

This document is an extract of a larger publication.

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



Mental Health Crisis Services in Yolo County

SUMMARY

The Grand Jury received a complaint that the Yolo County Department of Alcohol, Drug and Mental Health (ADMH) did not provide adequate services and resources to persons in mental health crises and their families. This prompted the Grand Jury to review the services provided by ADMH and to identify and describe public and community-based mental health crisis resources available in Yolo County. After interviewing personnel from ADMH, law enforcement agencies, hospitals, and community-based organizations, the Grand Jury found:

- ADMH treats clients in mental health crisis in their clinics; however, access to ADMH clinics is limited by hours of operation, location, and availability of psychiatrists.
- Law enforcement and hospital emergency rooms (ERs) are often the point of entry to treatment for people experiencing mental health crises; the numbers of these encounters are increasing annually.
- ADMH contracts with community-based organizations to augment its crisis services and works in cooperation and collaboration with them to serve the needs of people with mental illness.
- Yolo County recently received a \$1.7 million grant to establish a needed crisis response unit that will be comprised of mental health professionals and law enforcement personnel. The goal of this program is to provide needed crisis response wherever and whenever needed and to reduce the number of clients placed on involuntary holds, referred to emergency rooms or arrested and taken to jail.

DEFINITIONS

California Welfare & Institutions Code Section 5150 (5150): This Section allows a qualified officer or clinician to involuntarily confine a person deemed to have a mental disorder that makes him/her a danger to self, a danger to others, or is gravely disabled. The involuntary confinement may last up to 72 hours.

Alcohol, Drug & Mental Health (ADMH): A division of Yolo County Health Department that provides drug, alcohol and mental health services primarily to the indigent and Medi-Cal eligible.

Client: A person who utilizes mental health services.

Crisis Intervention Training (CIT): Specialized training for law enforcement provided through Peace Officers Standards & Training (POST). POST is a state agency that provides

Mental Health Crisis Services in Yolo County

training throughout California to law enforcement personnel.

Department of Employment & Social Services (DESS): A Yolo County department that offers a wide range of eligibility, employment and social programs.

Greater Access Program (GAP): State grant funding for counties to provide mental health services to the indigent.

Medi-Cal: Federal and State funded public health insurance program for low income persons.

National Alliance on Mental Illness (NAMI): An all volunteer organization that offers education, advocacy and support for people with mental illness and their families.

Senate Bill 82: \$142 million general fund allocation "...to increase capacity for client assistance and services in crisis intervention, crisis stabilization, crisis residential treatment, rehabilitative mental health services, and mobile crisis support teams."¹

Stakeholders: Community organizations, agencies, clients and individuals involved in a community response to mental health issues.

Yolo Community Care Continuum (YCCC): A non-profit organization established to better the lives of people with mental illness through direct services, advocacy, education and volunteer efforts.

REASON FOR INVESTIGATION

This investigation was prompted by a complaint that Yolo County ADMH was not providing adequate services or resources for individuals, and their families, undergoing mental illness crises.

The Grand Jury looked at ADMH and partner agencies to determine if Yolo County does indeed have responsive and timely mental health crisis services. The Grand Jury also reviewed the range of services ADMH provides. The Grand Jury focused on mental health services for individuals experiencing mental health crises.

California Penal Code Section 925 provides: "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or

¹ http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB82

Mental Health Crisis Services in Yolo County

other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers and districts.”

METHODOLOGY

The Grand Jury interviewed the complainant and personnel from the following departments and organizations: Woodland and Davis Police Departments, Yolo County Sheriff’s Department, Woodland Memorial and Sutter Davis hospital emergency rooms, Yolo Community Care Continuum (YCCC), Yolo County Department of Alcohol Drug & Mental Health (ADMH), Yolo County Mental Health Board, and National Alliance on Mental Illness (NAMI) Yolo Branch and homeless shelters: Fourth & Hope and Davis Community Meals.

The Grand Jury reviewed the following documents and websites:

- Alcohol, Drug and Mental Health Policies & Procedures Manual
- Annual logs of 5150 incidents from Woodland Police Department, 2009 -2012
- Woodland Police Department Policies & Procedures Manual excerpt for 5150 incidents
- Annual logs of 5150 incidents from Yolo County Sheriff Department, 2009-2012
- Sheriff Department Procedures Manual excerpt for 5150 incidents
- Annual logs of 5150 incidents from Davis Police Department, 2009-2012
- Davis Police Department Procedures Manual excerpt for 5150 incidents
- Summary of 5150 incidents from West Sacramento Police Department, 2009-2013
- Yolo County website: www.yolocounty.org
- National Alliance on Mental Illness-Yolo County website: www.namiyolo.org
- Yolo Community of Care Continuum website: www.y3c.org

DISCUSSION

For the purposes of this report, the Grand Jury considered a person in “mental health crisis” if that person has a mental disorder that makes him/her a danger to self, a danger to others, or is gravely disabled. This corresponds with criteria contained in the California Welfare & Institutions Code Section 5150 utilized by law enforcement, physicians and mental health professionals to confine a person involuntarily for up to 72 hours for assessment and treatment of a mental health crisis.

The Grand Jury reviewed how Yolo County and the community entities partnered to provide mental health services to our residents in need of crisis intervention.

Mental Health Crisis Services in Yolo County

The Grand Jury looked at:

- ADMH's role and responsibilities in providing services
- Law enforcement as first responders
- Emergency Room procedures
- Community based mental health support
- Barriers to accessing mental health services

Alcohol, Drug & Mental Health

ADMH provides alcohol, drug and mental health services primarily to indigent and Medi-Cal clients.

The mission of Yolo County Alcohol, Drug & Mental Health (ADMH) "...is to enable individuals in our community who are affected by mental illness and serious emotional disturbances to achieve the highest quality of life. To accomplish this goal, services must be delivered in the least restrictive, most accessible environment within a coordinated system of care that is respectful of a person's family, language, heritage, and culture."²

The Grand Jury focused on how ADMH responds to people with mental illness in crisis. The Grand Jury learned that anyone who presents in crisis at an ADMH clinic will receive immediate care. A person, not in crisis, who presents to the clinic will be evaluated and scheduled for an appointment with a psychiatrist. The psychiatric appointment generally occurs within two weeks of the evaluation.

ADMH recognizes that there are shortcomings in services currently available to individuals and families dealing with mental illness crisis. These include:

- The County currently does not have a crisis response unit that would provide a mental health professional at the location of the client in mental health crisis.
- The Woodland ADMH clinic is only open Monday through Friday, 8a.m. to 5p.m. The clinic in West Sacramento is open Tuesday, Thursday and Friday, 8a.m. to 5p.m.; the Davis clinic is open Monday and Wednesday, 8a.m. to 5p.m. Currently there is no ADMH clinic serving Winters/Esparto and other rural areas.
- The County does not have a crisis center. A crisis center is not the same as an ADMH clinic. A crisis center would provide counseling and treatment in a safe place where clients can stay up to 23 hours while they are trying to decompress and stabilize.

² www.yolocounty.org/home/showdocument?id=7912 Yolo County Alcohol, Drug & Mental Health Department 2005 Compliance Plan, Page 3

Mental Health Crisis Services in Yolo County

- ADMH needs more psychiatrists and other mental health clinicians. Recruiting and retaining mental health professionals has been challenging due to a shortage of qualified professionals.
- The ADMH page on the Yolo County website is not easy to navigate, making it difficult for the public to access basic information about county mental health crisis services and resources.

The Grand Jury found that in 2013 the Yolo County Health Department began the process of merging three departments: the Health Department, ADMH, and the Department of Employment and Social Services (DESS). The County expects that combining these three departments will streamline access to services. For example, when a mental health client requests treatment in the newly formed agency, it is expected that he will receive an extensive initial assessment, be assigned a case manager, be given an appointment with a mental health professional and be introduced to a broad range of treatment and social services. The Grand Jury learned that the merger is not complete and questions remain about funding and division of labor that prevent stakeholders from determining if the new agency will provide services as efficiently as expected.

The Grand Jury learned that ADMH is working to improve how information is provided to the public. ADMH is updating its page on the Yolo County website with improved content. The front desk personnel at the ADMH clinic are receiving updated training with a focus on customer service. ADMH is developing a plan for publicizing available mental health services and how best to access them. The 24 hour crisis and access line now offers Spanish and Russian translations in an effort to reach the two largest non-English speaking populations in Yolo County.

The Yolo County ADMH was awarded a grant of \$1.7 million from SB82 funds. SB82 provides funding for client assistance and services in crisis intervention, stabilization, residential treatment, rehabilitative mental health services, and mobile crisis support teams. The ADMH grant received the highest score of the competing counties in California.

The grant money will be used to establish crisis response teams in West Sacramento, Davis and Woodland, as well as a team to serve the rural areas of Yolo County. These teams will consist of a licensed clinician and a peer support counselor. The teams will respond, along with law enforcement, to calls involving an individual in mental health crisis. The individual will be assessed on site and referred for treatment. The goal of this program is to provide needed crisis response and to reduce the number of clients placed on involuntary holds, referred to emergency rooms or arrested and taken to jail.

Mental Health Crisis Services in Yolo County

Law Enforcement as First Responders

In Yolo County law enforcement agencies are often the first to respond to situations involving individuals in a mental health crisis, either in homes or in public. Law enforcement is dispatched via the 911 system. Dispatchers do not always receive information necessary to advise the responding officer if the incident involves someone with mental health issues.

Not all Yolo County law enforcement personnel are specifically trained how to effectively respond to an individual in mental health crisis. The State provides Crisis Intervention Training (CIT) but not all Yolo County law enforcement officers have been able to participate in it. CIT training is not mandatory for Yolo County law enforcement officers. Currently, law enforcement agencies in Yolo County do not provide departmental in-service training in mental health crisis intervention.

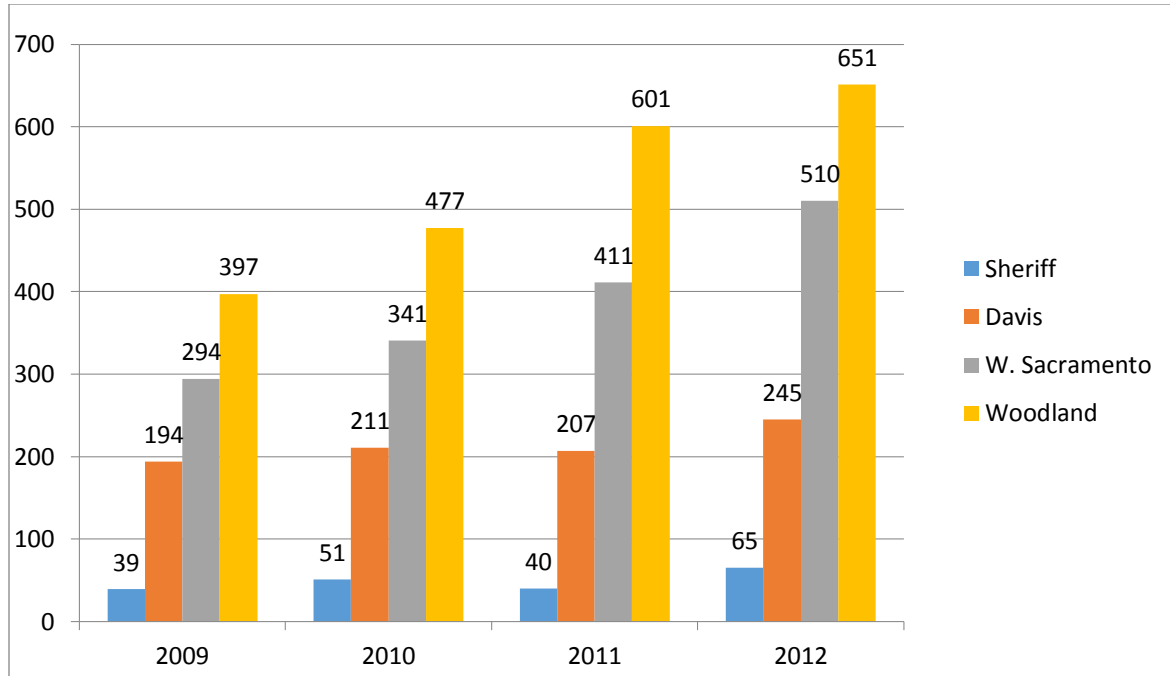
CIT is a four-day class covering “suicide intervention, guidelines for the use of force, recognizing acute psychotic episodes, post-traumatic stress disorder, and more. Training includes lectures, role play and demonstrations featuring experienced trainers from law enforcement, Veterans Administration, service providers, NAMI, clients, family members and the Yolo County Department of Alcohol, Drug & Mental Health.”³

Through CIT, officers and deputies are trained to interact with the individual and to decompress the situation. Law enforcement personnel evaluate the individual by “observation and conversation.” If, after evaluation, the officer believes the individual is a danger to himself or others, or if he is gravely disabled, the officer will detain the person and transport him to the nearest hospital emergency room for evaluation under Section 5150. If an individual experiencing a mental health crisis has committed a crime, the officer will take the person to jail.

The Grand Jury reviewed data from the Sheriff’s Department, Woodland Police Department Davis Police Department, and West Sacramento Police Department regarding 5150 events. The Grand Jury discovered that in 2009 these four law enforcement agencies handled 924 Section 5150 calls. These statistics escalated to 1471 calls in 2012. In these four years 5150 calls increased overall by 59.2% with corresponding consumption of law enforcement and hospital emergency rooms resources. See the graph on the following page:

³ Daily Democrat, Sunday March 16, 2014: Mental Health Crisis Training for Police

Mental Health Crisis Services in Yolo County



Law Enforcement 5150 Calls

Emergency Room Procedures

Local hospital emergency rooms (ER) regularly treat people with mental illness whether they arrive voluntarily or are brought in by law enforcement. Those individuals who are brought to the ER by law enforcement under Section 5150 can be detained up to 72 hours.

Upon intake, the ER staff assesses the patient for any medical issues that need immediate treatment. It is only after the patient is medically cleared that a mental health professional (a psychiatrist or a licensed clinical specialist) is contacted to evaluate the patient. These on-call mental health professionals are not located at the hospitals. Woodland Memorial Hospital contracts with Heritage Oaks Hospital in Sacramento to provide on-call mental health professionals for emergency room assessments. Sutter Davis Hospital contracts with Sutter Center for Psychiatry in Sacramento for these services. The current on-call system results in a delay between the time the patient initially arrives in the ER and the point at which he is assessed for mental health status and necessary treatment by a mental health professional.

Mental Health Crisis Services in Yolo County

There are three possible outcomes to mental health assessment in the emergency room:

- If the treating psychiatrist determines that additional evaluation or treatment is no longer required, an individual placed under a 5150 involuntary detainment may be released in less than 72 hours;
- If the patient is homeless, he may be referred to a local shelter;
- If the patient needs to be hospitalized, a bed must be available in an appropriate facility, which may be located in another area or in a different county. It may take hours, even days, to locate a facility and accomplish a transfer. If the patient is 17 years old or younger, locating an inpatient pediatric bed is a challenge as there is only one facility located in the greater Sacramento area.

The patient is maintained in the emergency room for as long as it takes to resolve the crisis or make the referral and transfer to an appropriate shelter or treatment facility.

Community-Based Mental Health Support

In Yolo County there are community-based resource options available to people with mental illness. ADMH contracts with many of the organizations identified below to provide a broad community response for mental health services.

The Grand Jury learned that mental illness affects not only the individuals suffering from mental illness, but also their families. The following community-based non-profits and dedicated volunteer organizations are available and willing to provide services and referrals:

Yolo Community Care Continuum (YCCC)

YCCC offers alternatives to inpatient psychiatric treatment through Safe Harbor and The Farmhouse.

Safe Harbor is a short-term crisis facility. YCCC has insurance contracts with Kaiser, Magellan, and Lifesynch. Safe Harbor can receive clients in crisis if they have coverage through one of these companies, or if their Medi-Cal coverage authorizes the stay. Clients, on average, stay less than 30 days, usually between 7 to 14 days. They are offered counseling and a safe place to stay while recovering.

The Farmhouse, located north of Davis, is a 10 acre working farm which offers long-term residential transitional housing. Clients can stay 6 to 18 months; they receive counseling and case management to help them transition back to home life. While staying at The Farmhouse they participate in farm operations and learn skills for independent living.

Mental Health Crisis Services in Yolo County

Admission to Safe Harbor and The Farmhouse is voluntary. A patient who is discharged from an inpatient facility, but who feels they need more structured surroundings, can transition to one of these facilities until they feel capable of going home. Some clients can bypass inpatient care and go directly to a transitional facility with a referral from a mental health professional. These transitional facilities are less expensive than psychiatric hospitals.

YCCC also offers cooperative housing with support services which teaches clients independent living skills.

YCCC has been awarded a Greater Access Program (GAP) grant that is specifically targeted for the indigent who are mentally ill. This program offers help to people who are unable to participate in traditional programs. Available services include outreach, direct mental health treatment, and substance abuse treatment, all wrapped within a treatment plan that is developed by the clinical specialist and driven by the goals of the client.

Homeless Shelters

Homeless shelters are a main resource for those individuals who have fallen out of the mainstream of society. Shelter staff estimates that 40 to 65 percent of the people staying at homeless shelters are suffering from some form of mental illness. The shelters offer a warm meal and a safe place to spend the night, but they are not equipped to treat the mentally ill. The shelters offer referrals to various agencies like YCCC, or ADMH if the client's mental health is stable. If the person is in a mental health crisis the shelter will refer them to a hospital emergency room.

The National Alliance on Mental Illness (NAMI)

NAMI-Yolo is an all-volunteer organization which offers education, advocacy and support to clients and their families. Currently, approximately 150 families are served by NAMI-Yolo. NAMI's website contains a wealth of information about mental health services and local resources. Basic questions can be answered through the links offered on this site. One will find:

- Family-to-family education classes;
- Peer-to-peer recovery education;
- A Crisis Toolkit provides phone numbers, information on what a person should do when they are in crisis, information on family rights, and other resources;
- Yolo County Mental Health Services website links to ADMH and a list of many other county resources;

Mental Health Crisis Services in Yolo County

- The Mental Health Roadmap offers information, links to community resources, and how to handle crisis situations;
- The Help-line offers information, referrals to resources and support from trained volunteers.

The Yolo County Local Mental Health Board (LMHB)

LMHB is made up of 15 members consisting of clients, family members and a member of the Yolo County Board of Supervisors. LMHB's purpose is to advocate for the seriously mentally ill. The Board reviews the annual county budget to ensure adequate funding for mental health services is maintained. LMHB also advocated for a mental health director to remain a part of the new health department merger. Currently there is a collaborative relationship between ADMH and LMHB with a focus on service to the client. LMHB also advocates for the mentally ill at the State and Federal levels.

Barriers to Access

The Grand Jury learned that it is difficult for individuals and their families, new to dealing with mental illness issues, to know where to turn for help. The Grand Jury identified the following barriers to accessing mental health services in Yolo County:

- Insurance rules for mental health coverage are often limiting and inconsistent. Some insurance companies only cover specified facilities and medications. An individual having Medi-Cal insurance is referred to ADMH which has the Medi-Cal contract for Yolo County.
- Cultural issues having to do with the stigma of mental illness prevent some persons from seeking needed services.
- Transportation can be a barrier to accessing mental health services because services are not always available in the client's community.
- The Yolo County ADMH website is difficult to navigate. Although ADMH collaborates with many community organizations to provide crisis services, its website does not contain links to those organizations or describe the services they provide. The County currently is updating the website to improve content and to provide easier access to needed information.
- It is difficult to obtain an initial appointment with an ADMH psychiatrist. This process can take two weeks or more for individuals who are not in crisis. Currently, there are not enough psychiatrists at ADMH to treat the volume of mentally ill clients. Recruiting and retaining psychiatric staff is a challenge for ADMH due to a shortage of qualified mental health professionals.

Mental Health Crisis Services in Yolo County

FINDINGS

- F1.** ADMH does treat clients in mental health crisis in their clinics; however, access to ADMH clinics is limited by hours of operation, location, and availability of psychiatrists.
- F2.** Statistics show that an increasing number of Yolo County people in mental health crisis enter the treatment system through Emergency Rooms or through law enforcement contact and involuntary 5150 holds.
- F3.** There is a need for more CIT-trained law enforcement officers to respond to the increasing number of 5150 calls in Yolo County.
- F4.** The recent ADMH grant should help provide enhanced crisis treatment to Yolo County residents.
- F5.** Recently the ADMH updated its webpage to provide a direct link to its 24 hour crisis line for English, Spanish and Russian. However, the site does not contain links to community-based organizations that provide mental health crisis treatment and resources.
- F6.** ADMH has not adequately publicized its relationship with, or the supplemental services provided by, the community-based organizations with which it contracts.
- F7.** It is too early to determine whether the pending merger of ADMH, DESS and Yolo County Health Department will streamline services to the mentally ill.

RECOMMENDATIONS

- R1.** Given the increase in 5150 calls in Yolo County, law enforcement agencies should develop a plan by October 1, 2014 to provide more officers with Crisis Intervention Training or departmental in-service training to help them respond to calls involving mental health issues.
- R2.** By October 1, 2014, Yolo County law enforcement agencies should develop an integrated response plan so certified Crisis Intervention Training officers are the first responders on calls involving individuals in mental health crisis.
- R3.** By September 1, 2014, the ADMH home page on the Yolo County website should be updated to make it easier to navigate and to provide more useful content, including a section for Frequently Asked Questions and links to community-based mental health resources.

Mental Health Crisis Services in Yolo County

- R4.** By July 1, 2015, Yolo County Health Department, ADMH, and the Department of Employment and Social Services should develop a method to measure and report, to the Board of Supervisors, whether the merger of the departments results in streamlined services for people with mental health issues.
- R5.** By January 1, 2015, ADMH should prepare a plan to address the barriers to accessing mental health treatment caused by difficulty in understanding insurance coverage, cultural and transportation issues.

REQUEST FOR RESPONSES

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

From the following individuals:

- Chief of Police, Woodland Police Department: Recommendation R1, R2
- Chief of Police, Winters Police Department: Recommendation R1, R2
- Chief of Police, West Sacramento Police Department: Recommendation R1, R2
- Chief of Police, Davis Police Department: Recommendation R1, R2
- Sheriff of Yolo County: Recommendation R1, R2
- Director of ADMH: Recommendations R3, R4, R5
- Director, Department of Health: Recommendation R4
- Director, Department of Employment and Social Services: Recommendation R4

DISCLAIMER

This report is issued by the 2013-2014 Yolo County Grand Jury with the exception of one juror who was recused. This grand juror did not participate in any part of the investigation, which included interviews, deliberations, and the making and acceptance of this report.

Proposition 218 Protest Election Process: “The Yolo Way”

SUMMARY

The Grand Jury reviewed the notification process Yolo County uses when conducting Proposition 218 protest elections after receiving a series of complaints regarding management of the Wild Wings County Service Area (Wild Wings CSA). After considering the numerous issues raised in the complaints, the Grand Jury narrowed the scope of its investigation to the Proposition 218 protest election notification process in Yolo County.

Proposition 218 restricts local governments' ability to impose assessments and property related fees and property tax assessments to pay for specific services (i.e. water, sewer, lighting, etc.). While there are a number of traditional election formats outlined by Proposition 218, it also provides for a "protest election". These "protest elections" are unique in that a "yes" vote is cast by doing nothing and a "no" vote is cast by filing a protest with the governmental body holding the election. For Proposition 218 "protest elections" within the jurisdiction of Yolo County, the Board of Supervisors is required to send the notice of a Proposition 218 election to affected residents and property owners, advise them they can file a "protest," and hold a public hearing to collect and tabulate "votes".

The Grand Jury found that the Yolo County notification process meets the minimum standards required by Proposition 218. However, the Grand Jury discovered that other jurisdictions within Yolo County, and local governmental jurisdictions within California, provide better election notifications that are clearer, more informative, and encourage wider participation by residents and homeowners.

The Grand Jury calls on Yolo County to implement a Proposition 218 protest election process which:

- provides information to voters that fully describes the protest election process in an easily readable and understandable fashion;
- ensures eligible voters receive an easily understandable ballot with clear directions regarding how to submit a protest vote; and
- encourages public participation.

BACKGROUND

The Grand Jury received three complaints regarding the Wild Wings County Service Area (CSA). The complaints raised questions regarding the fiscal operations of the newly

Proposition 218 Protest Election Process: “The Yolo Way”

acquired golf course, the management of the loans and reserves for the CSA and whether the Proposition 218 election in 2013 complied with the law.

The Grand Jury found no fiscal improprieties within the Wild Wings CSA. The Grand Jury did find reason to further investigate the Proposition 218 protest election process.

METHODOLOGY

The Grand Jury reviewed the complaints and interviewed managers, staff and elected officials from the County of Yolo and residents of the Wild Wings CSA. In addition to the interviews, the Grand Jury reviewed the following documents:

- Yolo County Administrative Policy Manual (APM);
- County Service Area 2013-14 Budget Information;
- Wild Wings County Service Area Formation Document dated May 25, 2004;
- Wild Wings CSA Golf Course/Recreation Advisory Sub-Committee Formation Document, dated June 2, 2009;
- Text of Proposition 218;
http://www.lao.ca.gov/1996/120196_prop_218/understanding_prop218_1296.html
- Proposition 218 Implementation Guide, League of California Cities;
<http://www.cacities.org/UploadedFiles/LeagueInternet/c2/c2f1ce7c-2b14-45fe-9aaa-d3dd2e0ffecc.pdf>
- Proposition 218 documents for Wild Wings Homeowners; and
- Proposition 218 notices from other counties and local agencies.

The last interview was conducted on March 3, 2014.

DISCUSSION

County Service Areas

Yolo County provides some public services through County Service Areas (CSA). A CSA is a branch of county government that provides funding and management for a wide range of public services including lighting, fire protection, road maintenance, potable water supply, and wastewater treatment and disposal. It may also provide a limited number of these or other services depending on how and for what purpose it was formed. Each CSA provides public service needs unique to a particular community or neighborhood. Eleven CSAs have been established in Yolo County.

CSA Advisory Committees (CSA Committee) are established within each CSA to provide oversight of the delivery of services and financial status of each CSA. Services to these unique areas are funded initially in a manner similar to Special Districts through

Proposition 218 Protest Election Process: “The Yolo Way”

enactment of a parcel tax. A CSA Committee may also request the County hold an election under the provisions of Proposition 218 to fund existing services or to provide new services within a CSA.

CSA Committees are composed of community members who reside within the boundaries of the CSA for which that particular committee provides oversight. CSA committee members are appointed by the Yolo County Board of Supervisors. The CSA Committees act solely in an advisory capacity and may only make recommendations to the Board of Supervisors regarding the services provided by the CSAs. The ultimate authority regarding governance of a CSA resides with the Board of Supervisors.

Additional oversight of the CSA is provided by the Yolo County Department of Planning and Public Works (PPW). The PPW provides oversight through a County Service Area Manager (CSAM). The CSAM attends CSA Committee meetings, provides advice to the CSA Committee, and acts as a liaison between the CSA Committees and the Board of Supervisors. The CSAM also assists the Board of Supervisors in providing oversight of a Proposition 218 election process.

Proposition 218

Proposition 218 is contained in the California Constitution, Article XIII D. It limits the authority of government agencies to impose property related fees or charges, including water rates. Like other taxpayer protections in California, Proposition 218 requires government agencies to follow certain procedures to adopt or increase water rates and limits those rates to the amounts necessary to provide the property related service.

In general, citizens understand the term “election” to mean that they will cast a vote on a ballot as they would in any other general election. This is not always the case with a Proposition 218 election where most of the increases to the cost for services will result from a “protest election.” In a “protest election”, if the residents or property owners oppose the proposed increase, they must submit a ballot in the form of a letter of protest prior to, or at, a public hearing scheduled to act on the matter. Residents who support the proposed increase “vote” by taking no action.

As with any other legislation or law, Proposition 218 provides only the basic requirements for implementation. The public agency has the ability to determine its own procedures as long as the basic requirements are met. Generally these requirements include a minimum amount of time a notice must be issued prior to the hearing date or a statement that an increase cannot be passed if a majority of the residents submit protest letters. Proposition 218 does not specifically state how the public notice is to be written or how much information should be included in this notice.

Proposition 218 Protest Election Process: “The Yolo Way”

Wild Wings County Service Area

The Wild Wings CSA was initially created in 2004 to provide oversight of the operation and maintenance of the potable water delivery and waste water treatment systems for the Wild Wings development. The Wild Wings development is composed of approximately 330 homes. In 2009 Yolo County acquired the Wild Wings Golf Club, which is located within the development. The oversight of the operation of the golf club then became the responsibility of the Wild Wings CSA.

During 2013, a Proposition 218 “protest election” was held on a proposed increase in the utility rates paid by the residents of Wild Wings. In accordance with the requirements of Proposition 218, the County drafted and mailed the required notice of a public hearing which took place on July 16, 2013. At the conclusion of the public hearing, the Board of Supervisors voted to pass the increases. There are no records indicating whether any Wild Wings residents attended the public hearing and no record that any protests to the proposed rate increase were filed.

Although the County complied with Proposition 218 during the 2013 election, the County provided only a minimum amount of information to residents regarding the voting procedure. The 2013 Wild Wings Proposition 218 public notice stated that written protests could be received at, or prior to, the public hearing. The notice did not clearly state that residents who opposed the increase would need to file a protest in order to “vote” against it nor did it advise residents as to the form a protest letter should take.

Administration of Proposition 218 Elections in Yolo County

The Grand Jury was not able to identify any written procedures maintained by Yolo County for the management of a Proposition 218 “protest election” within its jurisdiction. The Grand Jury learned that the County does not have an established policy or practice for receiving and recording election protests.

The Grand Jury found it difficult to locate and review the past Proposition 218 information within Yolo County. There is no specific collector and keeper of these records within the County and no location where a resident could go to review previously held Proposition 218 election records.

The Grand Jury learned that Yolo County did not offer Proposition 218 information in multiple languages during the 2013 Wild Wings CSA election.

Proposition 218 Protest Election Process: “The Yolo Way”

Proposition 218 Notices of Public Hearing

The Grand Jury reviewed Proposition 218 public notices issued by other agencies within Yolo County and other regions of California and found that the amount of information contained in Proposition 218 public notices varied widely from agency to agency, and among the various local governmental agencies within Yolo County.

For example, the Grand Jury reviewed Proposition 218 public notices from the City of Woodland. In addition to meeting the minimum requirements of the proposition, the City of Woodland also issued the Proposition 218 notice in multiple languages, informed the residents exactly how to participate in the process and included a statement explaining that if a majority of the residents protested, the increases could not be implemented. The Proposition 218 notice reviewed by the Grand Jury from the City of Davis also was specific in informing the citizens how to effectively protest the action.

The Grand Jury compared the Wild Wings notice of a public hearing with one from San Diego. The Grand Jury believes that the San Diego notice contained all of the important information that should be provided to residents and homeowners when a Proposition 218 “protest election” occurs. The San Diego notice:

- showed evidence of thoughtful graphic design intended to draw people’s attention to the information;
- specified who could file a protest (one written protest per affected property);
- specified what should be in the protest, and included a form that could be used as the protest letter;
- indicated that the information is available in alternative formats for disabled and non-English speaking residents;
- stated the consequence of a successful protest, and defined a successful protest.

The following graphic illustrates the visual difference between the two notices with the Yolo County example to the right overlapping the San Diego example.

Proposition 218 Protest Election Process: "The Yolo Way"

Visual Comparison of San Diego Notice of Public Hearing and Yolo County Notice of Public Hearing

You Can Protest the Proposed Rate Adjustment

You can use the form in this notice to register your protest against the proposed water rate adjustment. You can also choose to write a letter to the City, following the requirements below, or appear at the public hearing listed on the front cover of this notice to submit your written protest.

How Can I Participate?

Interested parties can comment on the proposed rates. California Constitution Article XIII D section 6 (Proposition 218) prohibits the City from implementing the new rates if a majority of the affected property owners or tenants file written protests opposing the rates before the end of the public hearing. Only one written protest per affected property will be counted towards the majority protest. Written protests must be received by the City Clerk, City of San Diego, Mail Station No. 20, City Administration Building, 202 C Street, San Diego, CA 92101, before the end of the public hearing which is scheduled for 10:00 a.m., November 21, 2013. Each protest must identify the affected property (by street address or Assessor's Parcel Number) and include the signature of the property owner or utility customer of record. In compliance with Proposition 218, e-mail protests will not be accepted. Fax protests will also not be accepted. Although oral comments at the public hearing will not qualify as formal protests unless accompanied by a written protest, the City Council welcomes input from the community during the public hearing.

Some customers will receive multiple notices

In order to ensure that all San Diegans are informed about possible water rate increases, these Notices are being sent to all City of San Diego water customers. If you are responsible for more than one bill, you will receive more than one Notice.

USE THIS FORM TO PROTEST THE PROPOSED WATER RATE INCREASE


_____, (Print first and last name) protest this proposed increase to water rates.

Property Address or Assessor's Parcel Number: _____

Signature: _____

If you wish to use this form as your protest, please fill out and mail in a stamped envelope to: City Clerk, City of San Diego, City Administration Building, 202 C Street, MS 20, San Diego, CA 92101 or deliver it to the City Clerk before the end of the Public Hearing on November 21, 2013.

This material is available in alternative formats upon request to accommodate persons with disabilities or non-English speakers. To order information in an alternative format, or to arrange for a sign language or oral interpreter at the November 21, 2013 hearing, please call the Clerk's office on or before November 8, 2013 at (619) 531-4000 (voice) or (619) 236-7012 (TTY).



Notice of Public Hearing

The San Diego City Council will hold a public hearing to consider a proposed water rate increase primarily as a result of an increase by the San Diego County Water Authority for the wholesale cost of water.

Interested parties are invited to attend. Read inside to learn more.

**November 21, 2013
10:00 a.m.**
City Administration Building
202 "C" Street, 12th Floor
Council Chambers

Thereafter, fees shall not increase by more than the Consumer Price Index (CPI-W and CPI-U) for the San Francisco-Oakland-San Jose, CA area for the most recent February to February as compiled by the Bureau of Labor Statistics.

At 9:00 a.m. (or as soon thereafter as circumstances permit) on July 16, 2013, in the Board of Supervisors Chambers, at 625 Court Street, Room 206, Woodland, California, the Board of Supervisors will hold a Public Hearing to consider the proposed fee increases, and to receive and consider all public comments, including but not limited to any protests against the proposed fee increases.

The water service that is the subject of this proposed increase is described in a fee rate analysis on file with the Clerk of the Board at 625 Court Street, Room 204, Woodland, California. This represents the estimated annual cost of providing water service to each parcel within the Wild Wings County Service Area

A detailed fee analysis is available to the public concerning the proposed fee increases, including the cost or estimated cost of providing the service for which each fee is proposed to be charged, the revenue sources anticipated to provide the service (including general fund revenues), and the bases of the allocation of the cost of the services. This information is available for review at the Office of the Clerk of the Board of Supervisors, at 625 Court Street, Room 204, Woodland, California.

All interested persons are invited to attend and be heard at the time of the hearing. As provided in the County Service Area Law, Government Code 25210.77a and following, any interested person may file a written protest with the Clerk of the Board at 625 Court Street, Room 204, Woodland, California, at or before the close of the public hearing.

Additional information regarding the proposed fee may be obtained from Regina Espinoza, County Service Area Manager, at (530) 666-8725.

Dated: May 21, 2013

Julie Dachtler
Clerk of the Board of Supervisors

By: _____
Deputy
(SEAL)

San Diego Notice of Public Hearing
Excerpt from full document located at: <http://www.sandiego.gov/water/pdf/rates/jan20142015publichearingnotice.pdf>

Yolo County Proposition 218 Notice of Public Hearing
Excerpt from full document located at: <http://www.yolocounty.org/home/showdocument?id=23040>

FINDINGS

- F1.** Yolo County met the minimum requirements of Proposition 218 for a proposed utility rate increase in Wild Wings, but did not adequately and clearly inform the residents how to successfully protest an election.
- F2.** Yolo County does not have a written set of procedures for the management of the Proposition 218 election process within its jurisdiction.
- F3.** It is not easy to locate or access all supporting documentation regarding a specific Proposition 218 action.
- F4.** There are other jurisdictions within Yolo County that have provided more detailed information to their residents about how a Proposition 218 "protest election" works.

Proposition 218 Protest Election Process: “The Yolo Way”

- F5.** Yolo County does not issue Proposition 218 related notices in languages other than English.

RECOMMENDATIONS

- R1.** By October 1, 2014, the County Administrative Officer shall work with the County Counsel, Clerk of the Board of Supervisors and the Department of Planning & Public Works to develop a set of procedures for a Proposition 218 election, including outlining each department’s responsibilities.
- R2.** By December 1, 2014, the Department of Planning & Public Works, in coordination with County Counsel and the Clerk of the Board, shall develop guidelines for the preparation of a Proposition 218 Public Notice. The notice shall include all legally required information and the following:
- a.* An explanation of the “protest” election process;
 - b.* How a resident can participate in the protest election;
 - c.* How the protests are counted and what constitutes a successful protest;
 - d.* How relevant information can be obtained; and
 - e.* How disabled and non-English speaking residents can participate.
- R3.** The Board of Supervisors shall consider including a protest form in the public notice to be completed and returned by a protesting resident for all future Proposition 218 actions.
- R4.** By October 1, 2014 the Board of Supervisors shall identify the appropriate department to maintain and make accessible Proposition 218 election records, consistent with the maintenance of other utility rate, election and financial records.

REQUEST FOR RESPONSES

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

From the following individuals:

- County Administrative Officer: Recommendations R1 and R4
- Director of Planning and Public Works: Recommendation R2

Proposition 218 Protest Election Process: “The Yolo Way”

INVITED RESPONSES

- Board of Supervisors: Recommendations R3 and R4

DISCLAIMER

This report is issued by the 2013-14 Yolo County Grand Jury with the exception of two jurors who were recused from the interviews and investigations.

Yolo County Sheriff: Leadership Practices from the Wild, Wild West

SUMMARY

The 2013-14 Grand Jury received a complaint against the Yolo County Sheriff. The scope of the complaint and the fact that the subject of the complaint was an elected official were significant. The Grand Jury formed an ad hoc committee to complete a thorough and detailed investigation into the complaint. To ensure an unbiased and independent counsel, the Grand Jury sought legal advice from the State Attorney General through each step of the investigation. That advice was sought specifically with regard to allegations that included a call for the Sheriff's removal from office.

The complaint presented a broad range of issues including:

- Mismanagement, bad behavior and poor leadership;
- Non-compliance with County policies and procedures.

The Grand Jury learned that the County had been concerned with these same issues and had conducted multiple interviews and investigations into complaints regarding the Sheriff. However, the County's internal investigations were conducted in such a manner that the employees participating did not believe the interviews were confidential thus preventing them from speaking openly and freely in response to inquiries. In this Grand Jury investigation, most interviewees testified under subpoena and were assured of the confidentiality of the Grand Jury process.

In addition to issues raised by the original complaint, the Grand Jury also found acts of nepotism, favoritism, and management by intimidation, ineffective training and a Sheriff's Department burdened by poor morale. However, the Grand Jury did not find acts of willful or corrupt misconduct that rose to the level that warranted an accusation.

During this investigation, the Sheriff acknowledged an element of the complaint by issuing a memo to department leadership staff pertaining to nepotism. The Grand Jury has further recommendations regarding the updating and compliance with County policies, procedures, and training; the evaluation standards in the Sheriff's Department; supervisory authority of the command staff; and performance evaluations for elected department heads.

GLOSSARY

Nepotism: Favoritism shown to relatives or close friends by those with power or influence.