zero Tolerance Coalition to develop a multi-disciplinary approach in dealing with human trafficking, after identifying funds to do so.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

Recommendation # 6: The County Board of Supervisors should consider directing the Zero Tolerance Coalition to develop and implement a systematic plan for building community awareness of human trafficking, after identifying funds to do so.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1610
 OFFICE OF THE PUBLIC DEFENDER
 “Who is Entitled to Legal Representation?”

Recommendation # 1: The Public Defender should require the potential client referred by the court to attest under penalty of perjury to the accuracy of the information provided to the public defender.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 2: To verify the information provided on the financial eligibility questionnaire form, the Public Defender should develop guidelines concerning when documentation of financial circumstances is required and the type of such documentation, such as prior year tax return, employment pay stubs or advices, utilization of credit services, etc.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

**CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1611
MAINTAINING A STABLE ENVIRONMENT FOR OUR SPECIAL EDUCATION
CHILDREN AND STAFF**

Recommendation # 1: The COE should consider tracking and trending complaint data at the Brentwood Schools by location to better identify the nature and extent of staff concerns, and to respond to such complaints promptly; after identifying funds to do so.

RESPONDENT	RESPONSE
Contra Costa County Office of Education Superintendent	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 2: The COE should provide all Brentwood Schools' staff with written instructions as to when, how, and to whom incident reports should be copied and routed.

RESPONDENT	RESPONSE
Contra Costa County Office of Education Superintendent	The recommendation has been implemented

Recommendation # 3: The COE should require each of the Brentwood Schools to maintain a log of incident reports, in addition to filing a report in a student's personnel file. The COE should require that each incident report and any accompanying analysis be forwarded to the COE for their review to decide the appropriate follow-up action, if any.

RESPONDENT	RESPONSE
Contra Costa County Office of Education Superintendent	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 4: The COE should require that instructions for completing incident reports provide that the incident report be completed only by the class teacher before being forwarded to the school psychologist, principal and the COE.

RESPONDENT	RESPONSE
Contra Costa County Office of Education Superintendent	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 5: The COE should consider establishing a written protocol to require a log of incident reports and require each of the Brentwood Schools to maintain a file of incident reports so that they may be easily retrieved.

RESPONDENT	RESPONSE
Contra Costa County Office of Education Superintendent	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 6: The COE should consider regularly reviewing incident reports from the Brentwood Schools to determine any patterns, needed corrective action, and follow up necessary to ensure such corrective action was accomplished, and requiring school principals to do the same; after identifying funds to do so.

RESPONDENT	RESPONSE
Contra Costa County Office of Education Superintendent	The recommendation has been implemented

Recommendation # 7: The COE should consider producing an employee handbook for the Brentwood Schools which is reviewed and approved by the COE, and regularly updated; after identifying funds to do so.

RESPONDENT	RESPONSE
Contra Costa County Office of Education Superintendent	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 8: The COE should require that all staff of the Brentwood Schools receive a copy of a handbook for employees, and updated copies.

RESPONDENT	RESPONSE
Contra Costa County Office of Education Superintendent	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 9: The COE should consider requiring that instructional assistants at the Brentwood Schools attend the part of the annual orientation for teachers that relates to Instructional Assistants; after identifying funds to do so.

RESPONDENT	RESPONSE
Contra Costa County Office of Education Superintendent	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 10: The COE should consider requiring each of the Brentwood Schools to maintain a suggestion box to provide a mechanism for staff to anonymously provide ideas concerning how each school environment could be improved.

RESPONDENT	RESPONSE
Contra Costa County Office of Education Superintendent	The recommendation has been implemented

Recommendation # 11: The COE should consider regularly reviewing with Brentwood Schools' administration suggestions received to determine if there are any transferable best practices that could be shared with other schools.

RESPONDENT	RESPONSE
Contra Costa County Office of Education Superintendent	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 12: The COE should consider immediately drafting a written protocol that will allow Brentwood Schools' staff to bring concerns to the attention of the COE in a timely manner and without fear of possible retaliation so as to preclude further escalation to a grievance or vote-of-no-confidence level; after identifying funds to do so.

RESPONDENT	RESPONSE
Contra Costa County Office of Education Superintendent	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 13: The COE should create a form that can be used in a staff exit interview that clearly indicates the reason for terminating employment with the Brentwood Schools.

RESPONDENT	RESPONSE
County Office of Education Superintendent	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 14: The COE should consider requiring that information in forms completed during exit interviews concerning reasons for employment termination at the Brentwood Schools be categorized so that specific trends can be detailed for use in recruiting and retaining employees and this accumulated data can be reduced to an annual report to the CBOE and made available to the public; after identifying funds to do so.

RESPONDENT	RESPONSE
Contra Costa County Office of Education Superintendent	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 15: The COE should consider creating SARCs applicable to Special Education programs that track data such as performance, progress of the special education programs and IEP goals met to give a true picture of the effectiveness of the programs offered.

RESPONDENT	RESPONSE
Contra Costa County Office of Education Superintendent	The recommendation will not be implemented because it is not warranted or is not reasonable

**CONTRA COSTA CIVIL GRAND JURY REPORT 1612
FOSTER CARE UNDER AB 403
A Disconnect Between Policy and Reality**

Recommendation # 1: The Board of Supervisors should consider creating a special task force with staff from CFS, Mental Health, County administration, Group Home facilities, and Foster Parents Association to assess the potential safety impact on the community to place foster youth currently in group homes into less qualified foster parent homes.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 2: The Board of Supervisors should consider directing this Task Force (R1) to track progress of the recruiting and training of kinship care and new foster families, and network with surrounding counties as to best practices in recruiting and supporting resource families.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 3: The Board of Supervisors should consider directing the Task Force (R1) to explore the feasibility of creating a Mental Health Unit within CFS that would be responsible for the initial assessment and providing and/or supervising ongoing mental health care for foster youth.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 4: The Board of Supervisors should consider directing CFS to carefully monitor the costs of supporting a foster family and lobby the CDSS for more financial support for wraparound services to these families based on the documented actual costs.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not been implemented, but will be implemented in the future

Recommendation # 5: The Board of Supervisors should consider making it a priority to hire at least two full time foster family recruiters, who are classified to be able to work flexible hours, and are expected to be involved with higher level staff in recruiting presentations to recruit new foster parents, at such time as funds do so become available.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not been implemented, but will be implemented in the future

Recommendation # 6: The Board of Supervisors should consider directing CFS to organize more recruitment presentations to prospective foster families, including scheduling some of these presentations on weekday evenings and weekends.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

Recommendation # 7: CFS should reach out to FFAs to increase foster parent recruitment efforts and consider paying a fee to FFAs for each foster family recruited that resides in the County.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 8: The Board of Supervisors should consider directing CFS to create specific transition plans for County youth currently in Group Homes, including plans to conduct in depth mental health screenings of those transitioning youth to certify that they are safe to move from the relative safety of the Group Home environment into care of qualified foster parents, and plans for frequent follow up visits by CFS to the new foster parents to ensure the move is successful.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not been implemented, but will be implemented in the future

Recommendation # 9: The Board of Supervisors should consider directing CFS to review all current out of-county placements to determine if and when any can be safely brought back to the County.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

Recommendation # 10: The Board of Supervisors should consider directing CFS to create a more defined database of all available foster parents, including those identified through FFAs, to identify available foster parents' particular skills, backgrounds and other pertinent attributes, such as whether they reside in-county and out-of-county, and to enable the Placement Unit to more quickly identify the best match for youth in the system.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not been implemented, but will be implemented in the future

Recommendation # 11: When a foster youth may have mental health issues, the Board of Supervisors should consider requiring CFS to include a mental health professional in the Continuous Quality Improvement process, and also requiring that the process is coordinated with Continuous Quality Improvement processes used by FFAs, so that all Continuous Quality Improvement methods track and trend essentially the same issues.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation requires further analysis

Recommendation # 12: The Board of Supervisors should consider directing CFS to track outcomes of foster youth in the county and then trend these outcomes to guide future policy decisions.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation requires further analysis

Recommendation #13: The Board of Supervisors should consider negotiating amendments to the applicable MOU's to make certain job descriptions/ classifications for mental health professions to make working hours more flexible so these mental health care professionals can respond to after-hours situations that arise in the treatment of foster youth.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation requires further analysis

**CONTRA COSTA COUNTY GRAND JURY REPORT 1613
HUMAN RESOURCES MANAGEMENT
Adrift on the Sea of Change**

Recommendation # 1: The Board of Supervisors should consider hiring a permanent HR Director as soon as is reasonably possible.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 2: The Board of Supervisors should consider directing HR to develop a strategic plan that (1) defines HR's role and authority in personnel management vis a vis the departments it services (2) provides the degree to which centralizing specific personnel management processes is feasible and advisable, and (3) provides what processes can or should be decentralized to the departments.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 3: The Board of Supervisors should consider directing HR to assess the skills and abilities of current staff as a basis for rationalizing the separation of Recruitment from Classification, and develop a staffing plan to maximize the benefit of the new configuration.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 4: The Board of Supervisors should consider directing the County Administrator to end the delegated authority to the Health Services Department for personnel actions.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation requires further analysis

Recommendation # 5: HR should assess the potential impact on HR staffing resulting from withdrawal of the delegated authority.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation requires further analysis

Recommendation # 6: The Board of Supervisors should consider directing HR, in coordination with County Counsel, the County Administrator and County department heads, to review and update the Personnel Management Regulations and the Salary Regulations as needed.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 7: The Board of Supervisors should direct HR to review and update the Personnel Services Manual as needed.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 8: The Board of Supervisors should consider directing HR to begin a comprehensive review of the current County job classification system and develop recommendations for change as appropriate.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation requires further analysis

Recommendation # 9: The Board of Supervisors should direct HR to implement an organized departmental outreach and training effort to ensure that all County departments fully understand HR's policies and procedures.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 10: The Board of Supervisors should consider directing HR to play a key role in the Change Management effort.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1614
 WHERE WILL WE LIVE?
 The Affordable Housing Waiting List is Closed

Recommendation # 1: The city should consider increasing AH in PDAs.

RESPONDENT	RESPONSE
City Council of Antioch	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Brentwood	The recommendation has not yet been implemented, but will be implemented in the future
City Council of Clayton	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Concord	The recommendation has been implemented
City Council of Danville	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of El Cerrito	The recommendation has been implemented
City Council of Hercules	The recommendation has not yet been implemented, but will be implemented in the future
City Council of Lafayette	The recommendation requires further analysis
City Council of Martinez	The recommendation has been implemented
City Council of Moraga	The recommendation has been implemented
City Council of Oakley	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Orinda	The recommendation has been implemented
City Council of Pinole	The recommendation has been implemented
City Council of Pleasant Hill	The recommendation has been implemented
City Council of Pittsburg	The recommendation has been implemented
City Council of Richmond	The recommendation has not yet been implemented, but will be implemented in the future
City Council of San Pablo	The recommendation has been implemented
City Council of San Ramon	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Walnut Creek	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 2: The city should consider adopting an Inclusionary Housing Ordinance.

RESPONDENT	RESPONSE
City Council of Antioch	The recommendation will not be implemented because is not warranted or is not reasonable

City Council of Brentwood	The recommendation has been implemented
City Council of Clayton	The recommendation has been implemented
City Council of Concord	The recommendation has been implemented
City Council of Danville	The recommendation has been implemented
City Council of El Cerrito	The recommendation requires further analysis
City Council of Hercules	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Lafayette	The recommendation has been implemented
City Council of Martinez	The recommendation requires further analysis
City Council of Moraga	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Oakley	The recommendation has not yet been implemented, but will be implemented in the future
City Council of Orinda	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Pinole	The recommendation has been implemented
City Council of Pleasant Hill	The recommendation has been implemented
City Council of Pittsburg	The recommendation has been implemented
City Council of Richmond	The recommendation has been implemented
City Council of San Pablo	The recommendation has not yet been implemented, but will be implemented in the future
City Council of San Ramon	The recommendation has been implemented
City Council of Walnut Creek	The recommendation has been implemented

Recommendation # 3: The city should explore rehabilitating existing housing stock as AH for purchase or rental and identify funding to do so.

RESPONDENT	RESPONSE
City Council of Antioch	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Brentwood	The recommendation has been implemented
City Council of Clayton	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Concord	The recommendation has been implemented
City Council of Danville	The recommendation has been implemented
City Council of El Cerrito	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Hercules	The recommendation has been implemented
City Council of Lafayette	The recommendation has been implemented
City Council of Martinez	The recommendation has been implemented
City Council of Moraga	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Oakley	The recommendation has been implemented
City Council of Orinda	The recommendation has been implemented

City Council of Pinole	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Pleasant Hill	The recommendation has been implemented
City Council of Pittsburg	The recommendation has been implemented
City Council of Richmond	The recommendation has been implemented
City Council of San Pablo	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of San Ramon	The recommendation has been implemented
City Council of Walnut Creek	The recommendation has been implemented

Recommendation # 4: The County should explore rehabilitating existing housing stock as AH for purchase or rental and identity funding to do so.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

Recommendation # 5: The city should explore increasing existing ‘impact fees” or “linage fees” or enacting such fees in order to generate revenue with which to assist funding of AH.

RESPONDENT	RESPONSE
City Council of Antioch	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Brentwood	The recommendation has been implemented
City Council of Clayton	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Concord	The recommendation requires further analysis
City Council of Danville	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of El Cerrito	The recommendation requires further analysis
City Council of Hercules	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Lafayette	The recommendation requires further analysis
City Council of Martinez	The recommendation has been implemented
City Council of Moraga	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Oakley	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Orinda	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Pinole	The recommendation requires further analysis

City Council of Pleasant Hill	The recommendation has not yet been implemented, but will be implemented in the future
City Council of Pittsburg	The recommendation has been implemented
City Council of Richmond	The recommendation requires further analysis
City Council of San Pablo	The recommendation has not yet been implemented, but will be implemented in the future
City Council of San Ramon	The recommendation has been implemented
City Council of Walnut Creek	The recommendation has been implemented

Recommendation # 6: The city should consider designating an employee within the city's planning or housing department to coordinate with property management to maintain current waiting and interest lists of available AH and ensure information is posted on the city website, and identifying funding to do so.

RESPONDENT	RESPONSE
City Council of Antioch	The recommendation has been implemented
City Council of Brentwood	The recommendation has been implemented
City Council of Clayton	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Concord	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Danville	The recommendation has been implemented
City Council of El Cerrito	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Hercules	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Lafayette	The recommendation requires further analysis
City Council of Martinez	The recommendation requires further analysis
City Council of Moraga	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Oakley	The recommendation has been implemented
City Council of Orinda	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Pinole	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Pleasant Hill	The recommendation requires further analysis
City Council of Pittsburg	The recommendation has been implemented
City Council of Richmond	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of San Pablo	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of San Ramon	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Walnut Creek	The recommendation has been implemented

Recommendation # 7: The city should consider seeking federal, state, and local funding sources for AH.

RESPONDENT	RESPONSE
City Council of Antioch	The recommendation has been implemented
City Council of Brentwood	The recommendation has been implemented
City Council of Clayton	The recommendation has been implemented
City Council of Concord	The recommendation has been implemented
City Council of Danville	The recommendation has been implemented
City Council of El Cerrito	The recommendation has been implemented
City Council of Hercules	The recommendation has been implemented
City Council of Lafayette	The recommendation has been implemented
City Council of Martinez	The recommendation has been implemented
City Council of Moraga	The recommendation has not yet been implemented, but will be implemented in the future
City Council of Oakley	The recommendation has been implemented
City Council of Orinda	The recommendation has been implemented
City Council of Pinole	The recommendation has been implemented
City Council of Pleasant Hill	The recommendation has been implemented
City Council of Pittsburg	The recommendation has been implemented
City Council of Richmond	The recommendation has been implemented
City Council of San Pablo	The recommendation has been implemented
City Council of San Ramon	The recommendation has been implemented
City Council of Walnut Creek	The recommendation has been implemented

Recommendation # 8: The city should consider partnering with for-profit and not-for-profit builders to secure land suitable for AH and identify funding to do so.

RESPONDENT	RESPONSE
City Council of Antioch	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Brentwood	The recommendation has been implemented
City Council of Clayton	The recommendation has been implemented
City Council of Concord	The recommendation has been implemented
City Council of Danville	The recommendation has been implemented
City Council of El Cerrito	The recommendation requires further analysis
City Council of Hercules	The recommendation has been implemented
City Council of Lafayette	The recommendation requires further analysis
City Council of Martinez	The recommendation has been implemented
City Council of Moraga	The recommendation has not yet been implemented, but will be implemented in the future

City Council of Oakley	The recommendation has been implemented
City Council of Orinda	The recommendation has been implemented
City Council of Pinole	The recommendation has been implemented
City Council of Pleasant Hill	The recommendation has been implemented
City Council of Pittsburg	The recommendation has been implemented
City Council of Richmond	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of San Pablo	The recommendation has been implemented
City Council of San Ramon	The recommendation has been implemented
City Council of Walnut Creek	The recommendation has been implemented

Recommendation # 9: The County should consider seeking federal, state, and local funding sources for AH.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

Recommendation # 10: The County should consider partnering with for-profit and not-for-profit builders to secure land suitable for AH and identify funding to do so.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because is not warranted or is not reasonable

Recommendation # 11: The city should consider undertaking an education initiative in the earliest phase of affordable planning projects in order to alleviate community concerns regarding AH and identify funding to do so.

RESPONDENT	RESPONSE
City Council of Antioch	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Brentwood	The recommendation has been implemented
City Council of Clayton	The recommendation has been implemented
City Council of Concord	The recommendation has been implemented
City Council of Danville	The recommendation has been implemented
City Council of El Cerrito	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Hercules	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Lafayette	The recommendation has been implemented
City Council of Martinez	The recommendation has not yet been implemented, but will be implemented in the future
City Council of Moraga	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Oakley	The recommendation has been implemented

City Council of Orinda	The recommendation has been implemented
City Council of Pinole	The recommendation has been implemented
City Council of Pleasant Hill	The recommendation has not yet been implemented, but will be implemented in the future
City Council of Pittsburg	The recommendation has been implemented
City Council of Richmond	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of San Pablo	The recommendation has not yet been implemented, but will be implemented in the future
City Council of San Ramon	The recommendation has been implemented
City Council of Walnut Creek	The recommendation has been implemented

Recommendation # 12: The County should consider undertaking an education initiative in the earliest phase of affordable planning projects in order to alleviate community concerns regarding AH and identify funding to do so.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because is not warranted or is not reasonable

Recommendation # 13: The city should consider identifying all infill and vacant land not in PDAs and encourage use of it for AH through tax incentives, density bonuses, etc.

RESPONDENT	RESPONSE
City Council of Antioch	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Brentwood	The recommendation has been implemented
City Council of Clayton	The recommendation has been implemented
City Council of Concord	The recommendation has been implemented
City Council of Danville	The recommendation has been implemented
City Council of El Cerrito	The recommendation has been implemented
City Council of Hercules	The recommendation has been implemented
City Council of Lafayette	The recommendation requires further analysis
City Council of Martinez	The recommendation has been implemented
City Council of Moraga	The recommendation has been implemented
City Council of Oakley	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Orinda	The recommendation has been implemented
City Council of Pinole	The recommendation has been implemented
City Council of Pleasant Hill	The recommendation has been implemented
City Council of Pittsburg	The recommendation has been implemented
City Council of Richmond	The recommendation has been implemented
City Council of San Pablo	The recommendation has been implemented
City Council of San Ramon	The recommendation has been implemented

City Council of Walnut Creek	The recommendation will not be implemented because is not warranted or is not reasonable
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Recommendation #14: The County should consider identifying all infill and vacant land not in PDAs and encourage use of it for AH through tax incentives, density bonuses, etc.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 15: The city should consider creating an easily accessible online central repository with all relevant information on deed-restricted housing units to assure that inventory of AH is maintained and identify funding to do so.

RESPONDENT	RESPONSE
City Council of Antioch	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Brentwood	The recommendation has been implemented
City Council of Clayton	The recommendation has been implemented
City Council of Concord	The recommendation has been implemented
City Council of Danville	The recommendation has been implemented
City Council of El Cerrito	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Hercules	The recommendation has not yet been implemented, but will be implemented in the future
City Council of Lafayette	The recommendation has been implemented
City Council of Martinez	The recommendation has been implemented
City Council of Moraga	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Oakley	The recommendation has been implemented
City Council of Orinda	The recommendation has not yet been implemented, but will be implemented in the future
City Council of Pinole	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of Pleasant Hill	The recommendation has not yet been implemented, but will be implemented in the future
City Council of Pittsburg	The recommendation has not yet been implemented, but will be implemented in the future
City Council of Richmond	The recommendation has not yet been implemented, but will be implemented in the future
City Council of San Pablo	The recommendation will not be implemented because is not warranted or is not reasonable
City Council of San Ramon	The recommendation has been implemented
City Council of Walnut Creek	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 16: The County should consider creating an easily accessible outline central repository with all relevant information on deed-restricted housing units to assure that inventory of AH is maintained and identify funding to do so.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has been implemented

**CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1615
TRUANCY AND CHRONIC ABSENCE IN CONTRA COSTA
COUNTY SCHOOLS**

Empty Desk = Empty Futures + Full Prisons + Big Dollar Losses

Recommendation # 1: The COE should consider developing a comprehensive multi-year plan for improving attendance rates that has annual goals.

RESPONDENT	RESPONSE
County Office of Education	The recommendation has been implemented

Recommendation # 2: The COE should consider assessing each school district's capacity to collect, track and improve attendance, and identifying funds to do so. As part of this assessment, the COE should:

- a. Define the unique make up of each school district's student population.*
- b. Analyze which attendance systems are used in the County.

 - i. How many different ones are there?*
 - ii. Are they compatible and able to share data?*
 - iii. Do they all provide the critical information needed to track chronically absent rates and attendance patterns in their schools?**
- c. Determine what additional training and support school districts need to meet their goals and improve their attendance.*
- d. Determine which school districts lack effective programs to ensure improvement in attendance.*
- e. Provide an overview of the SART and SARB programs, and delineate the partners with whom they work in the County, and the services provided to the students in need.*

RESPONDENT	RESPONSE
County Office of Education	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 3: The COE and the BOS should consider providing financial support to the Parent and Truancy Courts in Martinez by providing a multi-year funding plan for critical tools and programs to help struggling families most in need: e.g., funding of Lincoln Child Center, counseling programs, ankle monitors, drug use prevention and treatment, and identifying funds to do so.

RESPONDENT	RESPONSE
County Office of Education	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 4: The COE should consider helping WCCUSD reinstate a local parent and truancy court by providing the juvenile courts in Richmond information on the need for these programs and support for best practices and programs.

RESPONDENT	RESPONSE
County Office of Education	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 5: The COE should encourage all school districts to participate in the Attendance Works program and to use the free tools provided.

RESPONDENT	RESPONSE
County Office of Education	The recommendation has been implemented

Recommendation # 6: All school districts should consider participating in the Attendance Works program.

RESPONDENT	RESPONSE
County Office of Education	The recommendation will not be implemented because it is not warranted or is not reasonable
Acalanes Union High School District	The recommendation will not be implemented because it is not warranted or is not reasonable
Antioch Unified School District	The recommendation requires further analysis
Brentwood Union School District	The recommendation has been implemented
Byron Union School District	The recommendation has been implemented
Canyon School District	The recommendation has not yet been implemented, but will be implemented in the future
John Swett Unified School District	The recommendation has been implemented
Knightsen Elementary School District	The recommendation has not yet been implemented, but will be implemented in the future
Lafayette School District	The recommendation requires further analysis
Liberty Union High School District	The recommendation requires further analysis
Martinez Unified School District	The recommendation has been implemented
Moraga School District	The recommendation has been implemented
Mt. Diablo Unified School District	The recommendation has been implemented
Oakley Union Elementary School District	The recommendation has been implemented
Orinda Union School District	The recommendation requires further analysis
Pittsburg Unified School District	The recommendation has been implemented
San Ramon Valley Unified School District	The recommendation has been implemented
Walnut Creek School District	The recommendation requires further analysis
West Contra Costa Unified School District	The recommendation has been implemented

Recommendation # 7: If a school district declines to participate in Attendance Works, the COE should consider asking for a written explanation as to why the district declined to participate and what programs the district is currently using that would be comparable.

RESPONDENT	RESPONSE
County Office of Education	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 8: The COE's office should consider placing attendance as a standing agenda item at its monthly meeting with school district superintendents.

RESPONDENT	RESPONSE
County Office of Education	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 9: School districts should raise parent awareness concerning how to prevent a student's school absence from affecting ADA funding or the student's truancy rate.

RESPONDENT	RESPONSE
County Office of Education	The recommendation will not be implemented because it is not warranted or is not reasonable
Acalanes Union High School District	The recommendation has been implemented
Antioch Unified School District	The recommendation requires further analysis
Brentwood Union School District	The recommendation has been implemented
Byron Union School District	The recommendation has been implemented
Canyon School District	The recommendation has been implemented
John Swett Unified School District	The recommendation has been implemented
Knightsen Elementary School District	The recommendation has been implemented
Lafayette School District	The recommendation has been implemented
Liberty Union High School District	The recommendation has been implemented
Martinez Unified School District	The recommendation has been implemented
Moraga School District	The recommendation has been implemented
Mt. Diablo Unified School District	The recommendation has been implemented
Oakley Union Elementary School District	The recommendation has been implemented
Orinda Union School District	The recommendation has been implemented
Pittsburg Unified School District	The recommendation has been implemented
San Ramon Valley Unified School District	The recommendation has been implemented
Walnut Creek School District	The recommendation has been implemented
West Contra Costa Unified School District	The recommendation has been implemented

Recommendation # 10: COE should consider creating a centralized attendance data system for the County that would include regularly uploaded information from school districts about school absences and ADA data, and identifying funds to do so.

RESPONDENT	RESPONSE
County Office of Education	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 11: COE should provide training in advanced tracking techniques with free tracking tools that would be compatible across schools and districts in the County, such as Attendance Works and Aries attendance tracking software, and identifying funds to do so.

RESPONDENT	RESPONSE
Contra Costa County Office of Education	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 12: Each school district should consider designating staff to collect, track, and analyze, attendance data in order to follow up on students that appear to be at risk, and identifying funds to do so.

RESPONDENT	RESPONSE
Acalanes Union High School District	The recommendation has been implemented
Antioch Unified School District	The recommendation has been implemented
Brentwood Union School District	The recommendation has been implemented
Byron Union School District	The recommendation has been implemented
Canyon School District	The recommendation has been implemented
John Swett Unified School District	The recommendation has been implemented
Knightsen Elementary School District	The recommendation has been implemented
Lafayette School District	The recommendation has been implemented
Liberty Union High School District	The recommendation has been implemented
Martinez Unified School District	The recommendation has been implemented
Moraga School District	The recommendation has been implemented
Mt. Diablo Unified School District	The recommendation has been implemented
Oakley Union Elementary School District	The recommendation has been implemented
Orinda Union School District	The recommendation has been implemented
Pittsburg Unified School District	The recommendation has been implemented
San Ramon Valley Unified School District	The recommendation has been implemented
Walnut Creek School District	The recommendation has been implemented
West Contra Costa Unified School District	The recommendation has been implemented

Recommendation # 13: The COE should help to close the communication gaps among the districts by creating an atmosphere of dedication and communication that encourages districts to freely share highlights and best practices at monthly meetings.

RESPONDENT	RESPONSE
County Office of Education	The recommendation has been implemented

Recommendation # 14: The school district should consider incentivizing schools to seek increased ADA funding by means such as splitting the additional ADA money between the district and the school for achieving increased ADA funding.

RESPONDENT	RESPONSE
Acalanes Union High School District	The recommendation will not be implemented because it is not warranted or is not reasonable
Antioch Unified School District	The recommendation requires further analysis
Brentwood Union School District	The recommendation requires further analysis
Byron Union School District	The recommendation requires further analysis
Canyon School District	The recommendation will not be implemented because it is not warranted or is not reasonable
John Swett Unified School District	The recommendation will not be implemented because it is not warranted or is not reasonable
Knightsen Elementary School District	The recommendation has been implemented
Lafayette School District	The recommendation will not be implemented because it is not warranted or is not reasonable
Liberty Union High School District	The recommendation requires further analysis
Martinez Unified School District	The recommendation requires further analysis
Moraga School District	The recommendation has not yet been implemented, but will be implemented in the future
Mt. Diablo Unified School District	The recommendation requires further analysis
Oakley Union Elementary School District	The recommendation requires further analysis
Orinda Union School District	The recommendation requires further analysis
Pittsburg Unified School District	The recommendation requires further analysis
San Ramon Valley Unified School District	The recommendation requires further analysis
Walnut Creek School District	The recommendation will not be implemented because it is not warranted or is not reasonable
West Contra Costa Unified School District	The recommendation requires further analysis

Recommendation # 15: The COE should consider identifying funds to produce an annual County attendance report that would be publically available countywide, both online and in hardcopy, which includes: Data on measurable goals. (who achieved, who fell short).

- 1. Highlighted area for both teachers and students, telling their success stories.*
- 2. Description of the increased funding from improved ADA countywide and what new programs help to contribute to the result.*
- 3. Information about district graduation rates, college enrollment, English learners and economically disadvantaged students.*
- 4. Information about programs available and encourage families to seek help before their child falls behind.*

RESPONDENT	RESPONSE
County Office of Education	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 16: The COE should consider encouraging city councils that do not have a daytime curfew to pass and enforce one.

RESPONDENT	RESPONSE
County Office of Education	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 17: The City should consider adopting a policy to promulgate, enforce, and promote a daytime curfew.

RESPONDENT	RESPONSE
City Council of Antioch	The recommendation will not be implemented because it is not warranted or is not reasonable
City Council of Brentwood	The recommendation has been implemented
City Council of Clayton	The recommendation will not be implemented because it is not warranted or is not reasonable
City Council of Concord	The recommendation has been implemented
City Council of Danville	The recommendation will not be implemented because it is not warranted or is not reasonable
City Council of El Cerrito	The recommendation has been implemented
City Council of Hercules	The recommendation has been implemented
City Council of Lafayette	The recommendation requires further analysis
City Council of Martinez	The recommendation will not be implemented because it is not warranted or is not reasonable
City Council of Moraga	The recommendation will not be implemented because it is not warranted or is not reasonable
City Council of Oakley	The recommendation has been implemented
City Council of Orinda	The recommendation will not be implemented because it is not warranted or is not reasonable
City Council of Pinole	The recommendation has been implemented
City Council of Pleasant Hill	The recommendation requires further analysis

City Council of Pittsburg	The recommendation has been implemented
City Council of Richmond	The recommendation has been implemented
City Council of San Pablo	The recommendation has been implemented
City Council of San Ramon	The recommendation will not be implemented because it is not warranted or is not reasonable
City Council of Walnut Creek	The recommendation has been implemented

**CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT 1616
OUR CHILDREN IN NEED
Why Another Report?**

Recommendation # 1: The Board of Supervisors should enact the recommendations directed to them made in Grand Jury reports 1605, 1609, 1612, and 1615.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation will not be implemented because it is not warranted or is not reasonable

Recommendation # 2: The Board of Supervisors should issue a policy statement of the County's intention to provide the personnel, facilities, training, and administrative support necessary to protect the county's children in need.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not yet been implemented, but will be implemented in the future

Recommendation # 3: The Board of Supervisors should create a position of "Youth Advocate", with the power to: a) Investigate all county agencies charged with providing services to children; b) Report his/her findings and recommendations to the Board of Supervisors and to the public every six months; c) Recommend to the Board of Supervisors the amount of money necessary to accomplish his/her recommended actions; and d) Advocate before the Board of Supervisors on all matters related to children in need.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation requires further analysis

Recommendation # 4: The Board of Supervisors should issue a policy statement of the County's intention to provide material increases in the funding for the county's agencies in order to create, and accomplish the recommendations of, the Youth Advocate in protecting our children in need, and identify the funds to do so.

RESPONDENT	RESPONSE
Contra Costa County Board of Supervisors	The recommendation has not yet been implemented, but will be implemented in the future.

**A REPORT BY
THE 2016-2017 CONTRA COSTA COUNTY GRAND JURY**
725 Court Street
Martinez, California 94553

Report 1702

Emergency Mass Care and Shelter
Are We Ready?

APPROVED BY THE GRAND JURY:

Date: _____

5/11/17



JIM MELLANDER
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: _____

May 19, 2017



JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1702

Emergency Mass Care and Shelter

Are We Ready?

TO: Board of Supervisors, Office of the Sheriff

SUMMARY

The Contra Costa Office of the Sheriff, Office of Emergency Services (Sheriff OES), the Contra Costa County Employment and Human Services Department (EHSD), and the American Red Cross are responsible for establishing mass care and shelters in Contra Costa County following a disaster. These government agencies and the American Red Cross could be better prepared to reach that goal with more resources and a closer working relationship that includes improved communication and a coordinated shelter plan. Responsibility for coordinating such a shelter plan among EHSD, the American Red Cross and local jurisdictions, such as cities, special districts, and the County, rests with the Sheriff OES.

The 2016 Bay Area Earthquake Plan created new requirements that the Sheriff OES and EHSD must incorporate into the County's Mass Care and Shelter Plan. To meet the requirements of the 2016 Bay Area Earthquake Plan, EHSD needs access to view and update the National Shelter System (NSS). To incorporate these new requirements, the Sheriff OES also needs to develop a standard procedure for all local jurisdictions to establish mass care and shelter within its jurisdiction.

METHODOLOGY

The Grand Jury reviewed published documents from the United States Geological Survey, the California Governor's Office of Emergency Services, the Sheriff OES, EHSD, the American Red Cross, and the United States Department of Homeland Security Bay Area Urban Area Security Initiative (UASI).

The Grand Jury also interviewed representatives from the Sheriff OES, EHSD, the Bay Area UASI, and the American Red Cross.

BACKGROUND

Contra Costa County is highly vulnerable to earthquakes. The United States Geological Survey (USGS) predicts there is a 73 percent chance that a catastrophic earthquake of magnitude 6.7 or larger will occur in the San Francisco Bay Area within the next 30 years. There are three major faults in Contra Costa County: the Hayward Fault, the Calaveras Fault, and the Concord-Green Valley Fault. The San Andreas Fault, which is the largest fault in the Bay Area and could produce an earthquake up to magnitude 8.5, is also in close proximity to Contra Costa County. A major rupture along any of these four faults will cause catastrophic damage to communities in Contra Costa County.

The 2013-2014 Grand Jury produced an investigation report, "County Emergency Operations, Ready or Not?" The Grand Jury found that Contra Costa County did not have an approved Emergency Operations Plan. It made three recommendations:

1. The Sheriff should update the Emergency Operations Plan.
2. The Board of Supervisors should approve the updated Emergency Operations Plan.
3. The County should plan for and construct a permanent Emergency Operations Center if funds become available.

The Sheriff completed the first recommendation by updating the Emergency Operations Plan in early 2015. The Board of Supervisors completed the second recommendation when it approved the Contra Costa County Emergency Operations Plan in June 2015. The Board of Supervisors began addressing the third recommendation in August 2016 when it funded preliminary planning and design for a permanent Emergency Operations Center.

The 2016-2017 Grand Jury undertook an investigation to see whether the County is prepared for a catastrophic earthquake disaster. The Grand Jury focused on one area of preparation, the County's Emergency Mass Care and Shelter Plan. The Emergency Mass Care and Shelter Plan provides for the temporary shelter and feeding of victims of a major disaster. These plans take two or three days to activate and remain in operation until the disaster impacts are resolved, which can be from several months to several years.

After the disaster that resulted from Hurricane Katrina in 2005, the Federal Emergency Management Agency (FEMA) established disaster planning, preparedness, response and recovery requirements for all states, including a Mass Care and Shelter Plan.

In California, the Governor's Office of Emergency Services adopted and imposed the requirements for local jurisdictions, such as counties, cities and special districts.

FEMA, the State of California, and Bay Area governments also conducted earthquake planning and preparedness initiatives.

Since this time, there have been a series of planning efforts mandated and funded by varying sources. The result has been series of emergency operational plans that are inconsistent with each other, and failed to meet the requirements of the latest planning mandate. The following is a brief history of these planning efforts:

2005: FEMA establishes the National Response Framework and National Incident Management System. The National Response Framework is the standard framework for all states to follow in planning, preparing, responding, and recovering from a disaster. The National Incident Management System enables states to communicate and manage a disaster in a standardized manner. FEMA designates the health and human services departments of each respective state as the responsible agencies to ensure that Mass Care and Shelters Plans are operational. FEMA assigns the American Red Cross, a non-governmental agency, as the agency that is responsible for identifying and making prearrangements for the emergency shelters. Once local jurisdictions identify, inspect, and open shelters, the American Red Cross has the responsibility to operate them.

2008: FEMA and California publish the “California Catastrophic Incident Base Plan: Concept of Operations.” This plan provides greater detail in planning and preparation at the local jurisdiction level for a catastrophic earthquake. The Plan also establishes criteria for operational plans as part of the overall emergency operations plan. The Plan has since been superseded by the 2016 Bay Area Earthquake Plan.

2009: The California State Emergency Plan is adopted, which requires all counties to have an approved Emergency Operations Plan. As required by FEMA, the California State Emergency Plan designates the California Health and Human Services Department as the lead state agency to ensure that Mass Care and Shelter Plans are operational.

2010: The Sheriff OES publishes five earthquake operational plans, including the Catastrophic Mass Care and Shelter Plan, in response to the 2008 “California Catastrophic Incident Base Plan: Concept of Operations.” These operational plans supplement the County’s main Emergency Operations Plan. The operational plans are out of date but still in use.

2011: The County partners with other San Francisco Bay Area counties under the Bay Area Urban Area Security Initiative (UASI) as part of ongoing coordination and planning. A federal grant to Bay Area UASI provides funds that assist counties in preparing disaster response operational plans at the local level. These operational plans, including Mass Care and Shelter, are annexes (specific stand-alone operational plans) to the County Emergency Operations Plan.

2015: The County approves the Emergency Operations Plan. The 2015 Emergency Operations Plan designates EHSD as the lead County department responsible for ensuring that the Mass Care and Shelter Plan is operational. Under the Emergency Operations Plan, the Sheriff OES has overall responsibility for planning, preparing, responding and coordinating Contra Costa County's disaster response and recovery efforts.

2016: The 2016 Bay Area Earthquake Plan prepared by the Department of Homeland Security, FEMA, and California Office of Emergency Services supersedes the 2008 "California Catastrophic Incident Base Plan: Concept of Operations" and the 2011 UASI planning. The 2016 Bay Area Earthquake Plan has new and updated requirements that the Sheriff OES will need to implement. To comply with these requirements, the Sheriff OES will need to update all existing annexes and specific detailed operational plans or replace them with new plans.

DISCUSSION

Scientists and all Bay Area government agencies agree that a 6.7 magnitude or larger earthquake will occur in the San Francisco Bay Area, causing a catastrophic disaster. Three major faults run through Contra Costa County and a fourth passes nearby.

When a catastrophic earthquake occurs, many thousands of people will be homeless and in need of emergency shelter and care. The Mass Care and Shelter Plan establishes processes and procedures for sheltering and feeding those in need. Additionally, the 2016 Bay Area Earthquake Plan establishes new operational disaster response and recovery criteria based on worst-case scenarios. All Bay Area counties are required to comply with these criteria.

Lead Agencies for Contra Costa County

In Contra Costa County, the Sheriff OES is charged with planning and coordinating the County's response to a disaster. It also shares responsibility with EHSD for preparing and updating the Mass Care and Shelter Plan.

EHSD is responsible for executing the Mass Care and Shelter Plan and coordinating with the American Red Cross to operate the shelters. Although EHSD and the American Red Cross must coordinate their joint operations, they do not meet to discuss the logistics of the coordination.

The evolving plans and requirements surrounding emergency responses have resulted in agencies creating inconsistent emergency plans. EHSD 2016

Emergency Management Plan differs significantly from the Sheriff OES 2010 Catastrophic Mass Care and Shelter Plan, and the 2016 Bay Area Earthquake Plan.

The 2010 Sheriff OES Catastrophic Mass Care and Shelter Plan also does not comply with the 2016 Bay Area Earthquake format. Both EHSD and Sheriff OES also stated that a lack of resources in both agencies has led to minimal coordination between agencies regarding a Catastrophic Mass Care and Shelter plan.

Role of the American Red Cross

The lead nongovernmental agency is the American Red Cross, which is tasked with identifying and arranging for potential emergency shelter sites. The American Red Cross enters into non-binding memoranda of understanding with owners of buildings in Contra Costa County that could serve as emergency shelters. Each non-binding memorandum of understanding establishes the parameters of when a facility may be used as a shelter. Typical emergency shelters include schools, community centers, and armories.

The Red Cross then lists these shelters on the National Shelter System (NSS), which is a FEMA database that contains that location and contact information for all potential American Red Cross shelters. All local jurisdictions are granted access to the NSS if they apply for that access. During emergencies, this access helps a local jurisdiction to identify nearby shelter locations. The local jurisdiction next screens possible locations by consulting with its safety inspectors to determine whether the shelter is safe to operate. If the local jurisdiction chooses the site, the Incident Commander or Unified Command under the National Incident Management System then tasks the American Red Cross to operate the shelter. The American Red Cross is not responsible for selecting a shelter site or for determining whether the shelter is safe to use after a disaster occurs.

In Contra Costa County, the American Red Cross has three paid employees who routinely assist with emergencies. Due to limited staffing, the American Red Cross has not updated the NSS shelter list for Contra Costa County since 2008. While Sheriff OES can access and view data in the NSS, only the American Red Cross can modify the data. Sheriff OES does not know whether the list of sites is up to date or whether the listed shelters are operational. However, Sheriff OES and the American Red Cross do meet regularly so this could be a topic of discussion.

Emergency Plans for a Catastrophic Earthquake in Contra Costa County

When a catastrophic earthquake occurs, many dwellings, homes and apartment units, will be damaged or destroyed. There will be an urgent need to shelter and

feed displaced residents. For this reason, local agencies need to understand what resources the American Red Cross can provide to assist these residents.

During an emergency, the American Red Cross, at the direction of the Incident Commander or Unified Command under the National Incident Management System, will operate those shelters on the NSS list that have been determined to be safe to occupy. As described above, the American Red Cross has non-binding memoranda of understanding with the owners of each potential shelter concerning the building's use during an emergency

In Contra Costa County, the American Red Cross trains EHSD staff on shelter operations. Emergency plans call for EHSD to send employees to assist with these operations. However, EHSD does not currently have access to the NSS. To operate smoothly, EHSD needs access to NSS shelter locations in Contra Costa County and needs to work with the American Red Cross to keep the list up-to-date; ensuring that shelters are available if the need arises.

Additionally, to effectively open and manage mass care and shelters with the American Red Cross, the Sheriff and EHSD must coordinate their response. The Sheriff and EHSD do not have a standard procedure for identifying and establishing emergency shelters. To deliver a coordinated response, the Sheriff and EHSD must operate from the same plan. A standard written procedure is needed for the Sheriff and EHSD to follow in establishing shelters for the impacted population.

FINDINGS

- F1. The Bay Area Earthquake Plan of July 6, 2016, establishes operational planning and preparation criteria for each Bay Area county.
- F2. The Sheriff OES is charged with planning and coordinating the County's response to a disaster.
- F3. Sheriff OES Catastrophic Mass Care and Shelter Plan and other earthquake operational planning and preparation plans, dated 2010, do not meet the 2016 Bay Area Earthquake Plan requirements.
- F4. EHSD is responsible for executing the Mass Care and Shelter Plan and coordinating with the American Red Cross to operate emergency shelters.
- F5. EHSD 2016 Emergency Management Plan differs from the Sheriff OES 2010 Mass Care and Shelter Plan.
- F6. EHSD 2016 Emergency Management Plan does not meet the 2016 Bay Area Earthquake Plan requirements.

- F7. EHSD does not have the resources to continually work with the Sheriff OES to coordinate, plan and keep updated the Mass Care and Shelter Plan.
- F8. Sheriff OES does not have the resources to update all the operational planning and preparation plans as required by the 2016 Bay Area Earthquake Plan.
- F9. Sheriff OES has no written procedures concerning selection, inspection and opening an emergency shelter.
- F10. Sheriff OES has no standard training program that covers how emergency shelters are selected, inspected, and opened.
- F11. The Sheriff OES recognizes the American Red Cross makes non-binding pre-arrangements for shelters and lists the shelters on the FEMA sponsored database, National Shelter System (NSS).
- F12. Responsibility for determining whether a shelter is habitable and safe to use rests with the local jurisdiction or Sheriff OES.
- F13. Sheriff OES can view, but not edit, data in the NSS.
- F14. EHSD does not have access to the NSS.
- F15. Sheriff OES does not receive regularly scheduled reviews and updates of shelter sites in NSS from American Red Cross.
- F16. Sheriff OES has not received a NSS based shelter report from the American Red Cross since 2008.
- F17. EHSD does not receive regularly scheduled reviews and updates of shelter sites in NSS from ARC.
- F18. EHSD has not received a NSS based shelter report from the American Red Cross since 2008.

RECOMMENDATIONS

- R1. Sheriff OES should consider creating a schedule for updating the Bay Area Earthquake Plan operational annexes by the end of 2017.
- R2. The Board of Supervisors should consider identifying funds by July 1, 2018, to permit Sheriff OES and EHSD to coordinate and complete the Mass Care and Shelter Plan according to the schedule submitted by the Sheriff OES.

- R3. Sheriff OES should consider developing a written Mass Care and Shelter protocol by July 1, 2018, that covers selection, inspection, and opening a shelter, and identifying funds to do so.
- R4. Sheriff OES should consider including shelter selection, inspection and preparation when it establishes the Emergency Operations Center for a simulated disaster as part of disaster exercises.
- R5. EHSD should consider access to view the NSS list by the end of 2017.
- R6. Sheriff OES should consider providing training to EHSD on how to use the NSS system after EHSD is granted access to view the NSS list,
- R7. EHSD should consider periodic reviews of the currency of the data and make update recommendations and corrections to the American Red Cross after EHSD is granted access to view the NSS list.
- R8. Sheriff OES and American Red Cross should consider inviting EHSD to their regular meetings regarding earthquake planning and review of associated policies.
- R9. Sheriff OES should consider reviewing its plans to coordinate local jurisdictions, EHSD and the American Red Cross during an emergency, and develop procedures and provide training where deficiencies are identified.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Board of Supervisors	F1 to F3, F5, F8 to 13, F15, F16	R1, R3, R4, R6, R8, R9
The Office of the Sheriff	F1, F4 to F7, F14, F17, F18	R2, R5, R7, R8, R9

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
 725 Court Street
 P.O. Box 431
 Martinez, CA 94553-0091

APPENDIX

List of Organizations and Acronyms:

- Contra Costa County Office of the Sheriff
- Contra Costa County Office of the Sheriff, Office of Emergency Services (Sheriff OES)
- Contra Costa County Employment and Human Service Department (EHSD)
- Federal Emergency Management Agency (FEMA)
- Department of Homeland Security
- Department of Homeland Security Bay Area Urban Area Security Initiative (Bay Area UASI)
- United State Geological Survey (USGS)
- American Red Cross
- Contra Costa County Board of Supervisors (Board of Supervisors)
- National Shelter System (NSS)

**A REPORT BY
THE 2016-2017 CONTRA COSTA COUNTY GRAND JURY**
725 Court Street
Martinez, California 94553

Report 1703

**Mental Health Services for At-Risk
Children in Contra Costa County**

APPROVED BY THE GRAND JURY:

Date: 5/11/17



JIM MELLANDER
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: May 19, 2017



JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1703

Mental Health Services for At-Risk Children in Contra Costa County

TO: County Board of Supervisors, Behavioral Health Services

SUMMARY

The Grand Jury conducted a detailed investigation concerning the County's delivery of mental health services to at-risk children ("At-Risk Children"), which is defined as foster children or those in danger of becoming foster children, Commercial Sexually Exploited Children victims (CSEC), youth detained in Juvenile Hall, and children in domestic violence or sexual abuse situations. Over the course of a seven-month investigation, the Grand Jury found that at-risk children are not receiving timely access to mental health treatment. Several factors were preventing timely access, all of which are within the control of Behavioral Health Services and its subdivision Children's Mental Health Services. The Board of Supervisors should consider identifying funds to provide timely treatment for children.

METHODOLOGY

The Grand Jury researched the statutes, agreements and regulations on mental health services for children that pertain to the County. It also researched official reports from State and County agencies, and conducted numerous interviews with County personnel who are involved in the delivery of mental health services.

BACKGROUND

This Grand Jury conducted a detailed investigation of mental health services for at-risk children in Contra Costa County. For purposes of this investigation, the Grand Jury defined at-risk children as:

- Foster children or those in danger of becoming foster children
- Commercial Sexual Exploitation of Children (CSEC) victims
- Youth detained in Juvenile Hall
- Children who have experienced domestic violence and sexual abuse.

The Mental Health Commission White Paper

The Mental Health Commission (MHC), an advisory body appointed by the Board of Supervisors to serve as the watchdog group in the County for mental health services, issued a white paper in April 2016 *“to encourage discussion around the current crisis in the county public mental health care system and deficits in the county mental health budget process that contribute to this crisis.”*

While the white paper was issued by MHC, Behavioral Health Services (BHS) assisted MHC with the data and the contents of the paper. The paper describes key points that are pertinent to at-risk children:

“The wake-up call of the crisis at Psychiatric Emergency Services (PES) that points to an impacted system that is unable to provide the right treatment at the right moment in time and is therefore struggling to truly meet the needs of people with a serious mental illness,”

“The compromised ability of... Child/Adolescent Clinics to meet the needs of patients due to understaffing as evidenced by three to four months wait times and a migration of patients to PES for intervention that is not meant to be a stand-in for treatment,”

“The underlying theme of inadequate staffing levels due to the inability of treatment facilities to attract and keep high quality psychiatrists and nurses because of uncompetitive compensation and such practices as closing of lists,”

“The underlying theme of dedicated, quality staff struggling to offer excellent care but undercut by budgets that are generated by a formulaic, top down process rather than a process that builds up a budget from program needs.”

The Katie A. Requirements

In delivering mental health services, the County must comply with the terms of the *Katie A.* requirements. *Katie A.* was the lead plaintiff in a multiple-plaintiff lawsuit filed against Los Angeles County and the State of California in 2002. The lawsuit alleged that significant gaps existed in mental health services provided to children in the foster care system. By the age of 14, *Katie A.* had been shuffled through 37 foster homes and had endured 19 confinements in psychiatric hospitals.

Los Angeles County settled with the plaintiffs in 2003. The State of California agreed to the following *Katie A.* child definition and mental health service requirements in 2011:

Children who are in or at risk of entering foster care will be identified as the “*Katie A.* subclass.” A child will be part of the subclass if wraparound or specialized services are being considered for the child, or the child has been hospitalized three times in the past 24 months for behavioral reasons or is currently hospitalized for a behavioral issue.

Pursuant to this agreement, California counties must adhere to a protocol, called a “core practice model,” for screening and treating foster children. In accordance with this protocol, children may be eligible for the following services:

- Intensive Care Coordination (ICC)
- Intensive Home-Based Services (IHBS)
- Therapeutic Foster Care in specially-trained foster homes.

The County hired several coordinators and appointed a *Katie A.* specialist manager to handle the new protocol.

DISCUSSION

The Grand Jury used the new *Katie A.* requirements and the MHC white paper as starting points to investigate Contra Costa County’s delivery of mental health services to at-risk children.

Youth confined in Juvenile Hall receive a consistent and well-regulated package of children’s mental health services from the County since these children are in a controlled confinement. Of the 110 youth currently at the Hall (some of whom are CSEC victims), 30% have been identified as having mental health problems. BHS has assigned three County clinicians and a program manager to work exclusively at the Hall to provide treatment, which involves medication and therapy. All three therapists are grant-funded, and the grants require regular data reports on the outcome of the treatments.

CSEC victims and children in domestic violence and sexual abuse situations are sometimes discovered by police responding to a complaint. The police refer the children to the Victim Advocates in the District Attorney’s Office. After securing the child in a safe environment, the advocate arranges for the child to receive therapy so that the child can better assist in the legal prosecution of their abusers. BHS is not usually involved in this process. Rather, the Victim Advocate arranges for the victim to receive treatment from a private therapist or psychiatrist. This treatment is funded by the State Victim Compensation Fund and continues for the months or years that the victim needs to recover. Despite receiving mental-health treatment, some CSEC victims are reluctant to testify against their pimp abusers.

An estimated 85-90% of foster children need some form of mental health services. Given this statistic, it is not surprising that a significant component of the estimated 7,000-plus children in the County who are serviced for mental health annually are foster children, estimated at over 1,700, or those who are in danger of becoming foster children. Only 300 of these children currently belong to the “*Katie A.* subclass.” The County’s compliance in the *Katie A.* requirements is a work in progress. Satisfactory

compliance depends upon skilled coordination between the social workers in Children and Family Services (CFS) and the clinicians at BHS.

Children who may need mental health services are generally assessed and evaluated within 7-10 days. However, children wait much longer, weeks or months, to receive treatment.

After assessment and evaluation, the social workers at CFS arrange for treatment for the child client through the BHS liaisons. The liaisons provide the social workers and child guardians with three referrals of available psychiatrists or therapists from their database. The social workers or guardians call these mental health professionals to schedule treatment. Oftentimes, the social workers or guardians find that the three referrals they have been given by the BHS liaisons are not available. Then they must go back to the liaisons to arrange for another set of three referrals. This is the cause of many delays. The CFS social workers state that the child has an average waiting time for treatment of three months and the BHS liaisons state that the average is only 4 to 6 weeks. These two sets of County workers are working from different perspectives and from different calendar counts. The BHS liaisons also state that they do not have an updated list of unavailable psychiatrists or therapists.

After the screening and evaluation phase, each of the 7,000-plus children are classified into two groups:

1. Medium to severe
2. Mild to medium

The mild to medium cases are scheduled for appointments with psychiatrists and therapists in non-profit community-based organizations (CBOs) and private therapists contracted by BHS. The medium to severe cases are scheduled for appointments with the psychiatrists and therapists in the County's three regional mental health clinics.

There are several factors that prevent children from accessing mental health services in a timely manner. These factors differ depending on whether the child is classified as medium to severe, or mild to medium.

Medium to Severe Cases

The three mental health clinics are understaffed in terms of psychiatrists, the doctors who diagnose the children and prescribe medication for them when appropriate. Children's Mental Health Services estimates it needs to hire six more psychiatrists to handle the workload and resolve the inequitable distribution among the regional clinics. The County pays \$30-50,000 less than what psychiatrists can earn in private practice.

Table 1 shows the distribution of the medium to severe cases assigned to the three clinics and the corresponding distribution of psychiatrists in those three clinics.

TABLE 1

	Antioch	Concord	West County	TOTAL
Children	630	740	800	2170
Psychiatrists*	2.2	3.5	1.3	7
Ratio	286.4	211.4	615.4	310

Note: * Full time equivalent

As shown on Table 2, the distribution of 85 County therapists across the three clinics is inequitable relative to the distribution of medium to severe mental cases.

TABLE 2

	Antioch	Concord	West County	TOTAL
Children	630	740	800	2170
Therapists	22	47	16	85
Ratio	28.6	15.7	50	25.5

The normal management response to such uneven distribution is to reallocate some therapists from Concord, to Antioch and to West County. The Grand Jury found no evidence that any such plan is being considered.

Mild to Medium Cases

BHS contracts with 34 non-profit Community Based Organizations (CBOs) to treat the estimated 5,000 children considered mild to medium cases. Twenty percent of these 34 CBOs were at capacity as of February 2017, meaning that seven of the CBOs had no appointment availability. The BHS liaisons, who provide the appointment referrals for the guardians/patients, do not have current data on the clinicians' availability. Thus, social workers or guardians call to CBOs that have no availability, causing delays in the children's treatment.

In addition to providing mental health treatment through CBOs, BHS can assign the 5,000 children who are diagnosed as mild to medium cases to the over 200 individual private therapists that it contracts with. Like CBOs, these private therapists have limited availability. Table 3 shows the availability of those private therapists in February 2017 and their distribution in the three regions.

TABLE 3

	East County	Central	West County	TOTAL
Private Therapist	60	100	47	207
Available	13	33	21	67
Not available	47 (78%)	67 (67%)	26 (55%)	140 (68%)

Overall, 68% of the private therapists were not available for appointments. Thus, children must wait longer for mental health services.

While no-shows for appointments also contribute to longer wait times, this factor is not under the control of BHS. The tables show what is within the control of BHS and its subdivision that manages treatment delays for at-risk children.

FINDINGS

- F1. The County provides timely and consistent mental health services to detained youth in Juvenile Hall, CSEC victims, and children in domestic violence and sexual abuse situations.
- F2. Under the terms of the *Katie A.* requirements, upper and middle management levels of CFS and BHS have started to coordinate their efforts.
- F3. Many at-risk children are not receiving mental health treatment for several weeks to several months after the County assesses their mental-health needs.
- F4. Children's Mental Health Services estimates that the County needs an additional six psychiatrists for its three clinics.
- F5. County salaries for psychiatrists are not competitive with private practice.
- F6. The shortage of psychiatrists causes delays in the diagnosis and treatment of medium to severe mentally ill children.
- F7. West County clinic, which has the most medium to severe patients, also has the highest patient to therapist ratio.
- F8. The 85 County therapists, who treat medium to severely mentally ill children, are not equitably distributed among the three clinics based on workload.
- F9. Twenty percent of the CBOs and 68% of the individual private therapists are not available for appointments.
- F10. BHS liaisons are not provided with current information about the availability of CBOs and private therapists for appointments.

RECOMMENDATIONS

- R1. The Board of Supervisors should consider identifying funds to add six psychiatrists at the three regional mental health clinics.
- R2. The Board of Supervisors should consider directing Human Resources to review the compensation packages for County psychiatrists to ensure their compensation packages are competitive compared with the private market.

- R3. The Board of Supervisors should consider directing BHS to redeploy therapists with a view to a more equitable ratio of children per therapist among the County's three mental health clinics.
- R4. The Board of Supervisors should consider identifying funds to enable BHS to review and improve systems related to the real time availability of CBOs and individual private therapists for mental health service appointments.
- R5. The Board of Supervisors should consider directing BHS to monitor and report on the wait times for mental health treatment for at-risk children.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Board of Supervisors	F1 to F10	R1 to R5

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
 725 Court Street
 P.O. Box 431
 Martinez, CA 94553-0091

**A REPORT BY
THE 2016-2017 CONTRA COSTA COUNTY GRAND JURY**
725 Court Street
Martinez, California 94553

Report 1704

**Selection of Ballot Measure
Arguments**

APPROVED BY THE GRAND JURY:

Date: _____

5/31/17

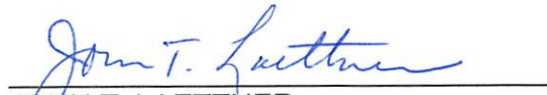


JIM MELLANDER
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: _____

5/30/17



JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1704

Selection of Ballot Measure Arguments

TO: Contra Costa County Clerk-Recorder-Registrar

SUMMARY

The Contra Costa County Civil Grand Jury (Grand Jury) investigated the procedures used by the Elections Division of the Contra Costa County Clerk-Recorder-Registrar (Registrar) to select ballot measure arguments to include in the Voter Guide for the November 2016 election. This investigation focused on the legal requirements for selection of competing ballot arguments, the methods used by the Elections Division in making the selections, and how that information is communicated to the public.

The Grand Jury found that the Registrar followed the legal guidelines in the selection of ballot arguments. However, the Grand Jury recommends that the Registrar consider producing detailed documentation of the ballot argument selection process. The Grand Jury also recommends that the Registrar consider developing procedures that indicate how authors of competing ballot arguments may collaborate regarding inclusion of a ballot argument in the Voter Guide.

METHODOLOGY

In the course of its investigation, the Grand Jury:

- Reviewed and researched complaints filed with the Grand Jury in this matter
- Interviewed the complaining parties
- Interviewed officials of the Registrar's office
- Reviewed internal documents from the Registrar's office
- Reviewed California State Elections Code (Elections Code) Sections §9100-9190, and other relevant Elections Code Sections
- Reviewed public documents produced by the Registrar's office, including the "Guide to Filing Arguments For County, Cities, School Districts and Special Districts - 2016" (Argument Guide), and the "Voter Guide and Sample Ballot" (Voter Guide) for the 2016 November General Election (Election)

- Checked for any court decisions interpreting Section §9166 of the Elections Code
- Performed Internet research on topics relevant to the investigation
- Consulted with the Grand Jury's legal advisor

BACKGROUND

The election process provides citizens the opportunity to determine the direction of their government at the national, state, and local levels. Public confidence in the integrity, fairness, and impartiality of Elections Officials is critical to the election process. In Contra Costa County, the Registrar is the elected public official responsible for conducting all elections. The County Elections Division, under the direction of the Registrar, is tasked with performing all election functions.

Voters select from candidates for public office and approve or reject ballot measures. In California Voter Guides are produced and supplied to the public by the appropriate authorities. The County Elections Division is responsible for producing the Voter Guide for local issues, and provides summaries and complete texts of each ballot issue. The Voter Guide also contains arguments for and against those ballot issues, along with rebuttal arguments.

Under California law, The Registrar's office selects ballot arguments for inclusion in the Voter Guide. The Grand Jury's investigation focused on the processes, procedures, and information provided to the public used in this selection process.

DISCUSSION

Legal Matters

The legal procedures for the filing of ballot measures and the submission of arguments for and against ballot measures are set forth in California Elections Code §9100-9190 for County measures, §9200-9295 for City measures, and §9500-9509 for School District measures. The ballot argument selection process for County measures is governed by §9166 of the California Elections Code. Very similar statutes govern the ballot argument selection process for City and School District measures (Elections Code §9287 & §9503).

After inclusion of an initiative on the ballot, a period is established in which "For" and "Against" arguments may be submitted. Upon the close of that period, elections officials select one "For" and one "Against" argument for publication in the Voter Guide. In rare cases, if no ballot argument is submitted, it will be noted in the Voter Guide.

The Elections Code establishes the selection priority to be used by elections officials when competing ballot arguments are submitted. Regarding county measures, Elections Code §9166 describes the order of priority:

If more than one argument for or more than one argument against any county measure is submitted to the county elections official within the time prescribed, the county elections official shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument the county elections official shall give preference and priority in the order named to the arguments of the following:

- a) The board of supervisors or a member or members of the board.*
- b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.*
- c) Bona fide associations of citizens.*
- d) Individual voters who are eligible to vote on the measure.*

City Measures governed by Elections Code §9287 substitute “*The legislative body, or member or members of the legislative body authorized by that body*” for priority (a) above. School District Measures governed by Elections Code §9503 similarly substitute “*The governing board of the district or a member or members of the board.*” Otherwise, the order of priority is the same. When considering County Measures, arguments submitted by the Board of Supervisors have priority over arguments submitted by private citizens or by associations of citizens.

The Grand Jury was interested in the case of multiple ballot arguments of the same priority being submitted for a particular measure, and the process for selecting between those competing arguments for inclusion in the Voter Guide. The Elections Code is silent as to how elections officials should select between multiple ballot arguments of the same priority.

The Elections Code is also silent as to the meaning of “bona fide.” However, Black’s Law Dictionary, a legal reference, defines “bona fide” in part as “*In or with good faith; honestly, openly, and sincerely; without deceit or fraud. Truly; actually; without simulation or pretense. Innocently; in the attitude of trust and confidence; without notice of fraud, etc.*” California Evidence Code §664 presumes that officials exercise their duty properly, and the inclusion of the term “bona fide” in the Election Code suggests an implied duty to include verification of the “bona fide” status of an “association of citizens.” How that duty is to be exercised is not specified in the Elections Code, and thus is left to the discretion of election officials.

Documentation of Selection Process

The Elections Division has no written procedures to govern the process for selection of the argument to be published in the Voter Guide when multiple ballot arguments of the same priority have been submitted. When competing arguments are submitted, the Elections Division currently evaluates those arguments and selects the one considered to be the most effective.

The Elections Division published the Argument Guide (http://www.cocovote.us/wp-content/uploads/2016_Guide-to-Filing-Arguments-and-Rebuttals1.pdf), prior to the November 2016 election, that provides information on ballot argument submission procedures and timing. The Grand Jury examined this document, specifically the information regarding the ballot argument selection process. This document does not describe the specific methodology by which County Elections Officials shall select between ballot arguments of the same priority.

Selection Process in Various California Jurisdictions

Elections Code §9166 states that Election Officials “*shall select*” one argument “For” and one “Against” each initiative, but is silent on the selection process when ballot arguments are of the same priority, and depends on Election Officials’ discretion. The Grand Jury reviewed published procedures for selecting between multiple ballot arguments of the same priority from various jurisdictions in California. Several jurisdictions provide detailed information on the processes used to select a ballot argument when multiple ballot arguments of the same priority are submitted as summarized below:

1. Mechanical procedures
 - a. Random drawing of lots – generally performed in public, or among interested parties
 - b. Date of submission – earliest date has preference
2. Objective additional selection criteria (used for selection between associations)
 - a. The length of time the association has been in existence
 - b. Whether an association’s membership consists primarily of citizens residing in the jurisdiction
 - c. The number of members enrolled in the association
 - d. Whether an officer of more than one bona fide association and/or one or more citizens of the jurisdiction have signed the argument
3. Collaboration
 - a. Elections Officials ask multiple argument writers to mutually agree as to which argument should be included
4. Subjective criteria
 - a. Judgment of Elections Officials
5. Various combinations of the above

County Elections Division Current Practices

The Registrar employs the following practices in ballot argument selection:

- Groups or individuals qualified by the Elections Code are allowed to submit ballot arguments.
- The selection priority of multiple ballot argument submissions is governed by the Elections Code.
- When arguments of the same priority are submitted, Elections Officials select which argument to include in the Voter Guide by exercising their judgment, based on their assessment of the strength of the argument.
- The Elections Division requires documentation to qualify associations as bona fide.
- The Elections Division has no documented procedure to verify the bona fide status of an association of citizens.
- The individuals signing an argument on behalf of a bona fide association are not required to be registered voters in the jurisdiction.
- Parties are encouraged to collaborate when multiple arguments are submitted.
- There are currently no written procedures to facilitate such collaboration.

FINDINGS

- F1. The procedures used by the Registrar and the Elections Division in ballot argument selection conform to the requirements of the Elections Code.
- F2. The Elections Division does not have written procedures governing the selection of multiple ballot arguments of the same priority.
- F3. The selection process between multiple ballot arguments of the same priority is based upon a subjective evaluation by Elections Officials.
- F4. The section in the Argument Guide that addresses the filing of multiple arguments of the same priority does not clearly set out the process by which the Registrar and the Elections Division exercise their discretion to select the argument to include in the Voter Guide.
- F5. Although the Argument Guide contains language encouraging parties to collaborate in the filing of arguments, it has no procedure indicating how parties filing arguments may collaborate.
- F6. The Argument Guide includes no procedure by which an association of citizens may establish its bona fide status.

RECOMMENDATIONS

- R1. Prior to the next election, the Registrar should consider developing internal procedures to clarify the process for selecting between multiple ballot arguments of the same priority.
- R2. In the next and subsequent revisions of the Argument Guide, the Registrar should consider including procedures that clarify the process for selecting between multiple ballot arguments of the same priority.
- R3. Prior to the next election, the Registrar should consider developing internal procedures to facilitate collaboration between parties that file competing ballot arguments.
- R4. In the next and subsequent revisions of the Argument Guide, the Registrar should consider including procedures to facilitate collaboration between parties that file competing ballot arguments.
- R5. Prior to the next election, the Registrar should consider developing internal procedures by which an association of citizens can establish its bona fide status.
- R6. In the next and subsequent revisions of the Argument Guide, the Registrar should consider including procedures by which an association of citizens can establish its bona fide status.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Clerk-Recorder-Registrar	F1 to F6	R1 to R6

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

**A REPORT BY
THE 2016-2017 CONTRA COSTA COUNTY GRAND JURY**
725 Court Street
Martinez, California 94553

Report 1705

Funding Flood Control Infrastructure

APPROVED BY THE GRAND JURY:

Date: _____

6/8/17

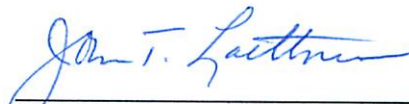


JIM MELLANDER
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: _____

5/31/17



JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contra Costa County Civil Grand Jury Report 1705

Funding Flood Control Infrastructure

TO: Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District

SUMMARY

Most portions of the Contra Costa County (County) flood control system were built over 55 years ago. Because of its age, the system requires a high level of maintenance and will eventually need to be replaced. Currently, there is a shortfall in funds to adequately maintain the flood control system. Due to the lack of funds, the system has unmet maintenance needs. Deferred maintenance of the system not only reduces its efficiency, but could lead to failure of flood control components.

To prevent failure of the flood control system, immediate funding is needed to pay for deferred maintenance. The Contra Costa County Flood Control and Water Conservation District (Flood Control) lacks adequate sources of revenue to pay for these needs. State legislation has been proposed that would enable flood control to be funded as a utility through assessed fees.

The Grand Jury recommends that the County Board of Supervisors consider funding deferred maintenance, while continuing to support efforts to get State legislation passed allowing Flood Control to increase revenues for replacement of its aging infrastructure.

METHODOLOGY

In the course of its investigation, the Grand Jury:

- Interviewed members of County Flood Control, County Public Works, the County Board of Supervisors and engineering consultants
- Reviewed Flood Control documents related to maintenance, capital

- improvement requirements, and financial management of the system
- Reviewed the Flood Control Fifty-Year Plan
- Attended a Flood Control report to the Board of Supervisors
- Participated in a tour of the Lower Walnut Creek Flood Control System

BACKGROUND

Flood Control was formed in 1951 in response to widespread flooding. In the late 1950s, the Army Corps of Engineers began construction of the flood control system, paid by federal funding. A series of flood control projects was constructed over the next 30 years. Today, the system is extensive, consisting of 75 miles of channels, 35 detention basins and 25 trash racks. The oldest sections of this system are over 55 years old.



Construction of the culvert under Broadway Plaza in the early 1960s
(Courtesy of the Walnut Creek Historical Society)

According to staff from Flood Control, most of its revenue for operations and maintenance is collected from an assessment of property taxes. Flood Control receives only 0.75% of the one percent of the property tax collected. The 0.75% rate has not changed since 1978.

Some other revenue sources include:

- Special assessments in some drainage areas to fund ongoing maintenance costs
- Impact fees from development projects within some drainage areas to fund construction of planned drainage facilities
- Fees for services related to hydraulic and hydrological analysis

The funding sources are insufficient to maintain and/or replace the flood control infrastructure. It requires an increasing amount of annual maintenance due to its age and will eventually need to be replaced. Required maintenance costs far exceed the money budgeted to properly maintain the system, resulting in a substantial backlog of maintenance requirements. Flood Control has no reserves set aside for the eventual replacement of the infrastructure. Past attempts to raise money for flood control improvements have not been successful.

In 2012 Flood Control tried to raise revenues to cover funding shortfalls through the Community Clean Water Initiative, which was placed on the ballot for Contra Costa County. Some of the monies from the proposed per-parcel fee would have helped to fund the flood control system, but County voters rejected the initiative.

In 2015, AB 1362 was introduced in the State Assembly as the first step in providing cities and counties with a mechanism to fund storm water related infrastructure and services. The introduced version of the bill was later changed to a different purpose, deleting the mechanism to fund flood control.

Two recent polls in Contra Costa County showed low public support for increased taxes or assessments to fund the reconstruction of the flood control system.

DISCUSSION

To varying degrees, the County flood control system prevents flooding every year. January 2017 was the wettest January on record in the County since 1973, and no major flooding occurred within the County during that month. This is a testament to the quality of maintenance that Flood Control and County Public Works have accomplished with limited funding.

Flood Control believes that the present level of flood deterrence cannot be maintained at current funding levels. As parts of the system age past their design life and maintenance fails to keep pace with needed repairs, flood control performance will be impacted negatively. Deferred maintenance of flood control structures leads to poor system performance and will eventually result in subsystem failures.

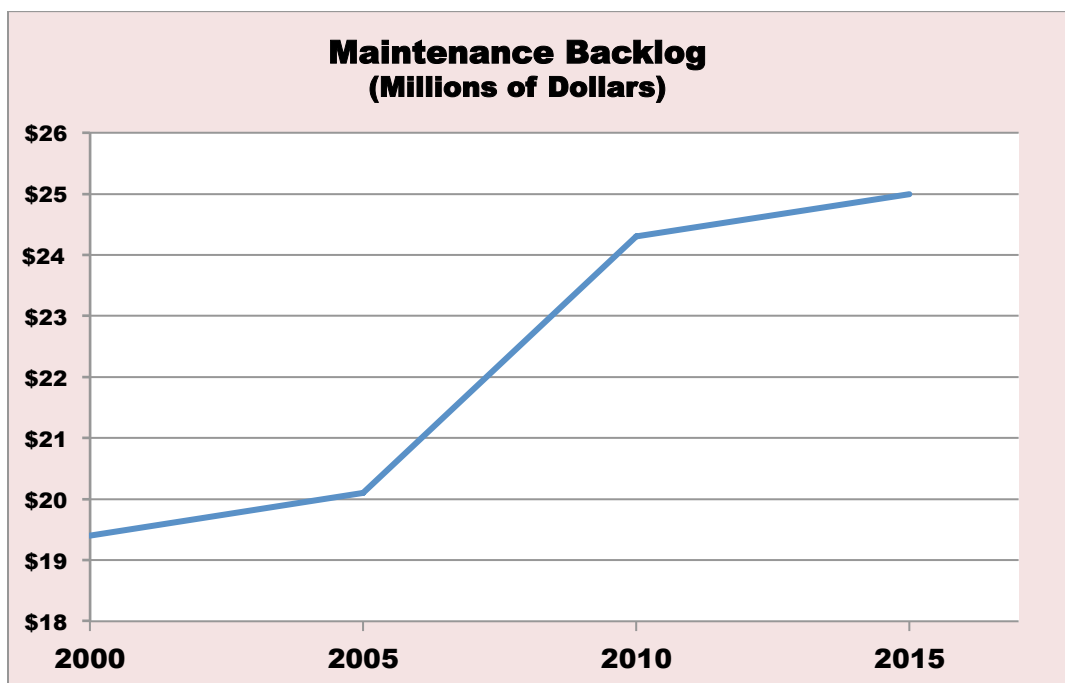
The design life of the flood control system's concrete-lined channels is approximately 70 years. This means that the system's older sections are approaching the time when deterioration will accelerate. The extent of the deterioration will depend upon the funding that Flood Control has available for maintenance.

A public poll conducted for Flood Control by Fairbank, Maslin, Metz & Associates in 2015 showed "a lack of understanding of the danger of flooding." The poll reflected low support (about 40%) for increased property or parcel taxes to fund future system needs.

Flood Control staff have sometimes referred to themselves as “stewards of forgotten infrastructure.”

Flood Control has implemented a seven-year program to assess the current condition of the system’s structures. The goal of this program is to prioritize the structures or portions of the system in greatest need of repair. The preliminary results, based on visual inspection techniques, have provided an average structural rating of ‘good,’ with an 80% confidence level. If properly maintained and needed repairs are made in a timely manner, many of the system’s newer sections could last several decades.

Flood Control estimates that to rebuild the entire system to its original standards would take 40 or more years and cost about \$2.4 billion, in 2016 dollars.



This graph is part of Flood Control’s presentation to the County Board of Supervisors 2/7/17

The above graph shows the growing shortfall, since 2000, between flood control system maintenance needs and system maintenance revenues. Flood Control has a current annual maintenance and capital improvement budget of \$5.15 million. At the level of funding presently available, the growing backlog shortfall is projected to be over \$25 million dollars in 2017.

The County has no current reserves to fund an increased level of flood control system maintenance or to cover the much greater costs of future system reconstruction.

In 2016, The California State Association of Counties (CSAC), of which Contra Costa is a member, proposed a statewide ballot measure titled the California Water Conservation, Flood Control and Storm Water Management Act. Other interested statewide organizations included the League of California Cities, the County Engineers Association of California (CEAC) and the Association of California Water Agencies. The proposed State ballot measure would allow local governments to assess flood control services as a utility. Once the measure is passed, voters in a county would still be required to approve the change. To determine voter sentiment on the proposed legislation, a statewide poll was conducted by CSAC and CEAC. The polling results were negative, so the proposed ballot measure did not move forward in 2016.

FINDINGS

- F1. Reserves have not been set aside for the replacement costs of the County flood control system.
- F2. Presently, there is little public support to fund the replacement costs of the County flood control system.
- F3. There is little sense of urgency among elected officials towards financing the replacement costs of flood control in California.
- F4. The older sections of the County flood control system are approaching their design life of 70 years.
- F5. The current mechanism for funding flood control is not enough to maintain and eventually replace the system.
- F6. The proposed California Water Conservation, Flood Control and Storm Water Management Act could provide revenues for County Flood Control to begin building financial reserves for full maintenance and eventual replacement of the system.

RECOMMENDATIONS

- R1. The County Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District, should consider continuing to pursue efforts to educate elected officials about the urgency of passing the California Water Conservation, Flood Control and Storm Water Management Act.
- R2. The County Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District, should consider identifying funds to increase the

Flood Control maintenance budget to begin reducing the deferred maintenance backlog, prior to January 2018.

- R3. The County Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District, should consider identifying funds to begin building reserves to fund the reconstruction of the County flood control system, prior to January 2018.
- R4. The County Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District, should consider instructing Flood Control staff to prepare plans for a County wide campaign to educate the public on the need to replace the infrastructure.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Board of Supervisors, as the Governing Board of the Flood Control and Water Conservation District	F1 to F6	R1 to R4

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Martinez CA 94553-0091

**A REPORT BY
THE 2016-2017 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553**

Report 1706

**Funding the East Contra Costa Fire
Protection District**

APPROVED BY THE GRAND JURY:

Date: _____

6/6/17



JIM MELLANDER
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: _____

6/6/17



JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 17XX

Funding the East Contra Costa Fire Protection District

TO: Contra Costa County Board of Supervisors, East Contra Costa Fire Protection District, Brentwood City Council, Oakley City Council

SUMMARY

The East Contra Costa Fire Protection District (ECCFPD) was formed in 2002 and serves the communities of Brentwood, Oakley, Knightsen, Byron, Discovery Bay, Bethel Island, and the Marsh Creek area. In 2009, ECCFPD closed five of its eight fire stations because it lacked the funds to operate them.

ECCFPD receives the lowest allocation of ad valorem property taxes of any fire district in Contra Costa County, 7% of the 1% *ad valorem* property tax levied on properties. ECCFPD and the cities of Brentwood and Oakley have placed initiatives on the ballot to fund the reopening of closed stations. However, property owners have rejected parcel tax assessments, and the residents of Brentwood and Oakley similarly have rejected utility taxes.

Three fire stations are insufficient to provide adequate urban and suburban fire protection coverage in a fire district with a population of 110,000 and an area of 249 square miles. Response times have increased since the closure of stations.

ECCFPD should continue its efforts to reopen fire stations by seeking the necessary funding to do so through tax ballot measures and reallocation opportunities. Additionally, the City of Brentwood, the City of Oakley, and the County should collect impact fees for ECCFPD capital improvements, and establish Community Facility Districts to specifically fund ECCFPD operating expenses.

METHODOLOGY

The Grand Jury reviewed ECCFPD financial reports, meeting agendas and minutes, the 2012 Grand Jury Report, the 2016 Citygate Associates, LLC (Citygate), Standards of Cover and Headquarters Master Plan report, the 2016 Local Agency Formation Commission (LAFCO), Municipal Service Review - EMS/Fire Final Report, National Fire

Protection Association reports and standards, and relevant California State Laws. The Grand Jury also visited the ECCFPD website.

The Grand Jury interviewed ECCFPD staff, County staff, Brentwood Staff, Oakley Staff, residents, and other persons with expertise in fire protection.

BACKGROUND

California law requires cities to provide fire protection within their jurisdictions, but counties are not required to provide fire protection to unincorporated areas

The East Contra Costa Fire Protection District (ECCFPD) was formed in November of 2002 when the Bethel Island Fire District, the East Diablo Fire District, and the Oakley Fire District were combined. This consolidation replaced volunteer fire companies with professional fire protection and emergency medical services.

The boundaries of ECCFPD contain the following unincorporated areas of Contra Costa County, Knightsen, Byron, Discovery Bay, Bethel Island, and the Marsh Creek Area, as well as two cities, Brentwood and Oakley.

The Brentwood Fire Protection District was formed in 1928. In 1984, the Brentwood Fire Protection District dissolved and became a part of the East Diablo Fire District, which served the unincorporated area of Marsh Creek. The Byron Fire District was added to the East Diablo Fire District in 1991.

The Oakley Fire District was formed in 1924. In 1952, the Knightsen Volunteers were formed and became a part of the Oakley Fire District. The Bethel Island Fire Protection District was the last district to be established in 1947.

All these fire districts were originally formed as volunteer departments.

ECCFPD serves most of far East Contra Costa County. The ECCFPD service area covers 249 square miles and protects 110,000 lives. It is the second largest fire protection service area in Contra Costa County.

Since 2009, ECCFPD has closed five fire stations due to insufficient funding. In January 2016, there were three remaining operating fire stations in the district. Additionally, Contra Costa County, Brentwood, and Oakley entered an agreement to fund one additional station for the period of July 1, 2016 through June 30, 2017.

DISCUSSION

GOVERNANCE

ECCFPD Board

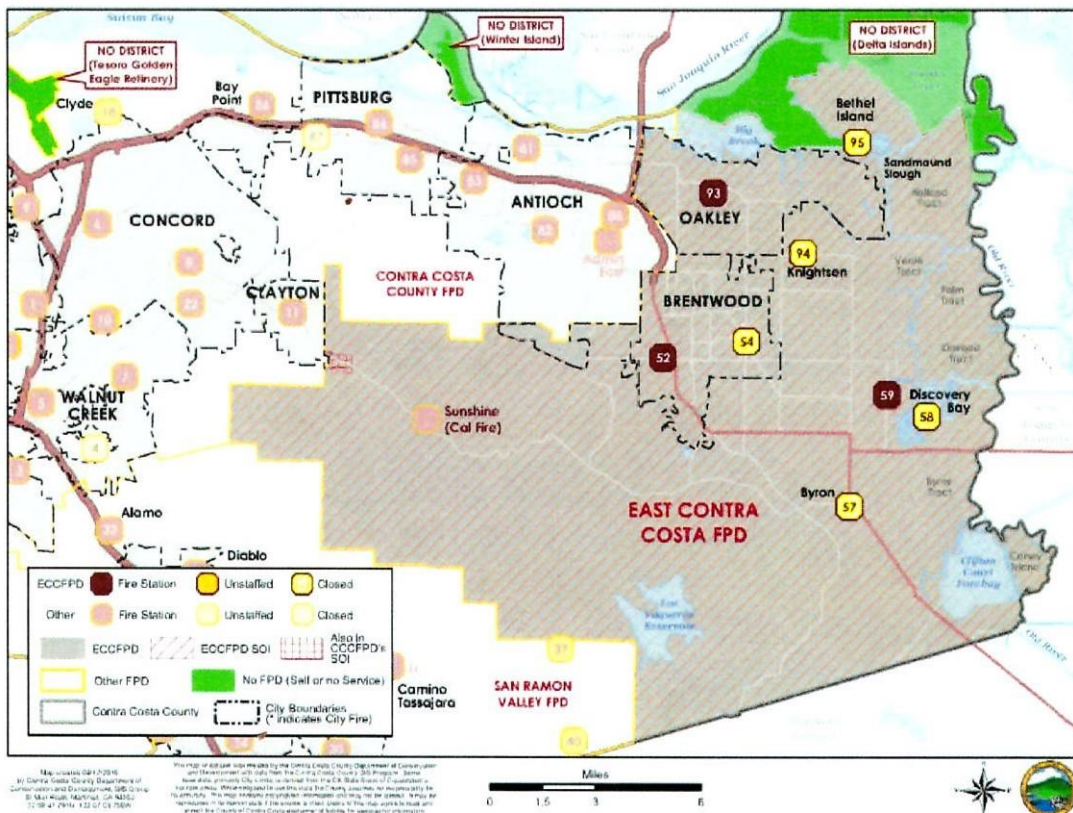
When the ECCFPD was formed in 2002, the Contra Costa County Board of Supervisors (BOS) served as its governing board. In late 2009, the BOS reconstructed the fire district board. Under the new organization, the Board consisted of four representatives appointed by the Brentwood City Council, three representatives appointed by the Oakley City Council, and two representatives from the unincorporated areas appointed by the BOS.

A ballot measure to change the ECCFPD Board of Directors to an elected board was passed by 62% of the voters in 2016. The first election of the new board members will take place in the 2018 general election.

ECCFPD Boundaries

ECCFPD provides fire protection to 249 square miles with a population of more than 110,000 residents.

Map of ECCFPD Boundaries



Fewer than 12 times a year, ECCFPD provides fire protection to Jersey Island, Bradford Island, Webb Tract, Franks Tract, and Quimby Island, which are located outside of the District. Responses are coordinated by using ferries, and/or the Coast Guard, and the Contra Costa County Sheriff's boats. ECCFPD relies on helicopters for medical emergencies. Responses are determined based a case by case situation.

Agreements with other Fire Districts

ECCFPD has agreements to exchange fire, rescue, and emergency medical services with Contra Costa County Fire Protection District (ConFire) and California Department of Forestry and Fire Protection. Under the agreement with ConFire, ECCFPD and ConFire agreed to share three units. Dollars are not exchanged between the fire districts. They exchange services for services.

FINANCIAL

Budget

The ECCFPD FY 2016-17 Final Operating Budget, including the fourth station, shows total revenue at \$13,263,939, total expenses at \$12,878,843, resulting in \$385,096 in revenue over expenditures. The ending fund balance for FY2016-17 is projected at \$1,661,344.

ECCFPD projects that by FY2022-23, its revenues will be less than its expenditures for the three stations.

In 2017, as a cost saving measure, ECCFPD reduced its expenditures by \$35,000 annually by moving from its leased offices to an office space at the Brentwood City Hall.

Funding Sources

Approximately 95% of all revenues received by ECCFPD come from property taxes. The remaining 5% of the revenues come from Measure H, Community Facilities Districts, special taxes, fees and charges.

Taxpayers pay 1% of the assessed value of their property in property taxes. ECCFPD has a low property tax allocation, which averages 7% of the 1% property tax levy. It receives a low proportionate share of the property taxes because tax allocations were locked in when Proposition 13 was approved in 1978. Its predecessor fire districts had less financial need because they used volunteer fire fighters and served fewer people. Neighboring fire districts receive a much larger share of the 1% property tax levy: ConFire receives 12% and San Ramon Valley Fire Protection District receives 14%.

Measure H, was passed by the voters in 1988, established a county-wide benefit assessment district to support increased emergency medical services.

A Community Facilities District (CFD) is an assessment district that is negotiated between a developer and a government entity to establish a special tax. In 2004, the BOS, acting as the ECCFPD Board, entered an agreement with the Cypress Development to collect \$200 per parcel annually. In 2015-16, this special tax was projected to generate \$162,000 for ECCFPD.

Developer impact fees are one-time fees and are a main source of funds for ECCFPD's capital improvements, such as buildings and fire equipment. Brentwood, Oakley, and the unincorporated areas all collect developer fees. Currently, the fire stations structures are in good to excellent condition. If, in the future, the District has the funding to staff previously closed stations, it can use these fees for facility improvements or new construction.

Operating Expenditures

Budgeted at \$9,964,534, salaries and related benefits are more than 77% of the total operating expenses. Retirement expenses represent approximately 40% of this district's category of expenses.

Retirement benefits are provided through the Contra Costa County Employee Retirement Association. The high cost of the District's retirement benefits is mostly due to a large staff reduction that occurred in 2009, when ECCFPD closed five fire stations.

ECCFPD board has an approved labor contract with the International Association of Firefighters, Local 1230. ECCFPD firefighters' salaries are lower than Contra Costa Fire District firefighters' salaries.

Services, supplies, county charges, and internal services combine to make up the remaining 23 percent of the operating expenses.

RESPONSE TIMES

ECCFPD 2016 Response Times

In 2016, the ECCFPD ran a total of 6,785 calls for service with an average response time of 8:03 minutes. Average times vary significantly for different localities.

The national standard for a response time to a fire call is five to six minutes. National Fire Protection Association Standard 1710, the industry best practice, recommends 80 seconds for the time between getting a call and leaving the station. The travel time standard is 4 minutes to 90% of the incidents.

In 2016, the ECCFPD ran a total of 6,785 calls for service with an average response time of 8:03 minutes. Average times vary significantly for different localities

- Bethel Island – 14:24 minutes
- Marsh Creek – 11:47 minutes
- Discovery Bay/Byron -10:00 minutes
- Knightsen – 9:42 minutes
- Brentwood – 7:25 minutes
- Oakley – 7:05 minutes

None of the localities meet the national standard of five to six minutes.

ECCFPD covers over 38,000 residents per station and 83 square miles per station. The countywide average is 19,900 residents per station and 14 square miles per station.

The Insurance Services Office (ISO) rates fire districts using numbers 1 through 10. Each number reflects a Protection Class. Class 1 is the best and 10 is the worst. Generally, properties are assigned the same Protection Class as the fire station that serves them. To receive that rating, however, a property must be located within 1000 feet of a fire hydrant and within 5 miles of the fire station. Properties located more than 1000 feet from a fire station are assigned Protection Class 9. Properties located more than 5 miles from a fire station are assigned Protection Class 10.

Insurers consider Protection Classes when calculating property insurance rates. They charge higher rates for properties rated Protection Class 9 or 10 than those rated 8 or below. ECCFPD's ISO ratings range from 4 to 10.

FIRE DISTRICT TASK FORCE

In 2015, a task force was formed by the ECCFPD Board for exploring service and funding ideas and making recommendations. The task force's recommendations included reopening a fourth fire station. The task force also recommended that the ECCFPD board consider a 2016 ballot initiative to help fund the district. The task force was dissolved after the recommendations were made.

PAST REPORTS AND RECOMMENDATIONS

The 2011-12 Contra Costa County Grand Jury issued a report on the proposed parcel tax ballot measure. The Grand Jury found that the operating budget at that time was adequate, and that the proposed \$197.00 parcel tax would exceed the amount that would be needed to sustain the operating it.

The ECCFPD board contracted with Citygate to perform a Standards of Coverage and Headquarters Staffing study and to draft a master plan to handle the expected growth

within the district. The master plan was issued on June 15, 2016. It recommended that ECCFPD work on obtaining funding to operate nine fire stations. It also included recommendations regarding response times, and staffing of fire stations and headquarters.

LAFCO released a Municipal Service Review EMS/Fire Services Final Draft Report on August 8, 2016. LAFCO recommended to the ECCFPD Board, the cities of Brentwood and Oakley, and the County that they establish an independent governing board, collect impact fees, and require Community Facility Fees from all new developments to support fire protection and emergency medical services. It also recommended long-range planning to determine adequate levels of service and required funding. In addition, it recommended more extensive education of residents about the need for improved fire service.

BALLOT MEASURES

The ECCFPD Board placed an initiative on the June 5, 2012 ballot to assess a \$197.00 parcel tax for the benefit of ECCFPD. The parcel tax was projected to generate \$8.2 million in additional revenue for the District over its 10-year life. However, the measure failed to gain the necessary two thirds super majority required for approval.

In April of 2015, ECCFPD sent out 38,529 ballots to parcel owners for an assessment benefit district that would have assessed property owners \$75.00 per parcel. Of these ballots, 9,495 were returned with 53% voting against the assessment, meaning the measure was rejected.

In November 2016, the cities of Brentwood and Oakley each sought approval of utility tax measures to raise funds for ECCFPD, following a recommendation of the Fire District Task Force. The utility tax measures only required a simple majority to pass, but both measures failed to receive a majority vote in favor.

In the same election, the ECCFPD put Measure N on the ballot. The passage of Measure N replaced the nine-member appointed ECCFPD Board of Directors with a nine-member elected Board of Directors. Measure N passed and will go into effect during the 2018 general election.

LEGISLATIVE REALLOCATION OF PROPERTY TAXES

Property tax rates in California include a general 1% tax levy applicable to all assessed property values. The general tax levy is based on a State law, Proposition 13. The law provides that a county, city, special district, or school's allocation of the 1% tax rate is based on its share of the property tax before Proposition 13.

The Legislature must pass a statute that changes the allocation of ad valorem property taxes among local agencies by a 2/3 vote of each house of the Legislature. Ad valorem taxes are levies based on the assessed value of the property,

On February 16, 2017, Assembly Member Jim Frazier introduced AB 898 to reallocate a portion of property tax revenues from East Bay Regional Parks to the ECCFPD. AB 899 was also introduced as a companion place holder to reallocate property tax revenues, upon a vote of the people, in case AB 898 fails.

VOLUNTARY REALLOCATION OF PROPERTY TAXES

Revenue and Taxation Code § 99.02 provides that any local agency may voluntarily transfer any portion of its property tax revenues, that is allocable to one or more tax rate areas within the local agency, to one or more other local agencies having the same tax rate area or areas.

On October 18, 2016, the Contra Costa County Board of Supervisors (BOS) finalized an agreement to detach portions of Discovery Bay from the Byron Bethany Irrigation District (BBID). BBID had been receiving approximately \$700,000 a year in property taxes from these portions of Discovery Bay without providing any services to Discovery Bay. The agreement allows the BOS to transfer \$730,000 in property taxes to ECCFPD starting in fiscal year 2017-18.

LAFCO, the state's regional service planning agency, approved the detachment and transfer of the property tax funds. The ECCFPD Board approved the agreement on November 7, 2016. The intent of the agreement is that the funds will be given to ECCFPD and will continue to be used for fire and EMS response, even if the fire district dissolves.

CLOSURE OF KNIGHTSEN FIRE STATION

At the May 1, 2017, ECCFPD's Board of Directors Meeting, the Board reaffirmed that the Knightsen Station will be closed, effective June 30, 2017. The Knightsen Station has been operating on a temporary basis since May of 2015. Brentwood, Oakley, the County, and ECCFPD had a Memorandum of Understanding to jointly fund the fire station until the end of June 2017. Brentwood, Oakley, the County, and the fire district have not been able to obtain sufficient funding to keep the station open after June 30, 2017.

Currently, ECCFPD has only 32 of the 36 fire fighters required to operate its four remaining stations. The district likely will lose a few more fire fighters within the months following the closure of the Knightsen Station. After the Knightsen Station closes, the district's firefighters will be assigned to its three remaining stations.

The ECCFPD Board is planning on leading a collaborative effort with community residents, Brentwood, Oakley, and the County to create a strategic plan to increase its level of service and funding as identified in the 2016 Citygate report.

FINDINGS

- F1. The closure of five of the district's eight fire stations has resulted in slower response times.
- F2. Slower fire district response times increase potential loss of life and property damage.
- F3. High ISO ratings may increase rates for residential and commercial insurance coverage.
- F4. ECCFPD has been unsuccessful in finding sufficient funding to reopen closed fire stations.
- F5. Three recent tax ballot measures that would have raised revenues for ECCFPD were rejected by the voters.
- F6. Revenue and Taxation Code § 99.02 provides for the voluntary transfer of property tax revenues from one local agency to another local agency.
- F7. Legislation, AB 898 and AB 899, introduced by Assembly Member Frazier proposes reallocating property tax increment funds from East Bay Regional Park District to ECCFPD.
- F8. The City has collected impact fees that have been earmarked for ECCFPD to use for capital improvements.
- F9. The City has unallocated Community Facility Funds.
- F10. The City does not always require that developers of residential and commercial properties establish Community Facility Districts.
- F11. The County does not always require that developers of residential and commercial properties establish Community Facility Districts.
- F12. ECCFPD accepted and implemented recommendations made by the Fire District Task Force.

RECOMMENDATIONS

- R1. The ECCFPD Board should consider continuing to place tax measures on the ballot that would provide funding to reopen fire stations.

- R2. The ECCFPD Board should consider undertaking market research to better understand how to motivate potential voters to approve ballot measures that would raise funds to increase the number of operating fire stations.
- R3. The ECCFPD Board should consider appointing a district-wide task force to research possible funding opportunities to benefit the fire district and make recommendations to the ECCFPD Board.
- R4. The ECCFPD Board should consider supporting legislation to reallocate property tax revenues from one or more local agencies to ECCFPD.
- R5. The ECCFPD Board should consider negotiating with local agencies to voluntarily transfer a portion of their property tax to ECCFPD.
- R6. The City should consider adopting a policy to collect impact fees from all developers of residential and commercial properties to fund capital improvements that will be needed to open future stations.
- R7. The County should consider adopting a policy to collect impact fees from all developers of residential and commercial properties to fund capital improvements that will be needed to open future stations.
- R8. The City should consider adopting a policy to enter agreements with all developers to establish Community Facility Districts to provide operating revenue for ECCFPD.
- R9. The County should consider adopting a policy to enter into agreements with all developers to establish Community Facility Districts to provide operating revenue for ECCFPD.

REQUIRED RESPONSES

	Findings	Recommendations
East Contra Costa Fire Protection District Board	F1 to F7, F12	R1 to R5
Brentwood City Council	F8 to F10	R6, R8
Oakley City Council	F8 to F10	R6, R8
Contra Costa County Board of Supervisors	F11	R7, R9

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725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

ACRONYMS

BOS -Contra Costa County Board of Supervisors

BBID – Byron Bethany Irrigation District

CFD – Community Facilities District

ConFire – Contra Costa County Fire Protection District

ECCFPD – East Contra Costa Fire Protection District

ISO – Insurance Service Office

LAFCO – Local Agency Formation Commission


**A REPORT BY
THE 2016-2017 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553**

Report 1707

Homelessness in the Cities

APPROVED BY THE GRAND JURY:

Date: 6/8/17



JIM MELLANDER
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: 6/6/17



JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1707

Homelessness in the Cities

TO: The City Councils of the following cities: Antioch, Brentwood, Clayton, Concord, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Ramon, San Pablo, Walnut Creek

SUMMARY

On the night of January 27, 2016, Contra Costa County's Point-in Time (PIT) count identified 1,730 individuals who were homeless and another 1,770 individuals who were imminently at risk of becoming homeless.

Contra Costa County's Continuum of Care (CoC) and the Contra Costa County Health Department's Housing Program have developed a Homeless Coordinated Entry System. One point of entry for those who are homeless is the Coordinated Outreach, Referral, and Engagement (CORE) program. The County encourages cities and other jurisdictions to form their own CORE teams. To date, Martinez and Pleasant Hill have partnered to form and fund a team. Concord and Walnut Creek are also in the process of partnering to form and fund a team.

Contra Costa cities use various incentives and funding sources to assist in creating homeless shelters, transitional housing, and permanent housing for the extremely low and very low income and aging populations. Antioch has invested \$3 million using Community Development Block Grant (CDBG), Neighborhood Stabilization Program (NSP), and Successor Agency funds to build an 85-unit apartment complex for seniors and homeless veterans. Walnut Creek has committed \$5 million, most of which was collected from impact fees, to a housing complex for the homeless.

The Grand Jury concluded the CORE teams provide a very effective point of entry for homeless individuals and families to access services that may assist them in ending their homelessness. It recommended that the cities form their own CORE teams. The

Grand Jury concluded that cities fail to adequately promote shelter and permanent housing for homeless individuals in their communities. There are incentives that cities could put in place to encourage the construction of emergency, transitional and permanent housing for the homeless and near homeless people in their communities.

METHODOLOGY

The Grand Jury interviewed elected officials, staff members, or members of the police departments from the 19 Contra Costa cities, employees of the County Health Department, employees of other Contra Costa County Departments, non-governmental organization staff, and homeless persons.

The Grand Jury reviewed the responses to a Grand Jury Survey sent to all 19 cities. It also reviewed documents provided by the cities, by the County Health Department, and other published reports about homelessness.

BACKGROUND

Homeless individuals and families can be categorized into three broad groups: Sheltered, Unsheltered, or Other homeless. Unsheltered homeless persons are those who are living in encampments, cars, streets, or other locations not designed for human habitation. Sheltered homeless persons are those individuals who are in emergency or transitional housing, half-way houses, or youth foster program. Other homeless persons are those who are living on a short-term basis in jails, hospitals, treatment centers, or with family or friends. An individual with a disabling condition who has either been continuously homeless for a year or more or has had at least four episodes of homelessness in the past three years is classified as Chronically Homeless.

The most common reasons for homelessness are mental illness, chronic substance abuse, domestic violence, loss of employment and physical illness.

In 1997, the United States Department of Housing and Urban Development (HUD) required that all communities seeking homeless funding from HUD would need to apply as a Homeless Continuum of Care (CoC). The CoC is a group of organizations, comprised of representatives of the county, cities, and local nongovernmental organizations that work in partnership to find and provide stable housing and services for the homeless.

The Contra Costa CoC is governed by the Contra Costa Council on Homelessness (CCCH) and is the primary source of funding for homeless services. The CCCH is made up of 15 persons who have been appointed by the Board of Supervisors. The CCCH's responsibilities include the long-term planning and policy making for homelessness in Contra Costa County. HUD requires an annual count of homeless individuals (PIT) by

each CoC . In odd years, the count is required to include both the sheltered and the unsheltered homeless. In an even year, it is required to only have a count of the sheltered homeless. Every year during the last ten days of January, the data is collected over a three-day period.

A secondary source of funding for homeless services in Contra Costa County is the CDBG program, which is funded by HUD. The cities of Antioch, Concord, Pittsburg, and Walnut Creek each have their own CDBG program (the “CDBG Entitlement Cities”). The remaining cities and the unincorporated areas of Contra Costa participate in the CDBG program through the Urban County CDBG program.

The Contra Costa County Housing Authority, which is funded by HUD, provides vouchers for subsidized housing to homeless individuals and families through the Shelter Plus program. Many individuals who are homeless are veterans and/or senior citizens. Veterans can apply for a voucher through Veterans Affairs.

DISCUSSION

2016 Continuum of Care Point in Time

Contra Costa CoC conducted a PIT count of homeless families and individuals from January 27, 2016 through January 29, 2016. The count provided demographic data about the homeless population, including gender, age, ethnicity, and race. It also reported on the 2015-2016 unsheltered population changes by region and distribution by city.

Based on the 2016 PIT report, there were 1,730 individuals identified as homeless and 1,770 imminently at risk of being homeless. Among those identified as being homeless, 620 people were in shelters and 1,110 were sleeping on the streets or encampments.

The 2015 and 2016 Unsheltered PIT by City

East County	2015	2016	Central County	2015	2016	West County	2015	2016
Antioch	122	164	Clayton	10	2	El Cerrito	30	13
Brentwood	11	8	Concord	114	73	Hercules	12	1
Oakley	8	28	Danville	0	0	Pinole	11	5
Pittsburg	56	60	Lafayette	1	2	Richmond	356	160
Unincorporated	30	41	Martinez	72	63	San Pablo	23	37
			Moraga	0	0	Unincorporated	35	12
			Orinda	0	0			
			Pleasant Hill	63	11			
			San Ramon	1	0			
			Walnut Creek	33	39			
			Unincorporated	18	10			
Totals	227	301		312	200		467	228

The above table includes data only for those individuals who reported the city in which they slept on the night of the count. The 2016 PIT report reflects a decrease from the previous year of 351 unsheltered individuals (45%) in West and Central County. The number of unsheltered individuals in East County increased by 74 (33%).

Coordinated Entry System

HUD required that all CoCs establish a Coordinated Entry System. The goal is to ultimately place clients in permanent housing. An effective Coordinated Entry System ensures that people with the greatest needs receive priority for housing or housing services.

Contra Costa County's CoC developed a Coordinated Entry System that established the following three entry points:

1. **Coordinated Assessment Resource (Care) Centers:** These centers provide services for homeless individuals and families including, but not limited to, basic needs, case management, housing assessment, housing navigation, and health services. The centers also refer the homeless to emergency, transitional, and permanent housing, other social and legal services, rental assistance, and credit repair services.
2. **2-1-1 Crisis Call Centers:** 2-1-1 refers the homeless to prevention and diversion services, and to the Care Centers.
3. **Coordinated Outreach, Referral and Engagement (CORE):** Outreach teams contact homeless individuals and families who are living on the streets or in encampments. They assist the homeless in receiving services from Care Centers and Health Services, finding emergency and transitional housing, and transporting them to shelters and services.

Permanent housing providers are encouraged to only receive referrals through the Coordinated Entry System.

Coordinated Outreach, Referral and Engagement

The CORE program is an entry point into Contra Costa County's coordinated entry system for unsheltered persons. The CORE program, managed by a full-time Outreach Coordinator, is comprised of teams of at least two outreach specialists. Other providers may join the teams, including peace officers, social workers, medical personnel, behaviorists and/or housing specialists.

The outreach teams identify and engage with people living on the streets or in encampments. They provide clothing and hygiene products, transportation, and

placements at shelter beds and warming centers, as well as enroll clients in benefit programs.

The Health, Housing, and Homeless Services Division of Contra Costa Health Services (CCHS) contracts with Public Health Foundation Enterprises (PHFE) for two CORE teams and a full-time Outreach Coordinator. It also contracts with Anka Behavior Health for one CORE team. PHFE trains and supervises all CORE teams. The CORE team specialists and Outreach Coordinator are the employees of PHFE and Anka Behavior Health.

The County encourages cities and other jurisdictions to invest in their own CORE teams. There are numerous advantages to a city or jurisdiction to having its own CORE team including having a team dedicated to its specific geographic boundary; shorter response times for calls and intervention; control over hours of operation and a means of transporting homeless persons to available shelter beds, warming centers, and medical care facilities.

The City of Martinez received a grant in 2016 from Tesoro Oil Company to hire an individual to provide outreach services to the homeless in Martinez. As a result, Martinez began its own outreach program and contracted for outreach services with an individual who had previous homeless outreach experience. Martinez subsequently terminated this program to work with the County's Homeless program.

The Martinez Police Chief and the Pleasant Hill Police Chief developed a plan to jointly form and invest in a CORE team. The initial plan called for Martinez to pay for its portion of the team by using the balance of the Tesoro Grant and supplementing it with money from its general fund, while Pleasant Hill would fund its portion from its general fund.

The Police Chiefs from Martinez and Pleasant Hill then learned that AB109 funds would be available for local police departments in the County to provide services for targeted populations, including the homeless. AB109 (2011) made changes to state law that diverted low-level offenders and parole violators to county jails instead of state prisons. The Police Chiefs approached the Contra Costa Police Chief's Association for money to fund the Martinez/Pleasant Hill CORE team as a pilot project. The Police Chief's Association agreed to fund the team from the AB 109 money at a cost of \$110,000 for one year.

Martinez and Pleasant Hill signed a contract with CCHS, whereby they agreed to pay for a CORE team dedicated to their cities. The Martinez/Pleasant Hill CORE team specialists were selected and hired from a list of potential outreach specialist developed by the PHFE. The Martinez/ Pleasant Hill CORE staff will be employees of PHFE. The new outreach specialists will receive training from the County's Outreach Coordinator in CPR, motivational interviewing, non-violent crisis intervention, and the administration of Narcan, an opioid antagonist for reversal of opioid overdose.

PHFE will bill the County monthly for the cost of the CORE team. The County, after paying the PHFE demand, will invoice Martinez and Pleasant Hill for the portion of the demand associated with the cost of their CORE team. In turn, Martinez and Pleasant Hill will be reimbursed by the County Police Chief's Association from the AB 109 funds.

The Martinez/Pleasant Hill Core team will divide the time they spend in each city evenly. The team may also be accompanied by police officers, medical and mental health providers, social workers, and housing specialists on a regular basis. The County will pay for the cost of the Outreach Coordinator, professionals, and other expenses. The County estimates the total annual cost for three teams will be \$650,000.

The cities of Concord and Walnut Creek are in the process of jointly establishing a CORE team. The details of how the team will be funded has not yet been put in place, but Concord and Walnut Creek plan to execute a contract with CCHS.

The Community Development Block Grant Program

The federal government funds the CDBG through HUD. The primary objective of this program is to provide decent housing, a suitable living environment, and economic opportunity to the most vulnerable in the community.

The jurisdictions that distribute CDBG funds in Contra Costa County are the cities of Antioch, Concord, Pittsburg, Walnut Creek and the Urban County that is made up of the remaining Contra Costa cities and the unincorporated areas of the county. The five jurisdictions have formed a consortium that developed a 2015-20 Consolidated Plan. A priority need identified in the Consolidated Plan was to reduce homelessness by:

1. Furthering the "Housing First" approach to ending homelessness by supporting homeless outreach services, emergency shelters, transitional and permanent housing with supportive services to help homeless persons achieve housing stability
2. Expanding prevention services including, but not limited to, emergency rental assistance, legal assistance, case management, and money management and credit counseling

Non-governmental organizations providing services to homeless individuals or families that receive grants from CDBG jurisdiction include Shelter Inc., STAND! Against Domestic Violence, Contra Costa Health Services Adult Interim Housing Program, Anka Behavior Health and Trinity Center.

Housing Incentives

Cities have a number of incentives available to them to encourage developers to construct housing for homeless, and extremely and very low income persons.

These incentives include the following:

- Density Bonuses
- Waiver or deferment of fees
- Application processing priority
- Assistance in applying for grants
- Zoning
- Transfer of city owned property to non-profit organization to build shelters or transitional housing

The following are examples of how some cities have used one or more of these incentives.

Antioch is interested in partnering with a non-profit to develop a 50-bed facility on a five-plus acre parcel that it owns, which is zoned for a homeless shelter. Walnut Creek's Density Bonus program will allow 14 units to be added St. Paul's Commons, a 45-unit affordable housing project for the homeless. Concord removed development standards and approved a density bonus when it approved the Argent Project, a housing development that include housing for low income people. The Concord Naval Weapons Station's Master Plan will include zoning for housing for the homeless, with supportive services.

Successor Agency and Other Available Funding

Cities can provide non-profit organizations and developers with funds, both local and federal, to reduce the cost of construction of permanent housing for the extremely and very low income, and homeless persons. The following is a partial list of funding sources:

- Successor Agency Funds
- Impact Fees
- City General Fund
- CDBG Funds
- Neighborhood Stabilization Program

Antioch partnered with Satellite Affordable Associates to construct Tabora Gardens, an apartment complex of 85-units for seniors and homeless senior veterans. Antioch invested \$3 million in the project using CDBG, NSP funds, and Successor Agency funds.

San Pablo has \$2.5 million in Successor Agency funds and Pinole has \$1 million in Successor Agency funds. These monies can be used for extremely and very low income, and homeless housing. Pinole has committed the \$1 million it already has in Successor Agency funds, plus the money it will receive from the Successor Agency, to

improving affordable housing, purchasing land for affordable housing, and rehabbing existing housing. Concord is collecting Successor Agency funds to potentially use to develop very low income affordable housing units.

Lafayette invested \$38 million from its now defunct Redevelopment Agency to build Bella Terra Senior Apartments, 46-units for seniors at 20% to 50% of median income.

Walnut Creek partnered with St. Paul's Presbyterian Church to construct St. Paul's Commons, 45-units of affordable housing for homeless persons. Walnut Creek provided \$2.7 million to fund this project. The funding came from impact fees and Housing Administrative Reserve fees.

In 2015-16, Walnut Creek gave \$100,000 (part from Council Contingency and part from housing funds) to support a temporary winter night's shelter administered by Trinity Center. The shelter provided 29 beds for a total of 38 individuals that year.

In 2016-17, the city of Richmond granted the Richmond Rescue Mission, a non-governmental organization, \$13,000 to help provide services to the homeless population.

Mental Health Emergency Teams

A Mental Health Emergency Team (MHET), which is comprised of a police officer and a County Mental Health professional, provides welfare checks after a psychiatric call to the police for service. There are currently three regional MHETs in Contra Costa County, which serve the western, central and eastern regions of the County. Pittsburg, Concord and Richmond operate and assign police officers to these MHETs. The participating cities pay for the MHET program from their respective police department's budgets. The team visits, evaluates, and refers individuals who have mental health issues, and who may be living on the street or in encampments, to mental health and outreach services.

Police Involvement

Some cities have their own homeless outreach teams, which are made up of police officers who are assigned to the teams. Concord has two officers who are partially dedicated to working with homeless persons.

Planning for Homelessness

None of the 19 Contra Costa County cities provided the Grand Jury with a written city plan for reducing or eliminating homelessness in their communities. The CDBG entitlement jurisdictions all are required to adopt the CoC plan to reduce or eliminate homelessness. None of the other Contra Costa cities have adopted a plan for the reduction or elimination homelessness.

Housing Elements

All 19 Contra Costa County City's General Plan Housing Elements include discussions about emergency (shelters), transitional, and affordable housing. All Housing Elements include the areas where shelters, transitional, and affordable housing are permitted uses.

The California Housing Accountability Act, Government Code § 65589.5, requires a local agency to show that its housing element identifies adequate sites with appropriate zoning and development standards to meet the needs of low and very low income Californians. This Act also includes requirements relating to emergency shelters, transitional housing, and low income housing.

FINDINGS

- F1. CORE teams are most likely to be the first point of entry for the homeless into the County's Coordinated Entry System.
- F2. CORE teams can successfully identify a homeless individual in need of physical or mental health services.
- F3. CORE teams have the resources to identify if there are vacant shelter beds available in the County.
- F4. CORE teams are equipped and have the authorization to transport homeless individuals to a medical facility or to a homeless shelter.
- F5. CORE teams build trust between the homeless and police departments.
- F6. The City found various and novel ways to fund its CORE teams.
- F7. Walnut Creek packaged impact fees, other local fees, and density bonuses as incentives for a non-profit developer to build 45-units for the homeless in Walnut Creek.
- F8. Walnut Creek's general fund contribution to a local non-profit organization helped the organization in successfully establishing a homeless shelter.
- F9. The cities of Antioch, Concord, Pittsburg, and Walnut Creek, which are the CDBG Entitlement Cities, are the only cities in Contra Costa County that have an approved written homeless plan to end or reduce homelessness in their respective jurisdictions.
- F10. The City appears to be in compliance with the California Housing Accountability Act

RECOMMENDATIONS

- R1. The City should consider establishing CORE teams either by partnering with one or more cities in the region or by funding its own team.
- R2. The City should consider providing incentives for developers to construct housing for the extremely low income, very low income, and homeless populations.
- R3. The City should consider using Successor Agency funds, CDBG and other federal housing funds, impact fees, and city general funds to assist in funding housing for the extremely low income, very low income and homeless populations.
- R4. The City should consider adopting a five-year comprehensive homeless plan, as soon as possible with a target date of January 1, 2019, to reduce the homeless population in the City.

REQUIRED RESPONSES

	Findings	Recommendations
City of Antioch	F1 to F5, F9, F10	R1 to R4
City of Brentwood	F1 to F5, F9, F10	R1 to R4
City of Clayton	F1 to F5, F9, F10	R1 to R4
City of Concord	F1 to F5, F9, F10	R1 to R4
Town of Danville	F1 to F5, F9, F10	R1 to R4
City of El Cerrito	F1 to F5, F9, F10	R1 to R4
City of Hercules	F1 to F5, F9, F10	R1 to R4
City of Lafayette	F1 to F5, F9, F10	R1 to R4
City of Martinez	F1 to F6, F9, F10	R1 to R4
Town of Moraga	F1 to F5, F9, F10	R1 to R4
City of Oakley	F1 to F5, F9, F10	R1 to R4
City of Orinda	F1 to F5, F9, F10	R1 to R4
City of Pinole	F1 to F5, F9, F10	R1 to R4
City of Pleasant Hill	F1 to F6, F9, F10	R1 to R4
City of Pittsburg	F1 to F5, F9, F10	R1 to R4
City of Richmond	F1 to F5, F9, F10	R1 to R4
City of San Pablo	F1 to F5, F9, F10	R1 to R4
City of San Ramon	F1 to F5, F9, F10	R1 to R4
City of Walnut Creek	F1 to F10	R1 to R4

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ACRONYMS

CCCH – Contra Costa Council on Homelessness

CDBG – Community Development Block

CoC – Continuum of Care

CORE – Coordinated Outreach, Referral, and Engagement

HUD – United States Department of Housing and Urban Development

NSP - Neighborhood Stabilization Program

PIT – Point-in-Time

PHFE – Public Health Foundation Enterprises

MHET – Mental Health Emergency Team

GLOSSARY

1. **Bonus Density** – an increase in the number of lots or units that would normally be allowed, under specific zoning regulations, based on an agreement that the increase in density would be granted for a public good.
2. **Extremely Low and Very Low Income-** (based on HUD definitions) Extremely low incomes are incomes that don't exceed the higher of Federal Poverty Level or 30% of the area medium income. Very low income is 30% of the area medium income.
3. **Fee Waivers** – The intentional relinquishment of the right of a local government to collect fees.
4. **Impact Fees** – A fee imposed by a local government on a new or proposed development project to pay for all or a portion of costs that are related to the project.
5. **Neighborhood Stabilization Program (NSP)** – A program established by HUD to stabilize communities that have suffered from foreclosures and abandonment.
6. **Redevelopment Housing Successor** – Replaces the housing assets and functions previously performed by the Redevelopment Agency.
7. **Successor Agency** – When the dissolution of Redevelopment Agencies took place on in 2012, the Redevelopment Agencies were required to establish a Successor Agency. The Successor Agencies were charged with the handling of outstanding debts and winding down the activities of the former Redevelopment Agencies.

**A REPORT BY
THE 2016-2017 CONTRA COSTA COUNTY GRAND JURY**
725 Court Street
Martinez, California 94553

Report 1708

**Animal Shelter Services in Antioch
and Contra Costa County**

APPROVED BY THE GRAND JURY:

Date: 6/13/17



JIM MELLANDER
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: 6/16/17



JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1708

Animal Shelter Services in Antioch and Contra Costa County

TO: The Antioch City Council and the County Board of Supervisors

SUMMARY

For years, the City of Antioch's (City) Animal Shelter (Shelter) has grappled with animal overpopulation and its ability to provide the animals with basic care. Some citizens have voiced concerns that the Shelter is providing substandard care for the animals.

The Citygate report in 2009, commissioned by the Antioch City Council (Council), and the UC Davis Veterinary Department report in 2014, commissioned by the Shelter, generated recommendations to improve Shelter operations and animal care.

In September 2016, the Council authorized a Memorandum of Understanding (MOU) with Tony La Russa's Animal Rescue Foundation (ARF). Pursuant to the MOU, ARF agreed to provide one year of free training to improve Shelter operations. On February 14, 2017, the Council confirmed its commitment to fund the changes initiated by ARF.

This Shelter has a history of animal overpopulation. People who are not Antioch residents often leave animals at the Antioch Shelter rather than driving them to a County shelter in Martinez or Pinole. Therefore, the Grand Jury recommends that the County and Shelter enter into an agreement for the County to pick up and transport those animals that are left by non-Antioch residents to a County shelter.

The Grand Jury also recommends that the City hire an Animal Services Director with a background in animal shelter management to continue oversight of the ARF changes and management of the Shelter. Finally, the Grand Jury recommends that the Council select a formal community-based Animal Advisory group to monitor animal welfare and Shelter conditions and to provide regular reports to the Council regarding same.

METHODOLOGY

In the course of its investigation, the Grand Jury:

- Conducted an unannounced site visit to the Shelter
- Toured the Contra Costa County animal shelter in Martinez
- Reviewed the 2009 Citygate report, the 2012 Grand Jury report, and the 2014 UC Davis Veterinary report
- Interviewed City and County officials, representatives from rescue organizations, concerned citizens, Shelter staff, the Shelter veterinarian, and representatives of the Antioch Police Department
- Reviewed Council meetings and related documents

BACKGROUND

In 1978, voters in Antioch approved ballot Measure A that established a city animal shelter. Antioch is the only city in Contra Costa County with its own Shelter. All other cities and unincorporated areas within the County receive animal services from Contra Costa County Animal Shelters in Martinez and Pinole.

The Shelter operates under the supervision of the Antioch Police Department and is located adjacent to it. The Shelter, which was built in 1991, has not been updated since it opened. It has limited space for animals and staff.

In 2009, the City paid for the Citygate report, which recommended numerous changes and improvements. A 2012 Grand Jury report and a 2014 UC Davis Veterinary report also made recommendations for Shelter improvements. The current Grand Jury determined that few, if any, of the recommendations from these three reports have been implemented.

In the spring of 2016, citizens, animal advocates, and rescue groups spoke at various City Council meetings. They cited sub-standard Shelter conditions and poor animal treatment. In June 2016, the Council approved funds to hire four part-time Animal Care Attendants (ACA) and one Office Assistant for the 2016-17 fiscal year. The Council also directed Shelter staff to explore opportunities to further improve the Shelter.

In September 2016, the Council and ARF executed an MOU to provide staff and volunteers with kennel maintenance and animal handling training at no cost to the Shelter. ARF also provided the Antioch Police Department with recommendations for Shelter improvements.

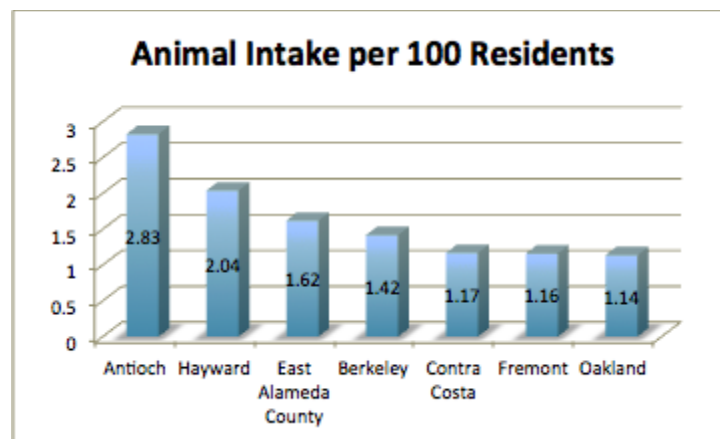
In February 2017, the Council approved the Antioch Animal Shelter Staff Report. This report recommended hiring a veterinarian to work 24 hours per week and a full-time Vet Technician. The Council agreed to provide permanent funding for the new hires and other recommended improvements by ARF.

DISCUSSION

Shelter Capacity and Staffing

The population of the City, as well as east Contra Costa County generally, has increased since 1991. During this time, there have been no corresponding improvements to increase animal accommodations at the Shelter.

The County does not operate an animal shelter in east County, which includes Antioch and the unincorporated areas and cities surrounding Antioch. As the following chart shows, the Antioch Shelter takes in twice as many animals per capita as other shelters in Contra Costa and Alameda counties.



Based on the "Guidelines for Standards of Care in Animal Shelters" (Guidelines), authored by the Association of Shelter Veterinarians, the Shelter has fewer staff that provide daily animal care than recommended. One part-time Animal Care Attendant (ACA), working four hours per day, can provide care for eight to nine animals per day. With ten part-time ACAs, the Shelter can care for approximately 85 animals per day. The Shelter can house 101 animals. Based on its capacity, the Shelter needs 12 part-time ACAs to care for its animals when the Shelter is full. Between September 2015 and September 2016, the Shelter housed from 120 to 270 animals a day. This means that the animals received ten or fewer minutes of care per day from the ten part-time ACAs, which is below the recommended standard of care.

Antioch Animal Shelter Capacity

Animals	Average Population 2016	Humane Capacity 2017
Cats	94	46
Dogs	102	55
Total	196	101

Photos and Shelter Hours Affect Shelter Costs

The Shelter keeps animals longer than other shelters. It could reduce the time that animals spend in the Shelter if it posted photos of found animals or animals available for adoption or rescue to its website. The comparatively long retention times impact the cost of feeding, treating, and housing the animals.

The Shelter has limited hours. It is closed evenings, Sundays and Mondays and Tuesdays following a holiday. This creates limited opportunities for animals to be claimed, adopted, or rescued. This also impacts the costs associated with running the Shelter.

Shelter Administration Challenges

Currently, the Shelter is overseen by a police lieutenant, with no animal shelter or management experience, who spends about twenty percent of the time in this role. A Shelter Supervisor spends most of the day providing animal care, handling adoptions, and rescues. This leaves little time to train or supervise staff.

The Shelter lacks written policies and procedures regarding animal care to help new hires or volunteers become familiar with Shelter operations. As a possible result, the Shelter experiences high staff turnover. Hiring replacement staff takes time because both paid and volunteer staff must undergo police background checks. Part-time ACAs are paid \$12.00 per hour and receive no benefits.

While the Shelter has a list of approximately 40 volunteers to help with routine tasks such as grooming, cleaning and dog walking, it has only 10 - 12 volunteers who can be counted on to work regularly. If more volunteers were available, the Shelter ACA's workload could be shared with some of the volunteers and, as a result, the animals would receive the amount of care and time recommended by the Guidelines.

The Shelter has not fully implemented Chameleon software, a frequently-used animal shelter management tool. Because Shelter staff has not been trained, the number of animals taken in, housed, adopted, rescued, euthanized, medicated and fed is not documented or tracked by this system.

Animal Advocate Concerns

There is no formal community-based oversight committee that regularly visits and monitors animal welfare and Shelter conditions and provides regular reports regarding same to the Council. Some animal advocates and rescue groups have had difficulty establishing collaborative relationships with the Shelter.

ARF Assistance

The Council and ARF entered into a one-year agreement to bring the Shelter up to the standards set forth in the Guidelines. ARF is providing: staff, a mobile animal clinic, and funds to improve Shelter staffing, medical treatment, intake management, pet retention strategies, volunteer and foster programs, housing, animal management, sanitation, spaying and neutering, outcome tracking, record keeping, and adoption processes.

To make these improvements, ARF is providing veterinary care in the Shelter with a part-time (24 hours a week) veterinarian and a full-time Vet Tech. Additionally, ARF is paying for all capital improvements necessary to bring the Shelter clinic and surgery suite up to Guideline standards.

Lack of County Animal Shelter in East County

The Shelter only takes animals from residents of Antioch. All surrendered animals are documented, with proof of residency. Therefore, people from other cities and unincorporated areas who are aware of this requirement often abandon animals when the Shelter is closed. Animals are thrown over the fence or found tied to trees and the fence surrounding the Shelter. Treating and feeding these animals adds to the cost of running the Shelter. There is no agreement between the Shelter and the County that requires County Animal Control Officers to pick up and transport animals from other cities and unincorporated areas to a County shelter.

FINDINGS

- F1. The Shelter has made improvements based on ARF recommendations.
- F2. The Shelter requires additional funds to implement the changes recommended by ARF.
- F3. The Shelter is not open to the public after 5:00 p.m.
- F4. The Shelter currently lacks a Rescue and Volunteer Coordinator.
- F5. Based on the "Guidelines for Standards of Care in Animal Shelters," authored by the Association of Shelter Veterinarians, the Shelter lacks enough ACAs and volunteers to help with the current population of animals.
- F6. The Shelter does not have written policies and procedures regarding animal care.
- F7. The Shelter lacks a Director of Animal Services.
- F8. The Shelter does not use the Chameleon software program to document the cost of running the Shelter.

- F9. The Shelter website does not feature photos of found animals or animals available for adoption or rescue.
- F10. The County does not operate an animal shelter in east County.
- F11. People from cities, other than Antioch, drop off animals at the Shelter rather than driving them to a County shelter.
- F12. The County and the Shelter do not have an agreement that the County will pick up and transport animals left by non-Antioch residents to a County shelter.
- F13. No formal community-based advisory group monitors animal welfare or Shelter conditions and provides reports to the Council regarding same.

RECOMMENDATIONS

- R1. The Council should consider finding sustainable funding for all of the changes recommended by ARF to the Shelter, including those that the Shelter has already implemented.
- R2. The Council should consider staggering the Shelter's hours of operation to include evening hours one day per week to permit those with daytime commitments the opportunity to visit the Shelter.
- R3. If no qualified Antioch Shelter volunteer is available for this position, the Council should consider identifying funds to create a new position for a Volunteer/Rescue Coordinator.
- R4. The Council should consider directing the Shelter to develop and implement strategies to enlist more volunteers.
- R5. The Council should consider directing the Shelter to establish written policies and procedures consistent with those used by ARF regarding animal care.
- R6. The Council should consider authorizing the Shelter to hire an experienced full-time Director of Animal Services and identify the funds to do so.
- R7. The Council should consider requiring all permanent staff be fully trained on Chameleon software as soon as reasonably possible.
- R8. The Shelter should consider posting photos of all animals on its website within 24 hours of intake.
- R9. The County Board of Supervisors should consider funding a study to examine the feasibility of establishing a County animal shelter in east County.

- R10. The County Board of Supervisors and the Antioch City Council should consider negotiating an MOU whereby the Shelter agrees to accept all animals. Those that are identified as non-city of Antioch animals should be regularly picked up and transported to a County Shelter by County Animal Control Officers.
- R11. The Council should consider directing the Shelter to collaborate with all accredited rescue groups to maximize rescues and adoptions.
- R12. The Council should consider authorizing the selection of an independent community-based animal advisory group to routinely visit the Shelter to monitor animal welfare and Shelter conditions.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Board of Supervisors	F10 to F12	R9 and R10
Antioch City Council	F1 to F13	R1 to R8 and R10 to R12

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
 725 Court Street
 P.O. Box 431
 Martinez, CA 94553-0091

A REPORT BY
THE 2016-2017 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

Report 1709

**Concord Naval Weapons Station
Reuse**

Management and Reporting

APPROVED BY THE GRAND JURY:

Date: 6/15/17



JIM MELLANDER
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: 6/16/17



JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1709

Concord Naval Weapons Station Reuse

Management and Reporting

TO: Concord City Council

SUMMARY

The Concord Naval Weapons Station was declared surplus by the federal government in 2005. The Concord City Council (City Council) sitting as the Local Reuse Authority (LRA) then began the lengthy procedure to redevelop the property.

The City Council selected Lennar Urban (Lennar) as the project's Master Developer, and negotiations are in progress to finalize a disposition and development agreement. Simultaneously, a plan that incorporates public comments for the development of the property is being prepared. A Community Advisory Committee (CAC) was formed to serve as an advisory body to provide input and encourage public participation during the process of creating a specific plan for development of the former weapons station.

Several actions and/or decisions made by the LRA during the award process resulted in critical press coverage and public concern about the selection process.

To increase transparency and public participation, the LRA should consider:

- Including annotated minutes and video of the LRA and CAC meetings in its website
- Issuing a written monthly report and posting it on the LRA website
- Holding the LRA's monthly meetings separately from the City Council meetings
- Shortening the final award sequencing of future phases of the project to reduce the possibility of developer / LRA / City Council wrongdoing

METHODOLOGY

The sources of information used in this report include:

- Reviews of City Council / LRA meeting agendas, minutes and video recordings
- Reviews of documents released by the City of Concord through public disclosure requests or available on the project website
- Website searches
- Interviews with project participants and the LRA consultants
- Attending or viewing CAC meetings
- Reviews of newspaper publications
- Reviews of professional project management organization publications
- Reviews of Defense Base Realignment and Closure (BRAC) Commission / Federal Base Closure guidelines

BACKGROUND

BRAC is a process used by the federal government to close excess military installations. More than 350 installations have been closed in five BRAC rounds: 1988, 1991, 1993, 1995, and 2005. The BRAC 2005 Commission recommended the operational closure of the Inland Area of the Concord Naval Weapons Station. The 5,205 acres of the Inland Area was declared surplus in March 2007 and was operationally closed in September 2008.

An the LRA is the entity recognized by the Secretary of Defense responsible for creating a redevelopment plan with respect to a closed installation. In 2006, the Department of Defense accepted the City Council to serve as the LRA for the Concord Naval Weapons Station base realignment effort. The City Council serves as the LRA executive board. It is supported by the LRA staff who, in turn, relies on supporting consulting experts and City staff as required.

The LRA launched a multi-year process to prepare a Reuse Plan for the base property, which was performed in four stages:

Stage I - Public Outreach (2006)

During the first stage, the LRA held a series of meetings and presentations to receive input from the public about development of the property.

Stage II - Preparation of the Reuse Plan (2007-2009)

Next, the LRA finalized a General Reuse Plan after conducting a site inventory, preparing an analysis and assessment, and considering alternative uses.

Stage III - Preparation of a Detailed Reuse Plan (2010-2011)

During the third phase, the LRA prepared a detailed reuse plan that included detailed infrastructure plans, subdivision of the parcels of land, the zoning, an implementation strategy, and related development agreements for specific land use and fiscal structures. At the completion of this phase, the LRA forwarded the Reuse Plan to the U.S. Navy and the Department of Housing and Urban Development, as required by federal regulations.

Stage IV – Preparation of the Concord Reuse Project Area Plan (2012)

During the final stage, the LRA staff prepared a detailed Area Plan in accordance with California land use law that sets the requirements for land use, transportation, environmental protection, labor agreements, affordable housing and public safety. The Area Plan was incorporated into Concord's General Plan, a requirement for further advancement of the planning process.

The Area Plan encompasses over 5,000 acres. Of this acreage, 2,700 acres will be deeded to East Bay Regional Parks for open space / park development. The remaining approximately 2,300 acres will be developed as residential, commercial and other public use development, with the LRA acting as the overall manager.

The LRA is proceeding with the land development in three phases. The first phase of the development encompasses just over 400 acres. The exact breakdown of the sizes of the remaining development areas is yet to be determined.

After the Concord Reuse Project Area Plan was completed, the City Council selected a Master Developer.

SELECTION OF A MASTER DEVELOPER

In January 2014, the City of Concord (the City) began the following three-part selection process to identify a Master Developer:

1. Qualification Review

This part resulted in submittals by 22 development companies. By March 2014, a selection team had reviewed these submittals. The LRA was then presented with the eight best qualifying bidders. A nine-member panel reduced this list to four qualified companies. These companies were Catellus Development Corporation (Catellus), Lennar, JF Shea Company (Shea) and SunCal Corporation (SunCal).

2. Request for Proposal (RFP)

The four selected companies were invited to submit a formal RFP. In November 2014, the LRA received three proposals, which were responsive to the RFP. Shea declined to submit a proposal.

During February and March of 2015, each of the selected companies provided the LRA and the public with a presentation concerning their vision for implementing the Area Plan.

Each company's proposal, along with supporting documentation, were provided to another nine-person evaluation panel which was charged with recommending two of these proposals to the LRA and the City Council.

After a detailed review of the proposals the evaluation panel recommended that Catellus and Lennar move to the negotiation stage of the master developer selection process. The City Council accepted this recommendation in April 2015.

3. Negotiation with Final Two Master Developers

Extended negotiations started with the two selected master developers in April 2015 regarding the content of a "Term Sheet." The Term Sheet details the amount of money the developer is willing to invest in the project, the rate of return the company expects and a formula to determine possible profit sharing with the City.

The LRA met in closed sessions during September 2015. During these meetings, the LRA staff were asked to prepare a recommendation for the selection of a master developer. The staff recommendation was included in the preliminary staff reports and was discussed in the LRA closed session. In preliminary reports, staff recommended Catellus as the preferred master developer.

In late September 2015, the City Manager instructed the LRA staff to remove the staff recommendation from the staff report, after meeting separately with three members of the City Council. The LRA staff followed her instruction and removed the recommendation.

Following accusations of misbehavior during the bidding process, the City of Concord commissioned an investigation that resulted in the Jenkins Report. This report provided findings and recommendations and was given to the City in February 2016. The Jenkins Report found that several questionable actions were taken by the City staff and the LRA, including:

- Acceptance of donations from an interested party to a political campaign, which were subsequently returned to the donor
- Unacceptable business relationships between the LRA consultants and the developers. The relationships were not close enough to impact decision making

- Removal of staff's recommendation of Catellus from the final staff report possibly violated the Brown Act

Catellus raised concerns over the selection process and sought financial changes to the term sheet. The financial changes were not allowed by the LRA.

Catellus offered to withdraw from consideration as the master developer. The City Council approved their withdrawal in March 2016 and refunded their \$250,000 deposit.

The LRA selected Lennar as the Master Developer in May 2016. Prior to this selection, further negotiations were held to amend the Lennar Term Sheet to include certain elements of the Catellus Term Sheet. Negotiations are continuing between the LRA and Lennar to incorporate all data in the Term Sheet into a Disposition and Development Agreement (DDA).

Lennar has agreed to initiate and fund the Specific Plan and environmental studies while the DDA is being finalized.

DISCUSSION

BUDGETING, COST CONTROL AND COST FORECASTING

The City maintains budgetary controls of the project through a two-year budget and semi-annual budget reviews. Cost control procedures are in place for both budget transfers and over-runs of accepted budgeted costs.

The LRA staff monitors costs and commitments for all consultants and continually compares these costs to approved budgets and funding sources. It does not appear that the LRA performs cost forecasting.

OVERALL PROJECT SCHEDULING

Projects of this size require a project execution plan. According to the Project Management Institute, the project execution plan is used to:

- Guide the execution of the project
- Document the assumptions, constraints, and alternatives
- Provide a tool to communicate with stakeholders
- Establish project milestones and deliverables
- Set scope, cost and schedule baselines for progress measurement and control

A project execution plan could not be located. Integral to a project execution plan is the preparation of a project schedule. As of March 2017, the LRA staff issued a preliminary copy of a project schedule. This schedule shows summary tasks for most of the work required to enable start of construction.

ESTABLISHING PROJECT WEBSITE CONTENT

There is a public website that informs the community of the status of the Concord Weapons Station Reuse project (<http://concordreuseproject.org>). The website does not display all the information that is available to provide full public transparency (i.e., City Council / the LRA / CAC meeting videos, budget / actual cost information, project schedules).

REPORTING TO THE LRA AND THE PUBLIC

The LRA formed the CAC to advise the LRA staff and involve the public on matters concerning the preparation of the Specific Plan. The CAC does not review any project efforts outside the preparation of the Specific Plan.

The CAC meets monthly in open session to receive information from other project participants and to discuss the Specific Plan contents. Also, the CAC holds outreach sessions and meetings with the public to both inform and receive input. Public interest in the project remains high with over 300 people attending the April 2017 outreach session.

The LRA Executive Manager reports to the City Council (acting as the LRA) approximately every quarter. The LRA report is presented, usually orally, during City Council meetings. Agendas and written reports about the LRA actions and outcomes are not always available to the public.

FINDINGS

- F1. The LRA does not make all costs, schedules or contract issues easily accessible to the public.
- F2. The LRA is using the City's existing budgeting cost system which lacks information about forecasted costs.
- F3. The LRA website does not provide all relevant information that the LRA has available about the reuse process.
- F4. The LRA staff provides an oral report to the LRA and/or the City Council on average once a quarter.
- F5. During the extended, simultaneous negotiations with two master developer finalists in 2015, the city manager removed the recommendation for a master developer from the LRA staff's report.
- F6. The City Council sometimes conducts LRA business without publicly announcing that it is acting as the LRA.

F7. No comprehensive plan exists that encompasses all Concord Naval Weapon Station Reuse project activities.

RECOMMENDATIONS

- R1. The LRA should consider holding regular LRA meetings, separate from the City Council meetings.
- R2. To increase transparency, the LRA should consider posting agendas, minutes and video of the LRA (including the CAC meetings) on its website.
- R3. The LRA should consider instructing staff to issue regular written periodic projects reports containing relevant information and current status, and to post the report on the LRA website to increase public awareness.
- R4. The LRA should consider creating a project execution plan in accordance with accepted program management standards as soon as possible, but no later than at the completion of the specific plan.
- R5. The LRA should consider selecting a master developer prior to negotiating a Term Sheet in future phases of the project.
- R6. The LRA should consider using a project management software system which would include project cost forecasting capabilities.

REQUIRED RESPONSES

	Findings	Recommendations
Concord City Council	F1 to F7	R1 to R6
Local Reuse Authority	F1 to F7	R1 to R6

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Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

A REPORT BY
THE 2016-2017 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

Report 1710

**Law Enforcement Use of Force and
Mental Health Awareness**

APPROVED BY THE GRAND JURY:


Date: 6/15/17



JIM MELLANDER
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: 6/16/17



JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1710

Law Enforcement Use of Force and Mental Health Awareness

TO: Contra Costa County Sheriff

SUMMARY

There has been widespread national news and social media discussion about excessive use of force by law enforcement agencies. The Grand Jury examined Use of Force policies and hiring practices of 24 law enforcement agencies in Contra Costa County (County) to determine the risks and safety issues of local community policing conditions.

All surveyed County law enforcement agencies have strict and well-enforced Use of Force policies. They also have rigorous hiring and training practices. One key hiring criterion is the ability to communicate with a wide variety of people, including those afflicted with mental issues.

Two programs, the Crisis Intervention Team (CIT) and the Mental Health Evaluation Team (MHET), have been identified as innovative approaches to dealing with those who have mental health issues. These programs should be expanded where feasible.

METHODOLOGY

The Grand Jury:

- Conducted internet and document research
- Surveyed 24 County law enforcement agencies about Use of Force policies and incident review procedures
- Interviewed senior police officials whose departments cover approximately 85% of County's population
- Interviewed senior officials in the Office of the Sheriff and the District Attorney's Office
- Visited the Contra Costa Law Enforcement Academy

DISCUSSION

Use of Force Policies

County law enforcement agencies are governed by departmental policies. A Use of Force policy is based on the law, best practices, and the concept of "reasonableness." That concept is the requirement that an officer use the amount of force that reasonably appears necessary to bring an incident under control. The decision is made by the officer in the field based on circumstances and training. In some cases, deadly force may be used when officers believe that they or another person are presented with an imminent threat of death or serious injury.

All twenty-four surveyed police departments in the County have a Use of Force policy that provides guidelines on the uses of force. Seventeen of these police departments have a Use of Force policy designed by Lexipol, a vendor of various policy documents for police, custody, and fire departments. Lexipol provides regular periodic policy and training updates to keep its clients current on changes in the law, and emerging best practices. The Lexipol policy may be adapted by an individual department to reflect the makeup of the community. Three police departments in the County have designed their own Use of Force policies. Three of the cities contract with the Office of the Sheriff (Sheriff) for police services and, therefore, their police departments use the same Use of Force policy as the Sheriff. The AC Transit agency, which contracts with the Alameda County Sheriff for police services, uses the Alameda County Sheriff's Use of Force policy.

All policies describe when and how force is to be used, when medical aid is needed, and how an incident is to be reported and reviewed. The policies cover a wide range of force, including handcuffing, striking by hand or baton, use of electronic devices, and use of firearms.

Investigating Use of Force Incidents

Investigations are required after each use of force incident, as specified by the local policy. Three levels of investigation can be applied to each incident involving use of force:

1. Jurisdictional Agency

Under one type of investigation, the law enforcement agency where the incident takes place has jurisdiction and performs the investigation. Typically, this investigation would start with a filed report and a review by the supervising Sergeant, and senior officers as necessary.

2. Contra Costa Protocol

A second type of investigation is performed pursuant to Contra Costa Protocol, which was adopted based on a 1984 agreement among law enforcement agencies in the County and the District Attorney's Office. Pursuant to this protocol, a team from the District Attorney's office investigates any officer involved shooting and any incident resulting in serious injury or death; for example, those resulting from a vehicle pursuit. The sole purpose of the District Attorney's investigation is to determine if the suspect or the police officer violated the law. The protocol is used to insure a fair and impartial investigation and to ensure that charges are filed appropriately.

3. Coroner's Inquest

In the event of a law enforcement-related death, a Contra Costa Coroner's inquest is convened. The inquest involves a public hearing where a jury is impaneled and sworn testimony is taken. The inquest adds transparency and open access to the circumstances surrounding the death and all aspects of the investigation. The hearing officer takes testimony from witnesses and gives instructions to the jury to determine the manner of death.

Officer Selection and Training

Police officer hiring is a rigorous process. Candidates are held to high standards, including the ability to communicate with a wide variety of people. Applicants for employment with law enforcement agencies undergo extensive background examinations and psychological testing in addition to interviews and tests of physical ability. In a recent hiring cycle, of 1,000 potential candidates for the Sheriff, 22 were accepted.

All California police officer candidates must complete a curriculum that complies with the California Commission on Peace Officer Standards and Training (POST). Accepted candidates, who have not already completed POST certification elsewhere, attend the Basic Course taught at the Law Enforcement Training Center. This Center is operated by the Contra Costa County Sheriff, and is one of 38 POST-certified police academies in California.

Police officers then receive additional field training during an initial probationary period from the departments where they are employed. That training reinforces the training that they received at the police academy and introduces the policies and procedures used by that department, including use of force. Training is an ongoing process that continues throughout an officer's career.

Dealing with Mental Health Issues

Two innovative mental health-related programs may reduce or eliminate the need to use force:

Crisis Intervention Team (CIT) Training

In many police encounters, mental illness or intoxication is a factor. CIT was originally developed in Memphis in 1988 following a police shooting of a mentally ill man.

Scientific studies have found that CIT trained officers are better able to identify someone with a potential mental illness. The trained officers are more likely to refer that person to treatment, feel better prepared to respond to such incidents, and are more aware of local treatment availability. Less formal studies that have been published in law enforcement journals report CIT trained officers have a significant drop in their injury rates and are less likely to escalate to a SWAT response. There is no formal tracking method or analysis of the use of CIT techniques to determine its effectiveness locally.

The Sheriff and the County Behavioral Health Services conduct CIT training as a 32-hour course open to police officers from all police departments in the County. CIT teaches police officers to recognize persons in crisis from mental illness or substance abuse. When they identify such a person, they will attempt to get the person medical attention, rather than into the justice system, if no crime has been committed. Techniques taught include slowing down the approach to a subject, giving him or her space, and speaking in calm tones because the subject may not be able to understand the officer's commands.

CIT has been attended by officers from most local police agencies. It is estimated that approximately 30% of the police officers in the County have CIT training. However, there is no formal system in place that tracks how many officers in the field have had CIT training. The Sheriff is not informed when a trained local police officer retires, transfers, or when a new hire is already trained.

There are preliminary plans to expand CIT training. The Contra Costa Police Chiefs Association is exploring the creation of a CIT program that would be similar to the Sheriff's course and coordinated with it. The goal of creating such a course would be to provide CIT training to all police officers as soon as possible. The California POST Commission is considering inclusion of CIT training.

Mental Health Evaluation Teams

The Behavioral Health Services division of the Contra Costa County Health Services Department and the police departments of Concord, Pittsburg and Richmond have created regional Mental Health Evaluation Teams. These teams, which include a clinician from Behavioral Health Services and a police officer, provide follow-up help to people referred to the police for possible mental health issues. The team's goal is to

offer treatment and benefits, to potentially avoid further police intervention, and to mitigate the possibility of violence.

The MHET program was started in 2015 with funding by a \$380,000 grant from the California Public Safety Realignment Act (AB 109) and a three-year \$550,000 grant from the California Health Facilities Financing Authority. Since inception, there have been 223 referrals from police departments and mental health agencies. Of the people assisted by a MHET team, 61% had no follow-up incidents.

FINDINGS

- F1. There are at least three possible agencies that may investigate a use of force incident involving the Sheriff's Office.
- F2. The agency or agencies responsible for investigating a use of force incident involving the Sheriff's Office depend on the severity of force and if it resulted in injury or death.
- F3. During the hiring process, selection of candidates for police officer training is detailed and thorough.
- F4. CIT training provides effective techniques for law enforcement officer to engage with persons in mental crisis or intoxicated with drugs or alcohol.
- F5. CIT training may reduce or eliminate the need for a law enforcement officer to use force.
- F6. A substantial number of law enforcement officers in the County have not yet attended CIT training.
- F7. The Sheriff's Office does not have a method to provide updated CIT training material for past attendees of CIT training.
- F8. The Sheriff's Office does not operate a MHET team.
- F9. The Sheriff's Office has not studied whether implementing a MHET team would be an effective way to reduce the number and severity of Sheriff deputy responses to mental health related calls.

RECOMMENDATIONS

- R1. The Sheriff should consider broadening and enhancing CIT training to educate all law enforcement officers.
- R2. The Sheriff should consider coordinating with the Contra Costa Police Chiefs Association in their effort to create additional CIT training in the County.
- R3. The Sheriff should consider researching methods to document the effectiveness of CIT training, and identifying funds to do so.
- R4. The Sheriff should consider providing annual updates of CIT training course materials to police departments in the County, and identifying funds to do so.
- R5. The Sheriff should consider conducting a feasibility study to determine the benefits of establishing additional MHET teams.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Sheriff	F1 to F9	R1 to R5

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

A REPORT BY
THE 2016-2017 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

Report 1711

**Alamo Parks
Planning and Development**

APPROVED BY THE GRAND JURY:

Date: _____

6/15/17



JIM MELLANDER
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: _____

6/16/17



JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1711

Alamo Parks Planning and Development

TO: Contra Costa County Board of Supervisors

SUMMARY

Alamo is an unincorporated area of Contra Costa County (County). Because Alamo is not a city, it is governed by the Board of Supervisors (BOS). In 2009, the BOS approved the establishment of a Municipal Advisory Council (MAC) to act on behalf of the citizens of Alamo and to be a centralized voice for the community.¹

The MAC advises the BOS on community issues and holds monthly public meetings for residents. Land use requests for zoning or other variances are the primary topics of the meetings. MAC meetings are usually attended by those property owners and neighbors immediately affected by the variance requests under discussion.

A portion of the property taxes paid by Alamo property owners funds tax assessment district, R7, which is dedicated to parks and recreation. The MAC is involved in the decision-making process involving park use, site selection, design and construction, and serves as the BOS's advisor on park development. Despite the MAC's role, many residents are unaware of issues concerning park development, such as proposed changes, and learn of them after the fact.

The Grand Jury recommends that the BOS instruct the MAC to reach out to the community for more complete community input prior to submitting recommendations to the BOS. The MAC should identify and respond to the community's concerns and then research ways in which those concerns can best be addressed. The BOS should further instruct the MAC to limit the activities at Livorna Park in accordance with the County's General Plan, and utilize the larger Hap Magee Park for events for which it is better suited.

METHODOLOGY

In the course of its investigation, the Grand Jury:

- Researched the formation of the parks and the evolution of parks and recreation in Alamo
- Interviewed public officials, County employees, members of the Alamo Improvement Association (AIA), members of the Alamo Municipal Advisory Committee (MAC), and concerned citizens
- Attended MAC meetings and reviewed minutes of their meetings
- Reviewed County records, BOS minutes, budget reports and online postings

BACKGROUND

Alamo is an unincorporated community in Contra Costa County, which is governed by the County Board of Supervisors. Its population in 2016 was 14,570. ²

County Service Area R-7 (Alamo) Financials

	FY 15/16 Year End	FY 16/17 Year End (est)	FY 17/18 Budget (proposed)
Fund Balance	\$3,509,224	\$3,466,358	\$1,987,085
Revenue:			
Taxes	1,025,383	1,078,000	1,080,000
Measure WW	43,576	322,973	354,706
Other	23,401	18,365	19,300
Total Revenue	1,092,360	1,419,338	1,454,006
Expenses			
Grounds Maintenance	340,644	246,000	288,000
Hap Magee Operations	166,863	190,186	191,351
Trash/Custodial	14,658	17,700	33,000
Contracted Services	60,464	40,000	35,000
Recreation Supplies	9,851	10,000	10,800
Other	20,091	26,900	26,900
Capital Improvements			
Hap Magee Park Improvements	6,933	82,500	266,250
Hemme Station Park Construction	212,479	1,637,521	0
Livorna Park Bocce Courts Construction	186,356	533,495	0
Public Works Admin	116,886	114,409	148,900
Total Expenses	1,135,225	2,898,711	1,000,201
Net	(42,865)	(1,479,273)	453,805
Fund Balance	3,466,358	1,987,085	2,440,890

History of the CSA R7 Fund

On January 28, 1974, County Service Area (CSA) R7 was established by the BOS. In June of that same year, Alamo voters approved a measure authorizing CSA R7 to set aside funds to develop parks and recreation services in the community.^{3,4}

Measure WW, a \$500 million bond extension approved by voters in Alameda and Contra Costa counties, was another source of revenue in the amount of \$817,931 for CSA R7.⁵ By fiscal 2015-16, the balance of the CSA R7 fund had grown to \$3.5 million. The following chart shows fund balances, plus estimated revenues and expenses. It also shows estimated expenditures of \$719,851 for the proposed Livorna Park bocce courts. As of the writing of this report, there is no long-term plan for the use of CSA R7 funds.⁶

At one point, there had been an active discussion within the Alamo community about improving representation through incorporation. In March of 2009, the residents of Alamo voted not to incorporate.⁷ Subsequently, the BOS appointed a MAC, made up of seven residents. The Alamo MAC is intended to act as a voice for the community and provides recommendations to the BOS on new and existing projects, including 'parks and recreation' and the allocation of CSA R7 funds.

The Contra Costa County Advisory Body handbook explains MACs as follows:

These councils face two ways: toward the county, offering the views of the community; and toward the community, supplying information about county proposals... Although each of us has opinions and preferences, the role of the advisory body member is to consider and represent more than your personal opinion on the topics considered... It is the advisory body member's responsibility to represent the larger public interest by putting the needs, interests, and protection of the residents of the county as his or her primary concern.⁸

DISCUSSION

History of Livorna Park

In 1992, a development of 98 single family homes was proposed in a previously undeveloped area of Alamo adjacent to a small, quiet neighborhood. Throughout the approval process, a study was done to help mitigate the impact of the development on the surrounding community.⁹ Consideration was given to traffic, school resources, noise, lights, scenic impact, preservation of the surrounding landscape and the environmental impact on wildlife. To make the project more appealing to neighboring homeowners, the developer proposed replacing three proposed home sites with a 4.4-acre park, which separated the existing neighborhood and the development.¹⁰

In 1994, the Alamo Estates Subdivision was approved with 95 houses and a 4.4-acre neighborhood park.¹¹ This small neighborhood park would later be named Livorna Park.¹²

The County's General Plan outlines the criteria for a "neighborhood park." The site for a neighborhood park without a playground is 3 to 7 acres. If the park includes a playground, it should be 6 to 8 acres. Facilities in the park should be limited to landscaped open space (trees, grass, and shrubbery), benches, tables and walkways. A neighborhood park of this size generally services residents living within one half mile of the park.¹³

Livorna Park sits within a quiet residential area surrounded by single family homes. It was built to accommodate nearby residents and provides parking for 17 vehicles.

Over the years, amenities were added to Livorna Park without increasing its size. These additions included a playground, an active volleyball court, a gazebo, and in 2016 a bocce court facility. Activities at Livorna Park have also expanded in size and frequency to well beyond the park's intended purpose. Livorna Park now hosts summer concerts that are attended not only by residents of Alamo but by people from neighboring cities. The attendance can exceed 500 people.¹⁴ During these events, vendors are invited to set up concession stands. In addition to the noise, vehicles are illegally parked, alcohol is openly consumed and trash is left throughout the surrounding neighborhood. Further measures were deemed necessary to accommodate the large crowds, including the rental of Porta-Potties, a visible police presence and an ambulance.

Over the years, residents have expressed concerns and objections to the Alamo MAC about the size of the crowds and the impact on the surrounding neighborhood. Some residents believe their concerns are not being heard or addressed. For example, a sign at the Miranda Avenue entrance to Livorna Park was changed without notice to indicate increased evening park hours to 10 pm. Residents were not made aware of this change in advance.

There is a larger 16.3-acre park in Alamo named Hap Magee Park with parking for 89 vehicles. It is better suited for holding large events; however, the MAC continues to hold concerts and movies at Livorna Park.

The Alamo MAC

The MAC meets on the first Tuesday of every month at 6 pm at the Women's Club. MAC complies with the Brown Act by posting meeting agendas at park bulletin boards. However, it does not post agendas in downtown Alamo. Meetings are sparsely attended.¹⁵ In the past five years, the issue of public awareness has not been a MAC agenda item.

In 2010, the MAC sought community input by sending a survey to residents to determine how to spend the growing CSA R7 funds. While tabulating the result, it was

discovered that the survey results were flawed, because “[a]n unknown number of people who are not residents of Alamo filled out the survey...” rendering the results invalid.¹⁶ A corrected survey was not conducted and it does not appear that MAC made further efforts to seek input from Alamo residents about this subject.

Without a clear mandate from the residents of Alamo, the MAC recommended to the BOS that \$750,000 be spent planning and building bocce courts at Livorna Park in an area that would extend over an existing volleyball court.¹⁷ The local County Supervisor’s office, the MAC, and published newspaper articles indicate the results of the afore-mentioned survey as a rationale for approving the project.¹⁸

While the MAC only performed a single, flawed survey prior to adding the bocce courts, the MAC generally puts greater effort into promoting concerts and other large events. The MAC uses several promotional methods to encourage participation on concert and movie nights. These include numerous signs posted on busy corners throughout Alamo, postings in local papers, flyers at schools and advertisements on the radio.

Community Concerns

- In June 2015, concerned residents circulated a petition signed by over 50 residents, which objected to the installation of the bocce courts at Livorna Park. This petition was sent to the local County Supervisor’s office. No community meeting was held in response to the petition, and the issue did not appear on any subsequent MAC meeting agendas.
- In January 2016, following the posting of a flyer in the park about the bocce courts, a heated discussion ensued amongst citizens on a social networking site called Nextdoor.com. The focus of the discussion was the appropriateness of the bocce courts. The discussion included over 70 open comments and revealed that a significant number of residents were unaware of the project, and that some were opposed to it. The MAC did not re-evaluate the project.
- In the beginning of 2016, the County Parks Department performed an online survey. Its purpose was to obtain suggestions on the future development of the new Hemme Park. Out of 31 respondents, 13 used this opportunity to voice their objection to the plan to have bocce courts built at Livorna Park.¹⁹
- As of the date of the survey, no contracts had yet been signed and minimal financial commitment made to the development of the bocce courts. Yet, the MAC did not attempt to address the concerns about this project.
- On March 10, 2016, bids were due from contractors wishing to build the bocce facility at Livorna Park.²⁰
- Construction was finished on the bocce facility and it is expected to be open to the public in June 2017.

FINDINGS

- F1. There is no comprehensive long-term plan for the use of Alamo CSA R7 funds.
- F2. The residents living around Livorna Park were instrumental in the park's creation.
- F3. At the inception of Livorna Park, its design, size, amenities and parking facilities were all in accordance with the County's General Plan and designed to limit the activities at that park.
- F4. Livorna Park is currently being used in a manner that exceeds its original purpose and use.
- F5. The events held at Livorna Park have increased in size and frequency since its inception.
- F6. The events held at Livorna Park are not consistent with that of a quiet neighborhood park.
- F7. The County General Plan indicates that a 4.4-acre park, the size of Livorna Park, should only have trees, grass, shrubs, benches, tables and walks. Amenities suitable for much larger parks have been added over the years.
- F8. The MAC has recommended changes and activities that run contrary to Livorna Park's initial purpose.
- F9. The MAC has not sufficiently considered the impact of recommended changes and activities to Livorna Park on the residents of the surrounding neighborhood.
- F10. A sign at the Miranda Avenue entrance to Livorna Park was changed to increase park hours to 10 pm without consulting with the neighbors.
- F11. Hap Magee Park is larger than Livorna Park and has more parking.
- F12. The Alamo MAC moved building bocce courts forward at Livorna Park without fully addressing residents' concerns or obtaining strong community support.
- F13. The MAC does not adequately solicit input from Alamo residents to determine the needs of the community prior to recommending actions to the BOS.
- F14. The MAC widely and actively promotes concerts, movies and other events at Livorna Park.

RECOMMENDATIONS

- R1. The Board of Supervisors should consider developing a written, long-term plan for the CSA R7 funds.
- R2. The Board of Supervisors should consider instructing the MAC to use some of its CSA R7 funds to perform a survey of residents to ensure that long term plans for Alamo parks reflect the needs and concerns of the community.
- R3. Prior to funding any park projects, the Board of Supervisors should consider ensuring that improvements or land purchases are in accordance with the proposed long-term CSA R7 plan and the County's General Plan.
- R4. The Board of Supervisors should consider replacing the new sign at the Miranda Avenue entrance of Livorna Park to match the other existing sign, which indicates park hours from sunrise to sunset.
- R5. The Board of Supervisors should consider directing the MAC to hold large events at Hap Magee Park, rather than Livorna Park.
- R6. To ensure that the MAC's recommendations are supported by the community, the Board of Supervisors should consider instructing the MAC to provide a history of community outreach efforts and feedback to support their recommendations.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Board of Supervisors	F1 to F14	R1 to R6

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

REFERENCES

1. July 30, 2009 – Supervisor Piepho recommends to the Board of Supervisors the creation of the Alamo MAC. The MAC is being formed to provide an opportunity for a focused voice and input from the unincorporated area.
2. <https://suburbanstats.org/population/california/how-many-people-live-in-alamo>
3. <http://www.co.contra-costa.ca.us/2298/Alamo-Parks-and-Recreation>
4. <http://www.co.contra-costa.ca.us/DocumentCenter/View/27027>
5. <http://www.ebparks.org/about/planning/ww>
6. http://www.alamore.org/alamomacfolder/R-7A_FinanceReportsQ2.pdf
7. <http://www.eastbaytimes.com/2009/03/03/alamo-incorporation-measure-soundly-defeated/>
8. Contra Costa County Advisory Body handbook - <http://www.co.contra-costa.ca.us/DocumentCenter/View/7614>
9. Alamo Estates Response to comments for Environmental Impact Report
10. Contra Costa Community Development Department memo: March 23, 1992
Re: Alamo Estates Draft EIR, Park Dedication
11. Addendum #2 to the Final EIR for the Alamo Estates Subdivision Project
12. Alamo Estates Draft Environmental Impact Report SCH#91033039
13. Contra Costa County General Plan 2005 – 2020
14. Alamo MAC Record of Actions July 7, 2015
15. <http://www.co.contra-costa.ca.us/3595/Alamo>
16. Alamo Parks and Recreation Survey Summary – January 2011 Report to Alamo Municipal Advisory Council
17. <http://www.cccounty.us/DocumentCenter/View/25531>
18. https://issuu.com/theeditors/docs/april_2017_-_alamo_today
19. <http://www.co.contra-costa.ca.us/5404/Alamo-Parks>
20. <http://www.contracosta.ca.gov/6075/Livorna-Park-Improvements>

A REPORT BY
THE 2016-2017 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

Report 1712

More Shelter Beds Needed for the Homeless in Contra Costa County

APPROVED BY THE GRAND JURY:


Date: 6/15/17



FOREPERSON NAME
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: 6/16/17



JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 17XX

More Shelter Beds Needed for the Homeless in Contra Costa County

TO: Contra Costa County Board of Supervisors

SUMMARY

Homelessness is a social issue impacting all cities in Contra Costa County (County), as well as the unincorporated portions of the County. Based on the County's 2017 Point-in-Time census of homeless people, there were 1,607 homeless persons. Of those who identified as being homeless, 696 were staying in shelters and 911 were sleeping in unsheltered places. This census highlights the shortage of emergency beds and shelter space and the shortage of low income affordable housing in the County.

To better coordinate the County's efforts to address homelessness, the County's Health Services Department has reorganized with a new division named "Health, Housing, and Homeless Services." Included in that reorganization is the creation of the Coordinated Entry program, which reaches out to homeless people, helps connect them with services, establishes a case management system, and helps them stay connected on the path toward permanent housing. To assure the success of Coordinated Entry, the County needs to provide additional emergency shelters with beds, CARE centers, and partner with developers or non-profits to create affordable housing for low income people.

More specifically, the County needs to allocate funds to establish an emergency shelter and CARE Center in East County, similar to the existing facilities in Central County. Second, the existing shelter capacity in Central and West County should be expanded so that the homeless who are helped by Coordinated Entry program have a safe place to sleep. Third, the County needs to develop a business plan to maximize the best use of its resources, including money and real estate holdings, owned or leased, so the number of affordable housing units for low income County residents is increased.

METHODOLOGY

As part of its investigation, the Grand Jury:

- Interviewed people whose jobs intersect with the homeless, including city and county police, outreach volunteers, a homeless veteran, concerned citizens, County employees, and non-profit organizations
- Visited a non-profit shelter, county-run shelters, an annual homeless fair, Continuum of Care meetings, and the County Medical Center
- Learned about the PIT tracking system used to tabulate homeless people
- Reviewed homeless reports issued by Marin, Solano, and San Francisco County Grand Juries
- Reviewed Point-in-Time census data, the “Cost of Homelessness Report,” HUD program details, and online articles featuring innovative methods used by other agencies to relieve homelessness

BACKGROUND

Homeless Census

“Unsheltered homeless persons” are those who live in encampments, cars, under freeway overpasses or other locations not designed for human habitation. Causes of homelessness include job loss, low-paying, part-time employment, mental illness, chronic substance abuse, and domestic violence.

There is a prescribed national method for counting homeless people. The Federal Housing and Urban Development department (HUD) calls it the Point-in-Time (PIT) census. This is a “snapshot in time” conducted on a specified day(s) in January according to federal rules. The accuracy of the PIT count of homeless persons depends on the thoroughness of the outreach teams that collect data.

Most of the people interviewed who have direct contact with the homeless, believe the PIT figures are low. Their estimates varied from 20% to 50% below the actual number of homeless people. The three most common reasons given for the underestimation in the PIT count are:

1. The limited timeframe for counting people reduces the ability to find encampments and isolated people.
2. The January date misses those who “couch surf” or stay with friends because it’s cold.
3. Individuals who do not want to be counted know how to avoid contact on the count days.

Nevertheless, the PIT census is relied upon as the official number of homeless people.

More specifically, the PIT count shows that between 2015 and 2016 the West and Central County count went down by 45% and the East County count increased by 33%. It also indicates a 90% increase in homeless seniors. Seniors, who often live on a fixed income, are particularly vulnerable to rising rents. Due to the number of homeless seniors, emergency shelters need to be able to accommodate the needs of frail seniors, including those with dementia or disabilities.

As shown in the chart below, 418 emergency shelter beds exist. At the same time, there are over 900 people without a place to sleep. The County’s “unsheltered homeless” rate is 57% while the national average is 32%, as reported by HUD.

PIT Count Results

Year	PIT Homeless Count	Sheltered Homeless	Unsheltered Homeless	Unsheltered Homeless Rate	Reported Bed Count
2011	2415	925	1490	62%	498
2012	2386	896	1490	62%	484
2013	2000	671	1317	66%	394
2015	2030	704	1326	65%	527
2016	1730	620	1110	64%	418
2017*	1607	696	911	57%	

*The 2017 data is preliminary and shows a 7% decrease in the total number of homeless in the County. The actual 2017 census numbers may vary from those shown above when the full report is issued.

The County’s Situation

Contra Costa County’s Mission Statement is:

“Contra Costa County is dedicated to providing public services which improve the **quality of life** of our residents and the economic viability of our businesses.”

A homeless State of Emergency was declared by the County Board of Supervisors (BOS) in 1999 and has been routinely reaffirmed every 30-60 days by BOS vote since that time. This action would qualify the County for additional money if California were to declare a statewide emergency.

The Cost of Homelessness

In fiscal year 2013-14, there were more than 6,600 individuals who were homeless and accessed homeless services and assistance. Almost half of these homeless, 3,170 people, utilized hospital, outpatient clinic or behavioral health services, at a cost of over \$45 million. Sixty-four percent of the costs were for primary care, thirty-one percent for mental health services, and five percent for substance abuse services. The analysis also revealed that only 12% or 398 homeless people were responsible for 75% of the \$45 million. Those 398 people incurred costs, which were born by the County, of over

\$32 million, an average of \$80,522 per person. The remaining 2,772 people, averaged \$4,823.00 each.

Other immeasurable costs associated with homelessness include police time, jail-related costs, social services, and donations provided by churches/charities. There is also the pollution of east County waterways by encampments, the cost of removing encampments, and the refuse from the homeless sleeping on sidewalks and in the door ways of local businesses. The total of these immeasurable costs may likely exceed the cost of housing the homeless in shelters.

Reliance on Federal Assistance

The bulk of the County's funds for helping the homeless come primarily from the Housing and Urban Development (HUD), a federal agency. Federal regulations determine how the application and award process is conducted. The awarded money must be spent on certain programs and requires regular reporting and billing for reimbursement of expenditures. The money spent on staff salaries to comply with the maintenance of these administrative tasks cannot be spent on direct services to homeless people and is only a fraction of the total administrative cost.

HUD has several programs that provide funds to the County. The program most relevant to the homeless issue is Continuum of Care (CoC). The CoC is a group of county and city employees and non-governmental organizations that meet and strategize to find and provide help, affordable housing, rental assistance, and services for the homeless. The Emergency Solutions Grant (ESG) program helps reduce homelessness by providing limited funds for rental assistance and emergency shelters. The Community Development Block Grant (CDBG) program is also a program devoted to helping poor people who may be on the brink of homelessness.

What's Been Done?

In May 2004, the County's Health Services department published a document titled "Ending Homelessness in Ten Years: A County-Wide Plan for The Communities of Contra Costa County." It was implemented by the Homelessness Inter-Jurisdictional Inter-Departmental Work Group (HIJIDWG). However, at the end of ten years, there was no end to homelessness.

In October 2014, the Contra Costa Interagency Council on Homelessness (CCICH), evolved from HIJIDWG. It published an update to the previous ten-year plan titled "Forging Ahead Towards Preventing and Ending Homelessness." This plan focused on providing housing using rental assistance vouchers. It described progress made during the previous ten years and the program relied on federal funding, with its ever-evolving requirements. The program also implemented Annual Action Plans, which are required by HUD to qualify for grants.

In January 2016, the California Department of Housing and Community Development produced a statewide housing assessment titled: “California’s Housing Future: Challenges and Opportunities.” This report says that 180,000 new homes or living units should have been built in California over the last ten years to keep pace with demand. However, during that time, only 80,000 were built.

In August 2016, the County created the “Health, Housing, and Homeless Services” division of the Health Services Department, which acknowledges the importance and interconnectivity of health, housing and homeless services. Under the department’s hierarchy, the Homelessness Division Director reports directly to the County’s Health Services Director.

The County’s Housing Authority is currently using rental assistance vouchers to help poor people obtain housing, rather than creating new or increasing the number of public or private housing units. The annual “Single Audit” of federal funds granted to Contra Costa County includes a summary of federal expenditures by the Contra Costa County Housing Authority. For fiscal year ending June 30, 2016, federal funds received were \$98 million. Of that, 7% was allocated for public housing rehabilitation and development and 93% for rental assistance vouchers.

Shelter Inc. is a local non-profit company that has used master leases to encourage private landlords to open over 200 housing units to marginal tenants. In the master lease agreement, Shelter Inc. is the lessor of record. It then sublets the unit to the tenant who it is assisting. Master leases leave Shelter Inc. with the risk of damage or non-payment of rents. Master leases also make it possible to subsidize rents so that the sublet rental rate can be different from the master lease rental rate.

DISCUSSION

Action Plan – Coordinated Entry

In compliance with Federal regulations, the County used a 2015 HUD grant valued at \$550,344.00 plus its 2016 HUD Continuation of Care grant of \$1,392,631.00, for a total of \$1,942,975.00 to re-engineer the delivery of homeless services under the name of Coordinated Entry. The focus of Coordinated Entry is to make it easier for a homeless person to access and stay connected with services while being assisted in finding permanent housing. Through Coordinated Entry, the homeless are interviewed and ranked for services based on need, age, mobility, medical condition, and other factors, rather than being helped via the previous convention of first come, first served.

Coordinated Entry is being implemented under the principal of “Housing First.” It has been determined that people with a home or shelter bed are better able to take care of themselves, more likely to stay healthy, require less medical care, have the ability to receive mail and are better able to apply for employment. Affordable housing is critical to reducing the number of homeless people. Until there is enough affordable housing for all of the low-income people who require it, it is important that the County increase the

number of beds available in its emergency shelters. Emergency shelters become the housing in “Housing First.” People in shelters are in a better position to become self-sufficient, as opposed to those who are living on the streets.

Coordinated Entry has three main elements: CORE Outreach, CARE Centers, and 211.

CORE Outreach teams, working days and evenings, go into the field to reach homeless people, assess them, and refer them to shelters or services. Currently, there are two teams, and three additional teams are planned for later in 2017. All CORE teams are dispatched by the County and may be called upon by police officers to help the homeless. These teams help avoid the costs of some homeless being transported to hospital emergency rooms and, others being arrested and sent to jail. The cities of Pleasant Hill/Martinez and Concord/Walnut Creek are partnering to form and pay for their own CORE teams.

CARE Centers are multi-service centers for daytime use. They do not have emergency overnight beds. They evaluate people and coordinate with CORE teams for follow-up. They provide meals, showers, laundry, counseling, help with completing applications for benefits, help with finding housing, mail service and a variety of day services. They are open from 8:00 am to 5:00 pm. When they close, the homeless must fend for themselves on the streets.

211 is an existing service reached by dialing 211 or accessing it on a computer via 211.org. Phone calls are answered by the County Crisis Center.

Number of Shelters

Below is the current list of emergency shelters in the County that were reported to HUD. All of these shelters are open and operating at capacity.

List of Emergency Shelters with Overnight Beds

418 Year-Round beds plus 22 over-flow and 66 seasonal beds

Shelter Sponsor	Shelter Name	Population	Beds	Comment
CC Health Services	Concord and Brookside ES	Single men, single women	166	15 beds reserved for veterans, plus 20 overflow beds. Two shelters, one located in Concord, the other in Richmond.
CC Health Services	Philip Dorn Respite Center	Single men, single women	26	For people recently discharged from the hospital, located in Concord next to the Concord shelter.
CC Health Services	Calli House	Youth (18-24) and Children (14-17)	18	Located in Richmond next to the Brookside shelter.
Stand! for Families Free of	Emergency Shelter	Single women, women w/children	24	Located near Concord.

Violence				
Anka Behavioral Health	East County Shelter	Single men, single women	20	Plus 2 overflow beds, located in Antioch.
Greater Richmond Interfaith Program (GRIP)	Emergency Shelter	Families w/children	75	Located in Richmond.
Shelter Inc.	Mountain View House	Families w/children	39	Located in Martinez.
Bay Area Rescue Mission (BARM)	Men's ES	Single men	50	The BARM men's dormitory is larger than reported. BARM also has a large dormitory for single women and women with children, which was not reported to HUD. BARM is a faith based facility and does not accept public money. The coordination with the Continuum of Care and PIT is informal. Located in Richmond.
Interfaith Council of Contra Costa	Winter Nights	Families w/children	30	Operating 7 months from October to May, located among churches in Central and East County on a two-week rotating basis.
Trinity Center	Trinity Winter Shelter	Single men, single women	36	Operating 4 months from December to March, located in Walnut Creek.

West County has two County shelters, Central County has one, and East County has none although there is a current proposal to create one. Although the 2016 PIT census indicated a 33% increase in homeless people in East County, the County has not acted quickly to establish a shelter there.

Alternative Housing Options

As part of the County's dedication to providing services to improve the quality of life of its residents and the economic viability of its businesses, the County should explore opportunities to partner with developers, non-profits, and others interested in increasing the number of affordable housing units available to low-income residents.

There are various ways to address homelessness and the critical housing shortage through innovative solutions, such as re-purposed warehouses, commercial buildings, and motels. Streamlining zoning and permit processes to promote accessory living units, allowing master leases, tiny houses, mobile home clusters, and pre-fab refugee camp type huts are all feasible ideas to maximize the use of under-utilized real estate and increase the inventory of affordable housing for low income people.

Agencies

There are three separate County departments working on issues related to homelessness: Conservation and Development, Employment and Human Services, and Health Services. Additionally, the Contra Costa County Housing Authority works on these issues. These departments and the Housing Authority must collaborate and share available funds. While they have different priorities and target populations, and their services do not entirely overlap, they are doing their best to collaborate to resolve the homeless issue. However, to resolve the problem, more still needs to be done.

Conclusion

The homeless situation in Contra Costa County is large enough to justify the effort to find additional funds to provide more shelter beds for the homeless. By closely examining the current County budget, with an eye toward pooling together enough money to establish an East County shelter and CARE center, the County could realize a financial benefit of reduced Health Service costs for the homeless that would be sufficient to cover the cost of investment.

It appears that the County has been slow to react and has not taken sufficient steps to deal with the homeless problem. The County does enough to maintain the programs funded by HUD, but needs to do more to ensure that there are adequate services, shelters, and beds for all. Providing 418 beds for 1,607 homeless people is inadequate. With an increase in the number of complaints and visibility of the homeless, which can occupy a great deal of a police officers' time, some local police department chiefs are finding money in their budgets to create homeless outreach teams that help direct the homeless to the shelters and care centers.

FINDINGS

- F1. There is a shortage of low-income housing in the County.
- F2. Because of very little affordable housing availability, the County's emergency shelters and CARE centers are vital resources to the homeless.
- F3. The County is dependent on HUD for grants, which provide the bulk of the money expended by the County to help the homeless.
- F4. Regulatory compliance associated with the receipt of HUD funds results in an administrative cost to the County which is not fully reimbursed by HUD.
- F5. The County structures its homeless programs to meet local needs and in accordance with HUD compliance mandates.
- F6. East County lacks an emergency shelter that is operated by the County.

- F7. East County has a CARE center that is run by a non-profit.
- F8. West County has an emergency shelter that is operated by the County.
- F9. West County lacks a CARE center that is operated by the County.
- F10. Central County has an emergency shelter that is operated by the County.
- F11. Central County has a CARE center that is operated by the County.
- F12. Caring for the homeless is expensive; reducing these costs through better shelter and primary medical care could provide savings.
- F13. Better shelter and primary medical care could reduce the costs associated with caring for the homeless.
- F14. Recently implemented Coordinated Entry helps improve the coordination of homeless services.
- F15. Through its new Health, Housing, and Homeless Services division, Health Services is the responsible County department for reducing homelessness.
- F16. The recently implemented Coordinated Entry helps homeless people obtain services they need.
- F17. The success of Coordinated Entry is partly dependent upon the creation of more County-operated emergency shelters and beds.
- F18. The County's CORE Outreach dispatch may be called by police departments to help the homeless obtain services instead of other costly alternatives such as taking them to emergency room or, in some cases, arresting them.
- F19. The County funds CORE teams and a central dispatch to facilitate coordination of services for the homeless.
- F20. The lack of enough overnight shelter beds may prevent the Coordinated Entry CARE Centers and CORE Outreach teams from being as effective as they otherwise could be.
- F21. Shelter Inc. has an existing master lease program that has been effective in creating more housing for those who are homeless or at risk of becoming homeless.
- F22. There are increasing numbers of homeless seniors in the County.

- F23. Existing County-operated emergency shelters are not prepared to handle frail seniors, who may not be able to take care of themselves, for example seniors with dementia or those who are unable to take care of activities of daily living.
- F24. There are a wide variety of innovative experiments throughout the nation which may be feasible for implementation in the County.

RECOMMENDATIONS

- R1. The County Board of Supervisors (BOS) should consider instructing the Health Services Department to create and present a proposal outlining the cost of opening and running a shelter with emergency beds in East County.
- R2. The BOS should consider finding a funding source to create and maintain a County-operated shelter in East County.
- R3. The BOS should consider finding a funding source to create and maintain a County-operated CARE center in East County.
- R4. The BOS should consider finding a sustainable funding source to increase the number of beds in existing County-operated shelters.
- R5. The BOS should consider finding a sustainable funding source to set up additional County-operated CARE centers.
- R6. The BOS should consider expanding master lease programs.
- R7. The BOS should consider looking for opportunities to create additional shelter beds by using unused warehouses, commercial buildings, or motels to make best use of existing unoccupied structures.
- R8. The BOS should consider asking the Health Services Department to create a plan for those frail homeless seniors who are demented or unable to take care of activities of daily living.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Board of Supervisors	F1 - F24	R1 - R8

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

THE 2016 – 2017 CONTRA COSTA COUNTY GRAND JURY

725 Court Street
Martinez, California 94553

**Accusation against the
District Attorney**

FILED
MAY 11 2017

By STEPHEN MANASH CLERK OF THE COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

PEOPLE OF THE STATE OF
CALIFORNIA,
Plaintiff,
vs.
Mark Peterson,
Defendant.

Court No: 5-170897-3
GRAND JURY ACCUSATION

The 2016-2017 Contra Costa County Grand Jury (hereinafter, "Grand Jury") has inquired into certain actions of Mark Peterson, District Attorney for Contra Costa County (hereinafter, "Mr. Peterson"), as authorized by California Penal Code 919(c).

INTRODUCTION

At all times during the period of time covered by this Allegation and through the present, Mr. Peterson was and is the District Attorney of Contra Costa County. As such, Mr. Peterson was and is a county public officer subject to removal from office pursuant to a grand jury accusation for "willful or corrupt misconduct" in office. (California Government Code 3060 et seq.)

"[T]he 'misconduct in office' condemned in section 3060 is broad enough to include 'any willful malfeasance, misfeasance, or nonfeasance in office' whether or not at-

1
2 tended by 'criminal intention' [citation]"¹ A violation of section 3060 is thus not a crime,
3 but rather has as its consequence "the removal of the incumbent from office and the
4 judgment can go to no further extent.' [Citations.]" (Id. at 939.) Government Code 3074
5 provides for a six-year statute of limitations.

6 7 ACCUSATION

8 The Grand Jury, with all dates relevant to this Accusation being approximate and
9 all date ranges both approximate and inclusive, accuses Mark Peterson of "willful or cor-
10 rupt misconduct in office," in that on or about 2011 through 2016, within the County of
11 Contra Costa, State of California, Mr. Peterson engaged in 'willful malfeasance, misfea-
12 sance, or nonfeasance in office,' whether or not attended by 'criminal intention,' in that:

- 13
14 1. Beginning in 2011 and continuing through October 2015, Mr. Peterson violated the
15 Political Reform Act by spending over \$66,000 in campaign funds on items of a
16 personal nature not related to a political, legislative or governmental purpose in
17 violation of Government Code section 89512. Mr. Peterson's willful misconduct in-
18 cluded approximately 600 separate instances of malfeasance and resulted in 9
19 charges by the Fair Political Practices Commission, which Mr. Peterson later ad-
20 mitted in Stipulation, Decision, Order and Exhibit 1, *In the Matter of Mark Peter-*
21 *son*, FPPC No. 16/007, Before the Fair Political Practices Commission,² (hereinaf-
22 ter, "FPPC No.16/007") and subsequent Statement of Mr. Peterson, dated De-
23 cember 5, 2016.³ Each of these documents is hereby incorporated by reference.
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25

26
27 ¹ *People v. Hayes* (1982) 129 Cal.App.3d 930, 938, cited at 80 Ops.Cal.Atty.Gen. 96-301 (1997.)

28 ² An unsigned copy of this document can be found at:
<http://www.fppc.ca.gov/content/dam/fppc/documents/Stipulations/2016/December/04%20Mark%20Peterson%20-%20Stip%20and%20Exh.pdf>

³ A copy of Mr. Peterson's statement can be found at: <http://www.eastbaytimes.com/wp-content/uploads/2016/12/peterson-statement.pdf>.

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2. From 2011 through June 2015, Mr. Peterson failed to disclose his personal use of his campaign funds on his campaign statements, nor did the statements show the reimbursements Mr. Peterson made to his candidate-controlled Committee(s), including "Mark Peterson For District Attorney 2014." Mr. Peterson's willful misconduct includes, for example, the cash balances Mr. Peterson listed on each of his campaign statements, which did not reflect his personal use of campaign funds. See Footnote 2.

3. From 2011 through 2016, Mr. Peterson signed and filed documents under penalty of perjury that contained material misrepresentations, omissions and/or false statements, including but not limited to Fair Political Practices Commission (hereinafter, "FPPC") Campaign Reporting Form(s) 460 and/or Form(s) 700. Mr. Peterson's willful misconduct includes, for example, his failure to report alleged "loans" on the form 460s or 700s he filed with the FPPC, despite his claim in a public statement that he considered the funds he transferred from his campaign funds as "loans." See Footnotes 2 & 3.

The Grand Jury asserts that these actions and/or omissions comprise willful or corrupt misconduct in office, pursuant to Government Code Section 3060, and warrant Mr. Peterson's removal from the office of Contra Costa County District Attorney.

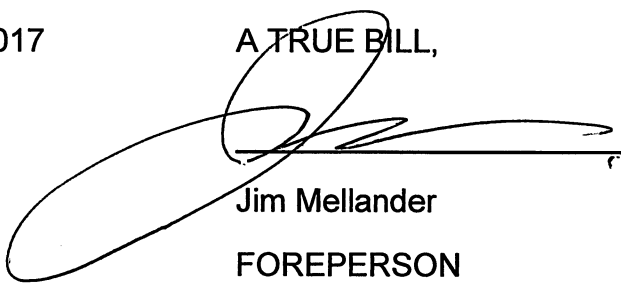
The Grand Jury presents this Formal Accusation to the Contra Costa Superior Court for action as prescribed by law. As provided in Government Code 3060, at least 12 members of the Grand Jury concurred with this Accusation of "willful or corrupt misconduct in office."

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It is the Grand Jury's intent that if any element of these charges is found legally deficient for any reason, the remaining elements should be considered fully operative, and sufficient to bring the charges described herein.

Date: May 11, 2017

A TRUE BILL,

A large, stylized handwritten signature in black ink, appearing to read 'Jim Mellander', is written over a horizontal line. The signature is highly cursive and loops back to the left.

Jim Mellander

FOREPERSON

2016-2017 CONTRA COSTA GRAND JURY