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Flood Management in the Urban Environment – Yolo LAFCo and the Role of Reclamation Districts 537 and 900 within the City of West Sacramento

SUMMARY

The 2018-2019 Yolo County Grand Jury (Grand Jury) received complaints regarding concerns that the City of West Sacramento (City) was inappropriately moving towards bringing Reclamation Districts (RD) 537 and 900 under City governance. As the proposed governing body, there were additional concerns that funds intended for flood protection potentially may be misallocated by the City. The Grand Jury was unable to find an example when a landowner district became a subsidiary of a city or county. The reclamation districts are opposed to coming under the City jurisdiction in any format.

The City did submit proposal applications in August 2018 to the Yolo Local Agency Formation Commission (YLAFCo) to bring the southern section of RD 537 and the entirety of RD 900 under the City as subsidiaries after YLAFCo made that recommendation in the February 2018 Final YLAFCo Maintenance Service Review (MSR) and Sphere of Influence (SOI) Report.

However, in the earlier December 2017 YLAFCo Draft MSR/SOI for RD 537 and 900, there were two recommendations. One was the subsidiary option and the second was allowing the reclamation districts to consolidate, which is the more common approach. Conflicting answers and information from multiple interviews and documents as detailed below (in the Approach section), made it impossible to determine why the consolidation option that was in the 2017 Draft report was removed before the 2018 Final report was published.

In response to the City's applications and in spite of YLAFCo's recommendation, RD 537 and RD 900 submitted their own proposal applications in December 2018 to YLAFCo to consolidate. The MSR/SOI recommendations, proposal applications, and procedures became the focus of this investigation.

The Grand Jury found there was a lack of communication and proactive collaboration amongst all four agencies (RD 537, RD 900, City, and YLAFCo) over the vital topic of West Sacramento flood protection. In addition, YLAFCo failed to do a thorough examination during the MSR/SOI and proposal application processes into public costs, exposure of the City's General Fund to liability, and the solvency of the West Sacramento Area Flood Protection Agency (WSAFCA) before the Final MSR/SOI was reduced to one unique option. By its own admission, YLAFCo knew this path was risky yet did so in spite of its own previously stated positions. It has also been 13 years since YLAFCo completed a MSR/SOI on the reclamation districts, eight years longer than the five years mandated by LAFCo law (Gov. Code § [56425\(g\)](#)).

The Grand Jury recommendations include, (1) ensuring that all reclamation district websites are transparent and highlight their work, (2) initiating regular meetings between the reclamation districts and the City, (3) increasing the size of the WSAFCA Board (including the addition of a public member), (4) changing YLAFCo’s internal policy to include independent, third-party examinations on controversial topics as well as who should pay for those examinations, and (5) publishing the next MSR/SOI for RD 537 and 900 earlier than scheduled to ensure whatever final decision in governance is made, the result is not detrimental to the citizens of West Sacramento in any way. Additionally, the Grand Jury recommends the formation of a countywide flood committee or working group so that all flood issues are highlighted for communities of the county.

ACRONYMS

CALAFCO	California Association of Local Agency Formation Commissions
CVFPB	Central Valley Flood Protection Board
DWR	Department of Water Resources (State)
LAFCo	Local Agency Formation Commission
LMA	Local Maintaining Agency
MA	Maintenance Area
MSR	Municipal Service Review
RD	Reclamation District
SOI	Sphere of Influence
WSAFCA	West Sacramento Area Flood Control Agency
YLAFCo	Yolo County LAFCo

BACKGROUND

Special districts are public agencies that provide one or more special services to a community, such as irrigation and water resources. They are the most common and often the least visible type of local government found in all counties, with over 3400 in California.¹ Eighty-five percent of these special districts perform a single-focus service and over two-thirds are termed “independent” (separate boards elected by the district’s own voters; Gov. Code § [56044](#)). Less than one-third of special districts are “dependent” districts, governed by a city or county. There are over 25 different types of special districts in California – cemetery districts, water districts, mosquito vector control districts – just to name a few. Yolo County has 54 special districts and is involved in an additional seven multi-county special districts.

Special districts have many of the same basic powers as counties and cities. Districts enter into contracts, employ workers, acquire real estate, and can also have the power of

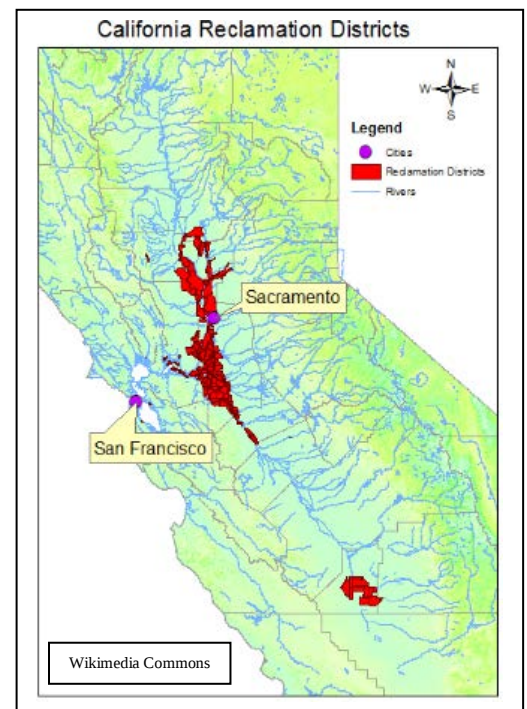
eminent domain. They have corporate powers and thus the authority to raise money for their projects and services.

Reclamation Districts (RDs) are a type of special district. Land reclamation in California started with the United States Congressional *Swamp Land Act* of 1850. This federal legislation authorized the transfer of federal swamplands to private ownership with the provision that they be drained and made productive. In 1855, California passed the *Reclamation District Act* which transferred control of the reclaimed lands from state and counties to the landowners. Under local boards of directors, owners of reclaimed lands were authorized to organize into special districts to acquire, build, manage, and operate reclamation works, such as levees, drains, canals, etc. (Water Code § [50000](#) et seq.)

Reclamation districts are one of only four types of special districts that are *landowner voting districts*.^{2,3} This is an important distinction in that both the reclamation district board and the district voters are solely comprised of landowners within that district (Gov. Code §§ [56049-56050](#)). The vast majority of special districts are *resident voting districts*.

In California, a complex system of levees, weirs, bypasses, etc., constructed over the last 150 years, helps protect urban and rural areas from flooding. This flood control system includes approximately 6,000 miles of levees in the Central Valley. Only 1,600 miles are termed “project levees” meaning they were constructed incrementally by local, state, or federal agencies (including reclamation districts) and are eligible for state and federal assistance for repair.^{4,5} The remaining levees are solely the physical and financial responsibility of those reclamation districts and landowners.

The Sacramento and San Joaquin Rivers and their tributaries create over 43,000 square miles of combined drainage area. The Central Valley has experienced many devastating floods over the years, which became the backdrop for significant advancements in statewide flood risk management. In response to Hurricane Katrina in 2005, flood control regulations, goals, and infrastructure requirements increased dramatically through new state law and then through the 2012 and 2017 Central Valley Flood Control Plans.



Examination of the Yolo County website (updated 2019) and board assignments (updated April 2019) shows that Yolo County has no active committees or working groups devoted to flood protection. Flood risk comes from levees in eastern Yolo, but also from

creeks, canals, and sloughs county-wide. Past attempts to address flood concerns include floodSAFE Yolo (two-year pilot program 2008-2009, under the Yolo County Flood Control and Water Conservation District), Yolo Bypass Working Group (last meeting July 2017), and Yolo Climate Change Compact (last meeting July 2009).

The Central Valley flood system is an interconnected system – what happens in one area affects another. This interconnectedness requires coordinated planning and management. It is within this framework that the Grand Jury investigated allegations of a questionable “takeover” by the City of the reclamation districts with potential for mismanagement of flood funds, and how the reclamation districts, the City, West Sacramento Area Flood Control Agency (WSAFCA), and YLAFCo interact.

APPROACH

During this investigation, the Grand Jury interviewed the complainants and multiple other witnesses in order to understand all sides of this complicated issue. Interviews included members of County government, City government, special districts, and local agencies.

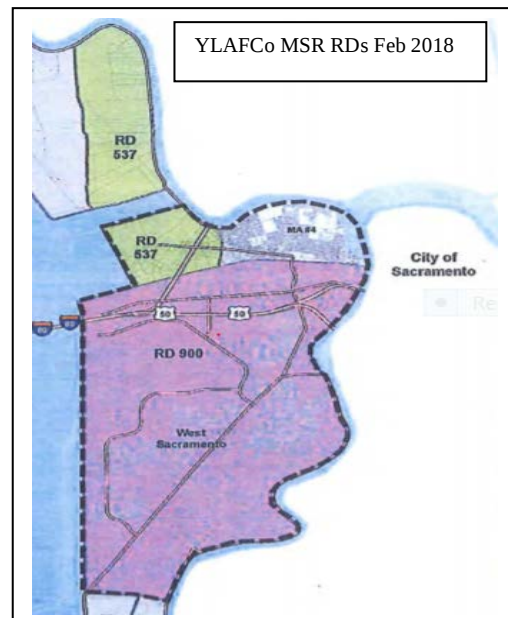
In addition, the Grand Jury reviewed a multitude of documents regarding flood protection (Central Valley, California), flood policies (local, state and federal), YLAFCo Municipal Service Review (MSR) and Sphere of Influence (SOI) reports, neighboring county documents on the topic of reclamation districts and governance, special districts, city documents, California Association of Local Agency Formation Commissions (CALAFCO) publications, Little Hoover Commission reports, and Yolo County publications. Audio recordings of Yolo County government public hearings and meetings were also reviewed.

The Grand Jury toured the areas under discussion, including levees, pumps, and drainage systems in the city.

DISCUSSION

Reclamation Districts (RDs) 537, 900, and Maintenance Area 4 (MA 4)

RD 537 was formed in 1891 under the General Reclamation District Law and oversees 6 miles of project levees and provides single-focus services of levee maintenance, drainage, and irrigation. RD 537 is an independent landowner district, and is geographically divided into two parts by the Sacramento Bypass.



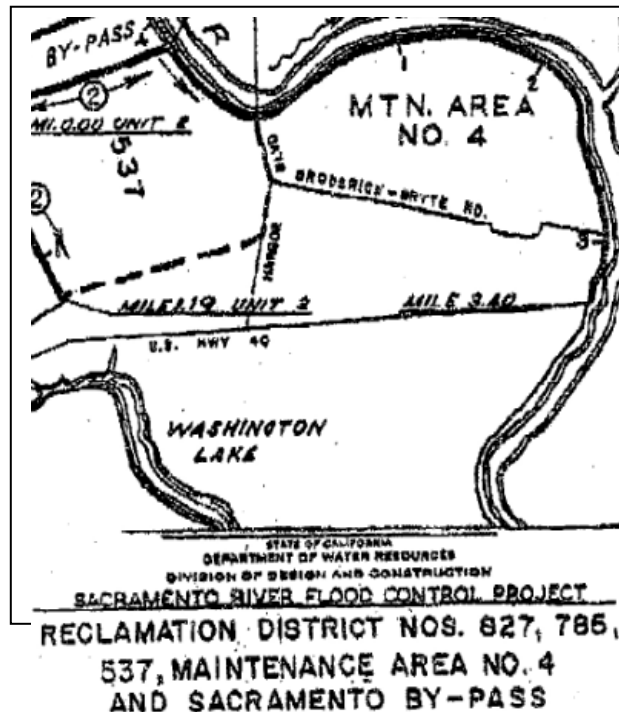
Only the southern section lies within the City limits. RD 537 lacks a website, and any information concerning meetings is posted at its office in West Sacramento. The board is comprised of three elected landowners.

RD 900 was formed in 1911 by a special act of the legislature with its footprint entirely within the current City limits. This independent landowner district services 13.6 miles of project levees and provides single-focus services of levee maintenance, drainage, pumping, and irrigation. RD 900 has an up-to-date website allowing the public access to current and past district information. The board is comprised of five elected landowners.

RD 537 and 900 have been conducting levee operation and maintenance as well as internal drainage in the City area for over 100 years. Reclamation districts have contracts and assume liability with the Department of Water Resources (DWR) on “project” levees. Contractual levee operation and maintenance agencies (such as reclamation districts) are known to DWR as Local Maintaining Agencies (LMAs).⁶ The DWR’s periodic and annual levee inspections have shown that both LMAs (RD 537 and 900) are doing a good job and are functioning districts.⁷ The districts have sufficient funds through Proposition (Prop) 218 specific assessments and WSAFCA funds to provide flood infrastructure upkeep.⁸ There have been no complaints by the public to either the City or to YLAFCo concerning the work of the reclamation districts. As stated in the February 2018 YLAFCo staff report, “RD 537 and 900 provide an outstanding level of service to the community.”⁹

When an LMA is unable to operate or maintain a project levee, DWR is authorized to form a “Maintenance Area” (MA) and appropriate the levee operation and maintenance (Water Code § [12878.1](#)). There are 10 MAs in the Central Valley.¹⁰

Maintenance Area 4 (MA 4) is 3.47 miles of project levee located in the northeastern portion of the City between the City and the Sacramento River, and is adjacent to RD 537. MA 4 was created in 2010 when RD 811 went defunct and was thereafter dissolved by YLAFCo. The City took over the internal drainage of RD 811 and DWR became the LMA of the RD 811 levee.



RD 537, RD 900 and the City of West Sacramento (City)

In the early 1900s, Bryte, Broderick, and West Sacramento were known as “East Yolo.” Those communities incorporated in 1987 as the City of West Sacramento. At that point in time, RD 537 had been operating for 96 years and RD 900 for 71 years. It is the flood protection work of RD 537 and 900 that in part has made it possible for West Sacramento to incorporate since the City is essentially surrounded by levees and lies in a “bathtub.”

The City is located directly across the Sacramento River from the state capital, Sacramento. The City is bordered by the Sacramento River to the east; the South Channel levee to the south; the Yolo Bypass and the Deep Water Channel to the west; and the Sacramento Bypass to the north.

All of RD 900 and the southern portion of 537 are within the city boundaries of West Sacramento. The rural landscape in East Yolo has changed since City incorporation in 1987. The City has become more urban and diverse as the population has changed from its rural roots and the population is expected to continue to grow rapidly over the coming years.^{11, 12}

Just as the City has changed since incorporation, so have the responsibilities of the reclamation districts. Land uses, levees, regulations, annual reporting, and agencies with oversight authority have changed significantly since 1987. Levee operation and maintenance has evolved into a complicated and costly process concerning regulatory agency approvals and mitigations. The dramatic loss of life and property from Hurricane Katrina in 2005 drove the legislature to enact five new laws to significantly increase levee operation and maintenance and to strengthen ties between flood risk reduction investments and accountability.^{13, 14} RD 537 and RD 900 have shown that they are keeping up with these changing regulations and level of flood protection, coming a long way from the time when landowners simply reclaimed swamp land.

Two important questions

The Grand Jury examined two questions that came up during the investigation.

- *Is it rare for a reclamation district to be fully within a city’s boundary?* In examining other Central Valley urban areas, Stockton has four reclamation districts fully within its city limits (out of a total of 12 reclamation districts that enter city limits); Lathrop has one RD fully within its city limits (out of three); West Sacramento has one RD fully within its city limits (out of two). All three incorporated cities are surrounded by levees.
- *Are there other reclamation districts or landowner districts that have experienced a governance change (“independent” to a “dependent” board) where a city or county is now the governing entity?* All 37 reclamation districts and five levee

districts that appear in the 2018 DWR LMA Inspection Report for the Central Valley (Sacramento System) are landowner districts with “independent” boards. In looking more thoroughly at the counties in the Sacramento System – Yolo, Glenn, Sutter, Yuba, Colusa, and Sacramento counties – there are an additional 42 reclamation districts and three water districts that are also “independent”. Therefore, just within these six counties, a total of 87 landowner districts have “independent” boards. None are “dependent” districts.

The Grand Jury found instances where *resident voting* districts, such as parks and recreation districts, or harbor districts, did indeed undergo governance changes by county LAFCos to be run by a city or county.

Clearly, a governance change for a *landowner voting district* would be decidedly unique and unprecedented.

Potential Conflict – Recreation versus flood management

As the City evolves, the desires of the population may come into conflict with the specific work of the reclamation districts. An area of conflict beginning in 2015 between the reclamation districts and the City centered on recreational opportunities in and around levees, retention ponds, and canals. In a letter dated November 15, 2016, by RD 900 to the City Manager, RD 900 stated it would not accept responsibility for any future retention ponds if it was not allowed to review the layout and design of those ponds in advance.¹⁵ The City Council wants to allow recreational opportunities for its citizens and the reclamation districts want those recreational opportunities to be planned out to allow the reclamation districts to continue to do the necessary maintenance on drainage areas and levees. In addition, who will pay for the recreational infrastructure and its upkeep is also in contention.

Prop 218 assessments that help fund the internal drainage work of RD 900 are assessments levied on property owners to pay for public improvements or services that benefit property.¹⁶ Prop 218 assessments cannot be used for general services that benefit all citizens of the City, such as police or fire, or used to finance non-property-related services like recreation.¹⁷ City funds, grants, etc., must be used to pay for city-wide recreational benefits, as well as the upkeep of those recreational elements.

RD 900 did reach out to the City Council via a letter in April 2018 requesting formal meetings to discuss issues between the reclamation districts and the City. Grand Jury interviews indicate that the City opted not to respond.

How WSAFCA fits into the equation

The West Sacramento Area Flood Control Agency (WSAFCA), a Joint Powers Authority (JPA), was created in 1994 through a Joint Exercise of Powers agreement by the City,

RD 537, and RD 900. One Board member representing each of these three independent entities sits on the WSAFCA's Board with equal authority. WSAFCA was established to coordinate the planning and construction of flood protection projects that directly protects the City. WSAFCA is also tasked with procuring the local-share monies for federal and state flood control projects.¹⁸ WSAFCA works closely with DWR, U.S. Army Corps of Engineers, and the Central Valley Flood Protection Board (CVFPB) on these levee projects to reach the goal of 200-year flood protection by 2025 as dictated by State [Senate Bill 5](#).

WSAFCA represents all the citizens of West Sacramento in flood protection as its footprint follows City limits. The organization is funded through City flood in-lieu fees (a one-time fee paid for by developers of new construction), Prop 218 assessments (levee-specific as opposed to internal drainage), and other various City tax assessments, such as Measure V.

WSAFCA administrative functions are performed by City staff, therefore the important role WSAFCA plays in the community is presented through the City website. WSAFCA is also discussed in numerous documents authored by YLAFCo, DWR, CVFPB, and the U.S. Army Corps of Engineers because of WSAFCA's critical role in regional flood protection. YLAFCo stated in its February 22, 2018 staff report that WSAFCA "is responsible for debt associated with levee improvements and it cannot be dissolved."¹⁹

Yolo Local Agency Formation Commission (YLAFCo) and the role it plays

The post-World War II population and housing boom in California led to an increased demand for services. This rapid growth often resulted in poorly or hastily-planned cities and special districts.

In response to this, the California Legislature created Local Agency Formation Commissions (LAFCos) in 1963 in each California county (except San Francisco at that time) through the Knox-Nisbet Act.²⁰ Multiple changes in law between 1963 and 1985 created confusion over the application of LAFCo laws. Needed reform led to the Cortese-Knox Local Government Reorganization Act of 1985.

LAFCos are independent regulatory authorities of the state meant to be the legislative watchdogs to discourage sprawl and encourage orderly formation of cities. LAFCos operate with no direct state oversight using regulatory powers outlined in Gov. Code sections [56375](#) and [56133](#) which allow for approving, establishing, expanding, and reorganizing cities and special districts. The codes also provide limited powers for dissolving cities and special districts.

Current legal authority and mandates are further defined by the Cortese-Knox-Hertzberg Local Government Reorganization [Act of 2000](#).²¹ This act provides greater independence

for LAFCos and further clarifies their mission. LAFCos must produce Municipal Service Reviews (MSR) that determine the adequacy of governmental services being provided by a special district. MSRs are then used to establish local Spheres of Influence (SOI) reports, a plan for future boundary and service areas.

MSR/SOIs should be reviewed every five years. Yet, it was 13 years between YLAFCo's MSR/SOI publications for RD 537 and 900 (2005 and 2018) and an eight-year span for the City's MSR/SOI (2009 and 2017). In October 2018, YLAFCo adopted a proposed schedule of MSR/SOIs that keeps reviews to a five-year cycle. Had the MSR/SOI for the reclamation districts and City kept to a five-year review, issues surrounding communication and collaboration may have been mitigated.

MSRs and SOIs are critical to a county LAFCo's decision-making. Recommendations made by a LAFCo in these documents are simply recommendations and do not mandate an action. Any intended action must be made to the county LAFCo by a proposal application by an affected party, or in certain situations, by LAFCo itself.

LAFCo decisions are intended to improve the provision of services.²² Therefore, before a county LAFCo can make a consolidation, merger, or create a subsidiary, it must find, among other things, that the change, (1) will result in lesser or equal costs to the public, and (2) result in the promotion of public access and accountability (Gov. Code § [56881](#)). Neither YLAFCo nor the Cortese-Knox-Hertzberg Act of 2000 provide a way to check back with the affected parties to verify the findings after a governance change that is outside the five-year MSR/SOI review. Any reversal of a resulting detrimental decision must go through the normal and slow process of submitting a proposal application to YLAFCo. LAFCo decisions can, however, be challenged through the courts.²³

YLAFCo's opinion on the best organizational plan for RD 537, RD 900, and the City has evolved over time.

- 1979 – a YLAFCo special committee studied the feasibility of creating a city in East Yolo considering the impact of Prop 13, which severely limited increases to property taxes and hence the ability of Yolo County to fund future urbanized services in East Yolo. YLAFCo's recommendation concerning RD 537 and RD 900 was for the future city to take over the reclamation districts when the new city was well-funded.²⁴
- 2005 – YLAFCo MSR/SOI for the reclamation districts, "In an earlier study prior to the incorporation of West Sacramento, Yolo LAFCO analyzed the reorganization of Reclamation Districts 537, 811 and 900. It was recommended that Reclamation District 900 assume the services provided by Reclamation District 811, Maintenance Area No. 4, and Reclamation District 537 south of the Sacramento Bypass."²⁵

This document grouped Yolo County reclamation districts into four groupings (or “reaches”) by location and service activities. Recommendations were to create a single purpose flood control agency and to consider consolidating the reclamation districts in the West Sacramento Reach (RD 537, 811, and 900) into one agency.

- 2009 – YLAFCO MSR/SOI for the City discussed the same options as in the 2005 MSR/SOI for the West Sacramento Reach (a single purpose flood control agency) and consider consolidating the reclamation districts into one agency. Another possible option was to first dissolve the reclamation districts and then reassign their functions to the City.
- 2014 – The Yolo County Flood Governance Study was published, funded by DWR, and compiled by the University of California, Davis Collaboration Center. This study recommended LMAs (like RD 537 and 900) function collectively in hydrologic basins. This would allow basins to collaborate and consolidate so local maintaining agencies could “speak with one voice” and perform consistent levee operation and maintenance in the same hydrologic basin.²⁶
- December 7, 2017 – In the Draft MSR/SOI for Yolo County reclamation districts, YLAFCo made two recommendations for RD 537 and 900. One recommendation was for RD 537 and 900 to become subsidiaries under the City. This would change the reclamation district boards from independent, single-focus boards to dependent, multi-focus boards. The second recommendation was for RD 537 and 900 to consolidate into one independent, single-focus district.

Consolidating “like” districts is the norm and is indeed YLAFCo’s recommendation for reclamation districts in the neighboring Elkhorn Basin. Similarly, Glenn County LAFCo recommended in its February 2019 MSR/SOI that Levee Districts 1, 2 and 3 (landowner and independent districts) consolidate to reduce costs.

- February 1, 2018 – YLAFCo met with DWR and Central Valley Flood Protection Board (CVFPB). According to the summary minutes, “LAFCo recommends that the agencies responsible for levee O&M [operation and maintenance] in each hydrologic basin develop governance solutions that will provide for a uniform level of operation and maintenance so that the protected area is not at risk due to inconsistent maintenance or flood fight response capabilities.”²⁷ This is also the position of DWR and the CVFPB.
- February 22, 2018 – In the Final MSR/SOI for RD 537 and 900, YLAFCo removed the option for RD 537 and RD 900 to consolidate, leaving only the subsidiary option with the City.

It cannot be determined who made this change or why it was changed. Conflicting answers and information from multiple interviews and documents made this assessment impossible.

Following the Final MSR/SOI, and after City Resolution 18-38, the City submitted two proposal applications in August 2018 to YLAFCo.^{28, 29} These proposals would bring the southern section of RD 537 and the entirety of RD 900 under the City as two subsidiaries. Two independent boards of elected landowners would be removed and an *ex officio* board of City Council members (or dependent board) would take its place (Gov. Code § [56078](#)). In theory the two reclamation districts would still exist, simply run by the City. The boards of RD 537 and RD 900 have made it clear they are opposed to any form of takeover by the City.

In response to the City's applications and in spite of YLAFCo removing the consolidation option, RD 537 and 900 submitted their own proposal applications in December 2018 to YLAFCo.^{30, 31} In the first proposal, RD 900 would annex the southern section of RD 537 as well as take over the levee operation and maintenance of MA 4 from DWR creating one flood entity in the West Sacramento Basin. In addition, the new RD 900 would only manage the levees surrounding the City and give all West Sacramento internal drainage responsibility (and the Prop 218 assessment) to the City. The second proposal application would consolidate the northern section of RD 537 with RDs 785 and 827 as the Elkhorn Hydrologic Basin. In summary, the reclamation districts within both neighboring hydrologic basins would consolidate amongst themselves and remain independent districts. The City would manage only the City's internal drainage.

Both RD 537 and RD 900, and the City provided opposing opinions to YLAFCo on a number of significant points during the MSR/SOI process and the subsequent proposal application submissions.

Opposing viewpoints

1. Cost of Services

- **The City** provided an opinion that a governance or board change would result in a slight savings or at least equal costs.
- **RD 537 and 900** provided an opinion that costs under the City Council (acting as the reclamation district boards) would increase 7-25%.³²

Before approving an application, LAFCo law compels YLAFCo to find public costs to be lesser or equal from the current costs. YLAFCo wrote in its 2005 MSR/SOI for reclamation districts, "Sometimes the actual savings as a result of reorganization are modest enough that it is not cost-efficient to pursue."³³ Yet, YLAFCo chose the City option for the final recommendation.

2. *Liability*

- **The City** states that becoming the board of the reclamation districts would not increase General Fund liability exposure in the event of major flooding as it would still be “separate” from the reclamation districts.
- **RD 537 and 900** maintain that when the City Council signs contracts as the LMAs, they do indeed increase their liability exposure and the exposure to the City’s General Fund. LMAs are responsible for project levees and thus the City as the board, would be responsible.

Legal precedent regarding some aspects of liability associated with levee failure was established in the 2003 California State Appeals Court decision, [*Paterno v. State of California*](#) when the State was held liable for major flooding in 1986 in Yuba County.³⁴

Since *Paterno*, the CVFPB and DWR have delegated the liability associated with project levee performance to the LMAs through LMA agreements.

The City is currently insured by the Yolo County Public Agency Risk Management Insurance Authority (or YCPARMIA), a risk pool for local agencies.³⁵ Documents reviewed by the Grand Jury indicate that YCPARMIA *will not insure* the City for a levee failure should the City become responsible for the reclamation districts.

3. *WSAFCA Solvency*

- **The City** maintains there would be no effect to WSAFCA; simply the City Council would now sit on all three boards and merely “change hats” from board to board.
- **RD 537 and 900** counter that WSAFCA would need to be disbanded (as per the joint powers agreement) as there would be no “partners.” Dissolving this joint powers authority would negatively impact flood improvement progress.

The Grand Jury believes that increasing the size of the three-person WSAFCA Board could broaden the impact and perspective of the Board, especially if a public member or a member from a neighboring flood control board is added.

In comparing WSAFCA to other joint powers authorities responsible for flood protection in the Central Valley – the Sacramento Area Flood Control Agency has 13 Board members made up of five independent Board entities. The San Joaquin Area Flood Control Agency has nine Board members made up of five independent board entities plus one public member. If the City Council sits on all

three Boards (RD 537, 900, City), there are no independent Board “partners” to make up the WSAFCA Board.

YLAFCo’s role in Yolo County is an important one

Its mission statement is “to provide professional, innovative, and proactive leadership in the implementation of policies of the Yolo LAFCo to enhance the quality of life for the community.”³⁶ CALAFCO and the Little Hoover Commission have written numerous documents to support this.

A CALAFCO White Paper in 2018 stated, “LAFCOs have a unique opportunity to help facilitate relationships among local agencies and raise awareness of best practices around growth management in support of local efforts to create sustainable communities.”³⁷

Furthermore, the Little Hoover Commission “finds that LAFCOs often do not have the capacity or will to make informed and economically sound decisions, particularly regarding independent special districts.”³⁸

Before YLAFCo voted in February 2018 to approve the Final MSR/SOI for RD 537 and 900 (recommending only for the reclamation districts to become subsidiaries under City), it received financial opinions from both sides, but did not conduct an independent, third-party examination, nor was a deeper investigation undertaken to determine which assumptions were accurate. Other than requested projected cost information from the affected parties after a governance change, there is no YLAFCo procedure or policy that triggers an independent, third-party examination in contentious situations. According to the December 14, 2009 YLAFCo Fee Schedule found on the YLAFCo website, there is no listing for this type of examination nor an associated fee.

The conflicting testimony and documents leave the Grand Jury unclear of how YLAFCo selected one option over the other. YLAFCo knew its recommendation in the MSR/SOI had potential pitfalls, stating in its February 2018 staff report, “It became apparent that any recommended changes could have potentially significant ramifications and would, understandably, be controversial.”³⁹

The Grand Jury reviewed the agenda minutes of each YLAFCo meeting from January 2013 to present. In over six years of decision-making, YLAFCo has never before addressed the issue of a governance change of a landowner district (changing from an independent to a dependent district).

A final determination on the submitted proposal applications before YLAFCo has not yet been reached at the time of the publication of this report.

FINDINGS

- F1. The quality and quantity of work performed by RD 537 and RD 900 met all expectations and requirements by oversight agencies for local maintaining agencies.
- F2. Whether RD 537 and RD 900 consolidate or remain separate, transparency and information for the public could be improved and expanded.
- F3. Over the last four years, RD 537 and 900, City, and YLAFCo failed to effectively collaborate and communicate.
- F4. Both reclamation districts and the City had ample opportunity to reach out to one another in numerous ways to improve communication and solve issues concerning their common goals.
- F5. YLAFCo removed the recommendation that allows for the more common option of reclamation district consolidation from the Final MSR/SOI for RD 537 and 900 for unknown reasons.
- F6. WSAFCA could better serve the citizens of the City with a larger board and the inclusion of a public member, similar to the approach taken with similar flood protection entities in other nearby counties.
- F7. It is unclear if WSAFCA can remain intact under the City's proposals for a reclamation district governance change.
- F8. It is unclear and untested if the City's General Fund is shielded from liability in a major flood event if the City Council becomes the board of the two local maintaining agencies.
- F9. YLAFCo did not fully examine the potential cost savings or issue of liability before recommending in the Final MSR/SOI the singular option of the reclamation districts becoming subsidiaries of the City.
- F10. YLAFCo has no internal procedure to trigger an independent, third-party examination into topics such as costs resulting from a governance change when the proposals are clearly contentious or unique. In addition, there is no mechanism to pay for such an examination.
- F11. Creating a governance change for a landowner district is fully within the authority of YLAFCo. However, YLAFCo knew its MSR decision came with "potentially significant ramifications," yet did so in contrast to its mission statement and stated best practices. YLAFCo did not create the appearance of exercising due diligence in meeting its responsibilities to the community.
- F12. YLAFCo took much longer than the five years mandated by LAFCo law to publish an MSR/SOI for Yolo County reclamation districts (13 years) and the City (eight years). This allowed mistrust and disagreements to fester.

- F13. Although Yolo County had flood issue committees or working groups in the past, the County has no such active committees now.

RECOMMENDATIONS

- R1. By December 31, 2019, each reclamation district website should highlight its purpose, history, and the important work done or planned, in order to improve transparency.
- R2. By October 1, 2019, General Managers for RD 537 and RD 900 should have regularly scheduled formal meetings (minimally quarterly) with the City Manager to discuss joint directives and goals.
- R3. By February 1, 2022, YLAFCo should revisit and publish the MSR/SOI for RD 537 and 900 earlier than scheduled to ensure whatever final decision in governance is made, the result is not detrimental to the functioning of flood protection.
- R4. By January 1, 2020, increase the size of the WSAFCA Board from three to seven members and include a public member.
- R5. By January 1, 2020, YLAFCo should create an internal procedure/policy to conduct an *independent*, third-party examination when confronted by an extremely impactful or unique issue on topics such as costs and liability, before any final recommendation is made by the YLAFCo Commission. Reliance on opinions paid for by affected parties should only be one basis for consideration. This new procedure/policy ensures due diligence, best practices, and is in the public's best interest.
- R6. By January 1, 2020, YLAFCo should ensure a mechanism exists, if legally feasible, for funding independent, third-party examinations when considering impactful or unique proposals (such as billing the affected or impacted parties).
- R7. By January 1, 2020, the Board of Supervisors should lead the creation of a multi-agency and stakeholder flood committee or working group to facilitate collaboration among all Yolo County communities on all flood topics, plan for global warming flood changes, and present these discussions to the citizens. Since two Yolo County Supervisors are YLAFCo commissioners, those supervisors should present the formation of this committee to the full board.

REQUIRED RESPONSES

Pursuant to Penal code section 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

- YLAFCo Commissioners – F3, F5, F9, F10, F11, F12; R3, R5, R6, R7
- Yolo County Board of Supervisors – F13; R7

- West Sacramento City Council – F3, F4, F6, F7, F8; R2, R4
- Board of RD 537 – F1, F2, F3, F4, F6, F7; R1, R2, R3, R4
- Board of RD 900 – F1, F2, F3, F4, F6, F7; R1, R2, R3, R4

Note: The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

INVITED RESPONSES

From the following party:

- Board of WSAFCA – F6, F7; R4

ENDNOTES

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Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.
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Missed Funding Opportunities: West Sacramento Flood Control Projects

SUMMARY

The Yolo County Grand Jury (Grand Jury) identified that the flood control projects in the West Sacramento area did not receive the requested federal funding for levee improvement projects. The missed funding opportunities were significant and potentially could have totaled in the millions of dollars. The Grand Jury tracked the funding requests in an attempt to determine why this occurred.

The State of California has large-scale flood management plans. However, it is the responsibility of each community to secure funding for flood protection. West Sacramento Area Flood Control Agency (WSAFCA), an agency comprised of the City of West Sacramento and Reclamation Districts 537 and 900, attempted to obtain funding for its flood protection projects. WSAFCA lacked extensive knowledge of the funding process and had little critical collaboration from regional, state, and federal agencies.

The Grand Jury found that the process local government agencies must take to secure state and federal funding is complicated and subject to change. It was also found that it is essential to have specialists in flood control funding at the lobbying and consulting levels.

WSAFCA failed to secure federal funding for its flood protection projects in the last two budget cycles. However, in late 2018, WSAFCA received \$400,000 from U.S. Army Corps of Engineers (USACE) for project design. The Sacramento Area Flood Control Agency (SAFCA) received its entire requested amount. When neighboring urban centers, such as Sacramento, strengthen their flood defenses, flood risk could be transferred to neighboring unimproved levees. In this case, the unimproved levees of West Sacramento and Yolo County could be at risk.

Based on these findings, the Grand Jury developed three recommendations. First, the City of West Sacramento and WSAFCA should immediately establish and maintain clear, open lines of communication with supporting regional, state and federal partners. Second, they should maintain ongoing relationships with consultants and lobbyists with expertise in current practices who specialize in flood protection. Finally, given the flood risk in most of our county communities, the Yolo County Board of Supervisors should lead the creation or reactivation of a county-wide flood protection collaboration group.

GLOSSARY AND ACRONYMS

- A 100-year flood is a flood event that has a 1% probability of occurring in any given year. Based on the expected 100-year flood flow rate, the flood water level can be mapped as an area of inundation.
- Benefit-Cost Ratio (BCR) is an indicator used in cost–benefit analysis to show the relationship between the relative costs and benefits of a proposed project, expressed in monetary or qualitative terms.
- California Department of Water Resources (DWR) is responsible for the management and regulation of water. For the purposes of this investigation, the Grand Jury focused on DWR’s role in flood control and assistance to local agencies in levee protection.
- Central Valley Flood Protection Board (CVFPB) formerly known as the Reclamation Board, was conceived in 1911 “with the mission of reducing the risk of catastrophic flooding to the people and property within the California central valley.”¹ The CVFPB is charged with implementing the Central Valley Flood Protection Plan. As such, it frequently represents the State’s interest in partnership with local flood control agencies and the U.S. Army Corps of Engineers (USACE) to bring about meaningful flood control structures.
- Discount Rate is the interest rate used to discount a stream of future monies into today’s dollars.
- Federal Emergency Management Agency (FEMA) is an agency of the US Department of Homeland Security whose primary purpose is to coordinate response to disasters that occur within the United States which are beyond the resources of local and state authorities. It is also responsible for programs that identify risks and takes action to reduce injury and loss. Among these programs is the National Flood Insurance Program which ensures affordable flood insurance availability to homeowners in flood plains and also enforces building restrictions within those flood plains.
- General Reevaluation Report (GRR) is a report that documents the study to affirm, reformulate or modify a plan, or portions of a plan, under current planning criteria. GRRs are similar to a feasibility studies.
- Joint Powers Authority (JPA) is an entity permitted under California law whereby two or more public authorities (e.g. local government, utility, or transportation district may jointly exercise any power common to all of them. They are distinct from the member authorities and have separate boards.
- Office of Management and Budget (OMB) is the business division of the Executive Office of the President. It administers the United States federal budget and oversees the performance of federal agencies and policies.

- Reclamation District is a type of special district found in the Central Valley that is often responsible for maintaining levees and internal drainage. Each reclamation district is run autonomously by an elected landowner board and funded by assessments in the local area. Reclamation Districts remain a key part of the flood control and agricultural economic development in California.
- The U. S. Army Corps of Engineers (USACE) is an agency within the Department of Defense and one of the world's largest public engineering, design, and construction management agencies. Although it is generally associated with dams, canals and flood protection, it is also involved in a wide range of public works.
- The West Sacramento Area Flood Control Agency (WSAFCA) was created as a joint powers authority in 1994 consisting of the City of West Sacramento, and Reclamation Districts 537 and 900. It was established to coordinate, fund, and construct flood risk reduction projects, including levee maintenance.

BACKGROUND

Communities in California's Central Valley have long recognized the significant risks and consequences of flooding, with Yolo County being no exception. The early 1900s brought robust agricultural expansion with a corresponding increase in a piecemeal levee system. Rivers that once flowed freely into the surrounding landscape were channeled in an effort to control them.

Over time, the economics of flood protection required a more coordinated program frequently led by federal or state governments. In 1917, the federal government authorized the Sacramento River Flood Control Project to create a system of levees and bypasses throughout the Sacramento River basin. State and federal agencies agreed to share responsibility for the construction, repair and maintenance of the levee system.

In 1986, a devastating flood inundated areas adjacent to the Feather and Yuba Rivers resulting in the most extensive flood damage in California's history. The levee failure resulted in a 2003 landmark California court decision, *Paterno v. State of California*,² that found the state was liable for damages, even though the state had not constructed the failed levees.

In 2005, Hurricane Katrina pounded the Gulf Coast causing levee failures and major flooding. Hurricane Katrina raised public consciousness about flood damage and led to the U.S. Army Corp of Engineers ranking the Sacramento region second in the nation in devastating flood risk.³

In 2007, California passed Senate Bills (SB) 5 and 17, and Assembly Bills (AB) 5, 70, 156, and 162, which required additional consideration of flood risk in local land use planning throughout California. The goal is to improve flood protection from the 100-

year flood risk to a 200-year level of risk. The resulting laws established a new approach to improving flood management at the state and local levels by addressing both the risks and consequences of flooding.

In 2008, Yolo County had a pilot program, floodSAFE Yolo, that was part of the Yolo County Flood Control and Water Conservation District. This pilot program appears to have ended in 2009. The Grand Jury feels it would be worthwhile to create or reactivate this program to look at flood issues county-wide.

APPROACH

The Grand Jury conducted research and/or interviewed City of West Sacramento staff, members of WSAFCA, and the relevant reclamation districts. Important governmental websites used by the Grand Jury are found in the [Appendix](#).

DISCUSSION

The West Sacramento Area Flood Control Agency (WSAFCA) was formed in 1994 to coordinate, fund and construct flood risk reduction projects in West Sacramento. WSAFCA is comprised of the City of West Sacramento and Reclamation Districts 537 and 900. The U.S. Army Corp of Engineers (USACE) levee work in the Sacramento region was authorized by Congress in the 1996 and 1999 Water Resources Development Acts (WRDA). The project strengthened 26 miles of the American River levee and elevated 1.1 miles of the levee. In addition, an initial round of levee improvements was completed on West Sacramento levees and the Yolo Bypass.

However, in the following years USACE became aware of further levee seepage and stability issues in the area around Sacramento. In 2006, USACE withdrew certification of the Natomas Levee System (north of Sacramento and overseen by the Sacramento Area Flood Control Agency (SAFCA)) causing a moratorium in area development.

Concerned for its own levees, WSAFCA forged the necessary partnerships with the Department of Water Resources (DWR), the Central Valley Flood Protection Board (CVFPB), and USACE to bring levee infrastructure within West Sacramento up to the current state and federal standards.⁴ The City of West Sacramento and WSAFCA implemented measures to generate the local share of funds needed, including a property assessment fee, in-lieu fees on new development, and a sales tax increase (Measure V).

USACE completed two feasibility studies called General Reevaluation Reports (GRRs) in December 2015: Sacramento's American River Watershed Common Features General Reevaluation Report⁵ and the West Sacramento Project General Reevaluation Report.⁶ The GRRs were completed simultaneously with the hope that construction could proceed concurrently to avoid transferring flood risk from one urban area to the other. If

neighboring urban centers strengthen their own flood defenses, that flood risk could be transferred closer to areas yet to be improved.

The Sacramento Area Flood Control Agency's (SAFCA) American River Watershed Common Features Project was estimated to cost \$1.57 billion in 2015 and WSAFCA's West Sacramento Project was estimated to cost \$1.2 billion. The projects were to be funded at 65% by the federal government and 35% by non-federal sponsors. In the case of West Sacramento, the Central Valley Flood Protection Board (CVFPB) and WSAFCA were the non-federal sponsors.

The path to federal funding of flood control projects involves numerous steps. Both GRRs were created by the U.S. Army Corp of Engineers' (USACE) Sacramento Office and reviewed by the divisional office, before submission to USACE's Chief of Engineers in Washington D.C. The GRRs are used by the Chief of Engineers to prepare a "Chief's Report" on civil works. This report is given to the Assistant Secretary for Civil Works and from there to the Secretary of the Army. This report is then submitted to either the House Transportation and Infrastructure Committee or the Senate Environment and Public Works Committee. A copy of the report is also submitted to the Executive Branch's Office of Management and Budget (OMB). In 2016, Congress granted authorization for both projects.

Congressional authorization confirms that a project is suitable for USACE, but does not guarantee that funding will be appropriated to USACE. Factors that determine whether a project is eligible for funding are the discount rate and the Benefit-to-Cost Ratio (BCR). Funding could occur when a project's estimated benefits exceed its estimated costs – a policy established with the Flood Control Act of 1936.

A discount rate acknowledges that money received or spent in the future will have a lesser value than money currently in hand. Therefore, benefits or expenses accruing over time can be compared to today's funds. Discount rates also influence where projects are located. They tend to benefit projects around large urban areas with more infrastructure, higher property values, and complex transportation systems, while making rural and smaller urban projects less attractive for appropriation. USACE used a discount rate (3.125%) based upon the average yield of long term government securities, which is revised annually. OMB does not use an annually revised discount rate, but uses a fixed rate of 7.0% which has been unchanged since 1992.⁷

The BCR is calculated by dividing the total annual benefits of the project by its total annual costs. The BCR is intended to ensure that the future benefits in public safety and protection of property over a 50-year economic period comfortably surpasses the more immediate financial and construction costs. A project is considered to be cost effective only when the BCR is higher or equal to 1.0.

In the last few years, flood control projects received funding only when the BCR was 2.5 or greater, or when there was “significant risk to human safety.”⁸ In the Final GRRs, completed in December 2015, the resulting BCR for Sacramento Area Flood Control Agency (SAFCA’s) American River Watershed Common Features Project was much higher than WSAFCA’s West Sacramento Project (4.6 versus 3.2). However, OMB recalculated the BCRs for both projects, using the discount rate of 7%, reducing them to 3.2 and 1.2, respectfully. Because the BCR for WSAFCA’s West Sacramento Project fell below the 2.5 BCR cutoff, it failed to secure congressional appropriation for that funding cycle.

When Congress receives the President’s proposed budget, funding for USACE projects are generally channeled through an Energy and Water Development appropriation bill, known as the WRDA Bill. Over the last decade, regular USACE appropriations have remained relatively constant between \$4.7 and \$7 billion. USACE may also receive some funding through emergency supplemental appropriations. Most of these supplemental appropriations fund natural disaster response and recovery. With the devastation created by Hurricanes Irma and Maria in 2017, Congress awarded USACE more than \$17.4 billion in supplemental appropriations. In 2018, approximately \$10.5 billion of the supplemental appropriations went to specific projects. From this appropriation, \$1.57 billion went to SAFCA’s project. The entire project was funded at once, rather than distributing the funding over the typical 10-year construction schedule. Devastatingly, WSAFCA received no funding for a second cycle. The potential funding could have been in the tens of millions of dollars given the WSAFCA and SAFCA requests each were over one billion dollars.

In the end, WSAFCA and the West Sacramento City staff did not have sufficient expertise in procuring federal funding for flood protection. They hired consultants who guided them through the funding process, but they relied on the USACE’s GRR calculations. USACE may have understood the potential weaknesses in the funding proposals, but did not pass that information to its partners. Federal policy constrains regional districts as it restricts the information that their offices can provide so that the districts do not compete with each other for political advantage.

After the disappointing outcome, WSAFCA worked on remodeling its construction plan, focusing on funding its local share, and hiring its own lobbyist with extensive federal funding experience (as opposed to using the City of West Sacramento’s lobbyist). WSAFCA remodeled its construction design to improve its BCR score and emphasized the “significant risk to human safety” standard in an effort to strengthen its position. In late 2018, WSAFCA received \$400,000 from USACE for a Preliminary Engineering Design. Although this is well short of the \$1.2 billion necessary to complete the project, it represents the first step in a long process that reinforces its relationship with USACE.

The City of West Sacramento and WSAFCA are only small parts of a broader, regional flood plan. The Central Valley Flood Protection Board (CVFPB) created the Central Valley Flood Protection Plan. This plan designates six valley regions to coordinate flood protection solutions for their own area. Yolo County is a member of the Lower Sacramento River/Delta North Region which released its own Regional Flood Management Plan. But in each plan, responsibility for flood management rests with the local communities.

Being designated a flood zone can impact area development (housing and businesses) and result in higher insurance costs. As large, neighboring urban centers strengthen their own flood defenses, the flood risk can be transferred to more rural and undeveloped areas.⁹ These areas could then be designated as a “flood zone” as flood infrastructure changes around them. Some Yolo County areas, such as Woodland and Knights Landing, must limit their development because parts of their urban areas have been designated FEMA flood zones.

Competition for limited flood project funding is intense, complicated, and requires careful orchestration of local, state, and federal funding. In addition, flood safety affects all communities in the Central Valley. Flood issues and solutions are complex and require coordination from the local to the federal levels.

FINDINGS

- F1. The process for WSAFCA to secure state and federal funding for flood control projects is complicated and is an actively evolving process making it essential to have the appropriate specialists, lobbyists and consultants involved.
- F2. The potential for partnerships among agencies is readily available but communication and leadership between multiple levels of government is significantly lacking. There was a lack of effective coordination between regional, state, and federal agencies when navigating the process to secure state and federal grant funding.
- F3. WSAFCA failed to secure federal funding for two appropriation cycles because of the recalculated BCR and a lack of expertise in the nuances of flood funding procurement.
- F4. Because the Sacramento Area Flood Control Agency (SAFCA) obtained full funding to improve levees on the east side of the Sacramento River whereas WSAFCA did not, there will be an increased flood risk on the unimproved Yolo County side.
- F5. Although Yolo County had FloodSAFE Yolo in the past, the County has no active stakeholder flood protection committee now.

RECOMMENDATIONS

- R1. By October 1, 2019, WSAFCA (and by extension, the City of West Sacramento) should reinforce clear, open lines of communication with its local, state, and federal flood control partners.
- R2. By October 1, 2019, WSAFCA (and by extension, the City of West Sacramento) should build additional relationships with consultants and lobbyists with expertise in current practices who specialize in flood protection funding.
- R3. By January 1, 2020, the Board of Supervisors should lead the creation or reactivation of a multi-agency and stakeholder flood protection committee or working group to facilitate collaboration among all Yolo County communities on all flood topics, and to present these discussions to the citizens.

REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

- Yolo County Board of Supervisors – F2, F4, F5; R3
- City Council of West Sacramento – F1, F2, F3, F4; R1, R2
- WSAFCA Board – F1, F2, F3, F4; R1, R2

Note: The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

ENDNOTES

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<https://fas.org/sgp/crs/natsec/R45185.pdf>
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<https://www.propublica.org/article/levee-valley-park-flood-thy-neighbor-who-stays-dry-and-who-decides>

APPENDIX

The Grand Jury utilized the websites of the following agencies:

- FEMA, The National Flood Control Program <https://www.fema.gov/national-flood-insurance-program>
- City of West Sacramento, Community Development
<https://www.cityofwestsacramento.org/government/departments/community-development/flood-protection>
- WSAFCA
<https://www.cityofwestsacramento.org/government/departments/community-development/flood-protection/meetings/wsafca-board-meetings>

- USACE, Emergency Operations, Flood Response
<https://www.usace.army.mil/Missions/Emergency-Operations/Floods/>

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

Health & Human Services: The Drug Medi-Cal Organized Delivery System – A Watershed Moment

SUMMARY

While investigating an unrelated Health and Human Services topic, the Yolo County Grand Jury (Grand Jury) became aware of the newly-implemented Drug Medi-Cal Organized Delivery System (DMC-ODS).

On July 1, 2018, the Yolo County Health and Human Services Agency (HHSA) implemented a massive change in the treatment of Substance Use Disorders (SUD). Yolo County is one of 40 California counties taking part in the DMC-ODS pilot program under California's Medicaid Section 1115 waiver launched in 2015. DMC-ODS includes 10 essential benefits mandated by the Affordable Care Act (aka Obama Care) which were limited under the prior Drug Medi-Cal Standard Program.

Not only is DMC-ODS an expansion of SUD treatment, it fundamentally changes SUD services. Under DMC-ODS, substance use disorder treatment is now considered medically necessary. Candidates must be diagnosed with at least one Substance Use Disorder as defined by the Diagnostic and Statistical Manual of Mental Disorders (DSM). New SUD treatment is assessment-driven by means of a standardized assessment tool created by the American Society of Addiction Medicine (ASAM). Once an individual is determined by the DSM diagnosis and ASAM assessment to have a SUD, that individual is placed in a level of treatment based upon their needs. As treatment continues, the individual may move up (toward intensive inpatient care) or down (toward outpatient services) on a continuum of care.

The DMC-ODS significantly improved care by covering a previously ignored population, especially adult men. Additionally, people seeking treatment can enter any door in HHSA to receive care, much like that of a managed care system. Those interviewed by the Grand Jury agreed that this program was a transformative step in SUD treatment.

Yolo County and HHSA should be commended for participating in a pilot program that improves the care of its citizens. HHSA should also be commended for reorganizing from “silos” to multiple access points for clients.

Although the DMC-ODS positively improves and expands SUD services, this change also resulted in some negative impacts for providers. For example, in some instances it meant a substantial increase in paperwork and the need for providers to hire more staff. More than one county, including Yolo County, saw a loss of providers due to this change. Start-up errors by providers early in the implementation created a delay in reimbursement of service costs from the state.

The Grand Jury recommends HHSA assign a fulltime staff person to support and assist current and future providers of DMC-ODS. Further HHSA should identify more in-county service providers so that residents need not travel out of the county for care.

GLOSSARY AND ACRONYMS

- ASAM American Society of Addiction Medicine
- DMC-ODS Drug Medi-Cal Organized Delivery System
- DSM Diagnostic and Statistical Manual of Mental Disorders
- HHSA Yolo County Health and Human Services Agency
- Medi-Cal is California’s Medicaid program serving low-income individuals, including families, seniors, persons with disabilities, children in foster care, pregnant women, and childless adults with incomes below 138% of federal poverty level.
- Substance Use Disorder (SUD) occurs when a person’s use of alcohol or another substance leads to health issues or problems at work, school, or home.

BACKGROUND

The Affordable Care Act of 2014, also known as Obama Care, mandates that “ten essential benefits” be included in all United States government health insurance plans offered to individuals or small groups.¹ These benefits include emergency services, prescription drugs, hospitalization, and Substance Use Disorder (SUD) services.

In 2015, California became the first state to receive permission to expand substance use treatment through a Medicaid [Section 1115](#) waiver ([142 U.S.C. § 1315](#)). The waiver allows the federal government to waive certain rules that would otherwise apply to the Medicaid program so that states might improve care for targeted groups and perhaps reduce future medical costs.^{2,3} The pilot program, planned to run through 2020, will offer services which include the essential benefits mandated by the Affordable Care Act. The Drug Medi-Cal Organized Delivery System (DMC-ODS) seeks to integrate SUD services into those services already available for eligible beneficiaries and provide essential tools to address substance use disorders.⁴

After months of planning and preparation, and as part of the scheduled rollout, Yolo County implemented the DMC-ODS pilot program in July 2018.

This change in the treatment of Substance Use Disorders (SUD) has been embraced by 40 of 58 California counties. John Connolly, PhD, who led the implementation of the DMC-

ODS in Los Angeles County, stated, “This is a generational opportunity to advance SUD treatment.”⁵ He added, “Everyone – providers, patients, and plans – should realize how important this is. It’s a watershed moment for Medi-Cal.”

SUD treatment has not generally been thought of as a “medical necessity.” While the Drug Medi-Cal Standard Program, which existed prior to the DMC-ODS, offered some SUD services, SUD treatment was often seen as “outside the larger health care landscape.”⁵ In addition:

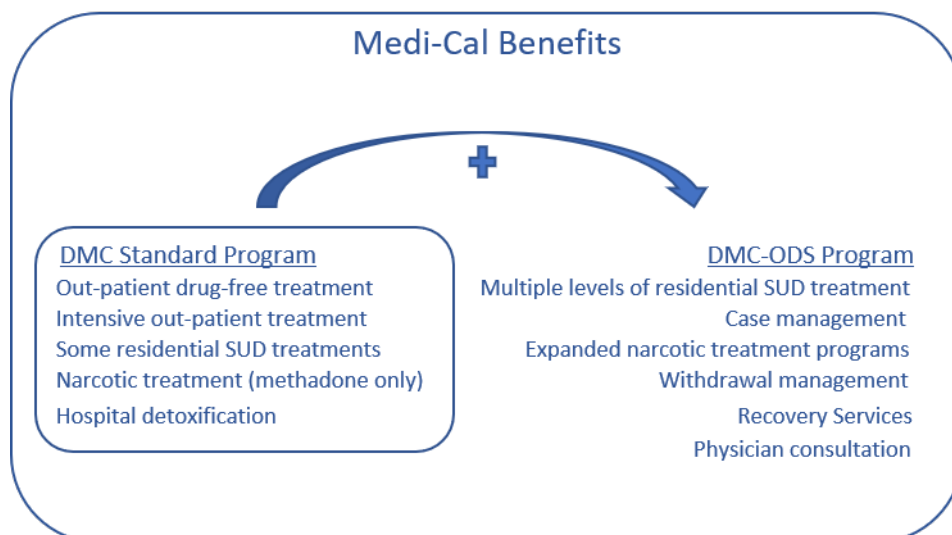
Historically, SUD treatment services have either not been covered at all under private and public insurance plans or have been limited through the use of higher copayments, annual visit limits, and placing medications on higher tiers. As a result, many Americans in need were unable to access affordable SUD treatment.⁶

APPROACH

The Grand Jury interviewed individuals in the Yolo County private and public sectors involved in SUD treatment, such as administrators, managers, and providers. The Grand Jury also obtained information from federal, state and county governments, and healthcare organizations.

DISCUSSION

The figure below shows the benefits DMC-ODS adds to the DMC Standard Program (see [Appendix](#)).



For example, the limited benefits covered by the DMC Standard Program, such as outpatient treatment and residential SUD services for perinatal women, are still included in the DMC-ODS. The DMC-ODS adds many *additional* services, such as multiple levels of residential treatment and case management.

Research into the DMC-ODS, beyond the information communicated by a simple illustration, led the Grand Jury to four broad discoveries.

Fundamental Changes

The Medi-Cal Organized Delivery System (DMC-ODS) is not merely a remake of the DMC Standard Program. It is not characterized by the simple addition of SUD services. The DMC-ODS is built around a different framework than the DMC Standard Program. Substance Use Disorders are viewed in a different way and the difference is manifested in how SUDs are treated.

DMC-ODS requires that SUD treatment become a *medically necessary* service.⁶ SUDs, such as drug or alcohol abuse, are now considered medical problems not just social problems. A candidate for substance abuse treatment must be diagnosed as having at least one Substance Use Disorder, as defined by the *Diagnostic and Statistical Manual of Mental Disorders* (DSM), published by the American Psychiatric Association. For example, Alcohol Use Disorder, Stimulant Use Disorder, and Opioid Use Disorder are Substance Use Disorders listed in the DSM. This diagnostic requirement does not limit treatment or exclude any individual from treatment, but is a step in the process of objectively determining an individual's unique treatment needs.

Under the DMC-ODS, SUD treatment is *assessment driven*, not program driven.⁵ The DMC-ODS waiver requires each county to provide a full range of SUD treatment benefits, including Outpatient, Intensive Outpatient, and Residential, rather than offering a person with a SUD whatever treatment happens to be available at the moment. An individual's needs are determined and the appropriate SUD treatment is offered by means of an assessment tool created by the American Society of Addiction Medicine (ASAM). The ASAM Criteria is comprehensive, assessing six dimensions, as shown in the figure below (see [Appendix](#)).

The Six Dimensions of the ASAM Criteria

1

• **Acute Intoxication and/or Withdrawal Potential**

Exploring an individual's past and current experiences of substance use and withdrawal.

2

• **Biomedical Conditions and Complications**

Exploring an individual's health history and current physical condition.

3

• **Emotional, Behavioral, or Cognitive Conditions**

Exploring an individual's thoughts, emotions, and mental health issues.

4

• **Readiness to Change**

Exploring an individual's readiness and interest in changing.

5

• **Relapse, Continued Use, or Continued Problem Potential**

Exploring an individual's unique relationships with relapse or continued use or problems.

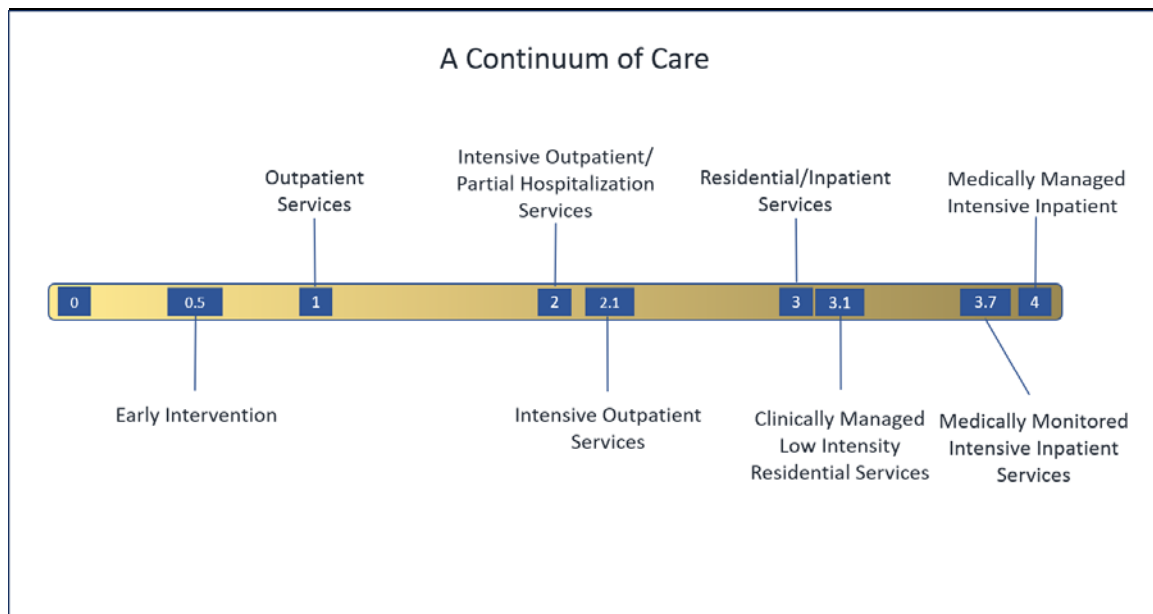
6

• **Recovery/Living Environment**

Exploring an individual's recovery or living situation, and the surrounding people, places, and things.

These six dimensions of assessment are translated into SUD treatment services that form a “continuum of care” composed of *levels of treatment*.⁷ Early Intervention, which is the least intensive form of treatment, is at one end, whereas Medically Managed Intensive Inpatient Services, the most intensive form of treatment, is at the other end. An individual with a SUD is placed in a level of treatment based on their needs, as determined by the DSM diagnoses and ASAM assessment.

As treatment progresses, an individual can move to a lower level of care; conversely, if an individual needs more intensive services, they can move to a higher level of care as shown in the figure below.⁷ The decimal numbers represent gradations within a level of care along the continuum.



The DMC-ODS requires SUD treatment service providers to utilize *evidence-based practices*.^{4, 5, 8} The use of evidence-based practices first began in the field of medicine and was called evidence-based medicine. Since then, evidence-based practices have been used in a number of disciplines, such as psychology, physical therapy, and psychiatry, as an approach to clinical practice. Each discipline may define the approach differently and the treatment practices used may be unique. However, there is a unifying definition:

Evidence-based practice designates a process of clinical decision-making that integrates *research evidence*, *clinical expertise*, and *patient preferences and characteristics*.⁹
(Emphasis added)

Evidence-based practices also include trauma-informed care, cultural competency, and harm reduction strategies. The Yolo County Health and Human Services Agency (HHSA) is committed to ensuring all contracted service providers for SUD treatments are using these strategies.¹⁰

Services and Access

DMC-ODS is Medi-Cal’s “effort to dramatically expand, improve, and reorganize its system for treating people with substance use disorder.”⁴ At one time, the various health and human services offered by HHSA were divided into separate departments. This was true for many counties in California. Mental health services were obtained in one office and drug and alcohol treatment services were accessed through another. This division created a “silo” effect, which had shortcomings.

While subject-matter expertise was centralized, access to a service was limited to a specific location, a single point of entry. An individual walking into a Yolo County office seeking help with an alcohol or drug addiction was referred to the Yolo County Drug and Alcohol Program. Assistance was sometimes not immediately available. Due to confusion, lack of transportation, and other difficulties, some of those looking for help never received it. In addition, treatment services could only be obtained during specific hours and on certain days of the week. Consequently, SUD treatment services were difficult to access.

Prior to implementing the DMC-ODS, HHSA addressed many of the problems attributed to service silos by reorganizing into three branches thus making SUD treatment easier to access. Each branch focuses on a particular population; the *Child, Youth, & Family Branch*, the *Adult & Aging Branch*, and the *Community Health Branch*. Every service needed by a population can be found in the Branch serving that population. For example, adult mental health services, in-home supportive services, and veteran’s services are all accessed by adults and the aged through the Adult and Aging Branch. Additionally, all things related to children and youth, such as child welfare, are accessed through the Child, Youth, & Family Branch. However, certain services are accessed *within* every Branch. Mental health services, medical services, and SUD services are accessed as needed across every Branch, creating multiple points of entry. There is no “wrong door.”

With the implementation of the DMC-ODS, HHSA is required to provide access to SUD services through a toll-free phone line with the county’s prevalent non-English languages, available twenty-four hours a day, seven days a week. Help, assessment, and referrals are accessible anytime and from any location. Again, this essentially creates unlimited points of entry to SUD treatment services, as close and convenient as a phone.

Currently, SUD assessment and referral can be obtained at any CommuniCare Health Center in Davis, Woodland, or West Sacramento. CommuniCare has contracted with HHSA to provide assessments, as well as SUD treatment services.

The DMC-ODS expands SUD treatment services for adult men, a population that had been previously neglected by the prior DMC Standard Program. The majority of citizens

are now covered either by private insurance, the county, or DMC-ODS waiver. This includes residential services.

Managed Care

Strictly speaking, the Drug Medi-Cal Organized Delivery System is not a managed health care system, although there are similarities.

Counties participating in the program [DMC-ODS] serve as managed care plans (technically, ‘prepaid inpatient health plans’) responsible for ensuring that all Medi-Cal beneficiaries living in their county have access to the SUD treatment services they need when they need them, and that providers are qualified and trained to deliver evidence-based care, including medication management and care coordination.⁵

The Yolo County Health and Human Services Agency (HHSA) does not provide direct SUD treatment services as it did at one time. With the implementation of the DMC-ODS, Yolo County can contract directly with service providers to deliver SUD treatment. All treatment in Yolo County is obtained through contracts. This is similar to a managed health care system. The county decides which SUD treatments are needed on the continuum of care and assures that the providers are qualified and maintain quality care.

Case management is an additional feature of the DMC-ODS, mandated by the Medicaid waiver.¹⁰

Case management services support beneficiaries as they move through the DMC-ODS continuum of care from initial engagement and early intervention, through treatment, to recovery supports.¹⁰

Case management is provided in two ways depending on a person’s needs. An HHSA case manager is assigned for *high utilizers and complex beneficiaries*, such as those needing treatment from multiple service providers. In contrast, *non-complex* beneficiaries receive case management services through the staff of the contracted SUD service provider where they are receiving treatment.

The case manager oversees SUD care and coordinates treatment. Services include assessment, level of care identification, coordination of care with mental health and physical health services, and assistance obtaining other necessary services such housing, transportation, and food.

One important aspect of case management is assisting the client in transitioning through the continuum of care. When moving a client from the initial assessment to a SUD treatment provider, or transitioning the client between SUD treatment providers, the case manager utilizes the “warm hand-off.”¹⁰ A warm hand-off is a transfer of care often conducted in person and in front of the client. The hand-off engages the client and prevents a breakdown of communication between the client and the service providers.¹¹ As expected, this can greatly improve the possibility of a successful transition.

Implementation is “A Heavy Burden”

Although the DMC-ODS may be “a generational opportunity to advance SUD treatment,”⁵ its implementation is difficult. Yolo County implemented the DMC-ODS following many months of planning and preparation. The complete transition from the DMC Standard Program to the Drug Medi-Cal Organized Delivery System will require many more months. Some difficulties are to be expected and it will take time for the County, service providers, and Medi-Cal to find solutions. For some providers, the impact of the transition has been significant and not always positive.

Due to the many complex mandates specified by the DMC-ODS for contracting with the County, some SUD service providers without prior experience in working with Medi-Cal found that many of these procedures listed below were new.

- The DMC-ODS requires that providers of certain SUD treatment levels have a physician available for consultation and supervision. Providers who have worked with Medi-Cal before had physicians available, whereas some providers without Medi-Cal experience needed to locate, fund, and hire physicians.
- Medi-Cal limits the number of clients in group treatment to twelve. Some SUD treatment providers without prior Medi-Cal experience have larger groups. To meet the DMC-ODS requirement of smaller groups, providers had to either hire additional staff or reallocate workloads.
- Providers without Medi-Cal experience found the billing processes exacting and confusing.
- SUD treatment providers discovered that the DMC-ODS required substantial documentation and paperwork, which at times was overwhelming. Staff had to be reallocated, or hired and trained to handle the documentation workload. The documentation and paperwork required by the DMC-ODS impacted the residential SUD treatment facilities the most.
- Additional staff was needed *at implementation*, but staff could not be hired or trained until *after implementation* due to the start date of the contract.

To prepare for the coming changes, Yolo County began talks with the SUD treatment providers many months ahead of the DMC-ODS implementation, offering advice and guidance. While this preparation helped, some treatment providers struggled to comply with the DMC-ODS requirements. County staff was available to answer questions, but there is still no designated person to assist the providers.

Service providers, confused by Medi-Cal billing paperwork and documentation, made errors that needed correction prior to receiving Medi-Cal payments, thus creating delays in the payments while the costs of treatment continued. These and other issues placed significant financial stress on some of the treatment providers.

Due to the changes, financial costs, paperwork, and frustration caused by the DMC-ODS requirements, some potential SUD treatment providers in Yolo County chose not to participate, reducing the number of providers available to the county.

The loss of any SUD treatment provider is potentially a significant loss to the treatment of SUDs in Yolo County. The reduction of treatment providers reduces the number of locations where treatment can be obtained, exacerbating transportation problems and client waiting lists. The loss of treatment options also means the loss of an array of treatment types necessitating treatment outside of the county.

The Drug Medi-Cal Organized Delivery System, with its requirements of medical necessity and evidence-based practices, views a SUD as a medical issue requiring medical treatment. However, alcohol or drug abuse can also be viewed from other perspectives such as 12-step programs. Many people have found support through these groups utilizing peer support, abstinence, and spirituality. There is no scientific consensus on the effectiveness of 12-step programs. However, the anecdotal evidence of hundreds of thousands of recovering substance users is significant.

Those interviewed were very positive about the potential benefits that DMC-ODS had for SUD treatment. Though the transition was difficult, most felt that it provided the potential for a more comprehensive treatment structure for substance use than the DMC Standard Program.

California is compiling DMC-ODS statistics generated by the participating counties through the University of California, Los Angeles, Integrated Substance Abuse Program with the purpose of determining the efficacy of the program. The Grand Jury hopes that a future Grand Jury will come back and review the program.

FINDINGS

- F1. The DMC-ODS has fundamentally changed substance use disorder treatment in Yolo County in a positive manner.

- F2. The DMC-ODS expanded substance use disorder treatment to include previously underserved populations, especially adult men.
- F3. The combination of the HHSA change from silos to inclusive branches, and the implementation of DMC-ODS makes it possible for any county resident to walk through any HHSA door to get services.
- F4. The DMC-ODS requirements caused most Yolo County providers to add additional medical and clerical staff, and a significant investment in time.
- F5. The DMC-ODS requirements proved burdensome and difficult for SUD providers, with some providers opting not to participate, thereby diminishing the number of providers in Yolo County.
- F6. Although Yolo County providers for the DMC-ODS were able to contact HHSA with questions, there is still no dedicated staff member to assist the providers.

RECOMMENDATIONS

- R1. By January 1, 2020, Yolo County Health and Human Services should designate or add a full time staff person to support and assist current and future providers of DMC-ODS.
- R2. By January 1, 2020, Yolo County Health and Human Services should identify more in-county service providers so that residents need not travel out of the county for care.

COMMENDATIONS

The Grand Jury commends Yolo County and HHSA for submitting an Implementation Plan to participate in the DMC-ODS Pilot Program. Yolo County and its providers are committed to improving SUD care.

REQUIRED RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

- Yolo County Board of Supervisors – F4, F5, F6; R1, R2
- Yolo County Health and Human Services Agency – F4, F5, F6; R1, R2

Note: The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

INVITED RESPONSES

From the following parties:

- CommuniCare – F4, F5, F6; R1, R2
- Fourth and Hope – F4, F5, F6; R1, R2

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APPENDIX

- Anonymous. "Medi-Cal Managed Care Quality Strategy Report." Published online, State of California – Health and Human Services Agency, Department of Health Care Services, 2018.
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Sci-Tech Academy: A Model For The Future?

SUMMARY

Nearing the ten-year anniversary of Science and Technology Academy (Sci-Tech), the Yolo County Grand Jury (Grand Jury) decided to look at this charter school's educational strategy and its future challenges. Sci-Tech opened in 2010 in the former Woodland Joint Unified School District (WJUSD) Grafton Elementary School site in Knights Landing. Sci-Tech uses technology in three ways: (1) to connect teachers, students, and parents to the ongoing educational task, (2) to reach out to the broader community, and (3) as a major tool for innovative teaching and learning. Unlike traditional public schools, charter schools have the flexibility to fashion a unique curriculum and to draw students from a wide geographic area.

The Grand Jury found that Sci-Tech creates a strong union between teachers, students, and parents with a creative use of science coupled with a small town family atmosphere. Sci-Tech has a strong governance committee and an involved parent organization. The Grand Jury also found that the school uses effective communication systems to connect with families and integrate an educational plan for its students. Sci-Tech connects older students with younger students in a way that promotes social confidence. It also reaches out to engage the local community so that Knights Landing once again has a town center.

Like Grafton School before it, Sci-Tech faces substantial issues in the small, isolated community. There are concerns related to the desire to maximize enrollment to meet budgetary needs, the insufficient number of classrooms for increased enrollment, its location in a floodplain, which makes additional construction cost prohibitive. However, its innovative approach to education and attention to relationships makes it a unique model worthy of replication.

BACKGROUND

Grafton Elementary School in Knights Landing, a small unincorporated community, struggled during the early 2000s to maintain adequate enrollment and remain a viable school. In June 2009, the WJUSD decided to close the school due to low enrollment and the recession's impact on funding. Although Grafton had an enrollment of only 115 students in 2009, it was the heart of the town.

After Grafton's closure, families faced difficult choices when deciding where to send their children for an elementary education. Many families felt betrayed by WJUSD's closure of the school and sent their children to schools outside the district. Faced with having to send children out of town for schooling, residents pressured the school district to provide a local school. That pressure influenced the district to look for alternatives. A task force was assembled which subsequently proposed the charter school option.

[Charter schools](#) in California are tuition-free public schools, independently run, tax supported, and accountable to a governing body such as a county, a school district, or in some cases the State Board of Education. They operate under a contract or “charter” between a granting body (such as a school board) and an outside group (for example, teachers and parents) that obligates them to provide specific services. The charter is reviewed for renewal every five years. Charter schools generally operate under reduced regulation within the guidance and oversight of a governance committee. All public and charter school teachers must be credentialed or have other equivalent documents.¹ All Sci-Tech teachers are credentialed.

Charter schools offer an alternative to traditional public and private schools. Public schools, including charter schools, rely on federal, state, and local financing. As such, funding is dependent upon the state of the economy and on the average daily attendance of the student body. Traditional public schools must follow state prescribed academic guidelines and student evaluation procedures. Students from anywhere in California can apply for enrollment in any charter school without the transfer paperwork required by traditional public schools.

Private schools are funded through tuition or other private funding sources and have far less state regulation. Private schools are not required to follow the state’s adopted “content standards” and their teachers do not have to be certified by the state.

A charter school appeared to be a viable option for Knights Landing because it would be separately funded by the state and might bring back students who had left the district. The superintendent offered to help as much as possible but could not provide any district funding. A charter petition was crafted and ultimately approved by WJUSD. Sci-Tech was allowed to use the Grafton School buildings free of charge except for an oversight fee of 3% of Sci-Tech’s revenue to cover certain audit and administrative services.² However, the buildings were empty and needed furniture, equipment, books, and materials. To cover these costs a one-time grant of \$450,000 was requested and provided by the state and thus the charter school was launched.

Sci-Tech opened as a charter school in Fall 2010 with an initial enrollment of 100 students. Within two years its enrollment had climbed to 210 students with a waiting list. In 2017-18 the enrollment was 277; in 2018-19, enrollment dropped to 249 because student’s families moved out of the area. Enrollment for fall 2019-20 is currently 249 students.

APPROACH

The Grand Jury investigated Sci-Tech by reviewing the [California School Dashboard](#); documents, such as the [Local Control and Accountability Plan](#) (LCAP); and researched various topics relating to charter schools. The Grand Jury conducted interviews with

school administrators, teachers, members of the governance committee, and parents of students. Additionally, members of the Grand Jury attended events at the school, visited the site to view the grounds and facilities, and obtained information from several websites. (see [Appendix](#))

DISCUSSION

Sci-Tech, as the name implies, uses a science and technology based curriculum to “drive teaching and learning in all other core areas.”³ The science and technology approach integrates with the State Common Core Standards for writing and mathematics. The original founders of Sci-Tech considered making the school agriculturally themed since Knights Landing is in an agricultural area. However, since farming increasingly uses technology, they decided the school should focus on science and technology allowing students to learn academic material while becoming proficient in the use of technology.

Sci-Tech has an autonomous governance committee comprised of a teacher, a community member, a representative from WJUSD, a parent of a current Sci-Tech student, and a representative from the Sci-Tech staff. The governance committee approves the annual budget and reviews curriculum and instructional strategies.

In the beginning, Sci-Tech had to gain community trust and differentiate itself from traditional public schools. The early organizers did extensive community outreach by going door-to-door to inform families of their intention and to discuss Sci-Tech’s innovative approach to teaching. Outreach continues by inviting the community to school events on a regular basis, which reaffirms Sci-Tech’s place as an integral part of Knights Landing. Families are free to use the school grounds as a park after school hours.

Cementing relationships with families and the community is central to Sci-Tech’s academic strategy. They connect by having monthly “Science Fridays” which are open to the public. They also have theme driven family nights like “Coding Night” and “Technology Night” where parents are able to see their children’s projects. These nights also offer parents the opportunity to learn computer skills while reviewing their children’s work. Family nights often include food, reinforcing not only the academic theme but the cohesiveness of the family and school.

Such events provide an opportunity to hold fundraisers. The Parent Teacher Organization (PTO) raised significant money in the last school year, as they have in previous years. They make projections of what they hope to raise and have met them consistently, raising in excess of ten thousand dollars each year. These monies went to fund field trips and other educational items that were not in the budget. While this is commendable, more consistent sources of funding are needed from year to year.

Being a science and technology based school, the scientific method of posing a question, formulating a theory, gathering data, and making conclusions is introduced in kindergarten. Parents report their children have demonstrated that they are able to extrapolate the scientific method from the classroom into other areas of their daily lives using it to solve problems.

Many academic topics are taught simultaneously across grades. For example, while the kindergartners learn about the sun, older students are learning about the solar system. The teachers plan for joint class activities in these common academic areas so that older students can reinforce their own learning by helping younger students.

Other examples of across grade level work include:

- A school-wide writing project at the appropriate grade level for each child is centered around a common theme.
- This year, Sci-Tech implemented “one school, one book.” Each student is given the same book, which they are encouraged to take home and read with their parents. Once they have finished reading the book, they can keep it with the idea that the student may start a book collection of their own.

Sci-Tech values fostering partnerships between parents and teachers for each student’s development. Individual educational plans are created for each student seven weeks into the school year, and reevaluated throughout the year. Parents are encouraged to participate in their child’s educational plans. The educational plans become part of the teacher’s assessment of each student. Sci-Tech uses multiple tools to do assessments and testing of the students learning. Sci-Tech employs learning tools with embedded assessments that are progressive so that a student cannot advance until the correct level is achieved. Sci-Tech participates in statewide testing, but not in all of the district’s testing.

Sci-Tech also uses other forms of assessment to get feedback about the effectiveness of learning strategies, the emotional climate of the school and individual sense of well-being. Staff and parent surveys have been used to obtain this information. One year the students created a questionnaire about the school and presented it to all the classes for peer input.

Sci-Tech uses many tools for connectivity and to enhance student performance. The school has a “Remind” system that allows teachers to send text messages back and forth with parents. The system is capable of sending messages in both Spanish and English. It uses “Seesaw”, which is a system that allows students to create portfolios and post videos of themselves and their projects for their parents to view. The principal also sends an informational recorded message to the home of every student each Sunday evening

connecting the school to parents and children. The school has an active [Facebook page](#) which the PTO uses to connect with parents and the community.

Sci-Tech uses interesting ways to showcase students' accomplishments. The classes at Sci-Tech, like many other schools, have a display of students' work on the walls, but there is something special on students' work: a QR Code. Using a QR Code Reader app on a smart phone, parents can see a list of what the student has read, written, and other accomplishments. At Sci-Tech events, parents and the community can see students' other work using the QR system. This helps everyone engage in technology while encouraging students to add to their portfolios.

Sci-Tech must continually invest in current technology and stay up-to-date with available applications. The school provides each student a Chromebook computer. Students work at their own pace and teachers help them individually using commercially available educational software. These tools allow teachers to manage coursework, distribute assignments, give feedback, and monitor students' progress in real time.

Sci-Tech has new interactive, programmable white boards, with touch sensitive screens. This allows teachers to show video, transfer student's work from their Chromebooks to the white boards, which are used to deliver educational lessons. The use of this technology encourages and excites student participation.

All of these tools require substantial investments in time and money. This level of instruction requires considerable professional development to implement these projects and integrate them across grade levels and second languages spoken at the school. Sci-Tech has a technology advisor on staff to help with immediate technical problems and help teachers develop new uses for technology.

Keeping technologically current, staying innovative, and being creative in curriculum design are ongoing requirements. By creating their own teaching methodology, teachers are substantially increasing their work load. However, the teachers report that the joint collaboration, the freedom to be creative, the opportunity to share ideas, and the use of cutting edge technology, makes it an exciting and rewarding job. The teachers meet monthly with other teachers in the district to share ideas and best practices.

The school's cohesive atmosphere may be attractive to parents of students with special needs or those for whom English is a second language. While this helps to increase enrollment, it could also affect overall test scores since Sci-Tech does not require entry tests or choose students who may have higher test scores.

The California State Department of Education Dashboard was developed specifically to help parents evaluate schools and school districts. If parents compare Sci-Tech to other district or state schools on the Dashboard, the uniqueness and benefits of Sci-Tech are not

obvious. Sci-Tech shows the same advances and declines in scores as most other schools. In 2017-18, Sci-Tech scored higher in Math and English Language Arts compared to most other WJUSD schools, but lower than the state average.

Sci-Tech's future success involves meeting a variety of challenges.

- Because Knights Landing does not have enough local students to justify a traditional public school, Sci-Tech must distinguish itself from other schools to encourage families not living in Knights Landing to enroll their students in an elementary school that is many miles away.
- Sci-Tech currently pays for its own student transportation costs, whereas these costs for other WJUSD schools are covered by the district.
- Because the facility is in a FEMA designated floodplain, it cannot easily expand. New construction would have to be built at a raised elevation higher than any potential floodwater, substantially increasing construction costs.
- A kindergarten through sixth grade school may not be attractive to parents who want their children to remain in the same school through eighth grade. Sci-Tech is limited by not having enough classrooms to accommodate seventh or eighth grades.

Can Sci-Tech thrive in an environment where growth is physically constrained? Can Sci-Tech maintain enrollment at levels necessary for continued funding? With the smallest elementary school enrollment in the district, Sci-Tech is vulnerable. However, the flexibility of a charter school in a small community has numerous advantages that include personal connections between students and faculty, a unique curriculum, and the deep commitment of families, teachers and community. Sci-Tech continues to be the heart of the town.

FINDINGS

- F1. Sci-Tech succeeded in providing a quality, innovative, and accessible replacement for the previous school in Knights Landing.
- F2. Sci-Tech embraced new curricula, new teaching strategies, and a variety of assessment/evaluation tools to give its students the opportunity to thrive.
- F3. Sci-Tech built an active governance and advisory structure with strong participation from the teacher and parent communities.
- F4. There is concern about space limitations, long term financial stability, and recruiting a sufficient number of students to justify continued operation of Sci-Tech.
- F5. An active parent/teacher organization has been successful in fund raising.

F6. The utilization of individual educational plans for every student is commendable.

COMMENDATIONS

The Grand Jury commends Sci-Tech for its focus on science, use of technology to enhance learning, and the dedication of its staff. Furthermore, we commend Sci-Tech for its attention to building relationships, good communication, hard work, and instilling the joy of learning. These are lessons for a lifetime.

REQUIRED RESPONSES

Pursuant to Penal code section 933.05, the Grand Jury requests responses as follows:

From the following governing body:

- Woodland Joint Unified School District, Board of Trustees – F4

INVITED RESPONSES

From the following party:

- Sci-Tech Governance Committee – F4

Note: The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

ENDNOTES

1. CA.gov Commission on Teacher Credentialing.
<https://www.ctc.ca.gov/employers/charter-schools>
2. Knights Landing Science and Technology Charter.
<https://sci-tech.wjUSD.org/documents/our%20school/About%20Our%20School/1310380211004167962.pdf>
3. Science and Technology Academy,
<https://sci-tech.wjUSD.org/About-Us/About-Our-School/index.html>

APPENDIX

- Common Core State Standards
<https://www.cde.ca.gov/re/cc/>
- Science and Technology Academy at Knights Landing
<https://sci-tech.wjUSD.org/>
- California Department of Education Charter School Information page
<https://www.cde.ca.gov/sp/cs/>
- California School Dashboard and System of Support
<https://www.cde.ca.gov/ta/ac/cm/>

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.
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Office Of Refugee Resettlement (ORR) Report: ORR Places Youth In Yolo County Detention – What Can Be Improved?

SUMMARY

The 2018-19 Yolo County Grand Jury (Grand Jury) received complaints regarding the health and well-being of unaccompanied alien children detained by the Office of Refugee Resettlement (ORR) who were placed at the Juvenile Detention Facility (JDF) within the Yolo County Probation Department.

Unaccompanied alien children are assessed by the ORR (background, medical and mental health needs) and placed in facilities based on legal requirements (constitutional rights of due process, legal settlements such as the Flores Settlement) and child welfare best practices in order to provide a safe and least restrictive setting. Placement could be a shelter facility, foster care, group home, staff-secure or secure care facility, residential treatment facility, or other special needs facility.

The JDF is one of only two secure care facilities in the United States. They house ORR youths who are assessed by the ORR for primarily being a danger to themselves or others, or who have been charged with having committed a criminal offense. The JDF has found many of the unaccompanied alien children inaccurately assessed by ORR, and has released youth to family or sponsors, or transferred them to a less severe facility whenever appropriate.

Under the current contract (set to expire in 2020) between JDF and the ORR, JDF can only house 24 unaccompanied alien children at any given time. Although the population constantly changes, the average population since 2018 has been well below the maximum.

The previous 2017-18 Yolo County Grand Jury found that JDF needed more officers and recommended that the Yolo County Board of Supervisors rethink contracting with ORR. In addition, the contract with the ORR benefitted the county financially. However, it created the risk of youth becoming wards of the county.

The current Grand Jury found that since the 2017-18 Grand Jury report, the California Auditors inquiry, and staff changes in December 2018, positive changes in the JDF have occurred. These include hiring more officers, officer training time increased from 40 to 120 hours, and the addition of an in-house training officer. In addition, the unaccompanied alien children have increased phone time, video chat opportunities, more access to mental health workers and counselors, and various social improvements. JDF staff seem to recognize that the unaccompanied alien children entering their facility are

traumatized and require individualized help for coping and learning behavioral management skills.

The Grand Jury found that (1) viewpoints differ on the JDF complex issues, (2) the public lacks access to Probation Department policies and procedures through the Yolo County website, (3) the Notice of Placement often lacks necessary details for placement and steps for release, (4) the reasons ORR gives for referring youth for placement at the JDF are sometimes inappropriate, (5) the controversial use of pepper spray is in contrast to a mandated “homelike” environment, (6) many ORR youths often lack criminal or gang affiliation, yet are housed at JDF with those that do, (7) JDF procedures do not mandate a behavioral therapist consistently in the pods nor at use-of-force reviews (8) because of certain practices, the JDF fails to meet legal mandates for a homelike setting, (9) there has been a pattern of successful lawsuits against ORR concerning Flores Settlement violations for youth at the JDF, (10) ORR youth phone calls are not private and are recorded in potential violation of the Flores Settlement, (11) the recently offered video conferencing for ORR youth is not in JDF policies, (12) the ORR program is financially important to the county, yet risks potential litigation, (13) outside time could be increased, (14) the uncertainty about length of stay and future placement creates stress for ORR youth, (15) ORR youth are fearful that mental or medical problems brought to the attention of workers will be used against them by the ORR, (16) JDF hiring focuses on officers, not therapists, and (17) traumatized youth are exposed to artwork that might trigger bad memories and anxiety.

Recommendations include (1) ensuring the Notices of Placement include status of the immigration case and the steps ORR youth need to take for release from the JDF, (2) convening an independent interdisciplinary task force on educational strategies, (3) allowing ORR youth who are not charged with criminal offenses to be allowed private and unrecorded phone calls, (4) updating the JDF Youth Handbook and policies and procedures concerning videoconferencing, (5) conducting activities outside whenever possible, (6) the Board of Supervisors studying the controversial use of pepper spray, (7) staffing the JDF pods with an independent, trained behavioral therapist to help resolve issues before escalation, (8) allowing for an independent, third-party, non-ORR related health worker to assess and counsel ORR youth, (9) providing ORR youth the ability to anonymously submit complaints, (10) mandating attendance of behavioral therapists at use-of-force reviews, (11) the Board of Supervisors convening an independent interdisciplinary group to ensure ORR youths’ privacy and improve environmental conditions, (12) considering posting Probation Department policies and procedures on the Yolo County website, (13) providing a procedure to allow non-ORR related health care workers access to youth to freely discuss treatments without the information being used against them, (14) allowing ORR youth access to the Yolo County Health Council, and (15) considering using the empty pod for transitional adult detainees thus enabling JDF to continue with ORR and the funding it provides.

GLOSSARY AND ACRONYMS

- DOJ is the California Department of Justice
- JDF is the Yolo County Juvenile Detention Facility
- ORR is the Office of Refugee Resettlement, a program of the Administration for Children and Families, an office within the US Department of Health and Human Services, created with the passing of the United States Refugee Act of 1980.

BACKGROUND

California Penal Code section [925](#) empowers grand juries to investigate the health and welfare of youths at detention facilities. The Grand Jury interprets the code to be inclusive of the youths housed in the county pursuant to the 2008 agreement between Yolo County and the Federal Office of Refugee Resettlement (ORR) to provide care for unaccompanied alien children between 14 and 18 years of age at the Yolo County Juvenile Detention Facility (JDF), commonly known as “Juvenile Hall.”

The JDF is operated by the Yolo County Probation Department as “a temporary detention and treatment facility for minors who have been charged with a violation of the law or who have violated conditions of probation.”¹ By statute, the JDF “shall not be deemed to be, nor be treated as, a penal institution. It shall be a safe and supportive homelike environment.” (Welfare and Institutions Code § [851](#).) The JDF acknowledges it must “be operated in all respects to model a homelike environment.”¹

In addition to staff, the JDF contracts with community-based treatment and service providers. Volunteer groups offer special services, such as parenting skills, counseling for substance abuse, religion, and meditation.^{2, 3}

The JDF is divided into three units known as pods, each with 30 beds. The ORR youth occupy one pod with sleeping quarters and three ancillary rooms used for classrooms and other activities. Yolo County youth are kept in a second pod separate from the ORR youth and a third pod is currently vacant. The facility has an office for basic medical assessments, a library, a room for outside communication and visitation, a gymnasium with a basketball court, and a walled-in soccer pitch and a basketball court.

The majority of children come into ORR custody because they were apprehended by border patrol officers while entering the US without legal authorization. The ORR has procedures in place to obtain background information to assess whether the unaccompanied alien child (UAC) is a danger to self or others, has known medical or mental health issues, and whether there are other concerns or needs. The ORR uses this information to designate an available care provider.

Placement is based on legal requirements as well as child welfare best practices in order to provide a safe environment and the least restrictive setting appropriate for the child's needs. The ORR may place a child in a shelter facility, foster care, group home, staff-secure or secure care facility, residential treatment facility or other special needs facility. There are two types of placement decisions – the initial placement into an ORR care provider facility or setting, and transfer placement between ORR care providers. ORR youth can be “stepped up” into a more restrictive situation (like JDF) if there are behavioral issues, or “stepped down” from JDF to a less restrictive environment, releasing to a relative, repatriating to the home country, or aging into an adult setting.

The JDF is one of only two secure care facilities in the United States used for housing unaccompanied alien children who are assessed by the ORR as being a danger to themselves or others, or who have been charged with having committed a criminal offense or are flight risks.^{4, 5}) The state of Virginia has the other facility.⁶ A JDF official asserts that prior to placement at the JDF all of the ORR youth were determined by the ORR to be a risk to others and that some of these youth *also* pose a risk to themselves.

Under the current contract with the ORR, the JDF may house a maximum of 24 immigrant youth at a time. The population of ORR youth at the JDF is in constant flux. For 2019, the average daily population was twelve in the first quarter and nine through mid-May 2019.⁷ This is down from a 2018 average daily population of eighteen.

During the 2013-2018 period, the JDF detained 340 male ORR youth with an average age of 16 from Mexico (44%), Honduras (29%), El Salvador (16%), Guatemala (9%), and other countries (2%).⁸

The average length of stay at the JDF for ORR youth varied considerably in recent years from 55 days (Oct.-Dec. 2017) to 126 days (July-Sep. 2017), with an average of 70 days for January through March 2019.⁹ The longest time spent by an ORR youth at the JDF was 418 days. ORR youth may actually spend longer periods at the JDF while in ORR custody because some cycle to and from the JDF from less secure facilities multiple times.

Previously, it was possible for a youth to revisit the JDF following a lateral transfer from the JDF to the Virginia secure care facility and then back again. However, since January 2018 the JDF stopped transferring youth laterally.⁹

The previous 2017-18 Grand Jury investigated several aspects of the County's contract with the ORR and found that the contract benefits the county financially but creates serious risks to the county and to staff at the JDF.¹⁰ The 2017-18 Grand Jury also found the JDF needed more detention officers to reduce guard injuries and lost work time.

Finally, the 2017-18 Grand Jury recommended that the Yolo County Board of Supervisors review the ORR program and consider whether to continue the program.

In 2018, the county realized it subsidized the ORR by failing to ensure that the ORR paid for all of the actual costs for detaining youth. The Auditor of the State of California determined the county had spent approximately \$700,000 more than it received through the contract in the fiscal year 2017-18.¹¹ The county has since negotiated an additional \$3.7 million in annual funding from the ORR. The 2019-20 budget for the JDF is approximately \$10.2 million with 68%, approximately \$7 million, coming from ORR.¹²

The county used this additional money to hire up to ten additional FTE (full time equivalents) correctional officers and 6.5 FTE clinicians and social workers, and to initiate specialized training programs to help staff manage and support traumatized youth.^{6, 9}

Despite the enhanced funding from ORR, on June 4, 2019, the probation department recommended the complete closure of the JDF.^{12, 7} The proposal calls for ending the contract with the ORR and sending the Yolo youth detained at the JDF to another county. The county could then use the JDF as temporary booking facility until the expansion of the main jail is complete, and for housing transitional-aged offenders, aged between 18 and 25.

APPROACH

The Grand Jury obtained information from the following sources:

- Interviews with Yolo County Probation Department employees and administrators, contractors, educators, and immigration attorneys.
- Documents reviewed included court rulings and filings, JDF and the ORR records, federal government publications, news articles, California and federal codes and regulations, reports by the California Department of Justice and the Auditor of the State of California, Yolo County Probation Department policies and procedures, and the JDF youth handbook.
- Tours of the JDF.

DISCUSSION

A. Legally Appropriate Reasons for Detention in a Secure Facility

The Office of Refugee Resettlement (ORR), a division of the U.S. Department of Health and Human Services, is charged with the care and custody of children without lawful immigration status. ([8 U.S.C. § 1232](#); [6 U.S.C. § 279](#).) Upon a determination that a youth poses a danger to self or others, or is a flight risk, the ORR can place youth into secure

environments, including locked detention facilities, such as the JDF. Continued detention is allowed if a youth has made credible threats to commit a violent or malicious act while in custody, including self-harming behavior.

The 1997 Flores Settlement Agreement ([Flores Settlement](#)) details the bases for placement of ORR youth in secure settings, such as the JDF:¹³

- The criminal bases for placing youth in a secure facility occur when the youth “has been charged with, is chargeable, or has been convicted of a crime, or is the subject of delinquency proceedings, has been adjudicated delinquent, or is chargeable with a delinquent act.”

However, this does not include nonviolent “isolated” instances that are “not within a pattern or practice of criminal activity” or “petty offenses” such as “shoplifting, joy riding, disturbing the peace, etc.”

Unadjudicated youth are entitled to a notice of rights. All youth “shall be afforded” a bond hearing unless the youth refuses the opportunity on the Notice of Custody Determination form.

- Youth may be detained for being a risk to self or others, or have “made credible threats to commit, a violent or malicious act” directed at himself/herself or others.
- Placement in a secure setting can also occur if a youth engaged in behavior that is “unacceptably disruptive of the normal functioning of [a] licensed program in which he or she has been placed and removal is necessary to ensure the welfare of the minor or others” (e.g., “drug or alcohol abuse, stealing, fighting, intimidation of others, etc.”)
- Detention is allowable when a youth is an “escape risk”, such as prior to deportation, or when youth have previously breached bond or attempted escape.
- Youth can be held for their “own safety”, such as when there is a possibility that a smuggler might abduct or hold a youth to secure smuggling fees.

B. Safeguards for Unaccompanied Youth

The “overarching purpose” of federal law applying to unaccompanied youth was to give youth “more protection, not less.”¹⁴ Detention in a secure facility may only occur when “appropriate in the circumstances”.¹³

Safeguards for protecting detainee rights are based on the constitutional right to due process, state and federal standards, and various legal settlements, including the [Flores Settlement](#)¹³ and reaffirmed decades later by the Ninth Circuit Court in [Flores v. Sessions](#).¹⁴ The U.S. Departments of Homeland Security and Health and Human Services

have proposed 49 pages of regulations to limit some of the existing protections for youth.¹⁵ Current safeguards include:

- Placement in the least restrictive setting appropriate to the youth's age and special needs.
- Youth considered a danger to self or others are entitled to more considerate treatment than prisoners and youth pending trial on criminal charges.
- Initial orientation must include the program's "intent, services, rules (written and verbal), expectations and the availability of legal assistance."
- Facilities cannot use corporal punishment, humiliation, mental abuse, or other punishments that would adversely affect a youth's physical or psychological well-being.
- Youth receive educational services, legal services information, and services designed to identify relatives in the United States and abroad.
- Youth are allowed visitation and contact with family.
- Youth must receive proper physical care, healthcare, individualized needs assessments, at least one individual counseling session per week, bi-weekly group counseling sessions, and acculturation services.
- Recreation and leisure time includes at least one hour a day of both "large muscle activity" and a structured leisure time (excluding television). When school is not in session, youth get a total of three hours leisure time.
- Youth shall be provided notices of rights and reasons for being detained.

C. Prior ORR noncompliance with the Flores Settlement at the JDF

In 2017, [*Flores v. Sessions*](#)¹⁴ identified deficiencies in the ORR guide for unaccompanied youth when appealing detention independently of parents or guardians.⁵ The ORR guide failed to mention that youth have the right to be represented by counsel, present evidence, and it failed to identify any standard of proof or evidentiary burdens youth must meet when contesting detention. The Grand Jury reviewed the most recent version of the ORR guide and found that the ORR resolved *only* the issue concerning the lack of the right to counsel.

In 2018, JDF experienced leadership changes. Prior to that, detainees and their representatives alleged significant noncompliance by the ORR with the Flores Settlement Agreement. For example:

- In a lawsuit decided in 2017, a JDF officer stated that the ORR lacked just cause to detain many youths at the JDF. The ORR evidence alleging gang affiliation was "often insufficient" for detaining "most" of the youth.¹⁶

For example, the ORR classified one youth as a gang member simply because he wrote in his school notebook “503” – the country code for phoning El Salvador, which is also a gang symbol. The court concluded that the ORR was violating the procedural due process rights of detainees by not conducting sufficient adversarial fact finding near the time of arrest, thus making it “significantly more likely” that the ORR is detaining youth without “sufficient evidence of dangerousness.”

The month following the ruling, the ORR released seven youth from the JDF.¹⁷

- In 2017, the ORR did not release a 14-year old Honduran youth from the JDF until almost three months after the United States granted him asylum.^{2, 18}
- A youth detained by the ORR for 489 days and placed in the JDF most of that time described the JDF as a “real prison” where youth were treated “like delinquents.”¹⁴ The youth asserted that the JDF never gave him or his attorney an explanation for his placement, or gave them “any indication of when he might be released.” In 2016, the ORR released him to his mother who had been living in Los Angeles during the youth’s detention.
- Some youth were promised and then denied release. One youth who hoped to return home to his mother from the JDF was transferred to an adult facility when he turned 18, as required by law. Only then did a judge determine the teen did not pose a flight risk and released him on bond.¹⁴ It is unknown why that decision could not have occurred while he was detained at the JDF.

Some problems have continued, with one quickly resolved through litigation against the ORR. A November 2018 lawsuit filed against the ORR on behalf of a youth at the JDF resulted in the youth’s release later that month.^{19, 20, 21} The ORR separated the youth from family members when he crossed the U.S. border on a disputed claim that the youth admitted to being a gang member. It took the ORR six months to conduct a home study that determined his mother maintained a safe home environment resulting in the release of the youth.

D. Justification for detaining Youth at the JDF Secure Care Facility

Under [6 U.S.C. § 279\(b\)\(2\)](#), the ORR is to consult with other agencies to ensure unaccompanied alien youth are placed in the least restrictive setting “in which they are not likely to pose a danger to themselves or others.” The determination that youth “pose a safety risk to themselves or others, or have committed a criminal offense” are “precisely the determinations made by an immigration judge at a bond hearing” yet this often does not happen.¹⁴

Bond hearings “provide the concrete information needed to advocate for a minor’s release.”¹⁴ Unaccompanied youth, their parents, and their counsel “are often given

conflicting or confusing information for the detention” and left to rely upon an “agency’s alleged benevolence and opaque decision making.”

Current intake procedures at the JDF involve informing youth of their due process right to a bond hearing, reasons for placement, and the conditions that noncriminal youth must meet for release. It is likely that some youth did not understand what is conveyed during intake, possibly due to language and their age, since some youth complained they were not told the reasons for their detention and the requirements they needed to meet for release.²¹

The ORR has two levels of care for unaccompanied youth assessed as a danger to themselves or others, or who have been charged with having committed a criminal offense: secure care and staff secure care. Secure care facilities, such as the JDF have the strictest level of supervision, a secure perimeter, and function like correctional facilities.⁵ Staff secure care facilities have a heightened level of supervision, offer clinical services to control problem behavior, and are designed to prevent escape.

A Notice of Placement in a Restrictive Setting is provided to each youth upon placement at the JDF and then every 30 days thereafter. The notice used by the JDF, revised in October 2018, gives notice for placement at secure care facilities, staff secure care facilities, and residential treatment centers. The notice has check boxes giving reasons for placement at each type of facility. The JDF also uses the form to give notice of transfer to less secure facilities.

The Grand Jury reviewed a sampling of 45 appropriately redacted Notices of Placement from October 2018 through April 2019. They include a separate page containing a “summary of placement decision or case review” with additional reasons or explanations for the placement, transfer, or release. Notices consisted of English and Spanish versions that youth signed.

All Notices of Placement had one or more boxes checked giving grounds for continued placement at the JDF, or a box checked giving the reason for a transfer. Eight of the reviewed notices stated grounds for transfer to a less secure facility. The JDF gave 49 check-boxed reasons for continuing detention in 37 of the notices in addition to a more detailed explanation in the summary. One notice, that categorized a youth as making credible threats in ORR custody, had a summary noting plans for releasing the youth to family. The table below shows the frequency of the check-boxed reasons in the notices the Grand Jury reviewed.

The 49 Justifications Given in the 37 Notices of Placement for Continued Detention at the JDF	Number
Are charged with a crime, are chargeable with a crime, or have been convicted of a crime; or are the subject of delinquency proceedings, have been adjudicated delinquent, or are chargeable with a delinquent act	20
Have self-disclosed violent criminal history prior to placement in ORR custody that requires further assessment	7
Committed or made credible threats of a violent or a malicious act in ORR custody	5
Have engaged in conduct that has proven to be unacceptably disruptive of the normal functioning of a staff secure facility in which you were placed such that transfer may be necessary to ensure your welfare or the welfare of others	14
Have committed, threatened to commit, or engaged in serious, self-harming behavior that poses a danger to self while in ORR custody	3

E. ORR sometimes inappropriately refers youth to the JDF for being dangerous

A JDF official asserts that ORR youth placed at the JDF are a danger to others, with 10% detained for dangerous criminal activity, and 90% stepped up from less secure facilities following violent incidents. When youth learn to behave appropriately, they are stepped down again.

Data from the JDF show 121 ORR youth released from the JDF since January 2018. During the same period, the transfer outcomes for ORR youth consisted of 61% being stepped down, 13% released to sponsors, about 11% returned to their country of origin, and about 13% transferred to an adult facility upon turning eighteen.^{9, 7}

The Grand Jury’s review of the 45 Notices of Placement found similarities and differences from the JDF data and assertions.

Of the 37 notices for continued detention at the JDF, 60% of the check-boxed reasons at the JDF concerned criminal acts and 22% of the summaries state that youth are gang members or committed violent acts.

One detained youth arrested in North Carolina arrived at the JDF three days after charges for trespass and having custody of stolen property were dropped. The reason given for

being detained in the Notice of Placement was a checked box for being “charged with a crime, are chargeable with a crime, or have been convicted of a crime [et cetera].”

Another notice failed to give the reason for detention, but stated he would be stepped down for exhibiting “positive behavior and refraining from peer negativity.”

Only 43% (16 of the 37) of the Notices of Placement summaries for continued detention stated how or why the youth arrived at the JDF. Overall, approximately 11% of the notices indicated an arrest or conviction shortly before the youth arrived at the JDF and 32% indicated a transfer from another facility.

The ORR and JDF assert that, “All ORR youth placed at Yolo JDF are determined to be a risk to others prior to placement at Yolo JDF. *In addition to presenting a risk to others*, some ORR youth placed at Yolo JDF may also pose a risk to themselves.”

Documents reviewed by the Grand Jury show instances when the JDF found ORR’s justifications for placement at the JDF inadequate or unsubstantiated. In March 2019, the JDF determined that a youth placed there in February did “not meet the criteria for secure placement as he has not demonstrated any disruptive or concerning behaviors since his arrival.” In another case, the JDF was unsuccessful in obtaining this youth’s criminal history” and found the youth was “inappropriately placed.”

Yet, the data shows that within the average 70-day stint at the JDF, due to improved behavior or other unknown reasons, 74% of ORR youth were stepped down or released to family. However, it is possible that this data reflects instances of staff at other facilities pursuing alternative resolution – therapy in a secure facility – rather than criminal proceedings following violent incidents when referring youth to the JDF. Yet, it is surprising that the Notices of Placement fail to mention the dangerous incidents that resulted in detention at the JDF.

None of the Notices of Placement stated the steps youth needed to take to obtain release from the JDF. Youth previously held at the JDF have complained that they suffer anxiety and stress from not knowing when or how they can obtain release from the JDF.

F. Does the JDF meet the legal mandate of providing a homelike environment?

Use of force is down since 2017-18 Grand Jury Report

The 2017-18 Grand Jury determined the JDF required additional staffing to avoid injuries and work absences.¹⁰ At the time, there were 13 detention officers with a staff to ORR youth ratio of one to eight. Now the JDF has approximately 23 ORR funded officers slated for 2019-20 and a staff to youth ratio was one to four ORR youth, which is higher than the state standard of one per ten youths.⁹

Currently, the JDF is also giving officers training in de-escalation tactics to reduce use of force incidents.^{9, 21} In combination with a change in mindset that accompanied the change in leadership, the increased training and increased staffing contributed to a reduction in use of force incidents.⁹ A presentation by the JDF shows 44 uses of force deemed “high level” or involving pepper spray in third quarter of 2018. The first quarter of 2019 shows only 11 such incidents. There was no trend in the use of pepper spray with two incidents in both the third quarter of 2018 and the first quarter of 2019, and five incidents during the fourth quarter of 2018.

Clinician and social worker staffing remain low.⁹ In 2017-18, the JDF had 5.5 funded positions. In 2018-19, the JDF had 6.5 positions. Although the JDF is budgeting for 13 ORR funded clinician and social worker positions for 2019-20, it only filled 46% of the positions and converted one social worker position to a detention officer position. In contrast, detention officers are 90% staffed.

The Grand Jury reviewed Serious Incident Reports written by detention officers that are reported to the ORR. Assuming the reports accurately depict events, they portray compassionate and considerate treatment of youth by the officers in nonviolent circumstances and after use-of-force incidents. The reports often claim that youth are praised for expressing post-incident understanding of mistakes in judgment or for apologizing for inappropriate behavior. Some reports may assign blame to one youth while repeatedly noting how another youth attempted to avoid fighting violent aggressors because the youth wanted to get released from JDF for good behavior.

The Serious Incident Reports contain post-incident interactions with youth in which youth apologize for inappropriate behavior, discuss their emotional/behavioral struggles, expressing frustration over their detention and separation from family. Some reports note youth mentioning underlying conditions of depression and past trauma that make them prone to behave inappropriately. Some reports note youth expressing suicidal thoughts and evidence of youth self-harm.

Other Serious Incident Reports depict the dangerous job detention officers have overseeing youth who physically assault peers and officers alike. Some youth threaten and taunt the officers to physically force them into submission.

The Grand Jury did not review surveillance videos of the incidents to determine the accuracy of the reports. However, in August 2018, experts at the California Department of Justice reviewed eleven surveillance videos at the JDF involving use of force incidents and found four instances where a detention officer used force “in excess of what facility policy allows.”²¹ For example, a report concerning an officer tackling a youth sitting at a table stated that the youth prompted the event by rising with clenched fists. However, the video did not clearly support that claim.

Use of pepper spray

The use of pepper spray in juvenile detention facilities is hotly debated in California and nationally. California is one of six states allowing detention officers to routinely carry pepper spray (also known as “O.C. spray”) in youth detention facilities, whereas some states allow for its use only in specific circumstances.²²

From a detention officer’s perspective, pepper spray is necessary to deter or quell attacks and reduce injuries.²³ Because physically restraining youth can result in injuries, some officers prefer using pepper spray.²⁴

Alleged overuse of pepper spray in juvenile detention facilities has created controversy. In 2014, following an analysis of two years of incident reports from San Diego juvenile detention facilities, the Youth Law Center filed a complaint to the Civil Rights Division of the U.S. Department of Justice.^{25, 26} The complaint alleged a culture of using pepper spray as a first resort to gain compliance rather than only using it as a last resort.^{27, 28} San Diego probation records and an independent investigation revealed the use of pepper spray for: (1) punishing youth for sitting in the wrong spot, (2) forcing suicidal teenagers to submit to strip searches, and (3) in situations when self-harming youth refused to kneel into the “cover” position or change into a safety smock.²⁹

The perception that juvenile detention facilities use pepper spray as “an all-purpose behavioral management tool” resulted in an unsuccessful 2018 California Assembly bill to minimize the use of pepper spray in juvenile detention facilities by forbidding routine carrying of spray canisters in the facilities.^{30, 23} In early 2019, the Los Angeles Board of Supervisors voted to phase out pepper spray in juvenile detention centers.²⁴

The JDF Policy & Procedure Manual governs the use of pepper spray in the JDF. The manual allows use only when necessary “to control, restrain, or subdue imminent or actual violent behavior where such behavior presents a clear danger to staff, inmates, or other persons.”^{31, 2} Furthermore, there must be “a credible threat of violence coupled with a present ability to cause injury” to justify the use of pepper spray. Detention officers cannot use pepper spray for “punishment, retaliation, for disciplinary purposes or to achieve an administrative request” and can only use spray for controlling a “specific kind of unlawful behavior.”

Detention officers can construe some non-threatening behavior as threats to safety and security when there is a fight or other emergency after detention officers command youth to “cover.”^{32, 33} A youth must immediately place his knees on the ground, put his head down and cover it with his hands, and remain immobile without talking until given instructions by JDF staff. Failure to “cover” as instructed allows detention officers to

construe the youth as a “safety and security risk” justifying physical restraint or pepper spray.

The JDF also allows some officers to carry MK-9, a more powerful spray, to control large group incidents, and high-risk safety and security situations, such as “for officer safety, control riotous behavior, escape attempts, individuals or groups with weapons, and or control group assaults.”

Detention officers cannot spray youth deemed “pepper spray sensitive,” such as youth with histories of respiratory problems or certain other medical problems, or are using some kinds of psychotropic medication. The JDF marks these youths with a yellow wrist band. Policy does not allow the spraying of youth who are new to the JDF without knowledge of “OC protocol” governing use of pepper spray. JDF staff report that the “cover” command is also given in Spanish.

Yet, in 2017, youth at the JDF claimed in a lawsuit that detention officers used pepper spray, not as a last resort, but as a means for controlling youth in nonviolent situations.¹⁴ Similarly, in 2018, youth alleged detention officers were reckless in their use of pepper spray. An affidavit by one youth new to the JDF and allegedly uninformed of the “cover” command asserts he was sprayed in the face for failing to cover, passed out, and awoke in the hospital. Others testified to witnessing other youth sprayed when being held down by multiple detention officers, or in the cover position, or in handcuffs. Another youth’s affidavit stated he had known knee problems and when unable to get fully into the cover position, he was threatened with pepper spray.

G. Mental health

An early 2019 report by the California Department of Justice (DOJ) found that many of the ORR youth at the JDF have suffered significant trauma and abuse prior to entering the United States and also appeared traumatized by their experiences during detention.²¹ The DOJ noted that trauma-informed practices involve avoiding interactions that may cause further trauma.

Witnesses testified that placing youth suffering from psychiatric problems in a restricted environment can exacerbate their condition. Some argue that use of pepper spray runs counter to trauma-informed practices and harmful to previously traumatized youth.^{27, 34}

The California Department of Justice also found JDF staff were “not equipped to respond to youth who suffer from acute psychiatric issues” and the JDF’s “mental health program is performing below national standards in a number of areas,” such as:

- Because the ORR may release or transfer youth at any time, clinicians mostly assisted youth in coping with events at the JDF instead of treating their underlying mental health issues.
- The JDF inadequately identified youth exhibiting self-harming behavior.
- The JDF did not properly respond to youth known to harm themselves.
- The JDF overprescribed psychotropic medications. A typical juvenile facility has approximately 40% of youth with prescriptions whereas 96% of the youth entering the JDF had or were thereafter prescribed psychiatric medications.
- Detention officers are not trained to perform the clinical observations required to trigger suicide watch notifications.
- Individual service plans should contain individualized goals and objectives for youth, yet the JDF plans were nearly identical and were not the product of a collaborative multidisciplinary team.

The 2017-18 Grand Jury found that the JDF needed additional detention officers to reduce injuries, injury-related absences, and increase morale. The JDF thereafter increased the number of detention officer positions from 13 to 21 in 2018-19 and to about 23 positions for 2019-20.

Furthermore, the JDF has increased staff training to reduce the need of force and is consulting with the California Department of Justice to reduce and better track the use of force at the JDF. The JDF also asserts it is now allowing social services staff access to view and critique use of force incidents. However, such access is not currently mandated through policy and procedures or required immediately following incidents.

While it is commendable that the JDF has increased staff training to de-escalate situations before use of force becomes necessary, having a clinician trained to de-escalate problems *present in the pods* is possible since the JDF left unfilled 46% (six of the thirteen) of the clinical and social worker positions currently authorized. This is despite the large number of ORR youth having psychiatric issues as reflected by the fact that 96% are being treated with psychotropic medications and the medications were part of an inadequate treatment plan.²¹

Former JDF ORR youth complained of being confused about with whom, if anyone, they could have freely discussed their mental health problems. Advocates fear that youth may not disclose important information to ORR clinicians that may be helpful for resolving mental health problems because that information may be used against the youth by the ORR. The Yolo County Health Council, the liaison between the Yolo County Board of Supervisors and health systems, has also voiced concerns over the confidentiality of youth records and lack of transparency to medical information.³⁵

During tours of the JDF, the Grand Jury observed a currently unoccupied pod painted with a large mural with part depicting troubling scenes of grieving or distressed people.³⁶ The Grand Jury believes such imagery may be beautiful and culturally appropriate, but it may not belong in the primary living space occupied by traumatized youth. Troubling images can inadvertently trigger reactions for youth that are learning to cope under challenging circumstances.

H. Phone use and lack of internet use for family contact

ORR guidelines state that detained youth must have the opportunity to make a minimum of two 10-minute telephone calls per week to family members and/or sponsors, *in a private setting*.⁵ JDF officials assert they increased phone time to 60 minutes per week.

The Grand Jury received complaints that youth are not allowed to make private calls because phones are in an open space and in close proximity. JDF officials acknowledged all calls are recorded.

JDF operates under Welfare and Institutions Code § [851.1](#) that allows for internet use by detained or committed youth for “maintaining relationships with family” and that use of internet for such communication may only be limited for “safety and security or staffing reasons.”

When first visited by the Grand Jury, the JDF was not offering youth the opportunity to use an internet videoconferencing system to communicate with family. Recently, the JDF created the opportunity for youth to do so, but current policies and the Youth Handbook fail to mention that youth have the right to use the system.

I. Education

A major problem for ORR youth with regards to their education is the instability of their placement. Complicating this problem is an early June 2019 letter from the ORR to the JDF stating that the federal government would no longer reimburse “costs budgeted for recreational or educational activities” retroactively to May 22, 2019.³⁷ On the surface, the new ORR policy appears to mean that California and Yolo County would have to pay for the education of the youth due to California’s Compulsory Education Law (Education Code sections [48200-48208](#)). The County is thus continuing its normal educational program until the matter is resolved.

Juvenile court schools operate under California Educational Code sections [48645-48648](#) and are administered by the county boards of education. The minimum school day is four hours. School days at the JDF are five hours, including one hour for physical education.³²

Witnesses gave opposing viewpoints concerning the sufficiency of Spanish language reading material available for both Yolo County and ORR youth at the JDF. Those working in the JDF assert that the library room has sufficient Spanish-language reading material. Complaints to the Grand Jury allege the JDF has an insufficient amount of *age-appropriate* Spanish-language books. Furthermore, they complain that under the old leadership at the JDF, there were instances of the JDF withholding from all JDF youth – not just ORR youth – popular Spanish-language books requested by youth and donated to the JDF.

The Grand Jury heard complaints that both the local and ORR youth at the JDF were given a subpar education, which is disputed by an education administrator. Reports indicate subpar education is common in California’s youth detention centers for various reasons, such as the complex circumstances at juvenile halls, short stays, and multiple grade levels in a classroom.³⁸

The JDF recently asserted it has made steps in correcting any insufficiencies in Spanish language reading material and the educational program is giving increased focus on English language development, as well as developing technological and vocational educational opportunities.^{9, 39}

J. Time outside, recreation, and exercise

The JDF Manual states there “will be a minimum of three hours of recreation and exercise per day, during the week, and five hours a day each Saturday, Sunday, or other non-school days”.^{31,2} However, youth previously at the JDF complained about receiving only one to two hours per day outside.²¹

The JDF currently has an incentive program that allows for some additional privileges, such as a snack or use of the X-box during recreation time. A JDF official states that the seventeen-page youth handbook is under revision and a future version may offer additional incentives, including additional recreation time.

K. Considerations for continued use of the JDF for detaining ORR youth

Evidence indicates the ORR apparently denied some youth their rights and/or improperly routed them to the JDF before the youth found representation and freedom through litigation or were stepped down by the ORR (often on the basis of a JDF recommendation) to less secure facilities or released. It is also disconcerting that determinations for releasing youth are made without any outside third party or judicial oversight. The county’s participation in the ORR program taints the county, by creating the appearance of being part of a dangerous system that disregards due process rights that are not merely procedural formalities but a fundamental right enshrined in the Constitution.

Further investigation may determine the extent that the ORR is misidentifying youth as dangerous criminals, the rate at which the JDF is correcting these errors, and if the therapy or reeducation process can be done more efficiently.

Using the JDF for youth detained by the ORR is a complex issue. Closure of the JDF to ORR youth will result in their transfer to other ORR facilities that have been portrayed negatively.^{40, 41, 42, 43}

The JDF seems to have evolved with new leadership. Officials at the JDF recently asserted it was consulting with the California Department of Justice (DOJ), has corrected or is taking steps to resolve problems identified by the DOJ.⁹ The Grand Jury found the JDF did correct some of these problems during its most recent visit to the JDF in June 2019. Yet, questions remain and more improvement is possible.

The JDF is solvent through contracts with the ORR that cover 68% of the JDF's operational budget.⁷ A JDF official admitted that because few local and ORR youths are being detained in the JDF, one pod could be used for the transitional adult facility proposed by the probation department while maintaining the rest of the facility for youth.

L. Public Accessibility to County Policies and Procedures

The Grand Jury could not find Yolo County Probation Department internal policies and procedures on the internet and confirmed that these records are only on the county's intranet. Access to rules and guidelines allows the public to freely offer suggestions for improvement that might otherwise only come from paid consultants or during costly litigation.

It is possible to find parts of past and existing versions of the Probation Department's policies and procedures manual and the JDF's Youth Handbook on the internet. However, these are posted by non-governmental groups, such as the American Civil Liberties Union (ACLU),³³ or made public as attachments in reports to the Board of Supervisors.²

These policies and procedures have to do with youth freedom and standards for release. Access to these documents is necessary to ensure proper treatment of detained youth.

FINDINGS

- F1. Viewpoints given by the JDF staff and contractors differ from those advocating for the youth. This makes it difficult for an investigating body to discern the truth about complex issues such as the quality of education, including the availability of age-appropriate Spanish language reading material, the sufficiency of mental health services, lack of privacy, and environmental conditions at the JDF.

- F2. The public lacks access to Probation Department policy and procedures though the Yolo County website. Access to these documents is necessary for families and advocates to ensure proper treatment of detained youth. It also denies the public opportunity to offer suggestions for improvement that might otherwise only come from paid consultants or during costly litigation.
- F3. Notices of Placement in a Restrictive Setting given to ORR youth are inadequately completed by the JDF staff. The notices often lack information about reasons for the placement at the JDF and the necessary steps youth must take for gaining release thus causing unnecessary anxiety in the youth.
- F4. The reasons ORR gives for referring youth for placement at the JDF are sometimes inappropriate.
- F5. The constant presence of pepper spray in pods is inherently in conflict with the statutory mandate for creating a “homelike” environment for youth at the JDF.
- F6. Many youths held at the JDF lack criminal histories or gang affiliation, yet the JDF houses them with youth held for criminal offences.
- F7. Because procedures do not mandate a behavioral therapist in the pods, an expert is not present to proactively quell problems before they clearly need de-escalation.
- F8. Because procedures do not mandate behavioral therapist attendance during review of use-of-force incidents, officers may not receive timely expert advice, if at all.
- F9. Because of the use of pepper spray, limited times outside, and lack of phone privacy, the JDF failed to meet legal mandates to “not be operated as a jail, prison, or penal institution and shall be operated in all respects to model a homelike environment.”
- F10. There has been a pattern of successful lawsuits against the ORR citing violations of the [*Flores Settlement*](#) at the JDF.
- F11. Because youth are making calls from phones in an open space and because they are recorded, youth are unable to make private phone calls in violation of the [*Flores Settlement*](#).
- F12. The JDF recently added a videoconferencing system to allow youth to communicate with family and others. However, the right to use the system is not in the Youth Handbook or the current policies and procedures manual and thus access to the system can be denied indiscriminately.
- F13. The ORR program, administered in Yolo County by the JDF, presents financial benefits, yet also presents risks to the county, including potential litigation for violations of the [*Flores Settlement*](#).

- F14. Outside recreational time was minimal and could be augmented through the existing incentive program. Additional outside time can be obtained by holding certain classes outside, such as meditation or group therapy.
- F15. There is a consensus that uncertainty about length of detainment and post-detainment placement creates anxiety in the youth.
- F16. Youth lack access to therapists who are independent of ORR and thus are unable to speak freely about problems and obtain counsel without fear that the information will be used by ORR against them.
- F17. The JDF is focusing more on high ratios of detention officers to youths, instead of hiring clinicians appropriate for assisting traumatized youth.
- F18. Traumatized youth are continuously exposed to art that may trigger bad memories and result in anxiety.

RECOMMENDATIONS

- R1. By October 1, 2019, Notices of Placement should include explanations of the status of their immigration cases, what must be done to be released from the JDF, and the steps youth must take to be stepped down to another facility or released.
- R2. By January 1, 2020, the JDF should convene an independent interdisciplinary task force composed of educational experts to determine how to improve educational opportunities at the JDF including: how to provide culturally competent education, concrete strategies for addressing the wide range of education levels, and providing age appropriate reading material in the youths' primary languages.
- R3. By October 1, 2019, the JDF should allow youth who are not charged with criminal offenses to make private and unrecorded phone calls.
- R4. By January 1, 2020, the JDF should update both its Youth Handbook and policies and procedures manual to state that youth have the right to communicate with family and others through an internet-based videoconferencing system.
- R5. By October 1, 2019, the JDF should conduct activities outside whenever possible to allow youth more outdoor time and outside recreational time should be added to existing incentive programs.
- R6. By January 1, 2020, the Board of Supervisors should study the possibility of limiting or eliminating the use of pepper spray in the JDF as have other states and the County of Los Angeles.
- R7. By January 1, 2020, an independent behavioral therapist trained in de-escalating potentially violent outbursts should be stationed in pods during waking hours to help resolve situations before use of force appears necessary and thus reduce stress and injuries to both staff and youth.

- R8. By January 1, 2020, the JDF should provide youth with therapists independent of ORR to enable youth to speak freely about their problems and obtain counsel without fear that normal teenage emotional problems are criminalized and used as justification for continued confinement.
- R9. By October 1, 2019, the JDF should provide youth with a means for anonymously submitting complaints independent of detention officers, including by computer.
- R10. By January 1, 2020, the JDF should enact procedures to mandate attendance of behavioral therapists during post use-of-force incidents to allow feedback at a critical time when they could coach detention officers on potentially better methods to de-escalate such situations.
- R11. By January 1, 2020, the Board of Supervisors should convene an independent interdisciplinary group to ensure youths' privacy and to improve environmental conditions at the JDF.
- R12. By January 1, 2020, the Probation Department should consider posting its policy and procedures manual and the JDF's Youth Handbook on the Yolo County website. The County should thereafter keep updated versions on the website, and provide a means for the public to freely offer suggestions for improvement.
- R13. By January 1, 2020, Yolo County should provide a procedure that allows non-ORR related health workers access to youth for mental health treatment, which allows youth to freely discuss their problems without fear that their medical condition is criminalized.
- R14. By January 1, 2020, Yolo County should allow access to ORR youth by its medical advisory committee, the Yolo County Health Council, to ensure youth are being properly treated.
- R15. Because few local and ORR youths are being detained in the JDF, and one pod is empty, it should be considered for use as the transitional adult facility proposed by the probation department to enable continued funding of the JDF by the ORR.

REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following governing body:

- Yolo County Board of Supervisors – F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16, F17, F18; R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15

INVITED RESPONSES

From the following individuals:

- Chief Probation Officer of Yolo County – F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16, F17, F18; R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15

Note: The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

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Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.
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Did the 2017-18 Grand Jury Improve Local Government? Responses to the 2017-18 Grand Jury Report

The purpose of the Yolo County Grand Jury is to act as a citizen “watchdog,” to review and investigate citizen complaints about local government, and to report its findings and recommendations to Yolo County residents. The 2017-18 Grand Jury conducted and published six investigative reports, with a total of 30 Findings and 26 Recommendations. They included:¹

- Inmate Visitation Policy at the Yolo County Monroe Detention Center
- Juvenile Detention Facility Investigation
- Yolo County Grand Jury and Response Follow-up Elections Office Indiscretions and Culpability
- Improving the Yolo County Libraries and Archives
- The Looming Crisis of Yolo County City Pensions & Retirement Medical Costs
- Reporting & Analysis of Child Welfare Statistics by the Child, Youth & Family Branch of the Yolo County Health & Human Services Agency

This report briefly describes each investigation, summarizes its findings and recommendations, and describes agency and individual responses to the findings and recommendations.

BACKGROUND

Although the Grand Jury reports to the Superior Court of California, County of Yolo, it is a wholly independent body with authority to investigate any function of city or county government or of tax-supported agencies or districts operating in Yolo County. The California Constitution of 1849-50 authorized grand juries. The grand juries are governed by California Penal Code sections 888 through 939.91 and Government Code sections 3060 through 3075.

Each year, 19 Yolo County residents are selected by the court for one-year terms running from July 1 to June 30. At the end of the term, the Grand Jury publishes a report of its investigations and recommendations. These reports are available on the Grand Jury’s website at <http://www.yolocounty.org/business/community/grand-jury/yolo-county-grand-jury-reports>, and at all Yolo County libraries.

Elected officials or heads of agencies investigated by the Grand Jury are required to comment on the findings and recommendations within 60 days, and governing bodies such as boards and councils are required to comment within 90 days.

Penal Code section 933.05 guides the format of the responses to Grand Jury findings and recommendations. For findings, respondents must indicate whether there is full or partial

agreement or disagreement with each finding and specify the disputed portion of the finding, with an explanation of the reasons for the dispute.

For recommendations, respondents must include one of the following:

- The recommendation has been implemented. This response must include a summary of the implemented action.
- The recommendation has not yet been implemented but will be in the future. This response must include a time frame for implementation.
- The recommendation requires further analysis. This response must explain the scope and parameters of an analysis or study and include a timeframe for the review, not to exceed six months from the date of publication of the Grand Jury Report.
- The recommendation will not be implemented. The respondent must provide an explanation for the negative response.

There are a number of reasons for an agency not to implement an otherwise valid recommendation: (1) the agency has already implemented a program that addresses the recommendation's goal; (2) the recommendation duplicates a function or activity of another agency; (3) the agency is aware of information not available to or not considered by the Grand Jury, leading the agency to believe that the recommendation will not achieve its intended purpose.

Responses to the 2017-18 Grand Jury Report

Below we summarize the six investigations undertaken by the 2017-18 Grand Jury, along with the findings, recommendations, and responses for each report. All responses are included in the Appendix.

1. Inmate Visitation Policy at the Yolo County Monroe Detention Center

The 2017-2018 Yolo County Grand Jury received a complaint alleging that the process for scheduling visits with inmates at the Yolo County Monroe Detention Center, the county's main jail, is unduly restrictive and inconvenient.

The Grand Jury confirmed that visitors could only schedule visits by telephone call between midnight Sunday and 7 a.m. Monday, hours when most people are presumably asleep. The Grand Jury also found the detention center could enable and encourage visits by investing in video-visiting technology to make remote visits possible and an online system to make appointments more conveniently. The Board of Supervisors and Yolo County Sheriff agreed with all findings.

All recommendations and responses are listed in the appendix. Respondents already implemented one recommendation (new visitation schedule). The Sheriff stated that

further analysis was necessary concerning the recommendations to fund an online system for scheduling visits and creating a video visiting system, and plans to include the necessary technology for implementing a video visiting system with the upcoming jail expansion. The Board of Supervisors “welcomes applications” to create the systems.

2. Juvenile Detention Facility Investigation

In response to a citizen complaint, the 2017-18 Yolo County Grand Jury (Grand Jury) conducted a review of issues concerning the Juvenile Detention Facility (JDF) within the Yolo County Probation Department.

Based on its investigation, the Grand Jury established six findings relating to oversight and accountability over funds, including cash and property of detainees stolen by an unknown Probation Department employee; an outdated policy and procedure manual resulting in inconsistent direction from supervisors and reduced department effectiveness; insufficient training for routine and safety-related requirements; assaults and other potential felonies that were not reported to the District Attorney (DA) in a timely manner; and inadequate operational staffing resulted in injuries, lost work time and productivity. The Grand Jury also found benefits and risks to Yolo County from the Federal Office of Refugee Resettlement (ORR) program administered by Yolo County.

The County Administrator, on behalf of the Board of Supervisors and Chief Probation Officer agreed with three findings and disagreed wholly or partly with three as explained in the responses to the Grand Jury. Agreement came with Grand Jury findings involving insufficient training, inadequate staffing, and that the ORR program presents benefits and risks to the county. Partial disagreement came with findings concerning the failure to timely report assaults and other potential felonies to the DA, and the lack of oversight and accountability over funds, including detainee cash and property. The County Administrator disagreed wholly with the finding concerning the policy and procedures manual.

All responses are listed in the appendix. The County Administrator stated it that had implemented or will implement four recommendations. The implemented recommendations concern: (1) updating the policy and procedures manual; (2) a formal training curriculum for JDF personnel; (3) reporting all potential felonies committed by juvenile detainees to the Yolo County District Attorney; and (4) having the Yolo County Board of Supervisors weigh the benefits versus the risks of continuing the ORR program.

The County Administrator found one recommendation required further analysis (audits of personnel training records), and will not implement two (JDF advisory committee and Financial Services annual audit) for which other means are being taken to resolve problems identified by the Grand Jury.

The County Administrator stated that the Procedure Manual is “reviewed through bi-annual Board of State Community Corrections (BSCC) inspections” and “found to be adequate and inclusive of all required updates and to be in compliance in all areas” in 2018-2019 Yolo County Grand Jury

July 2017 and awaiting results from the March 2018 review. Furthermore, the staff receives “email which includes the updated policy for staff to read and an acknowledgement form for staff to acknowledge they are aware of the policy change and understand the policy.”

The initial phase of the recommended training program was to begin in August 2018 for new hires and “formal refresher training” for all employees by December 31, 2018. The County Administrator also stated that the county already implemented the recommendation for reporting all potential felonies to the DA. Although “not opposed” to annual audits of training records, the County stated the recommendation required further analysis but will ensure that “all officers will be adequately trained to their assigned duties.”

A risk-benefit review of the ORR program occurred in March 2018 and the Board of Supervisors acted on it in June 2018 resulting in additional federal funding to assist with services to the ORR population.

The county will not implement two recommendations (JDF advisory committee and Financial Services annual audit) but has taken or is in the process of taking steps to address the Grand Jury’s findings. Concerning the recommendation for the formation of an advisory committee (to resolve issues involving training, staffing, injuries, and lost time), Respondent was increasing staff-to-youth ratios, obtaining input from all staff, and “scheduling additional training ... as needed.”

To deal with the problem of controlling assets, including detainee assets, the county is “seeking a Department of Financial Services audit and updating” policies, and “training staff accordingly.” The county also contacted “law enforcement to conduct a criminal investigation while the department is conducting an Internal Affairs investigation” into the “potential theft of youth property.”

3. Yolo County Grand Jury Report and Response Follow-up: Elections Office Indiscretions and Culpability

The 2017-18 Yolo County Grand Jury (Grand Jury) reviewed the required responses to the findings and recommendations made by the 2016-17 Grand Jury in their report, “Yolo County Elections Office Indiscretions and Culpability.” The Elections Office is within the Assessor/Clerk-Recorder/Registrar of Voters Department. The 2016-17 investigation followed a complaint citing a range of issues including misuse of public funds, noncompliance with county policies and procedures, conflicts of interest, poor management, nepotism, and cronyism. The 2016-17 Grand Jury found inadequate training was provided to the county Elections Officer and Elections Office staff.

Additionally, the 2016-17 Grand Jury received a special review of the Elections Office conducted by the Yolo County Department of Financial Services to identify areas for improvement. That review resulted in the Assessor/Clerk-Recorder/Registrar of Voters Office developing a Corrective Action Plan for the newly appointed Elections Officer.

The 2017-18 Grand Jury followed up on the implementation and effectiveness of that Corrective Action Plan.

The 2017-18 Grand Jury made five findings. The Registrar of Voters and the County Administrator, on behalf of the Board of Supervisors and Chief Financial Officer agreed with three findings. Both agreed that the Corrective Action Plan was implemented. They also agreed with the finding concerning improvements to operational practices related to controls, policies, and procedures. Both also agreed that the Elections Office showed improvements in adhering to Department of Human Resources expectations in the areas of hiring, job classifications, job descriptions, separation of duties, and payments to temporary workers.

The County Administrator partially disagreed that the Elections Office is not documenting staff training by stating that documentation was not “formalized.” The County Administrator agreed with the need for an ongoing independent performance review of the Elections Office

In contrast, the Registrar of Voters felt a “holistic and centralized tracking and documentation process would be beneficial to the department and will begin efforts to implement accordingly.” The Registrar of Voters partially disagreed with the need for an ongoing independent performance review of the Elections Office. The Registrar of Voters believes this can be done “upon management request or upon discovery of irregular fiscal activity.” The County Administrator asserted that their “performance is ultimately determined by the voters every four years.”

All responses are listed in the appendix. The Assessor/Clerk-Recorder/Registrar of Voters and County Administrator stated that the recommendation for documentation of all trainings and instruction will be implemented.

The County Administrator indicated that rather than conducting an annual performance audit of the Elections Office, the Internal Audit Division will instead “continue to monitor countywide financial risks and apply audit resources according to the risks assessed. The County is also in the process of implementing continuous auditing techniques” to “help identify irregular activities and address them in a more timely fashion.”

4. Improving the Yolo County Libraries & Archives

In an era when digital media are rapidly expanding and traditional functions of libraries are changing, the Grand Jury decided to examine how public libraries in Yolo County are adapting to new challenges of the digital age while continuing to address their primary goals of supporting literacy and helping citizens access needed and desired information.

The Grand Jury investigated all branches of the Yolo County Library, the Yolo County Archives, and the Woodland Public Library. Overall, the Grand Jury found that the

libraries and their staff are meeting the needs of their communities impressively well, but identified five issues that needed addressing:

- Libraries are frequently unable to provide adequate help to a subset of library patrons who need additional services because of mental health problems or homelessness.
- The county Library Code of Behavior for patrons is not generally displayed prominently and is not easy for library staff to enforce effectively.
- The Mary L. Stephens Library in Davis has a serious shortage of parking for library staff and patrons.
- In West Sacramento, residents of the Southport area do not have easy access to the West Sacramento Library.
- The Yolo County Archives has inadequate facilities and staff to preserve and ensure wide use of the county's historical records.

The County Administrator agreed wholly or partially with all eight findings. The Woodland Public Library partially disagreed with two findings concerning the issues relating to homelessness and codes of behavior. Davis agreed with the finding concerning parking problems but noted the parking lot was under the jurisdiction of Yolo County. It will work collaboratively to address parking issues.

All recommendations and responses are listed in the appendix. Yolo County Administrator on behalf of Yolo County Board of Supervisors and the Library addressed the recommendations. The County will implement three recommendations (social worker at libraries, Code of Behavior and Davis parking), not implement one (new library in West Sacramento), and further analyze three (increased staffing of Archives, environmental damage at Archives and scanner for Archives).

County operated libraries either have or will implement the recommendation concerning the posting of a multi-language code of conduct but will not have staff read the code to misbehaving individuals and obtain signatures as it might escalate difficult situations and for other reasons. Instead, Yolo County Library will continue with its current practice of having staff de-escalate situations, and if necessary issue short suspensions with further suspensions with durations that escalate progressively from one week up to six months, with all steps in this process documented in writing. Misbehaving individuals receive a notice of the right to appeal the determination.

Concerning the need for a social worker, the County Library will collaborate with the Yolo County Health & Human Services Agency and nonprofit health, medical and social services providers in Yolo County. Service providers will also offer further training for library staff so they can inform library patrons of appropriate resources.

Except for the posting of the code of behavior, the Woodland Public Library will not implement the two recommendations relating to homelessness and behavior issues

because it has a working relationship with local services, including Woodland Police Department and the Homeless Outreach Team.

The Davis City Council, the Yolo County Library and Board of Supervisors agreed to collaborate to explore and implement options to ease parking congestion at the Mary L. Stephens Davis Branch Library.

The County Library and the County Administrators Office agreed to collaborate and further analyze the three recommendations concerning the Archives. The Library will consult with the County Administrator's Office on the feasibility of purchasing a scanner and a digital asset management system, and evaluate options to increase staffing and on-site public access.

Respondents assert they have implemented the recommendation to mitigate environmental damage at the existing Archives building and to ensure the long-term plan to replace the facility remains on track. The completion of a \$2 million Archives and Records Center renovation project will occur by June 30, 2019. Furthermore, the County Library "continues to discuss long-term options for relocating to another facility with the Board of Supervisors and County Administrator's Office."

The County will not evaluate the possibility of speeding up the process of creating a library in the Southport area of West Sacramento. Respondent feels it is unwarranted since The Yolo County Library Facilities Master Plan for 2018-2035 already received extensive evaluation.

5. The Looming Crisis of Yolo County City Pension & Retirement Medical Costs

California cities are experiencing an alarming fiscal burden due to increasing expenses and liabilities related to retiree pensions and health insurance. The 2017-2018 Yolo County Grand Jury (Grand Jury) reported that this looming fiscal crisis is not commonly known to many residents, nor easily discovered. It investigated potential impacts on Yolo County's four cities (Davis, West Sacramento, Winters, and Woodland) with primary focus on:

- Transparency to city residents
- Unfunded retiree cost liabilities
- Annual retiree expense management
- Best practices collaboration

The Grand Jury found that current and future retiree benefits are putting extreme pressure on other city service priorities (road maintenance and improvements, public works, parks and recreation, public safety, etc.) and revenue sources. The retirement benefit costs (pensions and health insurance) are consuming increasing portions of local city budgets.

The California Public Employee Retirement System (CalPERS), which manages all city pension plans within Yolo County, is in the midst of a planned multi-year escalation in employer contribution rates. CalPERS has been gradually ramping up its requirements for “unfunded accrued liability” payments statewide in order to build assets to pay for future pension payments.

Yolo County’s four cities are contributing varying portions of their fair share of these “catch-up” costs to ensure their retirement programs can cover future liabilities. Some cities in the county are projecting that their “catch-up” payments will double for all pension funds over the next six years. City payments for retiree medical insurance add to this financial challenge. All of these increases are large relative to available budgets and they are growing faster than projected revenue sources.

When looking at total (“normal” and “catch-up”) pension costs over the next seven years (Fiscal Year 2017-18 through Fiscal Year 2024-25), CalPERS anticipates staggering increases for Yolo County cities:

■ Davis	\$8.7 million	87% increase
■ West Sacramento	\$6.9 million	90% increase
■ Winters	\$0.4 million	67% increase
■ Woodland	\$6.3 million	78% increase

The Grand Jury concluded from the information available to them that residents faced transparency problems and difficulties in accessing information making it hard to understand the consequences of mushrooming retirement benefit expenses and liabilities. Furthermore, the retirement benefit system has been compromised by “golden handshakes” (e.g. special pension benefit deals or enhancements) and failure to consider the cost of lifetime benefits and projected investment earning levels. Many city councils appear to find it politically unpalatable or fiscally difficult to find adequate funding resources to reduce post-employment benefit liabilities beyond the required payments and when revenue is increased, the funds may be restricted to a specific purpose and unavailable for reducing future pension liabilities. There appears to be opportunity for increased collaboration among the cities since they approach in different ways problems of transparency, analysis, management and containment of growing costs.

West Sacramento specifically responded to all recommendations and was the only city that agreed or partially agreed with all findings. Other cities stated what they are doing or have done to address the issues. Davis failed to address the findings specifically and instead gave a general response to the findings and recommendations.

All recommendations and responses are listed in the appendix. Although some cities failed to give specific responses to each finding and recommendation, all explained how they are addressing the recommendations or have addressed them.

West Sacramento and Woodland stated they have or will implement all recommendations and that all of the cities already collaborate. In contrast, Davis responded to only one recommendation but indicated that they did take action on the Grand Jury's other recommendations in a general way. Winters failed to respond to any of the recommendations specifically but did state that the city "does believe that the issue has been brought before the Public over the past few years" and "continues to bring the matter to the attention of the public on a regular basis."

6. Reporting and Analysis of Child Welfare Statistics by the Child, Youth and Family Branch of the Yolo County Health and Human Services Agency

Since the highly publicized death of 19-day-old Justice Rees in 2015, Yolo County has made significant investments in child welfare services, from recruiting a new director for the Child, Youth and Family Branch (Branch) to expanding social worker staff. Despite these efforts, however, more Yolo County children died at the hands of their parents, while reports of severe child abuse, the number of children removed from their homes due to maltreatment, and the rate of reentry into foster care increased dramatically. At the same time, the Branch had shifted more of its resources to responding quickly to reports of possible abuse, reducing the resources available for data recording and review.

The 2017-18 Grand Jury concluded that without better data-analytic capabilities, the Branch could not assess the effectiveness of its interventions or identify emerging needs in a timely way. The Branch could not efficiently determine which families require special attention based on risk factors for negative outcomes, or easily detect lapses in data entry. It could not adequately monitor and determine if services provided to families are effective at reducing safety issues in the home. Moreover, the Branch could not be as transparent with the public as it should be about the welfare of children who experience abuse or neglect in Yolo County.

The Grand Jury also concluded that the Branch needed skilled data-analytic professionals to reduce the burden placed on currently overloaded front-line social workers, allow continuous quality improvement, and to be more transparent with the public about the welfare and needs of the county's most vulnerable children.

The Branch needed to implement measures to compensate for the current reliance on a decades-old database system while awaiting a new statewide system that is past due and possibly several years away from implementation. This would keep staff, county supervisors, and the public from being blindsided by sudden spikes in negative outcomes that make headlines, generate reactive responses, and harm worker morale.

The County Administrator agreed that the database system used by the Branch was outdated and the new system was past due. The Administrator also agreed that grappling with the antiquated and cumbersome system harmed morale while reducing the time workers could devote to keeping children safe.

The County partially disagreed that a lack of data-analytic capacity (a) reduced efficient monitoring and timely interventions, (b) interfered with continuous quality improvement, (c) or blindsided the county to sudden spikes in negative outcomes. However, the County agreed it needed additional resources to better support “practices and provide a more robust and systematic approach to ensuring more accountability, transparency and a fully data-driven child welfare system.”

All recommendations and responses are listed in the appendix. The County Administrator agreed to implement the recommendation for a website dashboard that will keep the public informed of child welfare challenges, “subject to available resources.” The County also agreed with the recommendation for the creation of a continuous quality improvement unit charged with streamlining data collection. However, full implementation of the new database system is “several years away” because a statewide system is in the prototype stage.

Upon receipt of a proposal from the Branch, the County will further analyze the recommendation for funding a continuous quality improvement unit. The County stated that additional resources “would allow for better transparency as it relates to decision-making and outcomes that matter to Yolo County residents” and that a quality improvement unit would “provide a much needed feedback loop to ensure training and policy development are focused on efforts that make the biggest difference for our children and families.”

CONCLUSION

This summary of responses to the 2017-18 Grand Jury Final Report reflects comments received and measures taken by the investigated parties and governing bodies. Agency and individual comments were timely and generally cooperative with the Grand Jury. Of the 26 recommendations made in the 2017-18 report, 15 were already or will be implemented by respondents, and four will not be implemented.

Respondents gave a variety of responses to seven recommendations: implementation by some, rejection by others, requiring additional analysis or funding by still others, and dismissed by another due to the fact that the recommendation was not for that group. Almost all negative responses stated the underlying reason(s) for non-implementation. The potential benefits of the implemented recommendations are evidence that the Yolo County Grand Jury continues to serve as a useful agent for positive change.

All findings, recommendations, and responses appear in the Appendix.

ENDNOTE

1. Yolo County Grand Jury Final Report, 2017-2018. June 30, 2018.
<https://www.yolocounty.org/home/showdocument?id=50696>

APPENDIX

Report Title: Inmate Visitation Policy at the Yolo County Monroe Detention Center

	Findings	Responses	Date	Who's to Respond
F1	The Monroe Detention Center permits visits with inmates by family members and friends, but its scheduling procedure is unduly inconvenient and discourages rather than encourages such visits.	We agree with the finding.	7-10-18	Yolo County Board of Supervisors
		I agree with the finding.	5-25-18	Yolo County Sheriff
F2	The Monroe Detention Center would benefit from an online system that would allow visitors to make appointments more conveniently.	We agree with the finding.	7-10-18	Yolo County Board of Supervisors
		I agree with the finding.	5-25-18	Yolo County Sheriff
F3	The Monroe Detention Center would further enable and encourage visits by investing in video-visiting technology that allows remote visits with inmates by family members and friends.	We agree with the finding.	7-10-18	Yolo County Board of Supervisors
		I agree with the finding.	5-25-18	Yolo County Sheriff

	Recommendations	Responses	Date	Who's to Respond
R1	The Yolo County Sheriff should direct the Monroe Detention Center to implement a revised, more convenient and more family-friendly schedule for making visiting appointments (to be implemented by Oct. 31, 2018).	This recommendation has been implemented.	7-10-18	Yolo County Board of Supervisors
		This recommendation has been implemented. Within 48 hours of receiving the Grand Jury's recommendations regarding the Inmate Visitation Policy, the Sheriff's Office made changes to comply with those recommendations. The relevant section of the Yolo County Sheriff's Office Detention Division Policy Manual was in need of review and the Grand Jury's investigation has resulting in positive change.	5-25-18	Yolo County Sheriff

Did the 2018-19 Grand Jury Improve Local Government?

	Recommendations	Responses	Date	Who's to Respond
R2	The Yolo County Board of Supervisors should allocate funding for implementation of an online system for making visiting appointments (to be implemented by Dec. 31, 2020 with evidence of planning by Oct. 31, 2018).	The Board of Supervisors maintains an IT Innovation Fund to fund innovative online projects and welcomes an application by the Sheriff should he seek to implement such a system.	7-10-18	Yolo County Board of Supervisors
		This recommendation requires further analysis.	5-25-18	Yolo County Sheriff
R3	The Yolo County Board of Supervisors should allocate funding for implementation of a video visiting system (to be implemented by Dec. 31, 2020, with evidence of planning by Oct. 31, 2018).	The Board of Supervisors maintains an IT Innovation Fund to fund innovative online projects and welcomes an application by the Sheriff should he seek to implement such a system.	7-10-18	Yolo County Board of Supervisors
		This recommendation requires further analysis. While the Detention Center is not currently equipped to allow videoconference visitations, this is a technology that will be included with the upcoming jail expansion.	5-25-18	Yolo County Sheriff

Report Title: Juvenile Detention Facility Investigation

	Findings	Responses	Date	Who's to Respond
F1	Some administrators, supervisors, and staff do not have clear directions concerning what is required of them within the Probation Department, and specifically within the JDF. This is similar to the finding of the 2011-12 Grand Jury. The lack of an updated policy and procedure manual results in inconsistent direction from supervisors and reduced department effectiveness.	We disagree with the finding. Explanation below under related recommendation.	7-17-18	Yolo County Board of Supervisors
F2	There is insufficient training for routine and safety-related requirements and procedures for new and extra-help JDF employees.	We agree with the finding.	7-17-18	Yolo County Board of Supervisors
F3	Assaults and other potential felonies are not consistently reported to the District Attorney in a timely manner.	We disagree partially with the finding. Explanation below under related recommendation.	7-17-18	Yolo County Board of Supervisors
		The District Attorney agrees with Finding #3.	7-1-18	District Attorney of Yolo County

Did the 2018-19 Grand Jury Improve Local Government?

	Findings	Responses	Date	Who's to Respond
F4	Inadequate operational staffing increases the risk of injuries to JDF staff caused by detainees. Many of these injuries result in lost work time and productivity.	We agree with the finding.	7-17-18	Yolo County Board of Supervisors
F5	Oversight and accountability is lacking over any funds, including cash and property of detainees, due to lack of controls, policies and procedures, or failure to adhere to them.	We disagree partially with the finding. Explanation below under related recommendation.	7-17-18	Yolo County Board of Supervisors
F6	The ORR program, which is administered in Yolo County by the JDF, presents benefits and risks to the county.	We agree with the finding.	7-17-18	Yolo County Board of Supervisors

	Recommendations	Responses	Date	Who's to Respond
R1	By December 31, 2018, the Probation Department should update and complete the policies and procedure manual pertaining to the JDF. Provisions should be put in place to guarantee continuing updates as needed.	This recommendation has already been implemented. The Yolo County Juvenile Detention Facility Policy and Procedure Manual are administratively reviewed through bi-annual Board of State Community Corrections (BSCC) inspections. Prior to each inspection, BSCC provides a detailed list of Title 15 updated, changes in new regulations and legislation updates. Upon receipt of the list, the Probation Department comprehensively reviews the Policy and Procedure Manual to ensure that all of the Title 15 requirements are satisfied. During each inspection, the Policy and Procedure Manual is provided to the BSCC representative for review. On July 13, 2017, BSCC conducted their bi-annual review which included a thorough review of the Yolo County Policy and Procedure Manual. The Manual was found to be adequate and inclusive of all required updates and to be in compliance in all areas. The most recent inspection was conducted on March 29, 2018, and the Department is currently awaiting the results. When any policy is updated, all staff receive an e-mail which includes the updated policy for staff to read and an acknowledgement form for staff to acknowledge they are aware of the policy change and understand the policy. All staff sign the acknowledge form and submit it to a supervisor. The supervisor receiving the acknowledgement form signs the staff's acknowledgment form and files it for that specific policy update. An annual Policy and Procedure Manual acknowledgement is sent to all JDF staff each year to ensure staff re-familiarizes themselves with the	7-17-18	Yolo County Board of Supervisors

Did the 2018-19 Grand Jury Improve Local Government?

	Recommendations	Responses	Date	Who's to Respond
		entire manual. Staff are instructed to review the manual and sign the form to certify that they have completed their review. The form is submitted and the supervisor then signs the form. The most recent review was sent for staff review on April 27, 2018.		
R2	By December 31, 2018, a strict and formal training curriculum for JDF personnel should be put in place, together with proper record keeping and review to assure that training is comprehensive and effective. Records should include subject, actual hours of in-person training, date of completion and signatures of trainee and trainer.	This recommendation will be implemented. The department will implement an updated employee orientation process which will document subject, training, hours, date and signature of trainer and trainee. A committee has recently been formed which includes a cross section of employees to develop a formal, comprehensive training curriculum. The initial phased of this training program will begin on August 1, 2018, for new hires. The department anticipates having a formal refresher training program in place for all employees by December 31, 2018. Additionally, the department recognizes the value of having tenure staff dedication to providing training. As such, the department has identified a training officer for the JDF and is exploring ways to make this a permanent position.	7-17-18	Yolo County Board of Supervisors
R3	By December 31, 2018, audits of training records should be made annually by the Yolo County Human Resources Department. It should be assured that no staff member can be assigned to duties for which he or she is not trained.	This recommendation requires further analysis. The work of the department is governed by the BACC which conducts a training audit each fiscal year. While the department is not opposed to the above recommendation, all officers will be adequately trained to their assigned duties.	7-17-18	Yolo County Board of Supervisors
R4	By October 31, 2018, the JDF should convene an advisory committee of staff members, chosen by rank-and-file staff, who are experienced in interacting with juvenile detainees. This committee should work with management to resolve problems with training, staffing, injuries, and lost time.	This response will not be implemented because it is not warranted. Management shares the Grand Jury's concerns on the topics of training, staffing, injuries and lost time and has already begun implementing a series of actions designed to improve conditions. Two significant issues that appear to have contributed to an unacceptable increase in staff injuries appear to be higher than usual needs of the Office of Refugee Resettlement (ORR) population, coupled with tight staffing ratios. Management has also recognized the need for increased training in Management of Assaultive Behavior (MAB), Non Violent Crisis Intervention and other behavior management skills. These issues are already being addressed by increasing staff-to-youth ratios, which previously were 1:8 (staff, youth). Within the past two months, staffing ratios have been increased to 1:6 for the ORR population, and is expected to further increase to 1:4 once the ORR grant is revised. Also, rather than limit input to a few rank-and-file staff serving as an	7-17-18	Yolo County Board of Supervisors

Did the 2018-19 Grand Jury Improve Local Government?

	Recommendations	Responses	Date	Who's to Respond
		advisory committee, the department is planning for more inclusive methods of gaining input from all staff on training needs. These methods include periodic staff meetings, employee surveys and comment forms which may be submitted to the JDF Training Officer, who will respond by clarifying policies and procedures as necessary, or scheduling additional training for individuals or the full staff as needed.		
R5	Beginning in the first quarter of 2019, the Yolo County Department of Financial Services should audit, at least annually, the effectiveness of the updated procedures related to the control of assets, including money and other property of detainees.	The recommendation will not be implemented because it is not warranted. The department has addressed these issues by proactively seeking a Department of Financial Services audit and updating its property handling policies and training staff accordingly. In addition, the department has been working with the Yolo County Internal Audits Division since November of 2017 on aspects of accountability and will be implementing their recommendations. Concerning the potential theft of youth property, in addition to the aforementioned changes in policy, the department has been proactive in resolving these matters by contacting law enforcement to conduct a criminal investigation while the department is conducting an Internal Affairs investigation. These changes occurred from isolated incidents that changed our general policy.	7-17-18	Yolo County Board of Supervisors
R6	Effective immediately, the JDF should report all potential felonies committed by juvenile detainees to the Yolo County District Attorney as required by California law and Probation Department policies and procedures.	This recommendation was already implemented. Departmental staff, in early 2018, drafted and put into place a protocol for reporting to the Yolo County District Attorney felonies committed by youth in custody. That draft has been approved by the employee association and the protocol in full effect.	7-17-18	Yolo County Board of Supervisors
		District Attorney: The District Attorney's Office will not be implementing recommendation #6 as it is directed to the Probation Department.	7-1-18	District Attorney of Yolo County
R7	By October 31, 2018, the Yolo County Board of Supervisors should review the ORR program, weighing the benefits and risks, and consider whether to continue the program in Yolo County or not.	The recommendation has already been implemented. The Chief Probation Officer presented the risks, benefits, and his recommendations concerning continuing the ORR program in Yolo County to the Board of Supervisors on March 20, 2018. The Board later acted on June 26, 2018, (following a two-hour discussion and public comment period) to continue the program through at least June, 2019, including the receipt of substation additional funding to assist with service provision to the ORR population.	7-17-18	Yolo County Board of Supervisors

Report Title: Yolo County Grand Jury Report and Response Follow-up: Elections Office Indiscretions and Culpability

	Findings	Responses	Date	Who's to Respond
F1	The Corrective Action Plan has been implemented and is consistently reviewed and updated.	We agree with the finding.	7-10-18	Yolo County Board of Supervisors
		We agree with the finding.	7-10-18	Assessor/Clerk-Recorder/Registrar of Voters
F2	Management effectiveness, adherence to and creation of County and Elections Office policies, procedures, and controls were addressed.	We agree with the finding.	7-10-18	Yolo County Board of Supervisors
		We agree with the finding.	7-10-18	Assessor/Clerk-Recorder/Registrar of Voters
F3	Adherence to Department of Human Resources expectations in the areas of hiring, job classifications, job descriptions, separation of duties, and payments for temporary, provisional, or extra help has improved.	We agree with the finding.	7-10-18	Yolo County Board of Supervisors
		We agree with the finding.	7-10-18	Assessor/Clerk-Recorder/Registrar of Voters
F4	Staff training programs and consistency have increased. However, the training is not regularly tracked and documented.	We disagree partially with the finding. While Department of Financial Services staff have provided fiscal training to Elections staff as needed, and documentation exists, training records have not been formalized as described below.	7-10-18	Yolo County Board of Supervisors
		We agree that the staff training programs and consistency have increased. Although trainings are tracked by individual managers, we believe a more holistic and centralized tracking and documentation process would be beneficial to the department and will begin efforts to implement accordingly.	7-10-18	Assessor/Clerk-Recorder/Registrar of Voters

Did the 2018-19 Grand Jury Improve Local Government?

	Findings	Responses	Date	Who's to Respond
F5	Increased oversight of and interaction with the Elections Office senior leadership and operations by the Chief Administrative Officer, Department of Financial Services, Department of Human Resources, and County Counsel have occurred. However, there is no ongoing independent performance review of the Elections Office.	We disagree partially with the finding. While there is no scheduled on-going fiscal review of the Elections Office by the Internal Audit Division, review and audit are provided upon management request or upon discovery of irregular fiscal activity.	7-10-18	Assessor/Clerk-Recorder/Registrar of Voters
		We agree that increased oversight and interaction have occurred with the Election Office senior leadership and operations by the Chief Administrative Officer, Department of Financial Services, Department of Human Resources and County Counsel. This new collaborative partnership has been positive for the department and the county in general. The Election Office is one branch of the Assessor/Clerk-Recorder/Elections Department (ACE). As a department within the Yolo County government structure, ACE provides annual updates along with other board updates to keep the County Administrator and the Board of Supervisors apprised of key matters. In addition, ACE works closely with the Department of Financial Services, Human Resources and County Counsel on a myriad of issues, including staffing performance matters. The updated leadership and systemic changes more than provides for a positive and ongoing collaborative review structure. However, regardless of this proactive and positive inter-departmental configuration, as an elected official the county Assessor/Clerk-Recorder/Registrar of Voters' performance is ultimately determined by the voters every four years, which would take a change in the state's constitution to modify.	7-10-18	Yolo County Board of Supervisors

	Recommendations	Responses	Date	Who's to Respond
R1	Because of the critical need for ongoing training in all areas, the Elections Office should maintain documentation of all training classes and individual instruction that includes, at minimum: signatures of individuals attending with date and topic covered.	This recommendation will be implemented.	7-10-18	Yolo County Board of Supervisors
		We will work with HR and management staff to research best practices and develop a more holistic and centralized tracking and documentation structure that we can begin implementing in 2018-19.	6-29-18	Assessor/Clerk-Recorder/Registrar of Voters

Did the 2018-19 Grand Jury Improve Local Government?

	Recommendations	Responses	Date	Who's to Respond
R2	Elected officials are not subject to 360-degree performance review (i.e., feedback from an employee's subordinates, peers, and supervisors). Given that elected officials are accountable only to the voters every four years, the Department of Financial Services should conduct a full audit of the Elections Office annually. Operational and human resource practices should be included in order to ensure compliance with all federal, state, and county laws, codes, and policies and procedures.	This recommendation will not be implemented because it is not warranted. Rather than conducting an annual performance audit of the Elections Office, the Internal Audit Division will continue to monitor countywide financial risks and apply audit resources according to the risks assessed. The County is also in the process of implementing continuous auditing techniques with regard to countywide processes such as payroll, accounts payable, etc. to help identify irregular activities and address them in a more timely fashion.	7-10-18	Yolo County Board of Supervisors Yolo County Board of Supervisors
		This recommendation is directing the Department of Financial Services, County Administrator and Human Resources to take certain actions with respect to an elected county official. The law does not grant performance oversight authority of an elected official to any other county official. Even a county board of supervisors has no power to direct or control the manner in which an elected official performs his or her duties. Furthermore, a board of supervisors cannot add to the duties prescribed for an elected official and a board of supervisors cannot require county officers to make reports that are not required by law or that are not incidental to the official conduct of that officer. With that being said, we fully intend to serve the public by complying with all applicable laws and performing to the highest standards. As you have confirmed in this latest report, we have already taken the initiative to adopt and follow policies and procedures emphasizing best practices.	6-29-18	Assessor/Clerk-Recorder/Registrar of Voters

Report Title: Improving the Yolo County Libraries and Archives

	Findings	Responses	Date	Who's to Respond
F1	Patrons use libraries for many different purposes. For some, the library is one of the few open, air-conditioned, and safe places to sleep and use bathrooms. This fact attracts some people with intense needs for social services, causing library staff to deal with situations for which they could use outside social service support.	We agree with the finding.	7-10-18	Yolo County Board of Supervisors

Did the 2018-19 Grand Jury Improve Local Government?

	Findings	Responses	Date	Who's to Respond
		We disagree partially with the finding. The Woodland Public Library Rules and Regulations Governing Public Behavior does not permit loitering on Library premises, such as sitting or standing idly about, sleeping, or lingering aimlessly.	8-15-18	Woodland Public Librarian (Invited response)
F2	There is an established Code of Behavior for the Yolo County libraries, but it is not always posted in prominent locations, or in multiple languages, and it is not always used concretely to deal with patrons who violate it.	We disagree partially with the finding. The Yolo County Library's Code of Behavior is prominently posted in all branch libraries and featured on the Library's web page at www.yolocountylibrary.org .	7-10-18	Yolo County Board of Supervisors
	Findings	Responses	Date	Who's to Respond
		We disagree partially with the finding. The Woodland Public library Rules and Regulations Governing Public Behavior is featured on our website, posted in the computer room, and is frequently distributed to our patrons.	8-15-18	Woodland Public Librarian (Invited response)
F3	The Davis library's parking lot is often full and congested, and there are few alternative parking spots in the neighborhood during most library hours. This makes it difficult for patrons to use the library conveniently and efficiently and for library employees to park nearby.	We agree with the finding.	7-10-18	Yolo County Board of Supervisors
		The City of Davis concurs that the Davis library parking lot is well-utilized by library patrons and often by users of the adjacent Community Park. The parking lot, is however, owned by and under the jurisdiction of Yolo County, not the City of Davis. The City does allow for on-street parking in front of the library, and the Davis Joint Unified School District allows the public to park in its large lot just to the west of the library. In addition, during non-school hours, parking is often available at North Davis Elementary, immediately to the east of the library.	7-20-18	Davis City Council
F4	Given the dramatic growth of the Southport community, there is a need for a second library in West Sacramento, but its construction is not scheduled to occur until 2025-2030.	We agree with the finding. This information is consistent with the Yolo County Library Facilities Master Plan for 2018-2035.	7-10-18	Yolo County Board of Supervisors

Did the 2018-19 Grand Jury Improve Local Government?

	Findings	Responses	Date	Who's to Respond
F5	The Archives and Records Center is performing essential services for county administrators and providing important services to citizens of Yolo County who want to know about particular aspects of the county's rich history. But the staff is small, and the hours that the Archives is open to members of the community are few.	We disagree partially with the finding. In addition to being open to the public eight hours each week, Archives staff will, upon request by phone or email, perform up to thirty minutes of free research when an individual is unable to visit the Archives in person. In addition, for a fee, Archives staff can provide copies of digital or physical copies of non-fragile items to the public. Archives staff also provide 24/7 online access to the County's digital Archives collection at www.yolocountyhistory.com . There is a link to this resource on the Library's web site at www.yolocountylibrary.org .	7-10-18	Yolo County Board of Supervisors
F6	As stated in the latest long-term plan for the Archives, its facilities have extensive environmental and space deficiencies and a high risk of damage and/or destruction to archived materials in the event of fire or flood.	We agree with the finding. These deficiencies are being addressed with an extensive facilities renovation project to be completed by June 30, 2019.	7-10-18	Yolo County Board of Supervisors
F7	The Archives does not have a large-scale modern scanner suitable for copying archival materials and digitizing the copies. Digitization of archival materials would allow patrons of the Archives to examine high-quality images of the materials without damaging them.	We agree with the finding.	7-10-18	Yolo County Board of Supervisors
F8	If the Archives had such a scanner, it would also need a digital asset management system to store, preserve, and catalog the copied materials, and make the digitized content available online. This material would then be available online to anyone who wanted to use it, and its formatting could be updated whenever new data and imaging formats became available and widely used.	We agree with the finding.	7-10-18	Yolo County Board of Supervisors

	Recommendations	Responses	Date	Who's to Respond
R1	By December 31, 2018, the Yolo County Librarian, the Yolo County Department of Social Services, and the Yolo County Board of Supervisors should provide for a social worker, either full- or part-time, to assist library staff in dealing with homeless, substance-abusing, and mentally ill individuals and families who appear at libraries. This professional would speak appropriately with such people, establish connections for them with appropriate county services, and advise library staff about	This recommendation will be implemented as follows. By December 31, 2018, the Yolo County Library will collaborate with the Yolo County Health & Human Services Agency; the Cities of Davis, West Sacramento and Winters; and nonprofit health, medical and social services providers in Yolo County to obtain ongoing and consistent informational outreach and service referral at branch libraries in Yolo County. Service providers will also offer further training for library staff to effectively work with Library users to inform them of free and low cost local housing, transportation,	7-10-18	Yolo County Board of Supervisors

Did the 2018-19 Grand Jury Improve Local Government?

	Recommendations	Responses	Date	Who's to Respond
	ways to deal with such people if and when they present problems for library patrons.	food, medical and mental health resources.		
		This recommendation would not affect the Woodland Public Library. The Woodland Public Library has developed a working relationship with services available for the community of Woodland, such as Fourth and Hope and Empower Yolo. The Library works closely with the Woodland Police Department and the Homeless Outreach Team (HOST). The HOST Team is available to assist the community with homeless-related issues. Library staff is familiar with services and able to direct patrons to social services in Woodland. Library staff has received training in working with patrons who have mental illness and/or substance abuse issues.	8-15-18	Woodland Public Librarian (Invited response)
R2	By October 1, 2018, all Yolo County libraries should post a code of appropriate behavior for library patrons. This code should appear in large print and in the most frequently used local languages. It should be visible in several places within the library. When a library staff person speaks with a patron about misbehaving in the library, the patron should be asked to read a copy (in the person's primary language) and sign and date it to indicate that it was read.	This recommendation will be implemented as follows. By October 1, 2018, the Yolo County Library will create an 11x17-inch sized Code of Behavior poster in English, Spanish, Chinese, and Russian which will be featured prominently in all branch libraries. Library staff will also have copies of the Code of Behavior to distribute to individuals in these languages at service points at all branch libraries. For the following reasons, the recommendation to require individuals to read and sign a copy of the Library's Code of Behavior will not be implemented: (1) This action could further escalate difficult and tense interactions with individuals who are already agitated, thereby jeopardizing the health and safety of staff and other library users. (2) This action assumes all individuals have the ability to read and comprehend the Library's Code of Behavior, which is an incorrect assumption based on the knowledge and experience of Library staff. (3) This action would create barriers for individuals with social, emotional or cognitive differences. The Yolo County Library will continue with its current practice to have Library staff de-escalate a situation with an individual who has violated the Code of Behavior; communicate directly with the individual to help them understand the type of behavior that is appropriate in the facility; provide a warning; and if the conduct continues, require the individual to leave the facility for a specified period of time (most suspensions last one day). If the individual commits further Code of Behavior violations upon their return to the Library, further suspensions are issued, escalating progressively from one week up to six months in duration. All steps in this	7-10-18	Yolo County Board of Supervisors

Did the 2018-19 Grand Jury Improve Local Government?

	Recommendations	Responses	Date	Who's to Respond
		process are documented in writing; Library staff deliver a suspension letter to the individual that includes the conduct leading to the suspension determination, the length of the suspension and the right to appeal the determination to the County Librarian.		
		This recommendation will be implemented as follows. By October 1, 2018, the Woodland Public Library will create an 11x17 inch sized "Library Rules and Regulations Governing Public Behavior" poster in English and Spanish which will be prominently displayed in the library. Library staff will also have copies of the rules to distribute to individuals in these language at each service desk. The Woodland Public Library will not be implementing the recommendation for individuals to sign the library rules. The Library works with staff and the security guard to enforce the rules through an established system of warning and suspensions from the library. Suspensions are documented and those that are longer than a week are discussed with the patron and the patron receives a letter that includes the conduct leading to the suspension and the date they may return to the library.	8-15-18	Woodland Public Librarian (Invited response)
R3	By December 31, 2018, the Yolo County Board of Supervisors should work with the Davis City Council to ease the parking shortage at the Davis library.	This recommendation will be implemented as follows. By December 31, 2018, the Yolo County Library and Board of Supervisors will collaborate with the City of Davis and the Davis Joint Unified School District to explore and implement options to ease parking congestion at the Mary L. Stephens Davis Branch Library.	7-10-18	Yolo County Board of Supervisors
		Over the next several months, the City of Davis will work with Yolo County (and Davis Joint Unified School District, as needed) to explore options to address parking issues at the Davis library. The City and the County have a regular "2x2" meeting to discuss issues of mutual concern, and this item can be agendized for discussion at those meetings.	7-20-18	Davis City Council
R4	By December 31, 2018, the Yolo County Board of Supervisors should evaluate the possibility of speeding up the process of creating a library in the Southport area of West Sacramento. (This could be in lieu of purchasing a mobile library.)	This recommendation will not be implemented because it is not warranted. The Yolo County Library Facilities Master Plan for 2018-2035 has already been informed by extensive evaluation.	7-10-18	Yolo County Board of Supervisors
R5	By December 1, 2018, the Archives Coordinator should work with the County Librarian and the members of the Board of Supervisors to establish a plan to increase the	This recommendation requires further analysis. By December 1, 2018, the Yolo County Library will collaborate with the County Administrator's Office to evaluate options and resources to increase staffing and on-site	7-10-18	Yolo County Board of Supervisors

Did the 2018-19 Grand Jury Improve Local Government?

	Recommendations	Responses	Date	Who's to Respond
	staffing and open hours of the Archives.	access to the Archives for consideration by the Board of Supervisors.		
R6	By December 31, 2018, the Archives Coordinator should work with the County Librarian and the members of the Board of Supervisors to ensure that the proposals in the Facilities Master Plan to mitigate the environmental damage at the existing Archives building by 2025, and to replace the facility by 2035, remain on track to be implemented.	This recommendation requires further analysis. By December 1, 2018, the Yolo County Library will collaborate with the County Administrator's Office to evaluate options and resources to increase staffing and on-site access to the Archives for consideration by the Board of Supervisors.	7-10-18	Yolo County Board of Supervisors
R7	By October 1, 2018, the Archives Coordinator and the Board of Supervisors should fund the acquisition of a scanner and a digital asset management system by July 1, 2019 (the new fiscal year).	This recommendation requires further analysis. By October 1, 2018, the Yolo County Library will consult with the County Administrator's Office on the feasibility of purchasing a scanner and a digital asset management system.	7-10-18	Yolo County Board of Supervisors

Report Title: The Looming Crisis of Yolo County City Pension and Retirement Medical Costs

	Findings	Responses	Date	Who's to Respond
F1	For many Yolo County residents, poor transparency and difficulties in accessing information make it hard to understand the consequences of mushrooming retirement benefit expenses and liabilities. This jeopardizes the citizens' ability to hold elected officials responsible for providing adequate funding to all high-priority services.	The City does believe that the issue has been a significant part of the public discourse over the past few years. and the City of Davis is likewise committed to ensuring that the discussion continues into the future. The City of Davis has taken extra efforts over the past two years to provide information related to pension and other post-retirement benefit costs, both short and long term to the public and we will continue to do so over the coming months and years. Below is a brief accounting of outreach where City representatives have discussed pension and other post-employment benefit (OPEB) costs: The City's Finance and Budget Commission has made this a central theme of many of its publicly noticed discussions over the past two years. The City's actuarial consultant, John Bartel, has presented to the commission at public meetings in 2016 and 2017, walking the commission and the public through the City's pension issues. • Both city staff and city councilmembers have spoken about pension costs at organizational meetings, including the Chamber of Commerce, the Rotary, and the Kiwanis. • Mayor Robb Davis penned several articles over the past four years	7-10-18	Davis City Council

Did the 2018-19 Grand Jury Improve Local Government?

	Findings	Responses	Date	Who's to Respond
		addressing pensions and post-employment benefit costs. These articles appeared in the Davis Enterprise, on the Davis Vanguard, and on social media outlets.		

Findings	Responses	Date	Who's to Respond
	We partially agree with this finding. Pension information is shared through CalPERS actuarial reports which are published on CalPERS' website and include projections for 5 years into the future, as well as historical data. Pension and OPEB information, including annual contributions, unfunded liability, market value of assets, etc. is available in several places, including the City's Comprehensive Annual Financial Report (CAFR). Additionally, in the last two years, we have shared information with the public regarding the growing pension and OPEB costs and unfunded liabilities in the following ways, among others: • In May 2017, a workshop was held to discuss the budget and the possibility of the City adopting a Section 115 Trust for pension cost stabilization to mitigate the impact of the rising pension costs on future budgets. • In June 2017, the City Council adopted a Resolution adopting the Section 115 Trust for Pension and OPEB funding. • Revenue and expenditure forecasts were provided and discussed with Council at the May 2018 budget workshop and adoption, including significant focus on pension and OPEB costs and the impact we expect rising costs and liabilities to have on future budgets. • The City of West Sacramento utilizes Open Gov, a data transparency tool which provides detailed budget information in various formats for citizens, accessible directly from the City's website. This tool drills down to the object level, showing annual pension and OPEB payments for each fund, department, and the City as a whole.	8-23-18	W. Sacramento City Council
	The City of Winters does believe that the issue has been brought before the Public over the past few years, and the City of Winters continues to bring the matter to the attention of the public on a regular basis. The City of Winters agrees that the pension costs and associated issues are	9-4-18	Winters City Council

Did the 2018-19 Grand Jury Improve Local Government?

Findings		Responses	Date	Who's to Respond
		an important component of the expenditures of the City of Winters and is working diligently to address the issues in a responsible and reasonable manner. We agree that transparency and outreach are crucial and look forward to continuing and intensifying our engagement efforts with the broader community and collaborating with other leaders throughout Yolo County on the matter.		
Findings		Responses	Date	Who's to Respond
		The City of Woodland concurs that access to information is a pre-requisite to an informed public and civic engagement aimed at informing public policy. To this end, the City of Woodland has established a Transparency in Government page on its website, to include information on public employee compensation and, specifically, CalPERS pension costs and funded status. In addition, information on the City's CalPERS pension and retiree medical benefits have been regularly agendaized for discussion as part of the city's quarterly budget updates to the City Council and as stand-alone topics to advance the city's approach to managing rising costs and mitigate impacts on essential city services.	8-30-18	Woodland City Council
F2	Several studies reveal that the retirement benefit system has been compromised by "golden handshakes" (e.g. special pension benefit deals or enhancements) and failure to consider the cost of lifetime benefits and likely investment earning levels. This happens every time a public agency negotiates a contract with its employees. Future fiscal solutions will depend, in part, on the public's willingness to hold state and local politicians accountable for their fiduciary responsibility as required by law and ethics.	No specific response (See F1)		Davis City Council and Winters City Council
		We partially agree with this finding. While such studies may have revealed that the retirement system has been compromised by "golden handshakes", these golden handshakes and "failure to consider the cost of lifetime benefits and likely investment earnings" do not happen every time a public agency negotiates a contract with its employees. The City of West Sacramento not only considers the impacts of labor negotiations on the annual City budget, but also considers any impact to unfunded liability or future liability and costs related to pension, OPEB and other obligations necessitated by the MOU.	8-23-18	W. Sacramento City Council

Did the 2018-19 Grand Jury Improve Local Government?

Findings	Responses	Date	Who's to Respond
	City of Woodland officials (both elected and appointed) take very seriously their responsibility to uphold the public's trust and as fiduciaries of public funds. It is for this reason that, as it relates to managing pension and retiree health benefits, that the City has been actively engaged in working on initiatives to reduce liabilities and mitigate the impacts of these costs on the city's ability to provide essential city services. The following highlights some of the steps taken in this regard:	8-30-18	Woodland City Council
Findings	Responses	Date	Who's to Respond
	• Defined Retiree Medical Benefits were replaced with a Retiree Health Savings Account (defined contribution) for all new employees hired after 2006. • The City negotiated labor agreements with all of its employee bargaining groups that require CalPERS contributions well in excess of the statutorily-required employee contributions for pre- PEPRA employees. • The City has capped its contribution to health benefits for all employees, with the effect of capping the city's exposure to unfunded liabilities stemming from its closed Retiree Medical Benefit (for employees hired before 2006). • The City established an irrevocable trust fund to pre-fund its OPEB obligations, effectively accelerating the funding required to offset the city's retiree medical benefit liability. • The City worked with CalPERS to have cities within Yolo County moved from the Bay Area to the Sacramento Region for purposes of setting CalPERS health benefit premiums. • Most recently, the City authorized a pre-payment of \$4 million to pay-down the City's CalPERS pension unfunded liability. The result is a projected decrease of \$700,000 per year in annual required payments toward the unfunded liability. • Addressing escalating pension and retiree medical costs has been specifically called out among the City Council's priorities in its adopted Council Goals (since 2014), acknowledging that this particular issue is not entirely within the city's purview to control. • City representatives have also been active with other cities in the region and across the state in working with the League of California Cities on		

Did the 2018-19 Grand Jury Improve Local Government?

Findings		Responses	Date	Who's to Respond
F3	Many city councils seem to have found it politically unpalatable or fiscally difficult to find adequate funding resources to make high enough payments to reduce unfunded pension and other post-employment benefit liabilities beyond the required payments. Additionally, when revenue generation is increased (e.g., from bonds, parcel taxes, sales, or utility taxes or fees), the money collected that may be restricted for a specific purpose, makes available other unrestricted general funds to fund retirement cost increases. This is not always clearly communicated to the public.	pension reform. • Overall, the City Council and management have been very aggressive and purposeful in working with its employees and CalPERS to manage both pension and retiree medical costs both in the short-run and with a focus on long-term fiscal sustainability.		
		No specific response (See F1)		Davis City Council and Winters City Council
		We partially agree with this finding. While it is true that it can be fiscally difficult to find adequate funding resources to make additional payments to CalPERS and/or the OPEB Trust to further fund the unfunded liability, particularly during times of economic downturn or revenue decline, it is not necessarily true that when other revenues are increased through the issuance of debt and/or taxes or fees, that the increase in restricted revenues creates capacity in the General Fund to fund more of the unfunded liabilities. Rather, when restricted funds are increased, those funds are legally restricted for a particular purpose. It is a rare occurrence that an increase in revenues for a specific purpose creates capacity in the General Fund, unless the General Fund was subsidizing the costs in those restricted funds to begin with.	8-23-18	W. Sacramento City Council
		While this may be gross generalization, the City of Woodland has, for years, taken steps to set aside more funding than is "legally required" to help offset both retiree medical benefit and -most recently - CalPERS pension unfunded liabilities. While it is true that it is often difficult to prioritize such investments when faced with a long list of competing needs, the City of Woodland City Council has a track record of prioritizing pension and health care liabilities, understanding that delays in funding will only contribute to even higher costs for future Councils to wrestle with. (See comments under Finding #2).	8-30-18	Woodland City Council

Did the 2018-19 Grand Jury Improve Local Government?

Findings	Responses	Date	Who's to Respond
	Moreover, as part of the City of Woodland's strategy for funding CalPERS pension contributions, the city has worked collaboratively with all of its employee bargaining groups (both represented and unrepresented) to both a) increase pension contributions from employees as well as b) transfer some of the risk of future increases in employer contribution rates. In this regard, the Yolo County Grand Jury's report states that: The percentage of payroll contributed by employees in Yolo County cities range from 6.9% to 9.0%."		

Findings	Responses	Date	Who's to Respond
	This statement merely reflects the statutory requirements as cited in CalPERS valuation reports, and ignores the fact (as communicated to the Grand Jury) that the City of Woodland, through our collective bargaining process, has successfully negotiated significantly higher employee contributions, ranging from 8.0% to a high of 16.89%. Our sworn firefighters all contribute 13.0% and our sworn Police employees contribute between 13.00% and 16.89% of base pay toward their pension costs. Likewise, the city's mid- management employees contribute 16% of pay toward the cost of their pension benefits, to include the required 8% employee contribution PLUS 8% of the "employer contribution rate. As we strive to increase transparency with the public, it is of concern that the Grand Jury report does not provide accurate information with respect to this important factor.		

F4	Beyond CalPERS requirements, the four cities approach the transparency, analysis, management and containment of growing retiree costs in different ways. There is an opportunity for increased collaboration among the cities. For example, Davis has developed a financial forecasting tool that projects revenues and expenses many years into the future. Some cities show retirement costs' share of the "General" or "All" Funds.	No specific response (See F1)		Davis City Council and Winters City Council
		We agree with this finding. Each City is different and is impacted by pension and OPEB liabilities in different ways. The cities already collaborate through monthly City Manager meetings and through regular	8-23-18	W. Sacramento City Council

Did the 2018-19 Grand Jury Improve Local Government?

	correspondence between the agency's finance and management staff. In addition, the City collaborates with other agencies, both inside and outside of Yolo County, on best practices and strategies for funding pensions, OPEB and other large needs through their relationship with regional JPAs and professional associations regionally, as well as at the state and national levels.		
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Findings	Responses	Date	Who's to Respond
	The City of Woodland would concur that there may well be benefits from increased collaboration on initiatives to increase transparency on pension and retiree medical cost information. At the same time, the cities routinely collaborate through the sharing of information on policies and best practices, including management strategies related to pension liabilities and costs. The City of Woodland has also established a long-standing practice of providing the Council and public with long-term financial forecasts which include information specific to historical and future pension costs and impacts on the City's operating budget. Like several other cities, Woodland has also utilized our consulting actuary to provide projections of CalPERS costs (under various assumptions) that go beyond the five-year contribution rate projections provided by CalPERS.	8-30-18	Woodland City Council

	Recommendations	Responses	Date	Who's to Respond
R1	By February 1, 2019, city councils and staff should conduct public education campaigns to increase transparency and awareness of the alarming burdensome impact on city service priorities that is being created by retirement pension and medical insurance costs. Examples of public education could be in the form of education forums, explanatory inserts in utility statements, multi-media articles and/or candid	The City does believe that the issue has been a significant part of the public discourse over the past few years. and the City of Davis is likewise committed to ensuring that the discussion continues into the future. The City of Davis has taken extra efforts over the past two years to provide information related to pension and other post-retirement benefit costs, both short and long term to the public and we will continue to do so over the coming months and years. Below is a brief accounting of outreach where City representatives have discussed pension and other post-employment	7-10-18	Davis City Council

Did the 2018-19 Grand Jury Improve Local Government?

Recommendations	Responses	Date	Who's to Respond
conversation at governmental meetings.	benefit (OPEB) costs: • The City's Finance and Budget Commission has made this a central theme of many of its publicly noticed discussions over the past two years. The City's actuarial consultant, John Bartel, has presented to the commission at public meetings in 2016 and 2017, walking the commission and the public through the City's pension issues. • Both city staff and city councilmembers have spoken about pension costs at organizational meetings, including the Chamber of Commerce, the Rotary, and the Kiwanis. • Mayor Robb Davis penned several articles over the past four years addressing pensions and post-employment benefit costs. These articles appeared in the Davis Enterprise, on the Davis Vanguard, and on social media outlets. In addition to outreach, the City Council has been making efforts to reduce City obligations. The City made a \$2 million payment from General Fund reserves in 2017 to pay down a portion of its unfunded liability for retiree medical costs. The Council has negotiated with labor groups so that employees pay a larger percentage of costs than is typical for other California cities. Both Fire and Police employees contribute 12% of their salary to cover retirement costs, 3% more than is required by CalPERS. Two other labor groups have just agreed to pay in excess of the required 8% of salary if PERS costs increase beyond what is currently expected over the next few years. And, of course, employees new to the PERS system since 2013 receive reduced retirement benefits, as per the requirements laid out in the California Public Employees' Pension Reform Act of 2013, also known as "PEPRA". Each of these actions serves to address the City's ongoing pension liabilities. The City has placed a great deal of effort in developing a long range forecast model to include projected PERS costs, along with other City needs, costs and revenues. The model is intended to be both realistic and robust to allow staff, the City Council and the public to see the current costs and effects of rising costs. The graph below illustrates the increasing pension costs, which are estimated to reach a peak by 2026 before starting to subside. Rising pension costs are a real issue. It is also a complicated issue statewide that takes time to address. The City of Davis and its City Council agree that transparency and outreach are crucial and look forward to		

Did the 2018-19 Grand Jury Improve Local Government?

	Recommendations	Responses	Date	Who's to Respond
		continuing and intensifying our engagement efforts with the broader community, amongst other leaders throughout Yolo County and across the state.		
		The City of West Sacramento already has plans to increase education and transparency around budget projections in general, and more specifically, the impacts of rising pension and OPEB costs to our General Fund and All Funds budgets. The City Finance Division has implemented a pension forecasting tool and is in process of implementing the OPEB module of that forecasting tool in addition to developing a long- term financial forecast for the general fund to inform the upcoming budget process. The results of those forecasts will be shared with City Council at a public meeting, and available to the public through the City's website.	8-23-18	W. Sacramento City Council
		•The City of Woodland is committed to promoting transparency and increased public engagement on issues affecting our community. The "looming pension crisis" is no exception. • The City is already engaged in several of the efforts suggested in this recommendation and will continue to expand these efforts.	8-30-18	Woodland City Council
		The City of Winters does believe that the issue has been brought before the Public over the past few years, and the City of Winters continues to bring the matter to the attention of the public on a regular basis. • Staff has presented information to the City Council a minimum of 4 times regarding the effects of PEPR, changes in actuarial assumptions, changes in the discount factor that CalPERS has adopted. • The City Council and City Management has been working with City Staff to inform all employee groups regarding the pension and retiree medical costs during negotiations. • The City Manager included information in the budget message discussing the impact pensions and retiree medical costs have on the City budget.	9-4-18	Winters City Council
R2	By February 1, 2019, city councils and staff should create a simple statistical template and/or graph that shows three-year past (actual) and projected (look back, look forward) pension costs and liabilities and their impact (% of total) on the city budget General and All Fund base.	In response to Recommendation 2, city staff will work with our fiscal consultant to incorporate a graph in our forecast model to address the look back/look forward information. City of Davis staff has reached out to the other Yolo cities, as well as Yolo County. All are committed to working together and sharing information and ideas to address pension and related	7-10-18	Davis City Council

Did the 2018-19 Grand Jury Improve Local Government?

	Recommendations	Responses	Date	Who's to Respond
	This is necessary to assure transparency to the public.	retirement costs. The City of Davis is also working on an outreach document that is easy to understand. We anticipate sharing this with the public in a variety of ways by 2019.		
		The City's Long-Term Financial Forecast looks at historical trends for a 5-10-year period and forecasts several years into the future, focusing on major revenue sources, major expense categories and wages, benefits, pension and OPEB costs in-depth. A summary of the forecast will be included in the City's adopted FYs 2019/20 and 2020/21 budget document which will be accessible on the City's website once adopted.	8-23-18	W. Sacramento City Council
		The City of Winters utilizes a 10 year financial forecast that includes all obligations, including pensions and retiree medical cost assumptions for the period.	9-4-18	Winters City Council
		The City can easily incorporate this recommendation to supplement existing charts and graphs already used to convey pension and retiree medical cost data to the City of Council and the public.	8-30-18	Woodland City Council

Did the 2018-19 Grand Jury Improve Local Government?

	Recommendations	Responses	Date	Who's to Respond
R3	By July 1, 2019, Yolo County city councils should investigate and consider alternatives to the existing CalPERS managed pension systems in order to achieve a more sustainable and less burdensome financial impact on city budgets. An alternative hybrid-defined pension option is included in the proposed Public Employees' Pension Reform Act of 2018 (Senate Bill 32). Any alternative plans considered by city governments should be transparent to the public.	No specific response (See R1)	7-10-18	Davis City Council
		Staff has met with CalPERS staff to discuss the various options for addressing and providing additional funding to pay down the unfunded liabilities for pensions. Additionally, Staff is constantly monitoring the status of the various retirement plans of the City and is currently working with the City Council and CalPERS to develop a strategy for funding additional payments for unfunded liabilities and using new revenues from new development to provide a funding source for paying down the unfunded liabilities for the pension plans on an ongoing basis. Staff is also looking into other options for funding the Medical Retiree cost beyond the current year funding model.	7-10-18	Winters City Council
		The City has already begun to mitigate the rising annual costs and unfunded liabilities for pension and OPEB in the following ways: • The City has successfully negotiated changes in retiree medical benefits for new employees in some bargaining groups, including transitioning from a defined benefit retiree medical plan to a defined contribution retiree medical plan funded by contributions during active employment rather than set benefits at retirement. This will serve to reduce the future costs and liability related to Other Post-Employment Benefit payments through natural attrition. • City of West Sacramento employees contribute a set dollar amount toward the OPEB liability each month (cost-share). • The City opened a CalPERS Employers' Retirement Benefits Trust (CERBT) to pre-fund OPEB costs and has been contributing the annual required contribution (ARC) since FY 2007/08. As of June 30, 2018, the assets in trust were \$17.7 million and the liability was funded at over 56%. The City is on track to fully fund the OPEB liability before 2040.	8-23-18	W. Sacramento City Council

Did the 2018-19 Grand Jury Improve Local Government?

Recommendations	Responses	Date	Who's to Respond
	Some public safety employees (non-PEPRA) have been contributing additional amounts toward pension since 2006. Currently, some public safety employees contribute 13.325% (4.325% more than the required employee contribution of 9%) toward the unfunded pension liability.		
	- The City continues to be engaged in efforts to explore and expand options to the existing CalPERS defined benefit plans available to California cities, most notably through its active participation in the League of California Cities' Pension Reform Task Force. (The Task Force help shape the reforms implement via Senate Bill 32). - The City also continues to engage its employee bargaining groups to increase awareness, explore alternatives and work toward more sustainable benefit plans.	8-30-18	Woodland City Council

	Recommendations	Responses	Date	Who's to Respond
R4	By September 1, 2018, collaboration among cities in Yolo County should be increased so that best practices in analysis and cost containment of pensions and other retiree benefits can be shared. The best practices and innovative ideas should be transparent to the public.	No specific response (See R1)	7-10-18	Davis City Council
		This recommendation has already been implemented. The City Managers from each agency meet on a monthly basis and share policies, status, suggestions and ideas for various issues, including the pension and OPEB liabilities (the agenda topic of a recent meeting), options and funding mechanisms. These regularly scheduled meetings as well as the ad-hoc coordination between Finance staff of the municipalities within the County provide beneficial information for addressing the Intent of the recommendation by the Grand Jury with respect to collaboration between the Yolo County agencies. Rising pension costs are a real and complicated issue plaguing local government agencies throughout the state, and it will take time and some creative strategies to address the ever-increasing liability. The City of West Sacramento agrees that transparency and outreach are crucial, and we look	8-23-18	W. Sacramento City Council

Did the 2018-19 Grand Jury Improve Local Government?

Recommendations	Responses	Date	Who's to Respond
	forward to continuing and intensifying our engagement efforts with the broader community and collaborating with other leaders throughout Yolo County.		
	We agree that transparency and outreach are crucial and look forward to continuing and intensifying our engagement efforts with the broader community and collaborating with other leaders throughout Yolo County on the matter.	9-4-18	Winters City Council
	The City of Woodland will continue to work with the cities of Davis, West Sacramento and Winters to share information and best practices related to management of pension and retiree medical benefit costs and unfunded liabilities. We welcome the opportunity to collaborate on approaches to enhance transparency to the public.	8-30-18	Woodland City Council

Report Title: Reporting and Analysis of Child Welfare Statistics by the Child, Youth and Family Branch of the Yolo County Health and Human Services Agency

Findings	Responses	Date	Who's to Respond
F1 The CWS/CMF database system used by the Child, Youth and Family Branch was introduced in 1997 and is awkward and outdated, requiring social workers to spend nearly half their time on data entry and making analyses difficult. The state is working on a new-generation data system, known as CWS CARES (California Automated Response and Engagement System). However, delivery of this new system, promised in 2017, may still be several years away.	We agree with the finding. Development of the statewide Child Welfare System database continues to move forward with the Child, Youth and Family Branch analyst team participating, along with the other 57 counties, in a work group to provide input on design and the functioning of the system. Thus far, a web-based search engine has been prototyped and tested. Additional components to support intake, emergency response and on-going programs have yet to be piloted or completed, and full implementation appears to be several years away. The Child, Youth and Family Branch is unable to substantially influence the State's timeline for full implementation.	7-10-18	Yolo County Board of Supervisors

Did the 2018-19 Grand Jury Improve Local Government?

	Findings	Responses	Date	Who's to Respond
F2	Social workers in the Child, Youth and Family Branch of the Yolo County Health and Human Services Agency have extremely important and stressful jobs that affect many aspects of our community, from schools to unemployment rolls to prisons. When social workers are required to grapple with antiquated and cumbersome data systems, their morale suffers and the time they can devote to keeping Yolo County children safe is diminished.	We agree with the finding. We know that child welfare work is extremely challenging, and we know from psychologists like Frederick Herzberg that job satisfaction and strong motivation comes largely from the experience of doing something meaningful and gaining recognition for achieving important outcomes that arise intrinsically from the work. In order to support staff in the experience of making a difference in the community, data systems are required that can provide confirmation that social workers are tangibly improving outcomes related to children and families. Data systems also provide a much needed feedback loop to ensure training and policy development are focused on efforts that make the biggest difference for our children and families. Data allows us to track progress towards our goals at the county level. Data that is timely and relevant, and demonstrates progress towards shared goals, improves morale and job satisfaction. The future implementation of the CWS CARES system promises to significantly improve the antiquated statewide data system currently in use. In the near term, the Child, Youth and Family Branch is working to simplify and streamline processes wherever feasible.	7-10-18	Yolo County Board of Supervisors
F3	Child welfare staff cannot efficiently and effectively monitor and identify trends in such variables as reentry into the foster care system, timely medical and dental interventions, or the role of parental drug abuse. Because of this, Child, Youth and Family Branch staff, along with county supervisors and the general public, can be blindsided by sudden spikes in negative outcomes that make headlines and generate reactive responses, to the detriment of efforts to systematically improve child welfare services and outcomes.	We disagree partially with the finding. As a part of an ongoing Continuous Quality Improvement process, further strengthened following the Board of Supervisors assessment of the child welfare system in 2016, efforts have been underway to improve our understanding of trends and variables related to Yolo County foster care, including: • A renewed effort to use the Results-Based Accountability method to analyze outcomes that make the biggest difference to the community; • New emphasis on data-driven decision making; an effort that includes front line supervisors and staff; • Utilizing the Child and Family Service Review results in an effort to gather qualitative information regarding program effectiveness; and • New family maintenance and re-entry reviews to gain better insight into important safety-related decision making processes. That said, additional resources are needed to better support these nascent practices and provide a more robust and systematic approach to ensuring more accountability, transparency and a fully data-driven child welfare system.	7-10-18	Yolo County Board of Supervisors

Did the 2018-19 Grand Jury Improve Local Government?

	Findings	Responses	Date	Who's to Respond
F4	The county's Child Welfare Action Plan calls for continuous, data-driven quality improvement, but the Child, Youth and Family Branch does not have sufficient data-analytic resources to fully engage in continuous quality improvement. The paucity of data-analytic resources means that the Branch cannot easily provide regular updates to the public concerning trends, challenges, and successes. Instead, the public tends to hear about the child welfare system only when there is a crisis (such as the death of a child), creating negative perceptions that may interfere with recruiting foster parents and other kinds of community support.	We disagree partially with the finding. The Child, Youth and Family Branch is committed to providing strong and transparent data and information regarding the strengths and areas of improvement needed with respect to service delivery and accountability. Currently, there is a substantial amount of data available which drives our day-to-day efforts to improve service delivery. That said, the bulk of our aggregate data is not always adequately assessed and analyzed in a manner that ensures it is understandable, usable and sufficiently applied to solving new problems or informing new policy. Additional resources would allow for better transparency as it relates to decision-making and outcomes that matter to Yolo County residents, as well as ensuring data is regularly available, meaningful and accurate for the County's child welfare program as well as other community service providers.	7-10-18	Yolo County Board of Supervisors

	Recommendations	Responses	Date	Who's to Respond
R1	By October 31, 2018, the Child, Youth and Family Branch of the Yolo County Health and Human Services Agency should submit a proposal to the Board of Supervisors for a continuous quality improvement unit charged with streamlining data collection and introducing tools that will enable the Branch to use data to drive decisions and measure success.	This recommendation will be implemented. Development of the statewide Child Welfare System database continues to move forward with the Child, Youth and Family Branch analyst team participating, along with the other 57 counties, in a work group to provide input on design and the functioning of the system. Thus far, a web-based search engine has been prototyped and tested. Additional components to support intake, emergency response and on-going programs have yet to be piloted or completed, and full implementations appears to be several years away. The Child, Youth and Family Branch is unable to substantially influence the State's timeline for full implementation.	7-10-18	Yolo County Board of Supervisors
R2	By January 1, 2019, The Board of Supervisors should provide funding for a viable continuous quality improvement unit.	This recommendation requires further analysis and will be considered upon receipt of a proposal from the Child, Youth and Family Branch.	7-10-18	Yolo County Board of Supervisors
R3	By July 1, 2019, the Child, Youth and Family Branch should create a website dashboard that keeps the public informed of child welfare challenges, successes, and needs, including information related to the need for more foster parents in the county.	This recommendation will be implemented subject to available resources.	7-10-18	Yolo County Board of Supervisors

**2018 – 2019
Yolo County Grand Jury
Final Report**

