

2010 - 2011

Sonoma County Grand Jury

*watches over your
tax dollars*





THE SONOMA COUNTY CIVIL GRAND JURY

P.O. Box 5109 · Santa Rosa · California · 95402 · (707) 565-6330
http://www.sonomasuperiorcourt.com/pages/gjury_info.php

June 30, 2011

To the citizens of Sonoma County and the Honorable Judge Nadler:

In accordance with Section 933 of the California Penal Code, it is my honor to present the 2010-2011 Sonoma County Civil Grand Jury's final report. The individual reports resulted from more than 15,000 hours of dedicated service by jury members. Complaints filed by county residents, coupled with mandatory investigations, resulted in this final report and cover a wide range of topics.

Section 919 of the California Penal Code requires the Grand Jury to inquire into the condition and management of the county's jails, as well as to review all Officer or Employee-Involved Fatal Incidents. The reports relative to those Grand Jury's responsibilities can be found under the titles: 1) "Main Adult Detention Facility," 2) "Child Protective Services" and 3) "Critical/Fatal Incidents."

There has been ongoing concern over governmental waste, fraud and abuse, not only in our county, but nationwide. The Grand Jury chose to thoroughly investigate whistleblower policies (which address waste, fraud and abuse) that are in effect in Sonoma County. We found that there were several different approaches to handling whistleblowing. We based our recommendations on ensuring that all whistleblower complaints are responded to in a timely, efficient, and confidential manner, and that whistleblowers would not be subject to retaliation.

School district consolidation has long been a topic of concern within Sonoma County. Your Grand Jury spent countless hours researching and investigating this sensitive subject. Our recommendations include encouraging increased citizen involvement in the process of evaluating the feasibility of district consolidation/unification.

The Grand Jury also investigated and/or reviewed LAFCo policies, the Petaluma Public Works Department, SMART's financial status, the Sonoma County Purchasing Department, the Sonoma County Agriculture Department, Windsor Water District and a citizen complaint regarding a sexually related incident in Santa Rosa.

The Grand Jury's effectiveness as the citizens' ombudsman and watchdog of Sonoma County government agencies is dependent on participation by county residents as either complainants or jurors. Complaints filed by concerned citizens are the primary source of our investigations. Each complaint is given serious consideration, with many leading to an investigation and report.

I wish to thank my fellow jurors for their most appreciated, untiring efforts and devotion to fulfilling the obligation accepted upon being sworn in as a Grand Juror. It has been an honor to serve with them!

Cordially,

Chris Christensen, Foreperson

2010-2011 Sonoma County Civil Grand Jury

Superior Court State of California

GARY NADLER
PRESIDING JUDGE
(707) 521-6726
FAX (707) 521-6754

COUNTY OF SONOMA
HALL OF JUSTICE
600 ADMINISTRATION DRIVE
SANTA ROSA, CA 95403



June 29, 2011

Dear Members of the Sonoma County Civil Grand Jury:


Having reviewed the Grand Jury Final report for the fiscal year 2010-2011, I find that it complies with Penal Code section 933. You are to be commended for your thorough investigations and conscientious findings and recommendations. You have fulfilled your duties with hard work and dedication.

The citizens of Sonoma County are indebted to you for your diligent, straightforward efforts. I understand that the performance of your duties requires much of your time in the investigation of issues affecting the citizens of Sonoma County. Much effort is required to perform the tasks necessary to create your report. On behalf of the Superior Court of Sonoma County, I applaud and thank you for all that you have done.

All of you have performed in an exemplary manner in discharging your duties. I especially would like to thank your foreperson, Chris Christensen, for his practical leadership and dedication to the work of the Grand Jury.

Once again, congratulations to our Civil Grand Jury. You have worked hard and done your job well. Our county is a better place thanks to the work you have done.

Very truly yours,



Gary Nadler, Presiding Judge
Superior court of California,
County of Sonoma

SONOMA COUNTY OUTREACH COMMITTEE

Historically, the Sonoma County Civil Grand Jury has been predominately made up of retired Caucasian men, and a few retired Caucasian women. This is not an accurate depiction of Sonoma County's population. Over the last several years, the Grand Jury has discussed ways to attract more applicants including those who reflect the diversity in age, ethnicity and gender found in Sonoma County.

The Ad Hoc Outreach Committee of the 2010 – 2011 Grand Jury made a concentrated effort to reach as many diverse community groups, organizations and individuals as possible. This committee had the assistance of the Superior Court Administrative Office and the Sonoma County Chapter of the California Grand Jurors' Association. Together, these groups developed a mailing list of those community groups, organizations and individuals in order to inform and recruit possible candidates to serve on the upcoming 2011 – 2012 Grand Jury.

As a result of this effort, 70 interested parties applied for the 2011 – 2012 Grand Jury (double that of the previous year). There were young adults, women, African Americans, Asian Americans, Hispanics and Native Americans in this pool of candidates; an authentic portrayal of Sonoma County's population.

This year's Ad Hoc Outreach Committee highly recommends that next year's jury repeat this outreach effort by using the mailing list developed this year, and by meeting with leaders of various parts of the community to gain support for future juror recruitments. An additional effort needs to be made by reaching out to citizens from the various geographical areas of the county.

YOU COULD MAKE A DIFFERENCE

County Civil Grand Juries are unique and powerful institutions, which offer opportunities for average citizens to directly investigate and influence how well county and city governments are serving the citizens of their counties. Nineteen jurors, and a minimum of five alternates, are needed to complete the yearly commitment. Here in Sonoma County, about 45% of those who initially apply remain as candidates at the time of the final, random selection at the end of June each year. This translates to meaning that a minimum of 60 candidates is needed yearly. These candidates should be as interested, energetic, capable and as representative of Sonoma County demographics as possible. The Grand Jury is an institution that can particularly benefit from diverse voices and points of view that would come from a jury panel comprised of those of differing age, gender, ethnicity or education. Since the Grand Jury has nearly absolute autonomy, its ability to effectively serve its purpose depends on the interests, capabilities and skills of the panel members.

The yearlong commitment (July – July), and the amount of time required on a weekly basis, means that potential candidates must give a great deal of thought to the decision about whether or not to serve on the Grand Jury. We encourage those who are willing to consider this opportunity to serve to find out more, and to apply. The Grand Jury needs more candidates who reflect the diversity in age, ethnicity, gender and education found here in Sonoma County.

Finally, a new group of Grand Jury alumni and interested citizens have formed the local Sonoma County Chapter of the California Grand Jurors' Association. This group will have the stability and longevity not possible for a sitting jury, and they plan to work closely with the Superior Court Administration to improve the quantity and diversity of candidates on an annual basis. If you would like to find out more, please visit the association's website at: <http://sccja.org>

We invite you to apply for Grand Jury service.

2011 Sonoma County Civil Grand Jury

CONTENTS

CHILDREN’S PROTECTIVE SERVICES

- Reducing the risk of abuse and neglect1

DEALING WITH DEATH

- Fatal incident reports6

COUNTY PERSONNEL PRACTICES

- Employee evaluations, personnel files and hiring practices8

AN INCIDENT IN SANTA ROSA

- Santa Rosa Police Department commended.....12

MAIN ADULT DETENTION FACILITY

- Kudos to Sonoma County Sheriff’s Department16

PETALUMA POTHOLES

- Will they continue to be in your future?18

OUR COUNTY’S FUTURE

- Who determines it?.....21

EDUCATION

- Doing nothing – not an option26

WHISTLEBLOWER PROGRAM

- Can we do better?41

WINDSOR

- Public works review49

CHILDREN'S PROTECTIVE SERVICES— REDUCING THE RISK OF ABUSE AND NEGLECT



SUMMARY

A citizen complaint was made to the Grand Jury alleging that children were at risk of abuse because Child Protective Services (CPS) staff was not always making the needed personal contacts with children, not fully looking at former investigation reports and that management's lack of leadership led to insufficient case evaluations. In 2010, CPS received over 11,000 contacts from citizens suggesting that one or more children were being neglected or abused, and of those inquiries, 2,645 complaints received an in-person investigation. Child Protective Services in Sonoma County is officially the Family, Youth, and Children's Division of the Human Services Department. The Division provides services by investigating emergencies, providing court services for children who need to be removed from their homes, offers reunification services to parents and children who have been separated due to abuse and neglect, and provides long term foster care and independent living skills for children whose parents

are unable to successfully complete the reunification program. The Grand Jury investigated the complaint by interviewing Division staff, inspecting documents and concentrating on the Emergency Response (ER) Program, which is responsible for investigating the allegations of child abuse and neglect.

In that ER Program, we found a need for improvement in the social worker's assessments, procedures for closing cases and management's oversight. On the other hand, we also saw positives in the Division. It has a new and pleasant Valley of the Moon Children's Home for those children who are removed from their homes, a state of the art sexual abuse interviewing facility called the Redwood Children's Center, and a current System Improvement Plan. It has hired eight additional social workers to cope with the large number of citizens' and professionals' allegations of abuse, is using a new decision making tool to improve social workers' assessments, and is revising its ER Program policies and procedures to help solve problems related to the complaint received by the Grand Jury.

In addition to the positive changes that the Division has made, the Grand Jury is recommending changes in: 1) the method used to evaluate the success of its in-person investigative procedures, 2) an additional coding system for marking how serious each case is, 3) improved communication between the Emergency Response manager, supervisors and the case workers, especially concerning their assessments and decisions to close cases, and 4) procedures to help see that the Division's new three- year System Improvement Plan is implemented.

In conclusion, our investigation validated the nature of the complaint made to the Grand Jury. However, we found that the Family, Youth, and Children's Division has made improvements related to the complaint during the time that the Grand Jury was investigating.

GLOSSARY

CPS –Child Protective Services, which is a common name for FYC.

FYC—Family, Youth and Children's Division.

ER—Emergency Response Program.

SDM—Structured Decision Making assessment tool.

Final Risk Level - case social worker's decisions in the SDM as to risks being Low, Moderate, High or Very High.

BACKGROUND

A citizen complaint was made in July 2010 to the Grand Jury alleging a lack of proper management in the Family, Youth and Children's Division (FYC, often referred to as Children's Protective Services or CPS) of the Sonoma County Human Services Department. The complaint indicated that assessments by social workers were not complete and that the oversight by supervisors and their managers was lacking in ensuring that full assessments were done as needed before the allegations were judged to be what is termed to be, by state law, as "unfounded," "substantiated" or "inconclusive." These deficiencies were said to lead to children being potentially exposed to further abuse.

INVESTIGATIVE PROCEDURES

The Sonoma County Civil Grand Jury investigated the citizen's complaint by studying the written policies and other documents of the FYC, touring the Valley of the Moon Children's Home and the Redwood Children's Center at the Los Guilicos county complex, and interviewing the complainant and eight of the FYC staff including managers, supervisors and social workers. As the investigation proceeded, the jury narrowed its focus to the Initial Services Section and more specifically to the Emergency Response Program (ER). Its employees, who are social workers with advanced college degrees, do an initial review and investigate the allegations of abuse and neglect.

NARRATIVE

The Grand Jury investigation discovered the following:

- In 2010, ER received over 11,000 calls and of those, 2,645 led to in-person investigations by social workers. The State of California requires that cases be investigated and decided within 30 days. Social workers feel pressured to close cases within the limit. It has been estimated by interviewees that about 10% of the cases do not get a sufficient review, including a closer look at history and parent contact before deciding to close a case. A short list of standards is provided by the State of California regulations on making decisions when closing cases.
- There are different opinions among managers, supervisors and social workers as to classifying the case allegations as "unfounded," "substantiated" or the evidence as "inconclusive," as required by the state regulations (Penal Code 11165).
- Working with time constraints, cases have been closed as "inconclusive" when the ER management has instructed social workers that their attempt to visit the home, parent and/or child two or three times and leaving a business card, without success, constitutes sufficient action. A different approach, or an additional visit, might have made the needed contact. For example, the social worker could try to visit later in the day or on the weekend.
- In re-opening cases because of new allegations, sometimes social workers see that there are deficiencies in the assessments of cases, which have been closed. The closed case could have had insufficient information leading to closing it, a history not fully reviewed, a parent not interviewed, etc. which then appear to have had a negative effect on a child. For example, in one reopened case for a referred, unrelated complaint, the case social worker did not recognize that a child had been previously abused by her relative and thus did not question the child. Subsequently, the child reported to another social worker that she had been sexually abused continuously and the previous case social worker should have questioned her. The case social worker who reopened the case did not know about the abuse because she did not read the entire history in the formerly completed assessment before doing her interviews as part of her own assessment. In another case referred to in the citizen complaint, the younger children in a family were given marijuana and physically abused by an older child. Additionally, the vision of one of the children was endangered by the lack of parents obtaining medical services. Although there were several previous allegations related to the family, a review of the case by FYC suggested that a more thorough social worker contact and assessment probably would have prevented these abuses.
- Morale in ER has been moderately low. On a scale of 1 to 10, the average rating from interviewees was 5.
- Interviewees from ER questioned whether the ER manager was effective because the ER manager was said to put too much emphasis on closing cases, did not fully understand the duties of caseworkers, nor the need for consistency between the ER supervisors and supervisors' communication with caseworkers.

- FYC Policy/Procedure “II-16 B. General” requires supervisors to randomly choose 20 cases per year in their unit for review (in addition to their regular reviews leading to case closure). There is no procedure to substantiate whether supervisors do these reviews. In 2009, the Division, along with the Sonoma County Probation Department, formally assessed themselves, and in 2010, developed a System Improvement Plan. The self-assessment and resulting plan are State of California requirements.
- The Division has hired eight new social workers to cope with the large number of cases, two of whom have been assigned to ER to lessen individual workloads that require investigating and deciding cases within 30 days.

FINDINGS

- F1. Although the state provides some guidance, its standards or guidelines are not clear about when a case should be closed. This causes considerable variance between supervisors’ judgments and opinions as to when cases are to be closed. Some supervisors are more lax and some are more stringent. Supervisors and their social workers are entrenched in doing things their own way with regard to closing cases. As a group, supervisors are inconsistent in interpreting rules, regulations and codes.
- F2. If a closed case is later re-opened because of a new allegation, there are no written procedures and no encouragement for a social worker or supervisor to request that the closed case be reviewed if it is thought that the assessment or the case closure decision was lacking.
- F3. In a small, but important number of cases, children have suffered the consequences of inadequate case assessment. However, the FYC director appears to be conscientious and is striving to remove inadequacies in case management and is to be commended. FYC has adopted the Structured Decision Making tool (SDM) and, based on recommendations from an in-house committee, it is revising all of its ER policies and procedures to improve assessment and case closure decisions. It appears that the SDM will help meet the needs for improving assessment and decision making about, and the management of, child safety, risk and parental adequacy.
- F4. With regard to FYC’s self assessment and the three-year System Improvement Plan that resulted from it, the work and input received from various people and groups are very commendable, but the social work staff appears to have little awareness or memory of either the self-assessment process or the plan except for the change to using the SDM tool.
- F5. Conscientious employees in ER are at risk of having low morale and being exhausted, partially due to inadequate supervision and management, time pressure to close cases, inconsistencies in interpretation of regulations for case closures, as well as the many cases that require investigation. However, the FYC’s implementation of new ER policies and procedures and the hiring of case social workers could reduce this risk.
- F6. FYC Policy/Procedure “II-16 B. General” concerning the subsequent review of randomly selected cases was not known to managers or supervisors who were interviewed and is not followed. It appears that no one looks to see if this policy is followed.

RECOMMENDATIONS

- R1. Re: F1, F2, F3 and F6 above: Currently, using the SDM process, referrals must be prioritized and coded to require investigations within either 24 hours or 10 days. Each referral/case also should be coded when the case is closed on a “seriousness scale” as a means of alerting staff if and when a case has to be re-reviewed or might

be reopened. The coding can be based on the SDM Final Risk Levels.

- R2. Re: F1: Once the new ER policies and procedures are developed by FYC, there should be an ongoing evaluation of their implementation and its results for improving the outcomes for children and the closing of cases.
- R3. Re: F2: Through policy and training, the social workers should be encouraged to bring forth previously closed cases, or cases which are forwarded to another section in the Division, and appear to have deficiencies in assessment or other decision-making, e.g., case closure or inadequate assessment. This is one means of training social workers to do more thorough assessments.
- R4. Re: F1 and F5: A written procedure, including guidelines, should be developed allowing a case to stay open beyond the 30 day limit and requiring a follow up by supervisors after a pre-determined time.
- R5. Re: F6: The procedure for a random review of cases should be carried out by section managers rather than, or in addition to, supervisors as a way to make section managers more familiar with the actions of their supervisors and social workers. Cases that were judged to be high risk should be a priority for re-review. A process for evaluating the implementation of the procedure needs to be established.
- R6. Re: F4: The FYC Director should develop a means for better informing staff of the Division's self-assessment and the System Improvement Plan and giving periodic reports on their results over the plan's three-year lifespan. For example, since there are regular staff meetings where these topics can be discussed, they can be addressed at the beginning of the meeting.

REQUIRED FOR RESPONSES

- From the FYC Division Director: F5, and R1 through R6.

BIBLIOGRAPHY

- FYC Policy and Procedure Manual, Volumes I and II.
- Sonoma County Self Assessment—Child Welfare and Juvenile Probation, March 2010.
- Sonoma County Child Welfare System Improvement Plan 2010-2013, September 2010.
- Standing Order for the Interview of Children by Sonoma County Human Services Department, Family, Youth, and Children's Division, May 26, 2010.
- Structured Decision Making assessment tools, copyrighted 2009 by NCCD.
- "Back to the Basics": Update and Implementation of ER Policies and Procedures, 10-29-10.

FATAL INCIDENT REPORTS



SUMMARY

The Grand Jury reviewed five fatal incident reports from the District Attorney. Three reports involved death of inmates, primarily due to medical conditions, and two dealt with incidents of an officer shooting a suspect during the process of apprehension. All reports reflected a thorough, detailed investigation by the District Attorney's office. Fatal incident reports are made by the primary law enforcement agency involved, an outside law enforcement agency, the District Attorney and the Civil Grand Jury.

The function of the District Attorney is to determine if there was criminal wrongdoing by any law enforcement officers in either shooting incident. The District Attorney found that there was no criminal liability in either shooting incident. The District Attorney does not deal with civil liability in any investigation.

The Grand Jury is required to review Fatal Incident Reports from the District Attorney to determine that county law enforcement agencies:

- Complied with the county fatal incident protocol,
- Acted appropriately during a fatal incident,
- Wrote reports without bias,
- Wrote reports containing factual witness statements, and
- Established a timeline of events leading up to, and including, the incident.

The Sonoma County Civil Grand Jury provides an independent citizen review of their conclusion regarding the absence of criminal behavior, and it ensures that law enforcement agencies complied with established investigative procedures and protocols.

APPROACH OR METHODOLOGY

The California Penal Code requires a formal investigation of each officer in a critical incident resulting in a fatality. The written "Employee-Involved, Fatal Incident Protocol" is the countywide policy, published by the Sonoma County Law Enforcement Chiefs' Association, to insure a prompt and efficient investigation when the following circumstances occur:

- A specific officer-involved critical incident occurred in Sonoma County, and
- A law enforcement employee was involved;

The protocol dictates that a task force of three separate agencies be formed to investigate, review and write reports. This task force is comprised of: (1) an outside law enforcement agency not involved in the incident, (2) the primary law enforcement agency involved in the incident, and (3) the District Attorney's Office.

The District Attorney's office investigates all of the evidence presented in the primary law enforcement report as well as the oversight report provided by an assigned outside agency. From the information garnered as a result of the investigation of these two reports, the D. A.'s office develops a fatal incident log. The information helps them to determine if the conduct of any involved officer rises to the level of criminal liability. The resulting final Critical Incident Report, prepared by the District Attorney's Office, is made available, by request, to the Sonoma County Grand Jury and other interested citizens.

DISCUSSION OR NARRATIVE

The Grand Jurors take their role in reviewing reported incidents, involving both deaths in custody and officer involved fatalities, very seriously. All available information of each incident is thoroughly and carefully reviewed to ensure that we are satisfied with the investigation of the law enforcement agencies and conclusions drawn by the District Attorney. The following fatal incidents have been referred to the Grand Jury for review:

11/30/07: Jail inmate died of stroke-related natural causes at the North County Detention Facility of the Main Adult Detention Facility (MADF);

1/03/08: A resident of a group home was shot by Santa Rosa police officers. Reporting agencies and the Grand Jury found no criminal liability. A federal civil law suit was filed. The Santa Rosa Police Department was dismissed from the suit by the federal court. Sonoma County is still involved in the suit.

09/18/09: A death in Main Adult Detention Facility (MADF) was determined to be caused by sickle cell anemia. All reports found this death to be attributed to natural causes related to this diagnosis.

01/21/10: A suicide occurred at MADF. All reports, as well as the Grand Jury review, found MADF personnel not culpable in the death;

06/03/10: A Sonoma County deputy sheriff shot a suspect after a high-speed chase and the resulting confrontation with the motorist. The Santa Rosa Police Department and District Attorney both filed reports, neither finding criminal liability on the part of the Sheriff's Department. The Grand Jury has accepted these reports without comment.

FINDINGS

- F-1. The Employee Involved Fatal Incident Protocol was followed in each incident of shootings.
- F-2. The District Attorney's Office reviewed the evidence and produced a report in the required time i.e. within ninety days of receipt of investigation reports.

RECOMMENDATIONS:

None

COUNTY EMPLOYEE PERFORMANCE EVALUATIONS, PERSONNEL FILES AND HIRING PROCEDURES



SUMMARY

While investigating Sonoma County government personnel issues, the Civil Grand Jury became aware that each county department is responsible for maintaining its own employee personnel files. After interviewing employees of various classifications from different departments and by reviewing Human Resource Department (HR) documents and information, the Grand Jury noted actual and potential deficiencies in:

- Maintaining and securing employee files,
- Tracking the completion of performance evaluations,
- Requiring contracts for all department directors, and
- Requiring exit interviews.

These HR issues can be solved by the development and implementation of new or updated policies and procedures. The Director of HR, the County Administrative Officer and the Board of Supervisors are required to respond to the Grand Jury's recommendations presented in this report.

GLOSSARY

HR – Sonoma County Human Resources (Personnel) Department

BACKGROUND

The Sonoma County Civil Grand Jury (GJ) began its jury year investigating the controversial termination of the Director of Animal Care and Control (ACC) in the late summer of 2010. Based on what was learned, the GJ then began an investigation of the Agricultural Commissioner's Office because of questions raised about the management of this department. Over 12 people were interviewed who were employed by the Agricultural Department as well as elsewhere in county government. During these investigations, it became apparent that changes should be made in how personnel files are handled and administered and how performance evaluations are made as required by county policy. In addition, the county has hired the Agricultural Commissioner and the County Counsel by only a resolution of the Board of Supervisors without the use of a formal contract spelling out expectations. This practice has made it more difficult to evaluate and, if necessary, dismiss persons in these two job classifications. Also, the county does not have an exit interview policy applying to employees leaving county government positions.

APPROACH

The GJ interviewed more than a dozen county and former county employees, including those in non-supervisory, supervisory and management positions, to understand the functioning of management-employee relationships. Additionally, the GJ received written information from HR on personnel file management, performance evaluations, employment contracts and exit interviews.

DISCUSSION

In our investigations we learned the following:

The Director of Animal Care and Control did not receive a formal mid-year performance evaluation as required by county policy in the months prior to being terminated. The county does have a policy on performance evaluations requiring evaluations (2007 Administrative Policy 4-1). Every department head is required to see that the policy is followed. However, HR does not monitor to see that the performance evaluations are, in fact, done. Further, Policy 4-1 does not address where completed performance evaluations are to be kept and who has access to them. It is presumed by HR that performance evaluations are kept in the personnel file.

The county does not have a policy that requires every appointed department director have an employment contract, nor what should be included in the contract. Generally, employment contracts should include performance evaluation and terms of severance if the director is dismissed. The county has not used contracts for the job classifications of County Counsel and Agricultural Commissioner.

After employees are hired, there are periodic merit-based salary increases if they meet job performance requirements. Merit increases are tied to the completion of the employees' performance evaluations. Employees can receive merit increases with just their supervisors' agreement even if the performance evaluations are not formally completed. HR is not aware whether or not each needed performance evaluation is completed. HR has a new

computer program (Human Resources Management Information System) that was installed this year. A component of this new program will allow HR to monitor the completion of the required evaluations, but this component has not yet been implemented.

Within the past year, the Director of the Agricultural Department allegedly requested and obtained copies made of the department's employee personnel files. Employee personnel files are kept within each department rather than in a central HR office. HR has Personnel File Guidelines (1-31-1992, Dept. Memo 92-1-P) that state "access to the files should be on a need-to-know basis. Precautions should be taken to ensure their confidentiality." The guidelines do not specifically address the copying of files, nor do these guidelines address which job position in each department should maintain and secure the files, how the files should be secured and when the HR should be contacted for guidance in file maintenance and security.

The Personnel File Guidelines give a list of items that should not be kept in the personnel files, but do not indicate where they should be kept and who should have access. These items include grievances, reasonable accommodations, conflicts of interest, medical information and immigration forms.

One interviewee, who was promoted to supervisor, claimed that a department manager or HR never told her that she was in a new probationary period. Rather, she learned this information from a co-worker. There appeared to be a lack of communication between the employee, the employee's department and HR.

The county does not have a policy requiring that employees, who are leaving county employment, have an "exit interview." Such interviews can yield valuable information that can be used to improve department operations and county services.

FINDINGS

- F1. There is a 2007 county policy addressing performance evaluations, but there is no monitoring system to see that it is followed.
- F2. Personnel File Guidelines were developed in 1992, but there is no up-to-date policy and the guidelines do not cover securing employee files, which are actually kept in each county department and not at HR. The guidelines do not specifically prohibit the copying of employee files as happened in the Agricultural Department.
- F3. There is no policy on where and how department directors' contracts and hiring resolutions are to be kept, what they are to contain, who has access and how they are to be secured.
- F4. HR has the responsibility of informing department managers and supervisors of personnel policies, procedures and practices with regard to employee files. A great deal of information is conveyed via training sessions and communications. However, implementation and oversight are still lacking.
- F5. There is no policy that requires exit interviews.
- F6. HR management recognizes that more written policies are needed, or that current policies need updating, but HR staffing resources have been, and will be, cut making it less likely that these get done.
- F7. Employees can be promoted, but not be told when their new position began or that they are on probation.

- F8. A review of the Personnel File Guidelines suggests that discretion for employee file security and maintenance, and where to file employee information that should not be in the personnel file, is left with each department director.
- F9. The County Board of Supervisors does not use employment contracts for hiring every department director. Two director positions have been filled by Board of Supervisor hiring resolution only.

RECOMMENDATIONS

- R1. The 2007 performance evaluation policy should be updated to include where written evaluations are to be kept, and that HR should be assigned the role of monitoring the completion the evaluations.
- R2. Although personnel file guidelines exist, a policy on securing employee files is needed and should include policy on who is in charge of files, who has access and for what purposes they may have access.
- R3. A policy is needed on maintaining and securing hiring contracts and resolutions and what should be included in these contracts/resolutions.
- R4. A policy is needed on completing exit interviews. The policy should stipulate HR's responsibility for ensuring that exit interviews are done. (This can be a form of questions that the exiting employee fills out.)
- R5. The HR Director should prioritize policies that need to be written or updated. New and updated policies should be announced and made available via paper or electronic copy to all departments.
- R6. HR and county departments should develop a system to assure that promoted employees are informed of their new probationary period at the time that their new positions begin.
- R7. There is need for a hiring policy for department directors, which requires a signed contract between the Board of Supervisors and the candidate. No director should be hired by resolution alone. A policy on contracts should include information regarding salary ranges, performance evaluation procedures, exit clauses and severance packages. In addition, a new policy on contracts should include information on whether the director will be covered by any civil services rules or state regulations and, if so, a reference to those rules and regulations should be provided.

REQUIRED RESPONSES

- For R1, R2, R5 and R6, the Director of HR.
- For R1, R2, R3and R4, the County Administrative Officer.
- For R3 and R7, the County Board of Supervisors.

BIBLIOGRAPHY

- Personnel File Guidelines (1-31-1992, Dept. Memo 92-1-P)
- Policy for Performance Evaluations (2007, Administrative Policy 4-1)

AN INCIDENT IN SANTA ROSA



SUMMARY

In March 2009, the 2009/2010 Grand Jury received a citizen's complaint against the Santa Rosa Police Department (SRPD) regarding the way the SRPD had responded to her allegation that she had been raped. The complaint was held over for the 2010/2011 Grand Jury to investigate.

The complainant alleged that she was interviewed by members of the SRPD who were insensitive to her situation, and that on Christmas Eve, there was no detective on duty within the SRPD who had experience investigating sexual assault matters. Furthermore, she complained that the office of the Sonoma County District Attorney (SCDA) did not pursue a case against the alleged rapist.

The Grand Jury's investigation of the complaint disclosed that the allegations were unfounded and that all usual and customary procedures were followed. The investigating detective was fully trained, qualified, and displayed appropriate sensitivity to the complainant. Both the SRPD and the SCDA made independent decisions not to pursue the rape allegations.

GLOSSARY

DVSA - Domestic Violence Sexual Assault Unit

SART - Sexual Assault Response Team

SCDA – Sonoma County District Attorney

SRPD – Santa Rosa Police Department

UASA – United Against Sexual Assault

BACKGROUND

On December 24, 2009, at 6:39 AM, a recorded 911 call was received from a woman (the complainant) reporting a rape and asking for police assistance. While keeping the alleged victim on the phone, the 911 operator notified the SRPD of the call. A patrol car was immediately dispatched to her location, arriving to find her in the locked bathroom of a local restaurant.

The responding patrol officers conducted an initial interview with the complainant who declined medical attention at that time. Subsequently, they drove her to a nearby apartment complex and she was able to identify the specific apartment where the alleged rape had occurred. The patrol officers reported the status of the incident to their patrol sergeant who, following standard operating guidelines, notified the SRPD's Domestic Violence Sexual Assault Unit (DVSA) of the incident at approximately 7:00 AM. The DVSA of the SRPD is a unit of nine officers specially trained in the area of sexual assault, one of whom is on duty around the clock, 365 days a year. The DVSA detective on duty immediately responded to the scene and took charge of the investigation. Additionally, the supervising Sergeant of the DVSA also responded to the scene.

During the DVSA detective's initial interview with the complainant, she again declined medical attention, however the DVSA detective noticed that her neck had "... a light scratch which ran vertically and was approximately 4 inches in length." This was the only visible sign of injury noted. After a brief conversation between the complainant and the DVSA detective, the patrol officers transported her to Sutter Hospital for a medical examination and to receive any treatment that may have been needed.

A medical examination and treatment are part of the standard Sexual Assault Response Team (SART) procedure. The SART procedure also requires that a sexual abuse victim advocate be notified of the incident in order to be present during the medical examination to provide a victim with any assistance required. The advocate, from the advocate organization "United Against Sexual Assault (UASA)," responded and was in attendance during the medical examination. The role of the advocate is to provide a victim of sexual assault with someone who is independent of law enforcement, can answer questions a victim may have, and to provide support during an examination. Per SRPD policy, the DVSA detective was not in attendance during the medical examination. The results of the medical examination, or of any injury, were not included in the SRPD Incident/Investigation Report.

The DVSA detective conducted a more formal, recorded interview with the complainant regarding the background and circumstances of the alleged rape as they waited for the medical examination to begin. During the interview, she stated that she had been "okay with sex," but that it became "too rough" and she said, "stop," but he didn't. Following the medical examination, the complainant was transported to the SRPD where the interview continued for a brief period. This portion of the interview was not recorded. During the interview, the complainant identified the suspect from a six-person photo line-up. The photo of the suspect was obtained from a system known as iLeads, a standard identity tool based on name, address and other known information used by the SRPD. A pretext phone call by the complainant to the suspect was then made. The pretext call was both recorded and videotaped. (A pretext phone call is a standard procedure in cases such as this when there are no witnesses. The purpose of the call is to assess the responses of the suspect and, potentially, to obtain an admission of guilt.) In this instance, no admission of guilt was made and, in fact, the suspect responded in part by saying, "No, that is wrong." Shortly after the pretext phone call was completed, the complainant left police custody at approximately 12:10 PM to begin a pre-planned trip out of California.

On December 30, 2009, the DVSA detective interviewed the suspect. He was told that he was not under arrest and that any statement he made was voluntary. The interview was not recorded. During the interview, the suspect

agreed with the alleged victim about the background of their original and subsequent meetings. He also agreed about the number of occurrences and approximate times that intercourse had occurred, but denied raping the alleged victim and stated that everything they had done was consensual. His account of the intimate details of the event differed greatly from the account given by the complainant.

On February 5, 2010, the complainant was re-interviewed by the DVSA detective to discuss the differences in the statements made by her and the suspect. Again, the interview was videotaped. A victim's advocate was also in attendance. During the interview, she was asked if she had indeed been raped and whether or not she contributed to the situation by being rough herself. She remained adamant that she had said, "stop," and that the subsequent sexual activity had not been consensual. At the completion of the interview, the DVSA detective informed the complainant that he would forward his report to the Sonoma County District Attorney for review. The SCDA declined to prosecute the case.

INVESTIGATIVE PROCEDURES

The 2009/2010 Grand Jury interviewed the complainant and the UASA advocate.

The 2010/2011 Grand Jury took the following steps to investigate this complaint:

- Read and discussed all the SRPD Incident/Investigation Reports associated with the complaint,
- Reviewed and discussed all SRPD audiotapes of interviews with the alleged victim associated with the complaint,
- Viewed and discussed the videotapes of the pretext phone call made by the alleged victim and her subsequent interview with the DVSA Detective,
- Interviewed the supervising Sergeant of the SRPD's DVSA unit regarding standard response procedures to 911 calls and whether or not they had been followed in this case,
- Reviewed the SRPD's written operating procedures used in response 911 calls, titled C-19, Call-Out-Special Assignment Personnel,
- Reviewed the SRPD's written operating procedures regarding uniform procedure for the investigation and documentation of allegations of sexual assault involving adult victims, titled R-11 Adult Sexual Assault Investigation Procedure,
- Reviewed the Special Assignments – Investigations Training Plan for the SRPD's DVSA unit. The Training Plan requires the following training within one year of assignment to the DVSA: Sexual Assault Investigation, 40 hours; Child Abuse Investigations, 40 hours; Criminal Investigations, 80 hours; Interview & Interrogation, 40 hours; and Search Warrant Investigations, 40 hours. Two additional training classes are required within two years of assignment to the DVSA: Homicide Investigations, 80 hours; and Officer Involved Shootings, 40 hours,
- Reviewed the SART medical examination report,
- Reviewed the SCDA Report on the disposition of this case, and
- Read and discussed an article written by the complainant and published in a local newspaper.

DISCUSSION OR NARRATIVE

The complaint addressed to the Grand Jury did not ask it to determine whether or not a rape had actually happened. That determination does not fall within the jurisdiction of the Grand Jury. The Grand Jury was asked to review whether the investigating detective was experienced and trained in investigating sexual assault matters, whether or not the alleged victim was treated with appropriate sensitivity, and to determine why the SRPD did not

arrest the suspect. The Grand Jury was also asked to review the SCDA's decision not to prosecute the matter.

The Grand Jury found all appropriate procedures were promptly followed within the guidelines specified in the SRPD's written procedures. The investigating detective was both experienced and trained. The Grand Jury was impressed with the degree and speed of the SRPD response, which included two uniformed officers and two trained detectives. The time from the 911 call at 6:39 AM until the complainant left police custody at 12:10 PM, less than six hours later, demonstrates the SRPD's effort to promptly address the allegations and ensure the safety of the complainant.

Based on its review of the recordings and videos of the interviews with the complainant, the Grand Jury found that the DVSA detective displayed appropriate sensitivity to the complainant. The Grand Jury did not note any instances of intimidation, force or use of abusive language. Throughout the interviews, the investigating detective appeared to be focused on gathering as much factual information as possible. His actions and questions were professional and appropriate.

The SRPD did not arrest the suspect because his statement did not support the complainant's allegations.

The SCDA's decision to prosecute, or not to prosecute, any case is discretionary, and in the absence of abuse, such discretion is not subject to review. In this case, there was no factual evidence, one way or the other, that would allow the SCDA to successfully prosecute the case. Essentially, the case came down to one person's word against another.

FINDINGS

- F1. The SRPD has a trained and qualified officer on duty around the clock, 365 days a year to deal with allegations of sexual abuse.
- F2. The procedures employed by SRPD in sexual abuse matters are comprehensive and professional.
- F3. The response by the SRPD to the 911 call was immediate with the prompt arrival of two uniformed officers. This was supplemented by the arrival of two additional officers from the DVSA to the scene.
- F4. The initial steps taken by the SRPD, from receipt of the 911 call to release of the complainant, were promptly completed and follow established procedure.
- F5. The responding DVSA detective was fully trained and experienced in responding to, and dealing with, allegations of rape and sexual violence. His background included 240 hours of specific, focused training.
- F6. All recordings and videotapes demonstrate that the DVSA detective acted with appropriate sensitivity and care toward the alleged victim.

RECOMMENDATIONS

- R1. All future SRPD's Incident/Investigation Reports shall include the results of any required medical (SART) examination.
- R2. All future SRPD's Incident/investigation Report of sexual assault/abuse shall state whether or not the interview with the suspect was recorded. If not, that information should be included, together with the reason.

REQUIRED RESPONSES

Santa Rosa Police Department – R1, R2

MAIN ADULT DETENTION FACILITY

The Sonoma County Grand Jury conducted its mandated, annual investigation of the Main Adult Detention Facility on September 24, 2010. The primary focus of our investigation was to address the mental health issues raised in prior Grand Jury reports. We concentrated on what steps had been taken to expand mental health facilities and services provided in Sonoma County detention facilities.

The other focus of our investigation was to examine the general physical condition and program management of the facility, as they existed during our visit. We found there have been numerous responses to the concerns raised in prior Grand Jury reports.

The Main Adult Detention Facility is well-run, impeccably clean, well-lighted and entirely satisfactory. We commend Captain Randall Walker, his officers and staff on the physical condition of the facility and the on-going implementation of inmate programs, which result in humane incarceration and also promote successful returns to the community. The Criminal Justice Master Plan-Phase One to reduce jail admissions was implemented, as was Phase Two to implement early case resolution.

The Grand Jury also did its mandated annual investigation of the North County Detention Facility on September 24, 2010. Our investigation was shortened because of a general lockdown.

DISCUSSION

There have been substantial efforts directed at improving the physical accommodations and staff training to better meet the needs of individuals with mental health issues. The following changes were made and will be on-going.

1. Yard and dayroom dividers are being installed. The dividers allow five, high-security inmates out for recreation simultaneously without increasing staff. Out-of-cell activity is a key factor in getting the mentally ill offenders in custody to cooperate and participate in their treatment plans.
2. A new additional sub-dayroom is being installed allowing more out-of-cell activity.
3. The County Mental Health Department has conducted a two-hour training course for all correctional deputies.
4. Deputies assigned to mental health units have received a sixteen-hour course in crisis intervention.
5. All correctional deputies and mental health deputies receive a two-hour course in Post Traumatic Stress Disorder.
6. All correctional officers took a four-hour course on how mental illness affects families given by National Alliance for the Mentally Ill.

7. All correctional deputies receive a two-hour course on the recognition and treatment of drug and alcohol withdrawal.
8. All correctional deputies receive a two-hour course on the recognition and treatment of eating disorders.
9. Implementation of AB 568 program, which permits court-ordered medication of persons in custody, has been in effect since 2008.
10. Additionally, other existing programs are continuing such as anger management, self-esteem, drug and alcohol rehabilitation, job skills, stress reduction and many more which are well attended by inmates.
11. Contract and partner organization programs are continuing such as those provided by the Sonoma County Office of Education and Sonoma State University.
12. Programs are offered by Alcoholic Anonymous, AL-Anon, Humane Society of Sonoma County and numerous faith-oriented and rehabilitation organizations.
13. Jail industries and animal-assisted-therapy were on-going and well attended, as were law library and inmate services such as haircuts.

FINDINGS

- F1. Issues from prior Grand Jury reports concerning expanding mental health services were met.
- F2. Due to budget constraints, physical facilities cannot be expanded at this time.
- F3. All existing programs are being administered well.

RECOMMENDATIONS

A future Grand Jury should conduct a detailed investigation of the North County Adult Facility.

PETALUMA POTHOLES



SUMMARY

The Grand Jury reviewed the Petaluma Public Works Department, as to the providing of timely service for maintenance and repair of city facilities. Public outcry over potholes in the streets and non-functioning streetlights led to this investigation.

We found that communication between staff in the Public Works Department and their counterparts in the Water Resources and Conservation Department was not adequate to provide timely completion of work and resulted in less than satisfactory final work products. During the course of our investigation, the city initiated a reorganization abolishing the two departments mentioned above, combining them to create a new Public Works and Utilities Department.

The city indicated that this reorganization was done to address budgetary shortfall issues. The Grand Jury believes that the communication problems we observed can now be more efficiently addressed with all the city infrastructure maintenance personnel now reporting to the new position of Director of Public Works and Utilities.

GLOSSARY

Public Works—Facilities and services of infrastructure for the use and benefit of the general public.

Infrastructure—Basic facilities, services and installations needed for the functioning of a community or society. Examples applicable to this report include: water supply (treatment and distribution), wastewater collection (treatment and disposal), storm water collection, electrical service, television service, telephone service, natural gas service and public streets.

INTRODUCTION

The 2010-2011 Sonoma County Grand Jury decided to investigate the City of Petaluma's Public Works Department's continued media criticism regarding issues relating to potholes, streetlights and the overall condition of the city streets.

The investigation process led jury members to a review of the city's organizational structure and the revenue sources that support public works functions.

INVESTIGATIVE PROCEDURES

Specifically, Grand Jurors reviewed city organization charts and city websites as a whole, and specifically, the Departments of Public Works and Water Resources and Conservation. Research included review of print media for information relative to public works issues in Petaluma and interviews of several city staff members.

DISCUSSION

Petaluma's water treatment and distribution system, originally privately owned and operated, was taken over by the city over fifty years ago and became the responsibility of the Public Works Department. At that time the Public Works Director was also the City Engineer and reported to the City Manager.

In 2000, a re-organization took place resulting in the establishment of a Water Resources and Conservation Department in addition to the Public Works Department. Both departments reported individually to the City Manager. Water Resources and Conservation became responsible for the water, sewer and drainage functions that were previously the responsibility of Public Works. The City Engineer was, at one time, located in the Community Development Department and then transferred to Public Works. This was the organizational structure in place when the Grand Jury started its review, and this convoluted structure appears to have contributed to the lack of communication observed by the Grand Jury.

In recent years, the city has had to reduce staffing in many areas due to declining revenues resulting from the overall economic downturn. Maintenance staff reductions have resulted in delays in addressing on-going needs such as pavement repair and replacement of streetlights.

During the preparation of the Grand Jury report the city established a Public Works and Utilities Department replacing the two previously separate departments. While this change was primarily to address budget issues by eliminating positions, it may also result in improved services by improved communication and more efficient sharing of resources.

FINDINGS

- F1. Staff reductions, due to budgetary priorities, have left the city without the proper resources required to adequately maintain and repair all city infrastructure.
- F2. Limited communication between the two departments with public works' responsibilities creates delay in accomplishing important infrastructure activities.
- F3. The department responsible for street maintenance (former Public Works Department) did not appear to have the authority to supervise and approve street repair work done by, or under the direction of, the former Water Resources and Conservation Department.

RECOMMENDATIONS

- R1 The new departmental reorganization should result in improved cooperation between those employees responsible for repair of infrastructure buried in the streets and those responsible for the surface condition of the streets.
- R2. Cross training of Public Works and Utilities Department employees should be a major goal within the new combined administrative structure. The result should improve both service and efficiency.
- R3. Budget priorities should be set that provide the necessary funding to maintain the current minimal level of maintenance, and to prevent further degradation of infrastructure.
- R4. Future funding sources need to be found to acquire restoration, replacement and/or upgrading revenue.

REQUIRED RESPONSES

From the following individuals:

Petaluma City Manager: R1, R2, R3 and R4

From the following governing bodies:

Petaluma City Council: R1, R2, R3 and R4

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.

WHO DETERMINES OUR COUNTY'S FUTURE?

SUMMARY

The 2010 – 2011 Sonoma County Grand Jury reviewed the Local Agency Formation Commission (LAFCo), including its impact on county residents. There was no recent record of a Grand Jury investigation, and a review of LAFCo would help increase citizen awareness and interest in any future issues coming before this important body.

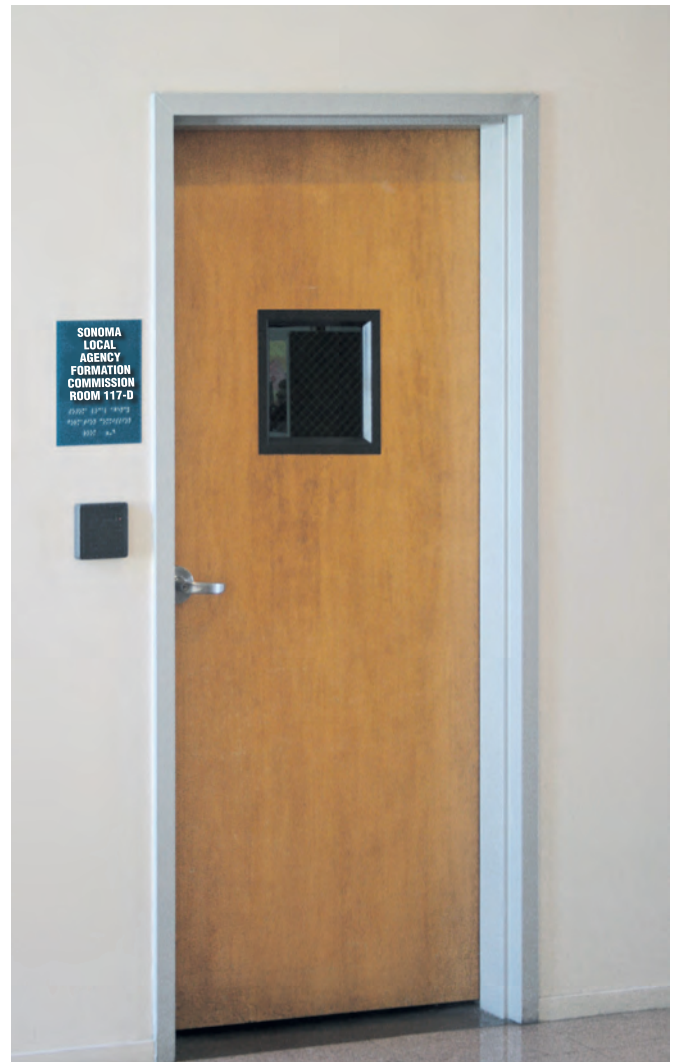
LAFCo maintains responsibility for the review, evaluation and approval of any changes in the boundaries of cities and special districts in Sonoma County pursuant to the authority granted by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. These changes include annexations, detachments, new formations of each city and special district within the county, which determines the plan for the probable physical boundaries and service areas of the agency.

LAFCo staff falls under the overview of the County Administrator's Office through a memorandum of understanding between LAFCo and the county. LAFCo has autonomy in its decision-making process and has broad reaching responsibility and authority over the future growth in the county, its municipalities and special districts. Although the Grand Jury is satisfied that LAFCo is insulated from outside influence, as discussed below, it is concerned that the special districts' representatives do not represent a larger, more diverse area of the county.

LAFCo decisions are final and without formalized appeal, except through the courts. For this reason it is important that LAFCo have up-to-date information on the ability of each agency to deliver service. This is done by periodical reviews called "Municipal Service Reviews." The current reviews are up to five years old, and some are out of date.

In our review, we became aware of a recent project that had come before the commission involving an annexation request from the City of Rohnert Park referred to as the "Southeast Specific Plan." The project proposed to annex a portion of land to be used for a residential development located along Petaluma Hill Road near Valley House Road into the city limits of Rohnert Park. The Grand Jury elected to look at the role LAFCo played in the negotiations between the City of Rohnert Park and Rancho Adobe Fire Protection District regarding tax allocations. We determined that the property tax issue that came up did not appear to be handled consistently with other similar annexations.

This report deals with a general review of LAFCo along with our review of the Southeast Specific Plan.



GLOSSARY

Annexation: The inclusion, attachment or addition of a territory to a city or district.

Automatic Aid Agreement (Auto Aid): An agreement, typically made between Sonoma County Fire Agencies, for automatic emergency responses by one agency into another agency's jurisdiction. The type of emergency and level of response is specified in the agreement.

Contiguous: The territory adjacent to or adjoining a proposed annexation or consolidation. It is not contiguous if the area is based upon a strip of land more than 300 feet long and less than 200 feet wide, that width being exclusive of highways.

Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: The current law that authorizes local LAFCos.

Detachment: The de-annexation, exclusion, deletion or removal from a city or district of any portion of the territory of that city or district.

Environmental Impact Report (EIR): A report issued by the requesting agency dealing with the effects of the requested change on the area involved. It also deals with the provision of services.

LAFCo (also referred to as the Commission): Local Agency Formation Commission

Mello-Roos District: Allows any city, county, special district or Joint Powers Authority to establish a Community Facilities District (CFD) to provide enhanced infrastructure and services funded through a parcel tax assessment.

Memorandum of Understanding (MOU): a binding, written agreement between two or more entities without the use of a formal contract.

Merger: the extinguishment, termination and cessation of the existence of a district by the merger of that district with another district.

Municipal Service Reviews (MSR): required periodical evaluation of public service delivery systems of the agencies LAFCo regulates.

BACKGROUND

The creation of LAFCos (one per county) by the California Legislators in 1963 came about as a reaction to the dramatic growth in the state's population after World War II. The demand for jobs, housing and public services often led to a hurried response by local government, typified by a lack of coordination in regional government agencies. This was found to result in inadequate planning and overlapping, inefficient jurisdictional and service boundaries.

Current commissions continue to perform under those initial principles and objectives. They seek to encourage the formation of necessary local government agencies, preserve agricultural land resources, and to discourage urban sprawl. An issue, which is of primary concern to LAFCo, is the assurance that any proposed development has adequate and well-defined boundaries of urban services.

LAFCo currently consists of seven members, three (two regulars, one alternate) of whom are members appointed by the County Board of Supervisors from their own membership. Three commissioners (two regulars, one alternate) are selected by the cities in the county via the City Selection Committee. Two members represent the independent special districts, and are appointed by their own selection committee. Finally, two members (one regular, one alternate) represent the public and are appointed by the other members of LAFCo. These commissioner appointments must be affirmed by a vote from at least one of each of the members representing the other authorities

(county, city and special district).

LAFCo's paid staff includes an Executive Officer, Assistant Executive Officer, legal counsel and Commission's Clerk. The Executive Officer is appointed by, and reports to, the Commission and makes recommendations to the full Commission on issues before them. The funds to support this office come from developer fees and an assessment levied on each agency LAFCo regulates.

APPROACH

In our general review of LAFCo, the Grand Jury sought to determine if LAFCo was sufficiently insulated from outside influence.

The Grand Jury interviewed parties directly involved in the negotiations relative to the proposed Southeast Specific Plan. We also interviewed other current and previous city, county and special district representatives, including fire department representatives experienced with similar annexations and who have knowledge of the LAFCo approval process. The Grand Jury also reviewed a number of documents provided to us or available on-line.

DISCUSSION

GENERAL REVIEW OF LAFCo

LAFCo was found to be financially self-sufficient. The Executive Officer and staff members are county employees with offices in the county's administrative building. LAFCo reimburses the county for all costs under an MOU, which also covers County Counsel's legal services.

Because of LAFCo's fiscal and administrative structure, as well as the Commission's broad representation from elements of the local public and private sections, the Grand Jury is satisfied that the agency is insulated from undue outside influence.

SOUTHEAST SPECIFIC PLAN

In the course of our review the Grand Jury became aware of an annexation involving the City of Rohnert Park identified as the "Southeast Specific Plan." During our review of this, we found that LAFCo requested that the applicant revise the proposed fire protection component of the project prior to the Commission's approval.

LAFCo staff proposed that either: (1) Rohnert Park compensate the Rancho Adobe Fire Protection District to provide primary fire protection to the project, or (2) that the public safety requirements of the project might best be served by the merger of Rancho Adobe Fire Protection District with the City of Rohnert Park Public Safety Department. Our investigation found no evidence that LAFCo had previously considered, or taken a position on, consolidation of fire service agencies or the transfer of primary fire protection responsibility as part of its review of an annexation proposal. We felt that the analysis of both departments' capabilities may have been flawed due perhaps, in part, to the out-of-date MSR.

The Grand Jury investigated Rohnert Park's ability to provide adequate fire protection for the fully developed annexation area, and determined that the city would be able to provide this service. Rohnert Park's public safety officers are trained and certified to be both police officers and fire fighters. As such, police officers carry all necessary fire safety gear (including defibrillators and other medical equipment) to respond to medical emergencies and

fires. Fire fighters carry equipment necessary to function as police officers. Beat officers are often first-responders to medical and/or fire emergencies. Since 80% of Rohnert Park Fire Department calls are requests for medical aid, it is important to note that the time saved by having officers arrive, trained and equipped to deal with medical emergencies, is critical. The closest fire station to the proposed annexation area is a Rohnert Park station.

The Grand Jury also investigated whether or not Rancho Adobe Fire Protection District had the ability to provide adequate fire protection for the fully developed annexation area. It was determined that the district would not be able to provide such service on its own. The Southeast Specific Plan calls for a new fire station on that side of town that would service that area. This would be paid for by developer fees and a Mello-Roos assessment on the homes in the developed area.

Rohnert Park has a sprinkler ordinance requiring all new construction to be fully equipped with residential sprinkler systems thereby, greatly diminishing the frequency of fires of significant size. The likelihood of a fire of any magnitude occurring within any new construction is very small. Under the existing Automatic Aid Agreement, Rancho Adobe would also continue to respond with an additional engine for any fire calls in this area when needed.

LAFCo also expressed concern for the loss of property tax revenue to the Rancho Adobe Fire Protection District by the annexation of this property to the City of Rohnert Park. It was determined that the Auto Aid Agreement between the city and the district would not alleviate LAFCo's concern. This was because such an agreement would not make the district whole for the lost property tax revenue. The City of Rohnert Park was advised that LAFCo would not look favorably on this proposed annexation unless Rancho Adobe Fire Protection District was reimbursed for any lost property tax revenue resulting from the project. In investigating similar annexations we did not see that this was ever an issue. Santa Rosa has annexed many acres of land on its east side for similar projects over the years (from Rincon Valley Fire Protection District) without any mention of a property tax reimbursement. Rohnert Park has Auto Aid Agreements with both Rancho Adobe and Rincon Valley Fire Districts so that one of the other districts will respond with an engine to any fire in their city, and Rohnert Park will respond into the adjoining areas of either of the districts. We were told that the city values its Auto Aid Agreements and feels they are good for all the agencies involved.

FINDINGS

F-1. The financial impact of the economic downturn has affected local government at all levels. Because of this, the agencies are not always delivering service at the same levels as they were when the last Municipal Service Review (MSR) was done.

F-2. The most recent Municipal Service Reviews are five years old and the information is often out-of-date. Given that this is a primary tool used in evaluating a political jurisdiction's ability to provide quality community service, there may be reason for concern.

F-3. LAFCo's administrative structure, requiring inclusive public and private representation and autonomous funding mechanisms, along with developer fees, creates effective insulation against outside influence in its decision-making roles.

F-4. LAFCo is not a well-known government entity and would benefit by making its functions better known. The current website is incomplete and contains dated materials. It would be beneficial to both LAFCo and the public if the web site was updated to contain LAFCo's policies on specific issues such as fire protection, property tax loss and city islands. This would facilitate a more consistent, even handed, approach to these issues.

F-5. The LAFCo board seeks to cover a broad spectrum of political interest, and has one troubling irregularity. The two commissioners representing the “special districts” component come from Valley of the Moon Water District and Valley of the Moon Fire District. These district boundaries overlap and provide representation to only a very small area of the county

RECOMMENDATIONS

R1. The Grand Jury recommends that LAFCo initiate the necessary MSR update to reflect changes brought about by the economic downturn and its effects on public agency budgets.

R2. The Grand Jury recommends LAFCo update and keeps its web site current on all issues, which should include additional information about what it does and how it functions.

R3. LAFCo’s policies on such things as property tax revenue loss and fire district mergers should be clearly spelled out so that all parties to the LAFCo action(s) will be well-informed and can see they are being treated equally. We recommend LAFCo policies be written and made readily accessible on the web site.

R4. In the future, LAFCo should appoint special district members that represent larger and more diverse areas of the county.

REQUIRED RESPONSES

■ R1, R2 R3 & R4 Sonoma County Local Agency Formation Commission

LAFCo should be aware that its comment or response should be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

BIBLIOGRAPHY

Interviews conducted:

LAFCo Staff
LAFCo Commissioners
Rohnert Park City Officials
Rancho Adobe Fire District Representative
Rincon Valley Fire District Representative
Previous LAFCo staff member

Documents Reviewed:

Government Code sections 56000-56001 and 56375-56388, Fire and Police Protection portion of the EIR for the Northeast Specific Plan annexation, Portions of the current LAFCo Municipal Service Review that addressed Rohnert Park Public Safety Department and the Rancho Adobe Fire Protection District, LAFCo fee schedule, LAFCo Executive Officer job description, LAFCo staff report May 5, 2010, Item 4 concerning unincorporated islands, The MOU between LAFCo and County of Sonoma for professional and support staff, office space, equipment, supplies and legal services.

Internet Sites Referenced:

CALAFCo, Marin LAFCo, Inyo LAFCo, Sonoma LAFCo, leginfo.ca.gov, “About Us” from the Sonoma County LAFCo web site

DOING NOTHING ABOUT EDUCATION IS NO LONGER AN OPTION

The Journey Begins With One Step



SUMMARY

The 2010-11 Grand Jury has studied the issues of school district consolidation/unification in Sonoma County. The investigation was initiated by a citizen's complaint. Sonoma County has over 70,000 students, in 40 school districts, one of highest numbers of school districts in the State of California. Our schools have problems including declining enrollment, teacher and instructional staff layoffs, school closures and lack of funding. In this report, we want to make everyone aware that elected officials (i.e., County Board of Supervisors, city/town councils, and school district trustees) have the power to request studies of school district consolidation/unification that could lead to significant positive change.

We interviewed principals, district superintendents of both small and large districts, the past and present County Superintendents of Schools, members of school district boards, members of the County Board of Supervisors and an aide to a local state senator. Most of those we spoke with agreed that the current school district configuration is not financially sustainable. Reductions in state revenue, declining enrollment and the rise in charter school development have put the operation of our current school districts at risk. School districts are being forced to close campuses, increase class sizes, reduce days of student instruction and lay off teachers and other educational staff in order to cope with declining financial resources.

Most of those we interviewed agreed that there could be dollars saved by school district consolidation/ unification. They also agreed that consolidation/unification might not be the right fit for everyone. Financial savings may not result in program expansion or improved educational outcome for students. However, everyone agreed that our focus should be on educating our children. The Grand Jury believes that better education, not cost savings, is the most compelling benefit that school district consolidation/unification may achieve. Improved education can take

place through articulation and the implementation of some standardized teaching methods, which will provide a better focus to get students the best education possible. For example, the Twin Rivers School District consolidation has resulted in student achievement, with student test scores in math rising over 100 points¹. They are on track to repeat this feat in their language arts program this year. This success story could be emulated here in Sonoma County.

We also found that the road to consolidation/unification can be daunting². There are complex issues that will be raised by the multitude of stakeholders involved in educating our children. There will be initial costs, and the time frame to realization will take patience. Consolidation may not be for everyone. There are many inequities in funding between the various districts in Sonoma County³. The County Superintendent of Schools is not authorized by state statute to step in or request studies in any of the school districts he or she supervises, nor can he or she initiate a study to reorganize such districts. However, these requests can come from local school boards, city governments or the County Board of Supervisors. If the same tenacity, commitment, enthusiasm and dedication of our educators can be duplicated in the community-at-large, then the task of school district consolidation/unification can happen. The idea will require a great deal of political will from all of the stakeholders involved in education. The concept is educationally sound and has economic merit. If your district is suffering economically, and/or seeing educational achievements falling, you should consider the positive effects of consolidation/unification.

¹ *Twin Rivers Report 2010 report to the Community*

² *The County Committee Plans and Recommendations Flowchart E*

³ *Please refer to the glossary of definitions of Revenue Limit District and Basic Aid*

This Grand Jury is aware of the recent developments in Petaluma, and we commend the three school districts involved and the Petaluma City Council for taking the bold first steps on the road to consolidation/unification. We hope that their efforts are considered by the remaining Sonoma County School Districts.

The Grand Jury commends all the educators we interviewed for their tenacity, commitment, enthusiasm and dedication to educating our children, in spite of the above-mentioned adversities.

GLOSSARY

ADA: Average Daily Attendance

Articulation: (more specifically, curriculum articulation) The process of coordinating curriculum content between primary and secondary schools.

Basic Aid District (or Excess Revenue Districts): Districts that have the advantage of being primarily funded by local property taxes (i.e., receive minimal funding from state). They also have the ability to keep all their local property taxes thus giving them revenue in excess of that in Revenue Limit Districts. Sonoma County's 2010 – 2011 Basic Aid Districts are:

Alexander Valley Union, Forestville Union, Fort Ross, Horicon, Kenwood, Montgomery, Geyserville Unified, Healdsburg Unified, Monte Rio and Sonoma Valley.

CCSDO: County Commission on School District Organization

CBOE: County Board of Education

Charter Schools: Primary or secondary schools that are established and operated under a charter for a fixed period of time and that receive public money (also, like other schools, may also receive private donations), but are not subject to some of the rules, regulations, and statutes that apply to other public schools in exchange for some type

of accountability for producing certain results, which are set forth in each school's charter. Student attendance in charter schools is based on parental choice.

Consolidation: An “action to reorganize districts,” which could consist of either:

- (a) An action to form a new school district, which is accomplished through any combination of the following:
 - (1) Dissolving two or more existing school districts of the same kind and forming one or more new school districts of that same kind from the entire territory of the original districts.
 - (2) Forming one or more new school districts of the same kind from all or parts of one or more existing school districts of that same kind.
 - (3) Unifying school districts, including the consolidation of all or part of one or more high school districts with all or part of one or more component school districts into one or more new unified school districts.
 - (4) Deunifying a school district, including the conversion of all or part of a unified school district into one or more new high school districts, each with two or more new component districts.
- (b) An action to transfer territory, including the transfer of all or part of an existing school district to another existing school district. (EC 35511)

Dependent Charter Schools: Referred to as schools that are established, or remain as, a legal arm of the school district or the county office of education that granted their charter.

E.C.: State Education Code

Independent Charter Schools: Referred to as schools that function as independent legal entities and are usually governed by or as public benefit (“not-for-profit”) corporations. Acceptance of students is at the discretion of the school's administration.

JPA: Joint Powers Agreement – an agreement between two or more public agencies to provide services.

Revenue Limit District: The amount of general purpose funding (state and local) a school district receives per student using ADA.

SCOE: Sonoma County Office of Education

Unified School Districts: School districts that include both elementary and secondary (middle and high schools) educational levels.

BACKGROUND

Sonoma County is divided into 40 school districts, which include 31 elementary districts, 3 high school districts, and 6 unified districts that operate both elementary and secondary schools for students residing within their boundaries. This pattern is a carryover from a time when the county was largely a collection of agricultural communities separated by miles of open space and each community established a local school district.

In the early 1900s, when the population of the county was expanding and many small communities were established, the county had in excess of 100 school districts, largely comprised of “one-room schoolhouses.” The majority of those 100 districts were consolidated into the present 40 districts by the development of modern transportation, larger and more permanent buildings and the need to reduce duplication of efforts and associated costs. Currently, Sonoma County has 12 school districts, each consisting of only one school, and several of these have only a single classroom.

APPROACH

As members of the Grand Jury, we have access to community leaders, institutions and expert professionals who

have studied the multitude of competitive priorities and restrictions that shape public education in Sonoma County. Unfortunately, many of these priorities and restrictions have more to do with politics and employment security than they do with how well students learn and whether the system has sufficient flexibility to meet the needs of a very diverse student population.

We have examined education in the county because it is one of the most important issues that we face as a community. Each school day shapes the future of over 70,000 children. Their lives will either have a positive or a negative impact on Sonoma County, California and the world, well into the next century.

The Jury made the most of our brief opportunity by using our access to interview local education leaders: school board members, superintendents, principals, officials from the Sonoma County Office of Education, members of the Sonoma County Board of Supervisors, a state senator's staff member and we traveled to hear presentations from the leadership of a newly consolidated school district near Sacramento.

We found that everyone agreed on one thing, which is that we must do better! We cannot continue with business-as-usual in public education. Numerous national and state studies have shown our students don't have the basic language and math skills that will allow them to compete with the world for the jobs of today and tomorrow. We observed a lack of agreement among the professionals regarding priorities to make educational improvements. There is no single thing we need to do. Instead, there is a need to rally all stakeholders (every citizen, parent, political leader, teacher, administrator) to find ways of getting a far better student educational outcome without massive additional expenditures.

The Jury sees fertile ground for improvement in inter-school communication of student records, optimization of curriculum and teaching methods (articulation), inter-district sharing of best practices and resources, some district consolidation, more choice for parents and students and renewal of public interest and focus as though our very future depends on it - - because it does. Therefore, we offer our ideas in the hope that they will help propel improvement in K-12 education in Sonoma County.

We also discovered that several County Boards of Education in the state are consolidating from old rural seven member trusteeships to five member trusteeships. This conforms to the constituency lines of the local Board of Supervisors. This action has generated a cost savings to the taxpayers in election expenses, health and welfare benefits and travel and conference costs to the County Offices of Education. The CCSDO should study this option with its regular census review.

DISCUSSION

The Grand Jury visited the recently unified Twin Rivers School District in the Sacramento area and interviewed the superintendent of schools and various administrative staff. This newly unified district, now in its third year, was the result of five years of concerted effort, involving dedicated leadership, parental involvement and political support. Twin Rivers managed to unify four school districts with diverse socio-economic mixes into one unified school district. The unified district is not yet able to quantify the financial benefits. Financial issues include the melding of four union contracts into one and the creation of an equitable distribution of bond liabilities. Educationally, Twin Rivers, in its most recent 2010 report, achieved the highest increase in their Academic Performance Index (API) this past school year on a school-by-school basis.

The Grand Jury does not suggest that consolidation/unification of school districts is a panacea that will cure all

educational and financial problems. But it may, in appropriate situations, make expenditures more productive and improve student achievement. We do suggest that those districts, which are experiencing one or both of these problems, ask SCOE to do a study of potential consolidations/ unifications leading to a public hearing, if it is deemed advisable.

School principals interviewed were very clear about their problems. The most salient being:

1. Ever-decreasing budgets,
2. Lack of articulation in moving from grade school to middle school and/or grade school to middle school to high school,
3. Negative impact of charter schools on public schools, and/or
4. Declining enrollment

In interviews with school trustees we found either total opposition to considering consolidation/ unification or only a vague interest in pursuing unification. However, there was not much knowledge of the process needed to achieve that objective.

In interviews with representatives of the County Board of Supervisors, we experienced an immediate push back. One stated that while the board members were very interested in education, they did not feel that schools were within their purview. We believe that those elected bodies either do not know, or choose to ignore, that they can require SCOE to do a study on consolidation/unification. It is obviously an act with some political risk.

There are bona fide examples of efforts to consolidate school districts in California. In 2010, the City of Santa Paula asked that the Ventura County School District Organization Committee conduct a study of the merger of Santa Paula School Districts. The issue may go to a public hearing as early as June 2012. In addition, our own local community of Petaluma has several districts currently in discussions regarding consolidation, as evidenced in current Press Democrat articles. It can be done!

The final arbiter of education in Sonoma County, as in all other counties, is the State of California. The state establishes funding, promulgates the education code, sets the annual number of required school days (currently at 175, down from 180 the previous year) and determines education standards. In this capacity, one would think that the state would show considerable interest in education problems at the local level and want to help with finding solutions. In several attempts to meet and discuss these matters with one of our local state senators, there was little cooperation. We did meet an assistant of our state senator who came from Sacramento. He met with us for two hours, returned to Sacramento, and was never to be heard from again.

What have we learned from all this? Change is possible; however, not without information to drive the complex process. Information is available; one only needs to ask SCOE. SCOE knows more about education in Sonoma County than any other group, but cannot initiate the studies to help a school district in trouble unless they are requested to do so; counter intuitive as that may seem. We recognize that while not all school districts may appear to benefit from consolidation/unification, all those that are now in immediate need of academic and financial improvements should begin to explore the possibility.

The system needs to become more effective and efficient. Parents, and every other citizen, need to be involved, but leadership should come from elected officials. These elected officials need to get involved by starting a flow of information that would ultimately drive public opinion to find and implement beneficial new structures for our schools. This report is asking those elected bodies to tell all of us what they intend to do in the future.

FINDINGS

- F1. There are 40 school districts in Sonoma County, one of the highest numbers of districts in any California county.
- F2. With over 70,000 students in 40 school districts, Sonoma County has more school districts per pupil than any other similar county.
- F3. School districts are closing schools. Student population and budgets/revenues have been declining, and are expected to continue to decline in Sonoma County.
- F4. Charter Schools are increasing in number and student enrollment in Sonoma County.
- F5. State funding has decreased in California.
- F6. The graduation rate is in decline, and the dropout rate has increased in Sonoma County High Schools.
- F7. Parents are able to take over failing schools (Charter Schools) and/or move their children out of failing schools (Open Enrollment Act, E.C. 48350)
- F8. Certain elected bodies (city and town councils, County Board of Supervisors, governing body of a special district or local agency formation commission with jurisdiction over all, or a portion of, a school district) may request the County Committee on School District Organization (CCSDO) to do a study on unification/consolidation (E.C. #35721 (c)).
- F9. The County Superintendent of Schools does not have the authority to initiate a study on consolidation/unification even if a school district is, or is in danger, of economically failing
- F10. The last study of school district consolidation/unification in Sonoma County was initiated in 2004.
- F11. Articulated curriculum supports consistency in learning experiences from feeder schools to high schools.
- F12. School Boards of districts in receivership lose financial control (assumed by a trustee appointed by the state) but continue to control those academic decisions that have no financial implications and remain in an advisory capacity.
- F13. As noted in F8 above, CCSDO oversees and approves school district requests for territorial transfer, school board issues and studies for consolidation. They approve all school district consolidations before sending them to the state for approval prior to final public approval by election.
- F14. The County Board of Education is an elected body of seven trustees at present. The CCSDO has the authority to reduce membership to five trustees to realize a cost savings to the citizens of Sonoma County.
- F15. There has only been one contested election for the County Board of Education in the last 10 years.
- F16. Student record transfers from one school district to another are problematic. In some instances it can take up to a year to get records transferred within Sonoma County.
- F17. Parents can get statistical data for a teacher's grade level performance from SCOE; however, districts do not disseminate this information routinely.
- F18. A breakdown of the number of schools in the school districts of Sonoma County is as follows:
- | | | |
|----|-----------|-------------------------------|
| 12 | districts | 1 school |
| 6 | districts | 2 schools |
| 4 | districts | 3 schools |
| 5 | districts | 4 schools |
| 3 | districts | 5 schools |
| 2 | districts | 6 schools |
| 8 | districts | have between 8 and 19 schools |

Additional information can be found in the attached Appendix.

F19. Some Sonoma County school districts are failing financially (Schedule of 2010 - 2011 Financial Reporting in the attached Appendix).

RECOMMENDATIONS

R1. Every school district in Sonoma County that is not currently a K-12 or basic aid district should request a CCSDO study to determine if educational and/or financial benefits could be achieved through either consolidation or unification.

R2. Every city or town council in Sonoma County should exercise their prerogative per the E.C. 35720-35724 to initiate a CCSDO study of educational and financial benefits that might be achieved for their citizens through consolidation or unification of school districts within their city boundaries.

R3. As per the E.C. 35720-35724, the Sonoma County Board of Supervisors should request that the CCSDO initiate a fact finding study for the purpose of determining the educational and financial benefits, if any, of reconfiguring or consolidating school districts within their overlapping jurisdictions within Sonoma County into K12, or other configurations of unified school districts, that would benefit all stakeholders.

R4. The Sonoma County Superintendent of Schools should sponsor twice-annual regional meetings of all school district superintendents to:

- (a) discuss and implement “best practices”;
- (b) explore and implement school district cost-sharing programs that would reduce school district duplication;
- (c) initiate horizontal and vertical articulation of classroom curriculum, in order to meet educational needs, which benefit the students going forward feeding into the high school district;
- (d) provide for prompt transfer of pupil records among all schools that any student may chose to attend in Sonoma County, especially those students who are entering a secondary school districts.

R5. All CCSDO studies should include the statutory elements required by the state educational code and:

- (a) an evaluation of an articulated K-12 curriculum,
- (b) the economic benefits of Special Education, transportation, administrative services,
- (c) board members’ health and welfare benefits, and
- (d) stipend savings through elimination of duplicate services.

R6. The CCSDO, in an effort to better manage costs, should study the potential savings available by reconfiguring the CBOE trusteeships (currently 7 members) to align with the County Board of Supervisors (currently 5). A new, smaller CBOE would then also reflect current census distribution within the county.

R7. The County Board of Education and the County Superintendent of Schools should support and work with state legislators to establish a provision in the educational code that would empower the County Superintendent to make his/her own request for district consolidation or unification studies if a school district has filed qualified or negative financial certification for two or more years.

R8. The Sonoma County Board of Education should conduct a study of SCOE to determine the possible costs and savings of fewer school districts to manage Sonoma County Schools, and where those costs/savings, if any, could be applied to better the education of students.

R9. All 40 Districts in Sonoma County shall respond to the following questions, as summary of which will be published by the Grand Jury:

- a. After hearing public comments and by a majority vote of the Board of Directors we ____invite or ____ decline to cooperate with a SCOE funded study to discover whether there could be benefits to both educational and financial costs in district consolidation.

- b. Current 2010/2011 enrollment is _____. Enrollment for 2009/2010 was _____.
- c. We are currently a K-12 unified school district? ____ yes, or ____no. If not our current structure is: _____.
- d. We ____are or ____ not currently classified as a Basic Aid District. As a Basic id District we derive the following financial benefit: _____
- e. We currently have enrolled _____students living outside district boundaries. Five years ago there were _____ students living outside district boundaries.
- f. We currently have ____ students living inside district boundaries who have chosen to attend schools in other districts. How many such students were there in the 2005/2006 school year_____?
- g. There are currently ____dependent and_____ independent charter schools operating within our district. Five years ago there were ____ dependent and _____independent charter schools in our district.
- h. We currently have developed effective protocols with all surrounding districts to insure complete and timely access to student records transferring in or out of our district ____yes ____no.
- i. We currently ____have or ____ have not implemented coordinated plans to insure articulation and basic curriculum compatibility with those districts most likely to receive our students and from whom we are likely to receive students.
- j. We currently ____have or ____ do not have Joint Power Agreements (JPAS), or similar significant shared cost saving plans with neighboring districts.

REQUIRED RESPONSES TO RECOMMENDATIONS AND FINDINGS

From the following school districts: To R1, R9 and to Findings F3, F5, F7, F11, F16, F17, and F19:

Alexander Valley Union	Montgomery Elementary
Bellevue Union	Oak Grove Union
Bennett Valley Union	Old Adobe Union
Cinnabar	Petaluma City Elementary
Cloverdale Unified	Petaluma Joint Union High
Cotati-Rohnert Park Unified	Piner-Olivet Union
Dunham	Rincon Valley Union
Forestville Union	Roseland
Fort Ross	Santa Rosa City Elementary
Geyserville Unified	Santa Rosa City High
Gravenstein Union	Sebastopol Union
Guerneville	Sonoma Valley Unified
Harmony Union	Twin Hills Union
Healdsburg Unified	Two Rock Union
Horicon	Waugh
Kashia	West Side Union
Kenwood	West Sonoma County High
Liberty	Wilmar Union
Mark West Union	Windsor Unified
Monte Rio Union	Wright

From the City or Town Councils of Cotati, Cloverdale, Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, Sonoma and Windsor to: R2 and F8.

From the County Superintendent of Schools to: R4 and R7, F1, F2, F3, F4, F5, F6, F7, F9, F11, F12, F17 and F19.

From the Deputy County Superintendent of Schools to: R8

From the Sonoma County Board of Education to: R4, R6, R7, and R8, F14 and F15.

From the County Commission of School District Organization to: R1, R2, R3, R5, and R6, F8, F10 and F13.

BIBLIOGRAPHY

Individuals Interviews Conducted:

- County Superintendent of Schools
- Former Superintendent of Schools
- School District Superintendents
- Presidents of Boards of Trustees
- Member of the School District Board
- Member of the California School Board Association
- Deputy County Superintendent of Schools
- High School Principal
- Middle School Principal
- Sacramento Area Superintendent of Schools
- Sacramento Area Administrative Staff
- Santa Clara County Grand Jury Member
- Sonoma County Board of Supervisors Members
- Sonoma County Administrative Officers
- Field Representative for State Senator
- Sonoma County Public Information Officer

Documents Reviewed:

Sonoma County Schools Directory, California State Education Code, Santa Clara County Grand Jury Report (2009-2010 School Consolidation), Twin Rivers School District Publications, West Sonoma County School Study (Published 2006), Financial Accountability and Oversight Program Provisions (Assembly Bill 2756- July 2004, Sonoma County Office of Education Statistical Reports, California Department of Education Program (“NAEP”), Star School Test Results, Santa Rosa Press Democrat Articles, Ventura County Article, Various Education Websites, California School Financial Report, Lawsuits against the State of California (Adequate Funding Structure)

APPENDICES

Map of Sonoma County School District (SCOE Report)

The County Committee Plans and Recommendations – Flowchart E (SCOE Report)

Financial Status (SCOE reports as of 3/31/2011)

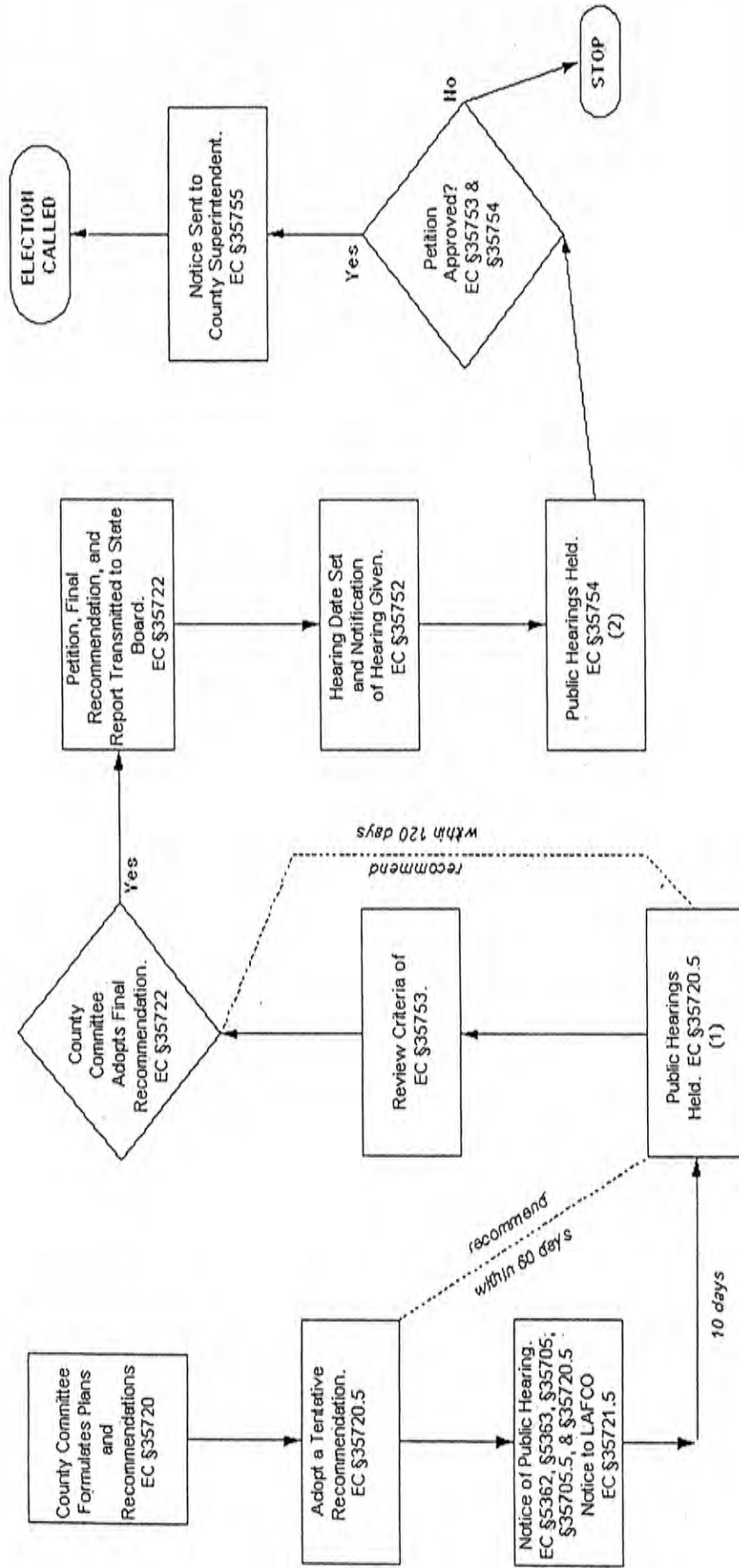
Statistical Schedules of School Districts (SCOE Report)

Sonoma County School Board Member Stipends Benefits (SCOE Report)

Sonoma
County Office of Education
2010-11 District Financial Reporting Status

	Sonoma County								
	2010-11 District Financial Status								
	09-10 2nd Interim	District Name	Budget	1st Interim Report	2nd Interim Report			GF expend + Trans out + Uses	
					Self-Certification	Final Certification			
1	Negative	Cloverdale	Approved	Negative				12,835,053	
2	Negative	Cotati-Rohnert Park	Approved	Negative				52,019,420	
3	Qualified	Forestville	Approved	Positive				3,715,255	
4	Qualified	Geyserville	Approved	Qualified				3,347,298	
5	Negative	Healdsburg	Approved	Negative				19,590,116	
6	Qualified	Piner-Olivet	Approved	Positive				9,879,644	
7	Qualified	Sebastopol	Approved	Qualified				6,968,540	
8	Qualified	West Sonoma County High SD	Approved	Qualified				21,381,972	
10	Qualified	West County Trans JPA	Approved	Positive				10,003,898	

COUNTY COMMITTEE PLANS AND RECOMMENDATIONS



(1) Public hearing must be held at least 30 days prior to submission of final recommendation to State Board of Education.

(2) CEOA public hearing (with State Board of Education as lead agency) also will be held.

CURRENT SONOMA COUNTY SCHOOL DISTRICT INFORMATION

SONOMA COUNTY SCHOOL DISTRICTS	NUMBER OF SCHOOLS	DISTRICT ENROLLMENT	NUMBER OF ADMINISTRATORS 2009-10	NUMBER OF DISTRICT BOARD TRUSTEES	2010-11 ADOPTED BUDGET
Alexander Valley Union	1	128	1	5	1,602,576
Bellevue Union	4	1,762	5	5	13,716,875
Bennett Valley Union	2	957	3	5	6,883,627
Cinnabar	1	195	1	5	2,099,604
Cloverdale Unified	5	1,525	4	5	11,006,662
Cotati-Rohnert Park Unified	11	6,206	18	5	45,898,299
Dunham	2	178	1	5	1,420,108
Forestville Union	2	434	3	5	3,672,844
Fort Ross	1	44	1	3	555,380
Geyserville Unified	4	255	2	5	2,859,624
Gravenstein Union	3	617	2	5	4,118,076
Guerneville	2	296	2	5	2,560,884
Harmony Union	3	774	6	5	2,762,739
Healdsburg Unified	4	2,048	10	5	15,527,725
Horicon	1	73	1	5	1,426,078
Kashia	1	11	1	3	269,000
Kenwood	1	148	1	5	2,009,182
Liberty	3	1,172	16	5	3,532,691
Mark West Union	4	1,428	6	5	9,239,365
Monte Rio Union	1	95	1	5	1,110,913
Montgomery	1	37	1	5	595,225
Oak Grove Union	3	812	4	5	7,152,341
Old Adobe Union	4	1,771	9	5	13,020,102
Petaluma City Elem/High	18	7,875	36	5	63,636,707
Piner-Olivet Union	5	1,671	8	5	8,809,466
Rincon Valley Union	8	3,123	9	5	27,655,530
Roseland	3	2,168	14	5	15,365,821
Santa Rosa City Elem/High	32	16,577	53	7	130,497,289
Sebastopol Union	5	1,077	4	5	5,607,793
Sonoma Valley Unified	12	4,671	16	5	36,066,331
Twin Hills Union	4	991	6	5	4,839,638
Two Rock Union	1	187	1	5	1,876,371
Wagh	2	920	2	5	6,356,801
West Side Union	1	171	1	5	1,193,060
West Sonoma County Union High	4	2,344	11	5	20,452,506
Wilmar Union	1	204	1	5	1,564,624
Windsor Unified	9	5,720	16	5	40,982,035
Wright	3	1,487	8	5	11,739,466
TOTALS	172	70,152	285	188	529,683,358

Information compiled February 4, 2011

SONOMA COUNTY SCHOOL BOARD MEMBER STIPENDS BENEFITS

DISTRICT	MONTHLY STIPEND	MEDICAL	DENTAL	VISION	LIFE
----------	--------------------	---------	--------	--------	------

Alexander Valley Union	none				
Bellevue Union	\$50	X	X	X	
Bennett Valley Union	none	may purchase benefits at employee rate at own expense			
Cinnabar	none	X			
Cloverdale Unified	may receive a stipend of \$229.64 or participate in benefits up to \$591/mo				
Cotati-Rohnert Park Unified	\$240	X	X	X	\$1331/mo toward all benefits
Dunham	none				
Forestville Union	\$10 (dinner allotment)				may purchase benefits at employee rate at own expense
Fort Ross	none				
Geyserville Unified	none				may purchase benefits at employee rate at own expense
Gravenstein Union	\$10 - deposited into an account for lunches, retiree gifts, etc.				
Guerneville	none				
Harmony Union	none				
Healdsburg Unified	none				
Horicon	none	may purchase benefits at employee rate at own expense			
Kashia	\$30				
Kenwood	none				
Liberty	none				
Mark West Union	none	may purchase benefits at employee rate at own expense			
Monte Rio Union	none	may purchase benefits at employee rate at own expense			
Montgomery	none				
Oak Grove Union	none	may purchase benefits at employee rate at own expense			
Old Adobe Union	\$240 cash stipend & \$260 towards benefits or \$500 towards health benefits				
Petaluma City Schools	none	up to \$839/mo	X	X	X

SONOMA COUNTY SCHOOL BOARD MEMBER SITPENDS BENEFITS

DISTRICT	MONTHLY SITPEND	MEDICAL	DENTAL	VISION	DATE
Piner-Olivet Union	none				
Rincon Valley Union	\$250	may purchase benefits at employee rate at own expense			
Roseland	none	up to \$1659/mo	X	X	
Santa Rosa City	\$400	X	X	X	\$565/mo towards all benefits
Sebastopol Union	\$75				
SCOE	\$315	up to \$2048/mo	X	X	
Sonoma Valley Unified	none				
Twin Hills Union	none				
Two Rock Union	none		X		\$400 contribution to medical benefits
Waugh	\$45	may purchase benefits at employee rate at own expense			
West Side Union	none				
West Sonoma Union High	none	X	X	X	
Wilmar Union	none				
Windsor Unified	\$216	up to \$1519/mo	X	X	
Wright	\$125	X	X	X	\$1530/mo toward all benefits

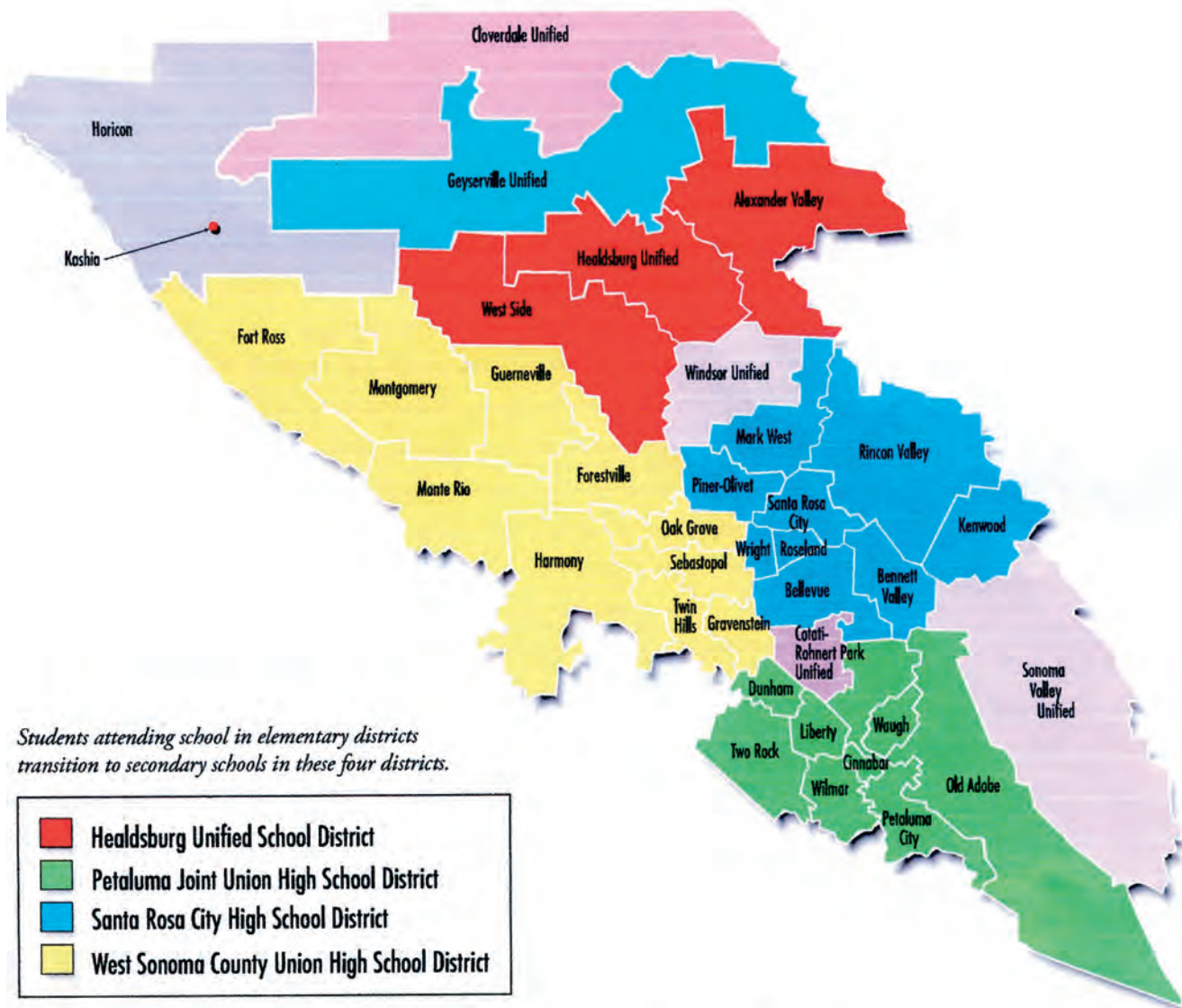
NB - An "X" in the benefits column indicates the benefit is paid by the district.

Government Code sections 53200 through 53210 state that a local agency's contribution toward the cost of benefit premiums for board members whose service began as of January 1, 1995 or later, are limited to a contribution no greater than the highest contribution made on behalf of any employee group. The "up to" limit on this spreadsheet does not apply to all board members in the various districts. Board members taking office after 1995 may receive less than the "up to" figure.

Sonoma County School Districts

There are 40 school districts that provide kindergarten through grade 12 education for Sonoma County: 31 elementary school districts, 3 high school districts, and 6 unified districts.

Students in elementary districts “feed” into high school or unified districts as indicated by the color coding on this map.



Unified districts operate both elementary and secondary schools for the students residing within their boundaries. Cloverdale, Corati-Rohnert Park, Geyserville, Healdsburg, Sonoma Valley, and Windsor are unified districts.

Horicon and Kashia are unique in that these small elementary districts feed into Mendocino County.

WHAT WE DON'T KNOW COULD HURT US

The Need For A Whistleblower Program In Sonoma County

SUMMARY

Whistleblower Tip Nets IRS \$20 Million¹

Glaxco Smith Kline Pays \$750 Million²

Tenet Healthcare Pays \$62,550,000³

\$6.89 Billion Returned to the U.S. Treasury⁴

It's no secret that waste, fraud and abuse exist, as evidenced in the recent news exposés listed above. All of the recovered money listed above was the result of whistleblowers coming forward to expose the waste, fraud or abuse in companies and/or government entities. A whistleblower is a person who exposes wrongdoing about an employer, business or government entity to the public, or to those in the organizations who are in a position of authority and who can affect change. "Whistleblowing" is an activity that requires the utmost confidentiality and trust. Absent the confidentiality and trust that the information will be well handled, whistleblowing will not occur and important information needed to effectively confront waste, fraud and abuse will not be available. In these cases, we can expect that what we don't know could hurt us as citizens and taxpayers.

Getting whistleblower information is also a matter of convenience and accuracy. That is, the ability to make a report at the right moment and having the ability to convey verbal or written information accurately and efficiently. The State of California offers a central whistleblower hotline, which requires public employers to publicize hotline contact information and also prohibits workplace retaliation. However, using the state system, the calling party is likely to be redirected to one or more local agencies where the complainants must repeatedly make their case and where confidentiality can be lost.

Many public entities in California have created their own whistleblower programs as a way to provide greater availability, responsiveness and anonymity for employees and citizens who make complaints within each county. We believe that the public entities in Sonoma County would be well served by implementing a single, central, local program.

This Grand Jury report is concerned with improving the mechanisms for receiving and dealing with complaints from employees or citizens about fraud, waste or abuse of authority against any regularly constituted district, council, board, commission or agency that provides services to the citizens of Sonoma County and is funded through locally collected fees, special assessments or taxes.

The Grand Jury recommends that all governmental units within Sonoma County cooperatively institute and publicize one inclusive whistleblower program that would provide an anonymous hotline, an annual reporting system and the assurance that consideration of the complaint will result from a single phone call. Absent such a program, there are many possibilities for either suppressing critical information and/or for career-altering retaliation against a whistleblower.

¹www.usatoday.com (04-08-11)

²www.nytimes.com (10-26-10)

³www.hirst-chanler.com/10.html

⁴www.phillipsandcohen.com

BACKGROUND

California Government Code section 8547 et. seq. and Labor Code section 1102.5 establish whistleblower legislation that protects employees who complain against their employers. Section 8547 et. seq., known as the California Whistleblower Protection Act, provides that “state employees should be free to report waste, fraud, abuse of authority, violation of law, or threat to public health without fear of retribution.” Section 1102.5 provides that “no employer shall retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or violation or noncompliance with a state or federal regulation.”

During its investigation, the Grand Jury called the state hotline number to determine how complaints are received and handled. Employees of organizations other than state agencies can phone in or email their complaint to the State Attorney General’s office, while complaints related to state agencies are directed to the State Auditor/Controller’s whistleblower hotline. In either case, the receiving office attempts to understand the nature of the complaint and then directs the individual to the appropriate agency at the state or local level. The complaining individual subsequently must contact another office to get the complaint heard. It is likely that this complicated process deters people with valid complaints from following through with contacting more than one agency. Also, individuals who have complaints about a county or city employee may view the state’s hotline as too far removed from the city or county, thereby decreasing the chances that their complaints will be acted upon. Therefore a single, countywide hotline would address this issue.

If one of several available commercial hotline services were used, accessibility would be extended to “24/7/365,” and information captured would be complete and accurate because the caller would speak with a trained person (not an answering machine). Multiple (40+) languages would be accommodated, anonymity would be assured and costs (est. less than \$15,000/yr⁵) would be far less than attempting to staff one or more similar functions locally.

INVESTIGATIVE APPROACH

The Grand Jury gathered information on whistleblower legislation in the State of California. In addition, each of California’s 58 counties was contacted to determine its whistleblower approach. As detailed below, at least 11 counties have instituted their own whistleblower programs. Administrators and elected officials in Sonoma County were interviewed to gather historical perspectives and current thinking regarding a county-based whistleblower program. The Grand Jury researched available commercial ethics hotline companies and their case management programs.

DISCUSSION

A locally administered, independent and confidential whistleblower program for all of Sonoma County would provide governmental employees, elected board members and citizens the assurance that allegations of fraud, waste or abuse of authority can be anonymously reported and resolved without the threat of retaliation. Two options were considered by the Grand Jury.

The first option is the County Auditor/Controller’s office could administer a central whistleblower program and that any governmental units within Sonoma County could agree to participate/cooperate. The County Auditor/

⁵Based on a written quote from a national company.

Controller's office currently has an employee complaint evaluation system through its "Inappropriate Actions Committee," which could be expanded into a full-fledged whistleblower program. The complexity would come in getting voluntary participation from other governmental units operating within county borders. There are numerous examples of similar programs at the county or even city level around the state, but these generally do not reach across governmental boundaries. A SINGLE, CENTRAL reporting location in Sonoma County would greatly enhance the assurance of impartiality, confidentiality and citizen accountability.

The second option is for Sonoma County's Civil Grand Jury to administer the whistleblower program. The Civil Grand Jury is citizen-based, judicially supervised and empowered with special access and confidentiality. Although these are powerful advantages, the Grand Jury also has significant limitations in terms of investigative resources and the required annual turnover of membership. Nevertheless, the Grand Jury, as the central collection point in a countywide whistleblower program, could provide an umbrella that comfortably covers all governmental units and offers a high level of confidentiality and trust for the employees and citizens. In addition, the Grand Jury could give assurance that complaints are not forgotten by using a summary in regular annual reports to the general public.

Regardless of the option chosen, legal guidance would be needed as to whether issues may have criminal content. Credible reports, or complaints, would be referred to appropriate levels of government, with the understanding that status reports would be required and that a central open file would be maintained, pending final resolution.

The role of the central administrator for a whistleblower program would be to provide an additional layer of security and confidentiality and to extend the program's reach to include any governmental unit within the county. The Grand Jury may be better suited for this role because it already has a mandate for governmental oversight, and it has established investigative powers, including the ability to use subpoena to gain access to officials and records.

Our investigation revealed that the following counties have instituted their own local whistleblower programs: Alameda, Los Angeles, Orange, Sacramento, San Bernardino, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Stanislaus. A list of the websites for these programs is provided in Appendix 1.

The Grand Jury found that many of the counties had hotlines available 24 hours, 7 days a week. Others had lines available only during business hours. Variations were in the administration of the programs and whether or not they were inclusive on a regional basis. The Auditor-Controller's Internal Audit Division was a strong choice to investigate claims, as were the County Administrative Officer and County Counsel. Most California counties do not have whistleblower programs in place. Complaints are received by Human Resources and referred to the corresponding departments.

The number of complaints received by these local programs seemed to vary with population. One county had only 20 complaints in a year, while a large population county reported having 600+ pending complaints. If we assume that these numbers are typical, then a Sonoma County program might expect to receive about 50+ complaints per year. All of the local programs included provisions for annual reports listing the number of complaints received, how many were investigated and the results of the investigations.

Although better than simply relying on the State Whistleblower Hotline, most of these programs target county employees and are limited to complaints about county government. As a result, citizens, municipalities, school districts and other special districts are still not well served. Therefore, we recommend that a Sonoma County Whistleblower program include all cities, districts and agencies operating within the county. A list of the Sonoma County cities, districts and agencies, not affiliated with county government, is provided in Appendix 2. There are 110!

At first, the mechanics and complexity of such a system appear overwhelming in terms of 24-hour access and the need for professional staff. However, our investigation has shown that these services are readily available by independent companies at a modest cost. These specialized companies provide a centralized service and have established track records with a variety of business and government clients. We believe that selecting one of these specialized service companies would enable an administrator to effectively implement the investigation, or referral, of all complaints and to track and report the results, using specialized software available through the company program.

FINDINGS

- F1. Sonoma County offices follow state law by posting the State Attorney General's hotline number on employee bulletin boards.
- F2. Many of the larger counties and several cities in California have created their own whistleblower programs. Most are provided only for their own employees.
- F3. There is no central administrator in Sonoma County to report evidence of waste, fraud and abuse among the multitude of local governmental organizations and to ensure that a fair and confidential investigation takes place.
- F4. The cost to implement a whistleblower program applicable to all governmental units in Sonoma County would be modest and initially focused on publicizing contact information and educating employees and citizens about its availability.

RECOMMENDATIONS

- R1. Every governmental unit: county, city, school board or special district should encourage employees and citizens alike to report suspected waste, fraud or abuse issues to a central county reporting location. This local whistleblower hotline should be administered by the Civil Grand Jury or the Auditor-Controller's office to provide anonymity and assurance that investigations will be thorough and impartial for any government entity in Sonoma County. Why would the Grand Jury want the County of Sonoma to provide this service and include cities and other government entities? We suggest this for the greater good of the citizens!
- R2. When a Sonoma County central whistleblower program and administrator is established, every governmental unit should provide clear, easily accessible information about the program and 24- hour hotline on their websites, in their employee training and as a notice on employee bulletin boards.
- R3. The county budget for 2011/2012 and forward, include the cost of a commercial whistleblower hotline service (est. less than \$15,000/ yr), either as part of the operating budget of the Civil Grand Jury or the office of the Auditor / Controller.
- R4. The designated office for Sonoma County should provide an annual report to the public on the whistleblower program including such information as the total number of whistleblower complaints received, the number of complaints that were formally investigated, and the dollar value (if applicable) that was recovered.

REQUIRED RESPONSES TO RECOMMENDATIONS AND THE QUESTIONS IN APPENDIX 3

From the following County officials:

- Chief Administrative Officer
- Auditor/Controller

From the following governing bodies:

- Board of Supervisors
- City Councils as listed in Appendix 2

REQUESTED RESPONSES TO RECOMMENDATIONS IN APPENDIX 3

From the following governing bodies:

School Districts Boards of Directors as listed on Appendix 2

Boards of Directors for special districts and agencies listed in Appendix 2

APPENDIX 1

List of whistleblower websites for California counties:

<http://sfcontroller.org/index.aspx?page=31>

<http://www.ocgov.com/ocgov/Internal%20Audit/OC%20Fraud%20Hotline>

<http://www.lacountyfraud.org/>

<http://www.finance.saccounty.net/Auditor/AuditFraudHotline.asp>

<http://www.sbcounty.gov/acr/hotline.htm>

<http://www.co.sanmateo.ca.us/portal/site/controller/menuitem.1f860392596ef25b74452b31d17332a0/?vgnextoid=2b5a0f68ed180210VgnVCM1000001d37230aRCRD&vgnextfmt=DivisionsLanding>

<http://www.sccgov.org/portal/site/wp/>

<http://www.co.santa-cruz.ca.us/whistleblower.htm>

<http://www.co.solano.ca.us/depts/auditor/whistleblower/default.asp>

APPENDIX 2

City of Santa Rosa

City of Petaluma

City of Rohnert Park

City of Cotati

City of Healdsburg

Town of Windsor

City of Sonoma

City of Cloverdale

City of Sebastopol

Independent Special Districts

Green Valley Cemetery	P.O. Box 678 Graton, CA 95444
Shiloh Cemetery	7130 Windsor Rd. Windsor, CA 95492
Bennett Valley Fire	6161 Bennett Valley Rd. Santa Rosa, CA 95404
Rancho Adobe Fire	11000 Main St. P.O. Box 1029 Penngrove, CA 94951
Forestville Fire	6554 Mirabel Rd. P.O. Box 427 Forestville, CA 95436
Glen Ellen Fire	13445 Arnold Dr. Glen Ellen, CA 95442
Graton Fire	P.O. Box A Graton, CA 95444
Russian River Fire	14100 Armstrong Woods Rd. P.O. Box 367 Guerneville, CA 95446
Kenwood Fire	P.O. Box 249 Kenwood, CA 95452
Monte Rio Fire	9870 Main St P.O. Box 279, Monte Rio, CA 95462
Rincon Valley Fire	P.O. Box 530/8200 Old Redwood Hwy. Windsor, CA 95492

Roseland Fire	830 Burbank Ave. Santa Rosa, CA 95407
Schell-Vista Fire	22950 Broadway, Sonoma CA 95476
Gold Ridge Fire	4500 Hessel Rd. Sebastopol, CA 95472
Valley of the Moon Fire	630 Second St. West, Sonoma CA 95476
Bodega Bay Fire	510 Highway 1, P.O. Box 6 Bodega Bay, CA 94923
Windsor Fire	8200 Old Redwood Hwy. P.O. Box 530 Windsor, CA 95492
Geyserville Fire	P.O. Box 217, 20975 Geyserville Ave., Geyserville, CA 95441
Timber Cove Fire	30800 Seaview Rd. Cazadero, CA 95421
Cloverdale Fire	451 S. Cloverdale Blvd, Cloverdale, CA 95425
Cloverdale Hospital	P.O. Box 434 Cloverdale, CA 95425
Marin/Sonoma Mosquito Abatement	595 Helman Ln. Cotati, CA 94931
Camp Meeker Rec & Park	5240 Bohemian Hwy. P.O. Box 461 Camp Meeker, CA 95419
Del Rio Woods Rec & Park	C/O Don King, 1521 Fountaingrove Pkwy Santa Rosa, CA 95403
Monte Rio Rec & Park	P.O. Box 877 Monte Rio CA 95462
Russian River Rec & Park	15010 Armstrong Woods Rd P.O. Box 195 Guerneville, CA 95446
Gold Ridge Soil Conservation	P.O. Box 1064 Occidental, CA 95465
Sotoyome Resource Conservation	P.O. Box 11526 (95406) 2150 West College Ave Santa Rosa, CA 95401
Southern So Co ResourceConservation	1301 Redwood Way Ste #170 Petaluma, CA 94954
Occidental Community Services	C/O 3799 Bohemian Hwy P.O. Box 244 Occidental, CA 95465
Cazadero Community Services	P.O. Box 508 Cazadero, CA 95421
Graton Community Services	250 Ross Lane Sebastopol, CA P.O. Box 534 Graton, CA 95444
RCPA	490 Mendocino Ave Ste 206 Santa Rosa, CA 95401
Forestville Water	6530 Mirabel Rd. P.O. Box 261 Forestville, CA 95436
Valley of the Moon Water	P.O. Box 280 El Verano, CA 95433
Sonoma Mountain Co Water	5438 Alta Monte Dr Santa Rosa, CA 95404
SMART	750 Lindaro St. Suite 200 San Rafael, CA 94901
North Marin Water	999 Rush Creek Pl P.O. Box 146 Novato, CA 94948
Russian River Co Water	P.O. Box 954 Forestville, CA 95436
Sweetwater Springs Water	17081 Hwy 116 Suite B P.O. Box 48 Guerneville, CA 95446
Timber Cove Water	P.O. Box 118 Jenner, CA 95450
Rains Creek Water	P.O. Box 730 Forestville, CA 95436
Windsor Water (Town of Windsor)	9291 Old Redwood Hwy Windsor, CA 95492
Bodega Bay Public Utilities	265 Doran Park Rd. P.O. Box 70 Bodega Bay, CA 94923
SCPSA	965 Sonoma Ave Santa Rosa, CA 95404
Palm Drive Health Care	501 Petaluma Ave. Sebastopol, CA 95472
Bay Area Air Quality	939 Ellis St. San Francisco, CA 94109
Sonoma Valley Health Care	347 Andrieux St. P.O. Box 600 Sonoma CA 95476
Coast Life Ambulance	P.O. Box 1056 38901 Ocean Dr. Gualala, CA 95445

NCRA	419 Talmage Road Suite M Ukiah, CA 95482
LAFCO	575 Administration Dr. Rm 104A Santa Rosa, CA 95403
REDCOM	2796 Ventura Ave Santa Rosa, CA 95403
North Bay Coop Library	55 E. Street Santa Rosa, CA 95404
Law Library	2604 Ventura Ave Santa Rosa, CA 95403
SCERA-Retirement	433 Aviation Blvd. Santa Rosa, CA 95403
SCAVA Service Authority	2550 Ventura Ave Santa Rosa, CA 95403
So Co Open Space Authority	747 Mendocino Ave Suite 100 Santa Rosa, CA 95401
So Co Transportation Authority	490 Mendocino Ave Ste 206 Santa Rosa, CA 95401
SCWMA	2300 County Center Dr. B100 Santa Rosa, CA 95403
School Districts	
Alexander Valley Union	8511 Highway 128, Healdsburg, CA 95448
Bellevue Union	3150 Education Drive, Santa Rosa, CA 95407
Bennett Valley Union	2250 Mesquite Drive, Santa Rosa, CA 95405
Cinnabar	286 Skillman Lane, Petaluma, CA 94975-0399
Cloverdale Unified	97 School Street, Cloverdale, CA 95425
Cotati-Rohnert Park Unified	5860 Labath Avenue, Rohnert Park, CA 94928
Dunham	4111 Roblar Road, Petaluma, CA 94952
Forestville Union	6321 Highway 116, Forestville, CA 95436-9699
Fort Ross	30600 Seaview Road, Cazadero, CA 95421
Geyserville Unified	1300 Moody Lane, Geyserville, CA 95441
Gravenstein Union	3840 Twig Avenue, Sebastopol, CA 95472-5750
Guerneville	14630 Armstrong Woods Rd, Guerneville, CA 95446
Harmony Union	1935 Bohemian Highway, Occidental, CA 95465
Healdsburg Unified	1028 Prince Street, Healdsburg, CA 95448
Horicon	35555 Annapolis Road, Annapolis, CA 95412-9713
Kashia	Skaggs Springs Road, Stewarts Point, CA 95480
Kenwood	230 Randolph Avenue, Kenwood, CA 95452
Liberty	170 Liberty School Road, Petaluma, CA 94952
Mark West Union	305 Mark West Springs Rd, Santa Rosa, CA 95404-1101
Monte Rio Union	20700 Foothill Drive, Monte Rio, CA 95462
Montgomery Elementary	18620 Fort Ross Road, Cazadero, CA 95421
Oak Grove Union	5299 Hall Road, Santa Rosa, CA 95401
Old Adobe Union	845 Crinella Drive, Petaluma, CA 94954
Petaluma City Elementary	200 Douglas Street, Petaluma, CA 94952
Petaluma Joint Union High	200 Douglas Street, Petaluma, CA 94952
Piner-Olivet Union	3450 Coffey Lane, Santa Rosa, CA 95403-1919
Rincon Valley Union	1000 Yulupa Avenue, Santa Rosa, CA 95405

Roseland	1934 Biwana Drive, Santa Rosa, CA 95401
Santa Rosa City Elementary	211 Ridgway Avenue, Santa Rosa, CA 95401
Santa Rosa City High	211 Ridgway Avenue, Santa Rosa, CA 95401
Sebastopol Union	7611 Huntley, Sebastopol, CA 95472
Sonoma Valley Unified	17850 Railroad Avenue, Sonoma, CA 95476
Twin Hills Union	700 Watertrough Road, Sebastopol, CA 95472
Two Rock Union	5001 Spring Hill Road, Petaluma, CA 94952
Waugh	1851 Hartman Lane, Petaluma, CA 94954
West Side Union	1201 Felta Road, Healdsburg, CA 95448
West Sonoma County High	462 Johnson Street, Sebastopol, CA 95472
Wilmar Union	3775 Bodega Avenue, Petaluma, CA 94952
Windsor Unified	9291 Old Redwood Hwy, Bldg 500, Windsor, CA 95492
Wright	4385 Price Avenue, Santa Rosa, CA 95407

APPENDIX 3

Requested Whistleblower Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee breakroom?
☐ Yes ☐ No
2. How would an employee allegation of significant wrongdoing be directed within your organization?

3. How would a citizen allegation of significant wrongdoing be directed within your organization?

4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.
☐ Yes ☐ No
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources? ☐ Yes ☐ No
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office? ☐ Yes ☐ No
7. Comments:

By

For

IMPROVEMENTS NEEDED IN TOWN OF WINDSOR



SUMMARY

The 2010 – 2011 Sonoma County Grand Jury investigated a complaint filed against the Town of Windsor (Town), alleging irregularities in the reporting of the non-permitted discharge of recycled water to the Regional Water Quality Control Board (Regional Board). The complainant believed that town management had coerced the reporting staff to provide false information to the regulatory agency in order to avoid possible fines. The complainant further alleged that members of the town management harassed the staff involved.

The Grand Jury found that there was disagreement among staff regarding the amount of the discharges, the causes of the discharges, when the discharges occurred and what areas were affected. Our investigation showed that changes made to the reports were the result of a review by more experienced staff and that there was no evidence of false reports having been made to the Regional Board.

However, the Grand Jury did find that working relationships among employees, particularly the interaction of management staff with subordinates, are strained, producing an uncomfortable work environment. As the investigation into the issue of inappropriate reporting of discharges was found to be without merit, the Jury focused its efforts on a review of the town's human resources procedures.

We recommend that the Town Manager clarify the existing written guidelines that apply to any required reporting of non-permitted discharges, including an outline of appropriate methods by which the department manager may resolve any differences of professional opinions. It is also recommended that the Town Manager provide for additional training for managers and staff who deal with interpersonal relations within a work environment.

GLOSSARY

Regional Board: Regional Water Quality Control Board: North Coast Regional Water Quality Control Board/
RWQCB www.waterboards.ca.gov/northcoast

BACKGROUND

State regulations require public agencies to report all non-permitted discharges of recycled water and/or sewage, up to 1000 gallons, to the Regional Board, which is the state's local regulatory agency. A verbal notification must be made to the Regional Board within 2 hours of the discovery of the discharge and a "Certification of Category 1 Discharge Notification" must be faxed to the Regional Board within 24 hours. If the discharge is estimated to exceed 1000 gallons, local agencies also need to file a report with the County Public Health Department, County Department of Emergency Services, California Department of Health Services, California Department of Fish and Game, as well as the State Department of Emergency Services and the California Highway Patrol if the discharge reaches state or federal highway systems. The Town of Windsor has developed such a reporting plan as part of their written protocol.

In September 2010, the Grand Jury received a citizen complaint alleging that, on two separate occasions, managers in the Town's Public Works Department directed that changes be made to reports of non-permitted discharges of recycled water prior to those reports being sent to the Regional Board. In one instance, it was alleged by the complainant that the amount of the discharge was altered, and in another instance, it was alleged that the cause of the discharge was altered, resulting in the filing of false reports. The complainant further alleged retaliation as the result of reporting possible wrongdoing.

APPROACH

The Grand Jury interviewed seven employees of the Town of Windsor, including staff members of the Public Works Department, Human Resources and the Town Manager's offices. We also conducted an interview with staff from the Regional Board.

We reviewed a number of documents provided by the Town management staff and the Regional Board, as well as on-line information. The complainant also provided additional documentation relative to the issues surrounding the complaint. This information was reviewed by the Grand Jury and was utilized in developing interview questions.

DISCUSSION

While we found that information had been altered in the reports sent to the Regional Board, the new figures submitted were the result of a re-evaluation of the data and a management decision to override the initial technical opinion. Such activity is consistent with the established lines of authority expected within an agency where technical level staff report to licensed professionals.

The ultimate responsibility for the content and accuracy of all reports developed by the department lies with the Town's department director. Accordingly, the director must utilize all available resources and information in reviewing and approving reports. The changes made to the reports identified in the complaint were made by experienced staff after a review of the available information and were accepted and approved by the Director of Public Works.

In our discussions with staff from the Regional Board, we were advised that, given the size and complexity of its water management system, the Town was well within the norm for the number of reported problems. The Regional Board noted one incident of late reporting, but currently there are no outstanding problems or complaints. It was further stated that the relationship between the Regional Board and the Town's assigned reporting staff was a positive one.

Interviews with several of the Town staff members revealed a climate of tension, continued conflict and disputes over the reporting of discharges, along with the delivery of utility maintenance services. The ongoing conflicts involve prioritization of projects, staff assignments and the administration of personnel rules and regulations.

The Jury learned from several interviewees that confidentiality of witness testimony required in the investigative phase of the Grand Jury process appeared to have been breached. Each witness is admonished verbally not to discuss his/her interview statements with others. The privacy obligation is confirmed by signature on a written admonition at the time of questioning. The admonition is taken very seriously and provides each person who testifies before the Grand Jury the freedom to give open and honest information without fear of exposure or any possible consequences to them either personally or professionally. There is concern that these indiscretions between staff members may have, or could lead to, retaliation against the complainant or others who provided testimony. A proven violation of this admonition is punishable as contempt of court.

FINDINGS

F1. There was disagreement among town staff regarding the amount of recycled water that was discharged, the cause of the discharge, when, and in what areas, the discharges occurred.

F2. No false reports were submitted to the Regional Board.

F3. The changes to reports alleged in the complaint were the result of review by more experienced staff as authorized by the department director.

F4. The Town has provided its employees opportunities for additional training through courses given by Santa Rosa Junior College and other educational providers. In spite of such efforts, the interpersonal relationships of several employees remain strained, causing an uncomfortable, and occasionally confrontational, work environment, which interferes with the efficient execution of required job duties.

F5. The Grand Jury has determined through our interview process, that there appears to have been some violations of the confidentiality admonition given to, and signed, by each person interviewed by the committee.

RECOMMENDATIONS

R1. The Public Works Department should ensure that guidelines clarify the chain of command with respect to the handling of non-permitted discharges. These should become part of each written description for job classes involved in reporting discharges.

R2. Each job description should be reviewed to ensure that it includes a clear, specific definition of reporting responsibilities of all supervisory and management staff in order to clarify the chain of command.

R3. The Town Manger should address the issue of employees who are currently engaged in the continuation of longstanding interpersonal conflicts, which have created a stressful and possibly inefficient work environment.

R4. The Town Manger should confirm the right of any employee to provide sworn, secret testimony to any legal body without fear of exposure or retaliation.

REQUIRED RESPONSES

From the following individuals:

- Windsor Town Manager: R1, R2, R3 and R4
- Windsor Public Works Director/Town Engineer: R1 and R2

From the following governing bodies:

- Windsor Town Council: R1, R2, R3 and R4

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.

BIBLIOGRAPHY

Documents Reviewed:

- California Regional Water Control Board Administrative Civil Liability Complaint Case File
- Town of Windsor - Personnel Policies and Procedures
- Town of Windsor - Utility Maintenance Standard Operating Procedures (Sanitary Sewer Overflow)
- Town of Windsor – Public Works Website
- Town of Windsor – Public Works Organization Chart
- Town of Windsor – Class Specifications
- Sonoma County Water Agency Spill Response and Notification Plan
- City of Santa Rosa – Sewer System Management Plan
- Town of Windsor – interoffice emails dealing with non-permitted discharge of recycled water and evidence of a possible hostile work environment.
- Town of Windsor – Employee Performance Review
- State Water Resources Control Board Legally Responsible Official Registration Form for the 550 Database.

Interviews:

- Town of Windsor, Management Staff
- Town of Windsor, Public Works Staff
- North Coast Water Quality Control Board Staff

Citizen Complaint and Investigation Status 2010-2011 Sonoma County Civil Grand Jury

Your 2010-2011 Sonoma County Civil Grand Jury investigated 74 cases as of 6/10/11 which included six investigations carried over from the 2009-2010 Grand Jury, six mandatory investigations and 60 complaints made by citizens of Sonoma County. The following is a breakdown of the investigations.

In addition to the nine Reports listed, below there were five mandatory officer involved or while in custody fatal/critical incidents investigated and are included in the Officer Involved Critical Incident Report. Each incident was found to meet all existing statutory requirements.

Month	Subject	Disposition	Month	Subject	Disposition
7/10	Parking Garage Finances	Closed	9/10	Permit Resource & Management.....	Closed
7/10	Defined Benefit/Contribution	Closed	9/10	Windsor Water District	Report
7/10	Use of Redevelopment Funds	Closed	9/10	Agriculture Commissioner	Closed
7/10	School Consolidation	Report	9/10	Main Adult Detention Facility	Report
7/10	Police Procedures.....	Report	10/10	Complaint Against FBI, Judges	Closed
8/10	Rodent Infestation	Closed	10/10	Hiring Practice, S.C.O.E.....	Closed
8/10	Sutter Health Billing	Closed	10/10	Foreclosure Procedures	Closed
8/10	Animal Shelter Director Firing	Closed	10/10	Santa Rosa Election Process.....	Closed
8/10	Coroner Death Certificates.....	Closed	10/10	Petaluma Chief of Police	Closed
8/10	Child Protective Services	Report	10/10	Complaint Against Sitting Judge	Closed
8/10	Harassment Complaint	Closed	10/10	Complaint Against County Official.....	Closed
8/10	St. Josephs Urgent Care.....	Closed	12/10	District Attorney Protocols.....	Closed
8/10	Waste Disposal Contracts.....	Closed	1/11	Complaint Against Library Director.....	Closed
8/10	Reduced Teaching Hours.....	Closed	1/11	Accident in Cloverdale	Closed
8/10	Development Payoffs.....	Closed	1/11	Inmate Mental Health Complaint	Closed
8/10	Whistleblower Policies.....	Report	1/11	Jail Assault Charge	Closed
8/10	Ex Employee Worker's Comp	Closed	1/11	Counsel, D.A. and Judge Corruption.....	Closed
8/10	Ex Employee Worker's Comp	Closed	2/11	Sonoma County Hiring Practices	Report
9/10	Annual Juvenile Hall Inspection.....	Closed	2/11	City of Sonoma Planning Dept.	Closed
9/10	Rincon Valley Schools, Nepotism	Closed	2/11	Complaint Against County Counsel.....	Closed
9/10	LAFCo.....	Report	3/11	Complaint Against Sheriff's Deputy	Closed
9/10	Petaluma Public Works.....	Report	3/11	Elder Abuse.....	Closed
9/10	Policy on Bids for Radios.....	Closed	3/11	Adult and Aging Services.....	Closed
9/10	Complaint Against D.A. & Sheriff	Closed	5/11	Family Law.....	Closed
			5/11	Jail Inmate Complaint.....	Closed

Eleven ongoing investigations will be carried over to the 2011 - 2012 Sonoma County Civil Grand Jury. Two reports were combined with the 10 being carried over. Three complaints were found to be not in the Grand Jury's jurisdiction. One complaint was found to be inappropriate. Two complaints were closed as the matters are in litigation. One complaint was dropped due to insufficient information as of 6/10/11.

2011 Sonoma County Civil Grand Jury



Julie Wilcox
Judicial
Assistant



Chris Christensen - Foreperson, Civil Grand Jury; Honorable Gary Nadler - Presiding Superior Court Judge; Jose Guillen - Court Executive Officer



Steve Bearg
Foreperson
Pro Tem



**Roy
Sprague**



**Maggie
LaRue**



**Sally
Patterson**



**Steve
Norton**



**Larry
Rogoway**



**Jeanne Marie
Walters**



**Patt
Blakenship**



**Lawrence
Koagedal**



**Max
Bridges**



**Jon
Winter**



**Gary
Wilkening**



**Ron
Motta**



Pam Berlanger
Corresponding
Secretary



Al Eichstaed
Sergeant-
at-Arms



**Daniel J.
McMahon**
Treasurer



Gene Zingarelli
Recording
Secretary



**Steve
Larsen**

