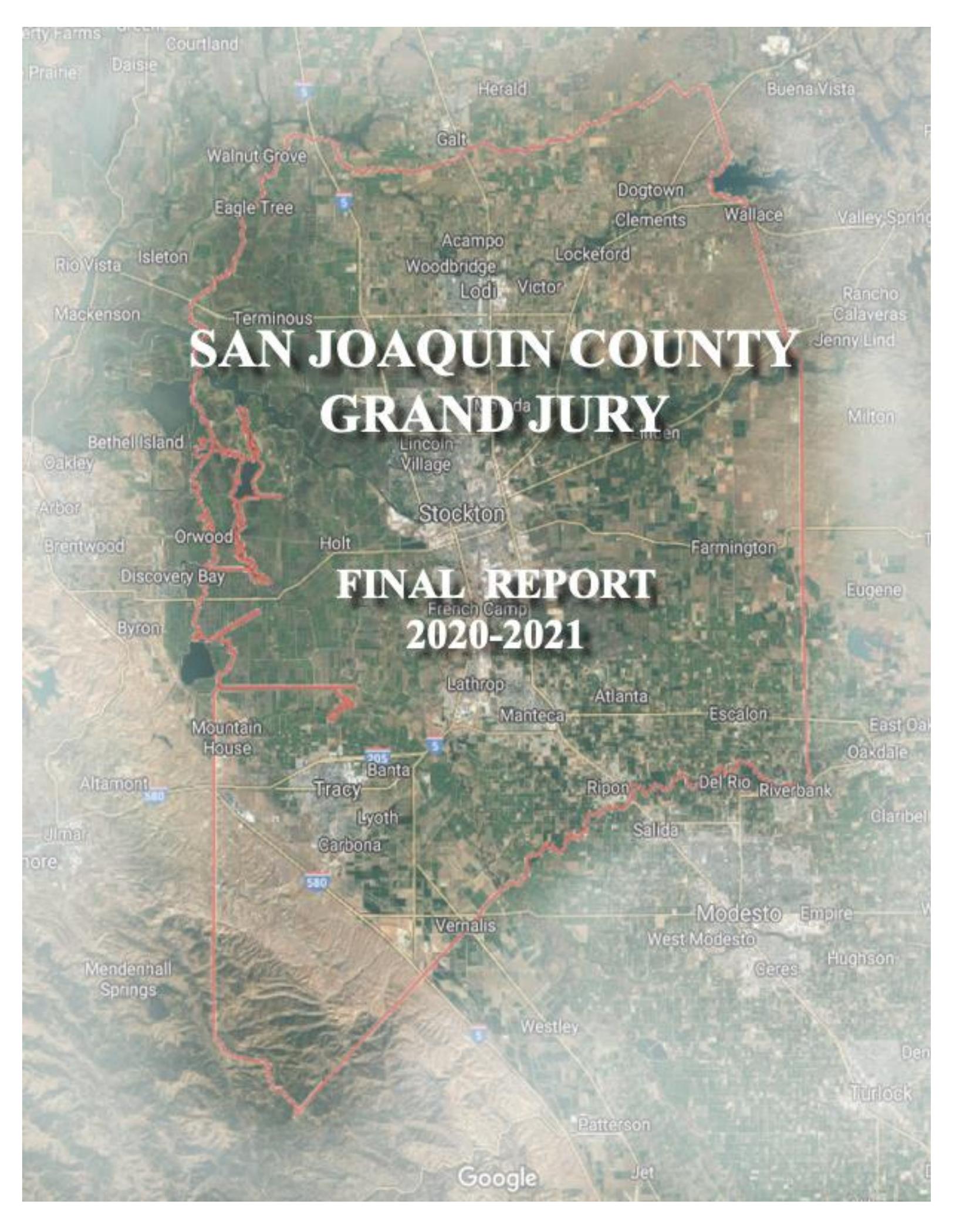


**SAN JOAQUIN COUNTY
GRAND JURY**

**FINAL REPORT
2020-2021**



An aerial satellite-style map of San Joaquin County, California, outlined in red. The map shows various cities and towns, including Stockton, Modesto, and Tracy. Major highways like I-5, I-205, and I-580 are visible. The text 'SAN JOAQUIN COUNTY GRAND JURY' is centered in large white letters with a black drop shadow.

SAN JOAQUIN COUNTY GRAND JURY

FINAL REPORT 2020-2021

Contents

Section I: Introduction 5

Section II: Investigations 15

Section III Law and Justice 127

Section IV: Independent Special Districts 157

Section V: Follow-Up 163

Section VI: Tours and Presentations 259

Section VII: Grand Jury Process 263

T A B L E of C O N T E N T S

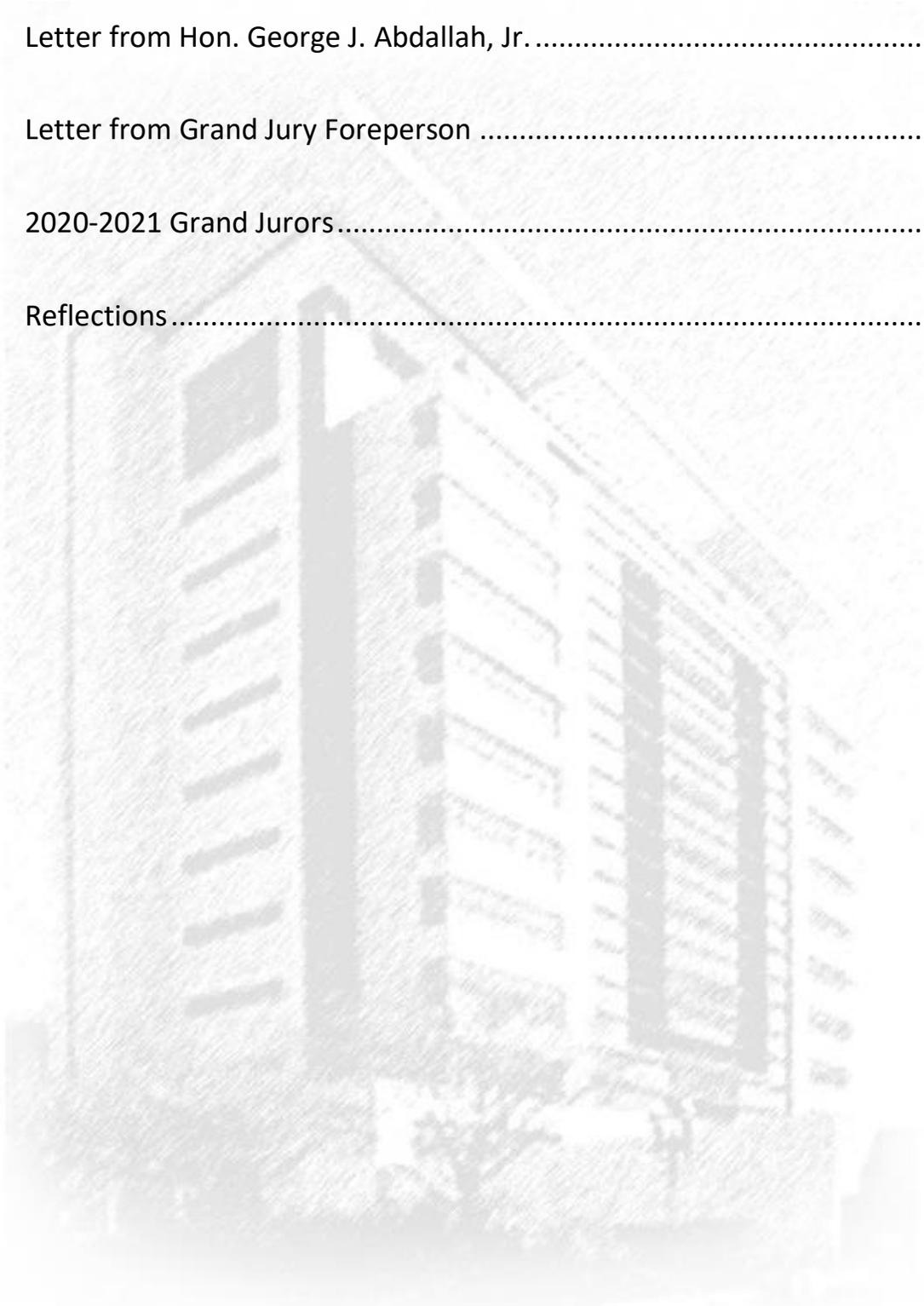
Section I: Introduction

Letter from Hon. George J. Abdallah, Jr.7

Letter from Grand Jury Foreperson8

2020-2021 Grand Jurors.....11

Reflections.....11



INTRODUCTION



Superior Court of California, County of San Joaquin

180 E. Weber Avenue, Ste 1306J
Stockton, CA 95202
Telephone: (209) 992-5695

July 14, 2021

The Superior Court of California, County of San Joaquin thanks and commends the 2020-2021 Grand Jurors for their conscientious efforts on behalf of all San Joaquin County citizens. The Grand Jurors undertook and completed their duties with great industry, intelligence and care.

Once again, the Grand Jurors showed resilience, resourcefulness and tenacity in fulfilling their oath of office during extraordinary times. The Grand Jury Foreperson, Mr. Gary Cooper, during his second term, again provided outstanding leadership and guidance undaunted by the many challenges of the pandemic era.

The Grand Jury is composed of qualified individuals who applied for membership, those drawn from the community and individuals nominated by community leaders. The chosen citizens serve as an independent body under the court's authority. The San Joaquin County Grand Jury now takes its place in a long history of citizen involvement in civic life which was born in the English Common Law of 1166, adopted during the American Colonial period and codified in California in the 1880's. The Grand Jurors' thought and constructive recommendations will help ensure the highest quality civic life to which all citizens are entitled.

As the Grand Jury Advisor and Supervisor, it has been my privilege to review the work of the 2020-2021 Grand Jury. The Grand Jurors also received well considered advice from their highly experienced Advisors, County Counsel Mr. Mark Myles, Assistant County Counsel, Ms. Kimberly Johnson, Assistant District Attorney Mr. Scott Fichtner and the invaluable assistance of the Superior Court administrator, Ms. Trisa Martinez.

The Grand Jurors undertook an examination of the County's largest school district and the operation of one of the fastest growing cities in California. The Grand Jurors assessed local governmental and health district responses to the pandemic and included well deserved praise for those who are front line responders. Their Law and Justice report appears to be the result of strong cooperation and transparency by the agencies resulting in a comprehensive assessment. In keeping with their annual duty, the Grand Jurors made a careful effort to follow up on the work of their predecessors thereby assuring the community that the San Joaquin County Grand Jury, as an enduring institution, sustains its role in our civic life. I urge the public to read and consider these thoughtful, well written reports and recommendations.

The efforts, commitment, collective wisdom and experience of these dedicated individuals will continue to better the civic life of all San Joaquin County residents. To each member of the San Joaquin County Grand Jury, for your many accomplishments, and devotion to your duty, the Superior Court extends its congratulations and gratitude.

A handwritten signature in black ink that reads "George Abdallah".

Hon. George J. Abdallah, Jr.
Supervising Judge of the San Joaquin County Grand Juries



Grand Jury
COUNTY OF SAN JOAQUIN
180 E. Weber Avenue, Suite 1114
Stockton, CA 95202
Telephone: (209) 468-3855

July 12, 2021

Hon. Xapuri B. Villapudua
Presiding Judge
Superior Court of California
County of San Joaquin
180 E. Weber Av., Suite 1306J
Stockton, CA 95202

Hon. George J. Abdallah, Jr.
Judge of the Superior Court and
Judge Advisor to the Grand
Juries County of San Joaquin
180 E. Weber Av., Suite 1306J
Stockton, CA 95202

Dear Judge Villapudua and Judge Abdallah,

On behalf of the 2020-2021 San Joaquin County Civil Grand Jury, it is a privilege to present to you the San Joaquin County Civil Grand Jury's Final Report.

The San Joaquin County Civil Grand Jury faced a unique challenge this year. Due to the coronavirus pandemic, we began our year in a virtual format and remained virtual for the entire year. In many settings, not being able to meet in person can lead to challenges that would impact the outcome of the goals required of the Grand Jury.

It is comforting to say that was not the case with the 2020-2021 Grand Jury. Even with the unprecedented situation we faced, the members of the San Joaquin County Civil Grand Jury remained dedicated and focused on upholding our oath and conduct meaningful investigations that would give us the opportunity to identify areas that can be improved, thus allowing us to make significant findings and recommendations.

It is truly encouraging to witness the character of a group of dedicated citizens who quickly went to work with resolve and determination to investigate various agencies, and not allowing the virtual landscape to deter us from our purpose.

During our term, we received more than 30 complaints and conducted over 50 interviews. The committee chairs and the standing committees contributed beyond expectations. They are to be commended. Even with the demands of investigative processes placed on the Grand Jury, the members of this year's jury took the time to make a meaningful outreach to several charitable organizations within the county, making donations that went to helping those in need.

The success of this year's Grand Jury was due to the hard work of the jury members, but the high quality of our work may not have been possible without the support of our extremely talented and qualified advisors. We wish to thank Assistant District Attorney Scott Fichtner for his untiring support. We thank County Counsel Mark J. Myles for his direction and support. We also thank Assistant County Counsel Kimberly Johnson for providing detailed information beneficial to our reports.

Trisa Martinez, Judicial Secretary/Grand Jury Staff Secretary deserves special recognition for her dedication, support, and invaluable experience.

The Grand Jury wishes to thank Judge George Abdallah for his thoughtfulness, guidance, and support throughout our term. I also wish to personally thank Judge Abdallah for giving me the opportunity to serve as Foreperson of the 2020-2021 Grand Jury.

Respectfully,

A handwritten signature in black ink, appearing to read "Gary Cooper", with a long horizontal flourish extending to the right.

Gary Cooper, Foreperson
2020-2021 Civil Grand Jury



Reflections from Individual Members of the 2020/2021 Grand Jury

Grand Jury service brings with it an opportunity to join with 18 others with diverse experiences and backgrounds to delve into the inner workings of our city and county governments. Members come from both public and private sectors, thus providing balance between government-oriented perspective and private sector perspective to ensure final reports are objective and unbiased. Serving on the Grand Jury also fosters camaraderie and develops friendships that endure beyond the jury term.

The Grand Jury process and working productively with a diverse and dedicated group of community residents is really rewarding. The investigative process is interesting albeit time-consuming, as committee and investigative work can take several days per week. Having served on a prior Grand Jury proved that the work we did, and the reports that were published, affected real changes to the community!

I have always wondered what it would be like to serve on a grand jury. I applied before the beginning of the COVID-19 pandemic. My experience on the 2020-2021 Grand Jury was a unique experience. We were not able to meet in person, nor were we able to participate in any ride-alongs or facility tours, but the presentations were very informative.

I learned so much about San Joaquin County. I feel fortunate to have had the opportunity to serve with an intelligent, professional, and committed group of people. I have made friends, and I have learned SO MUCH! Although the commitment is big and can be time consuming, I would highly recommend getting involved with the grand jury to help make a difference in San Joaquin County. My recommendation to anyone considering grand jury service is to be open minded, committed, and start your report writing early.

This years' experience with the Grand Jury was different, as meetings, presentations and interviews were held remotely. It was, however, every bit as enjoyable as previous years. Throughout this year the jurors and the advisors were respectful and kind. They brought many talents to the complex tasks of choosing, investigating, and reporting on important subjects, and they put in the time ... lots of it.

It is hoped that the reader will consider applying to join a future San Joaquin County Grand Jury. It is a terrific way to learn about our community. I have done this many times and always found the experience enjoyable and rewarding. Oh, and I can't forget to say, we laughed a lot, a whole lot.

Grand Jury service is one of the most interesting things I have ever done – it allows you to become familiar with county government and politics, and to have a very real impact on your community in ways that voting – and even serving on a city council or special district - never will. Grand Jurors receive complaints and concerns from residents, agree on what they think will have the most influence on the local communities, and then investigate and report findings and recommendations for changes. You have a voice, and you are making a difference...time well spent indeed!

To be selected as part of the San Joaquin County Grand Jury was both a surprise and an honor. I was blessed to serve with some of the smartest and intelligent people that I have known. This association became not only a working relationship but also a family-type group. We may not have agreed on everything, but through mutual respect and learning to listen and understand our goals for the Grand Jury, we completed the job at hand with very few disagreements. It has been a privilege to have known and serve with my fellow grand jurors.

At the end of my second year as Grand Juror I feel both satisfied and unfinished. The work we did this year was important. At the beginning of the year, we wondered what to investigate. By the end of a very busy year, we were wondering how to stop. Over the past two years it has been delightful to see the dedication and hard work of the vast majority of county employees and elected officials. However, the Grand Jury's watchdog role has us focus on the small minority who

seem to operate under selfishness, greed, and/or incompetence. Hopefully the light we shed makes a difference.

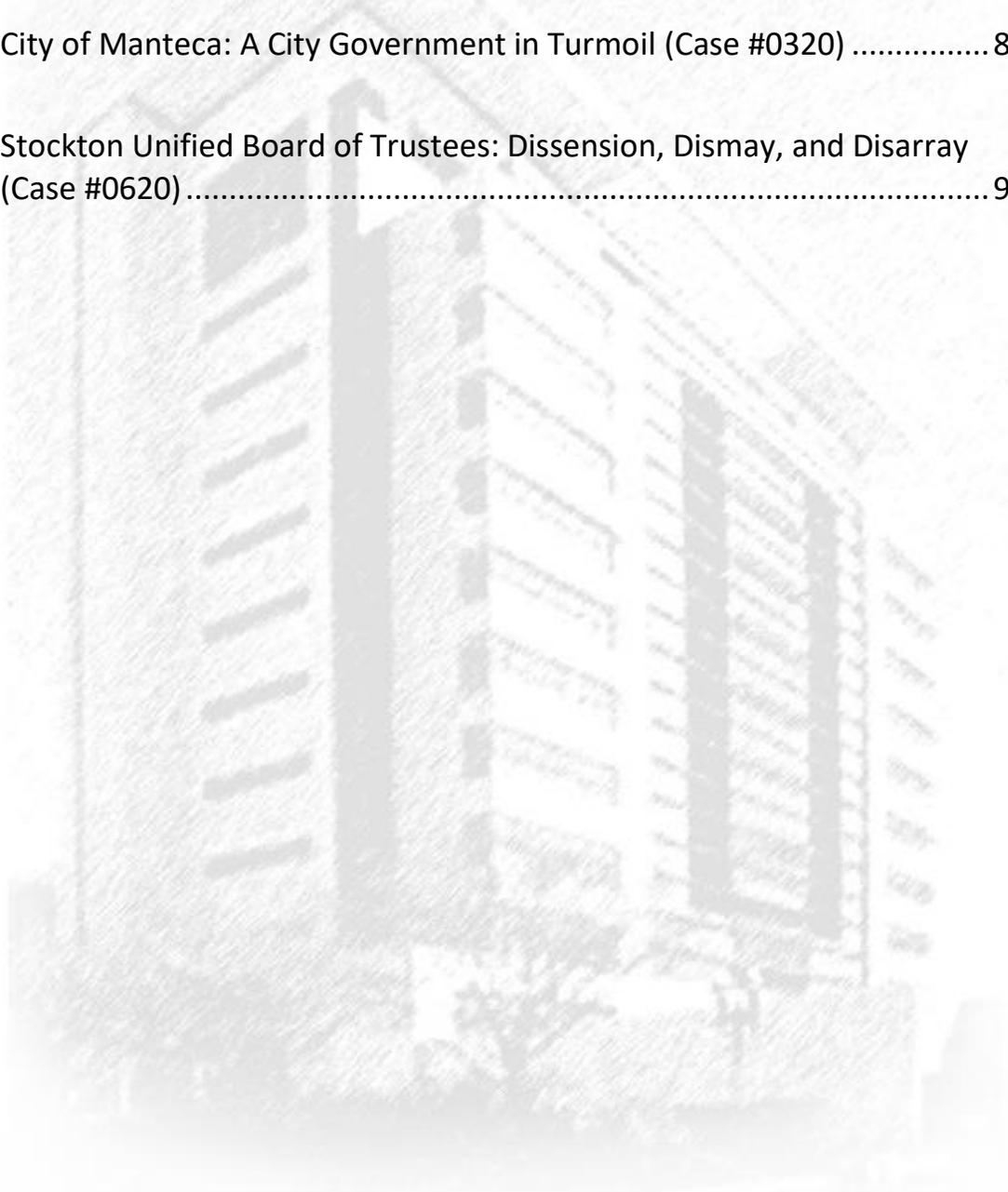
Section II: Investigations

San Joaquin County: A Fragmented COVID-19 Response (Case #0120) . 17

Independent Special Districts: Transparency “Not Found” (Case #0220)
..... 33

City of Manteca: A City Government in Turmoil (Case #0320) 81

Stockton Unified Board of Trustees: Dissension, Dismay, and Disarray
(Case #0620) 95



2020 - 2021 San Joaquin County Grand Jury



San Joaquin County:
A Fragmented COVID-19 Response
Case #0120



Summary

The challenges to San Joaquin County brought on by the emergence of the COVID-19 pandemic prompted the 2020-2021 Grand Jury to request a presentation by County staff outlining their capabilities and response to the situation. An investigation was opened into the County's overall capabilities, preparedness, and response to the devastating effects of the pandemic.

The investigation found that dedicated and capable County employees worked tirelessly to contain the virus, but their efforts were hampered and delayed by organizational and policy issues.

The Grand Jury investigated how the County's departments coordinated their activities and how successful they were in meeting the needs of the residents of San Joaquin County. The use of State and Federal funds received by the County, specifically for emergency preparedness, was reviewed for effectiveness.

The Grand Jury found that National, State, and Local Incident Command policies and procedures, as well as the county Emergency Operations Plan, were not working as effectively as they should. The Grand Jury attributed this shortfall to a lack of designated leadership for the pandemic response, a lack of definitive policies and procedures, and a lack of adequate training for employees pressed into the roles of disaster service workers. The public health needs of the County's residents were not met in a timely manner during this unprecedented public health emergency.

Recommendations to the Board of Supervisors (BOS) cover three primary issues:

- revision of the County's Public Health Services organizational structure to place the Public Health Officer (PHO) as a direct report to the Director of Health Care Services;
- written clarification of policies for placement and re-call of personnel deployed as disaster service workers; and
- written policies with definitive procedures requiring all County employees who may be called upon to perform disaster service work be trained annually on the County's Emergency Operation Plan.

Glossary

- **BOS:** Board of Supervisors
- **CAO:** County Administrator Office
- **CARES Act:** Coronavirus Aid, Relief, & Economic Security Act
- **CDC:** Federal Centers for Disease Control
- **CDPH:** California Department of Public Health
- **County Ordinance:** A law enacted by a municipal body such as a county that governs matters not already covered by State or Federal laws.
- **COVID-19:** Coronavirus disease
- **DSW:** Disaster Service Worker
- **ELC Award:** Epidemiology and Laboratory Capacity Award
- **Emergency Support Function Annexes (ESF):** Supports the EOP and provides specific information and direction, with a focus on responsibilities, tasks, and operational actions.

An annex should identify actions that not only ensure effective response but also aid in preparing for emergencies and disasters.

- **EMSA:** Emergency Medical Services Agency
- **EOC:** Emergency Operation Center
- **EOP:** Emergency Operations Plan
- **FEMA:** Federal Emergency Management Agency
- **HR:** Human Resources Department
- **MCM:** Medical Counter Measures
- **MHOAC:** Medical Health Operation Area Coordinator
- **OES:** Office of Emergency Services
- **PHO:** Public Health Officer
- **PHS:** Public Health Services
- **PHEP:** Public Health Emergency Preparedness Grant
- **PPE:** Personal Protective Equipment
- **Tabletop Exercise:** Discussion-based sessions where team members meet in an informal classroom setting to discuss their roles during an emergency and their responses to a particular emergency. A facilitator guides participants through a discussion of one or more scenarios.

Background

The dominant news of 2020-2021 has been the COVID-19 pandemic, caused by Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2). It was first identified in December 2019, in Wuhan, China. The World Health Organization declared the outbreak a public health emergency of international concern in January 2020, and a pandemic in March 2020. As of May 1, 2021, more than 153 million cases have been confirmed worldwide, with more than 3.2 million deaths attributed to COVID-19. The magnitude of this pandemic and its effect on the world was unlike anything in recent history. The speed at which the pandemic spread was primarily due to a lack of shared information, which prevented early containment of the virus. Delayed worldwide recognition of the emergency allowed several months to pass before action was taken to slow the spread of the virus.

Without international cooperation, all attempts to stop, contain, and isolate the virus were ineffective. International travel was not restricted, a mask policy was nonexistent, and accurate public information was woefully inadequate. Federal plans and guidelines were delayed and changed so frequently that states and counties, in large part, had to fend for themselves.

On March 4, 2020, the Governor of the State of California, with the authority vested in him by the State Constitution and statutes, proclaimed a state of emergency to exist in California. San Joaquin County declared a local health emergency on March 12, 2020, in accordance with the authority provided by the California Health and Safety Code.

Reason for Investigation

In view of the emergence of the COVID-19 pandemic in early 2020, the Grand Jury investigated San Joaquin County's response to the emerging health crisis to determine its effectiveness in meeting the needs of the public.

Method of Investigation

This investigation included interviews, reviews of documents and operational assessments, as well as media and internet research to determine whether the overall capabilities, preparedness, and response to the COVID-19 pandemic met the needs of the County residents.

Interviews

The Grand Jury conducted 20 interviews with San Joaquin County leadership and staff from departments directly involved in and responsible for the response efforts:

- San Joaquin County Health Care Services
- San Joaquin County Administrators Office
- San Joaquin County Public Health Services
- San Joaquin County Office of Emergency Services
- San Joaquin County Emergency Medical Services
- San Joaquin County Human Resources
- Members of the Board of Supervisors

The Grand Jury interviewed two private hospital administrators to gain a comparative perspective between public and private sector challenges and approaches to the pandemic.

Documents

- The Coronavirus Aid, Relief and Economic Security (CARES Act) and the Coronavirus Response and Relief Supplemental Appropriations Act of 2021
- Epidemiology and Laboratory Capacity (ELC) Award requirements, strategies, health equity plan and spending guidelines
- Public Health Emergency Preparedness (PHEP) contracts between San Joaquin County and the State of California which set forth requirements for the use of grant funds and reporting of expenditures
- Public Health Emergency Preparedness (PHEP) California Department Public Health Relief Fund Audits
- Emergency action plans developed by the National Centers for Disease Control and Prevention (CDC), California Department of Public Health, and various San Joaquin County departments contributing to the COVID-19 response efforts
- Medical Counter Measures (MCM) Plans 2017 and 2018 outlined in the San Joaquin County Emergency Operations Plan
- Multi-agency Coordination Annex Report dated October 4, 2019, which includes, meeting agendas, staff evaluations, Human Resources operational assessments, and Public Health Services operational assessments and progress reports

- Medical Health Operational Area Coordinator (MHOAC) Personal Protective Equipment inventories plan and distribution report
- San Joaquin County COVID-19 response timeline
- San Joaquin County daily hospital reports
- San Joaquin County Board of Supervisors meeting videos, agendas, and minutes
- San Joaquin County organizational charts
- State of California COVID-19 guidelines and orders
- State of California COVID-19 testing and reporting requirements
- State of California procedures for case investigation and contact tracing
- Local, state, and national press releases, and
- News articles related to the COVID-19 pandemic

Websites

- Centers for Disease Control and Prevention: Accessed June 23, 2021. www.cdc.gov
- California Department of Public Health: Accessed June 23, 2021. www.cdph.ca.gov
- San Joaquin County Public Health Services: Accessed June 23, 2021. www.sjcphs.org
- San Joaquin County website: Accessed June 23, 2021. www.sjgov.org (to access information relating to all departments participating in the overall COVID-19 response efforts)
- SJReady Office of Emergency Services: Accessed June 23, 2021. www.sjready.org

Discussions, Findings, and Recommendations



**San Joaquin County
As of June 22, 2021**

1.0 Overall Lack of Coordination & Collaboration

While coordination and collaboration between various county departments has improved over the last couple of months, department personnel are unable to answer the critical question: “Who has overall responsibility for the coordination and collaboration as it relates to the County’s COVID response?”

San Joaquin County’s Emergency Operations Plan (EOP) policies and procedures exist to ensure a coordinated and collaborative effort during a declared emergency. For the first 10 months of the declared COVID emergency the EOP procedures were not followed. Departments were not sharing information and were not working together to the extent required to meet the public health needs of the San Joaquin County residents in a timely manner.

The San Joaquin County Office of Emergency Services (OES) has overall responsibility for overseeing disaster management and activities, as stated in the [EOP](#).

The Emergency Operations Plan is meant to facilitate multi-agency and multi-jurisdictional coordination during emergency operations, public information functions, and resource management. The EOP establishes a county incident management structure which will coordinate and support responses, including:

- maintenance of situational awareness;
- facilitation of effective communication between operations centers at various levels of government;
- maintenance of government continuity; and
- interaction with public information sources.

San Joaquin County’s response to the COVID-19 Public Health Emergency involved multiple County departments: Office of Emergency Services, Public Health Services, Emergency Medical Services Agency (EMSA), Health Care Services, County Administrator’s Office (CAO), Human Resources, Public Works, and Purchasing.

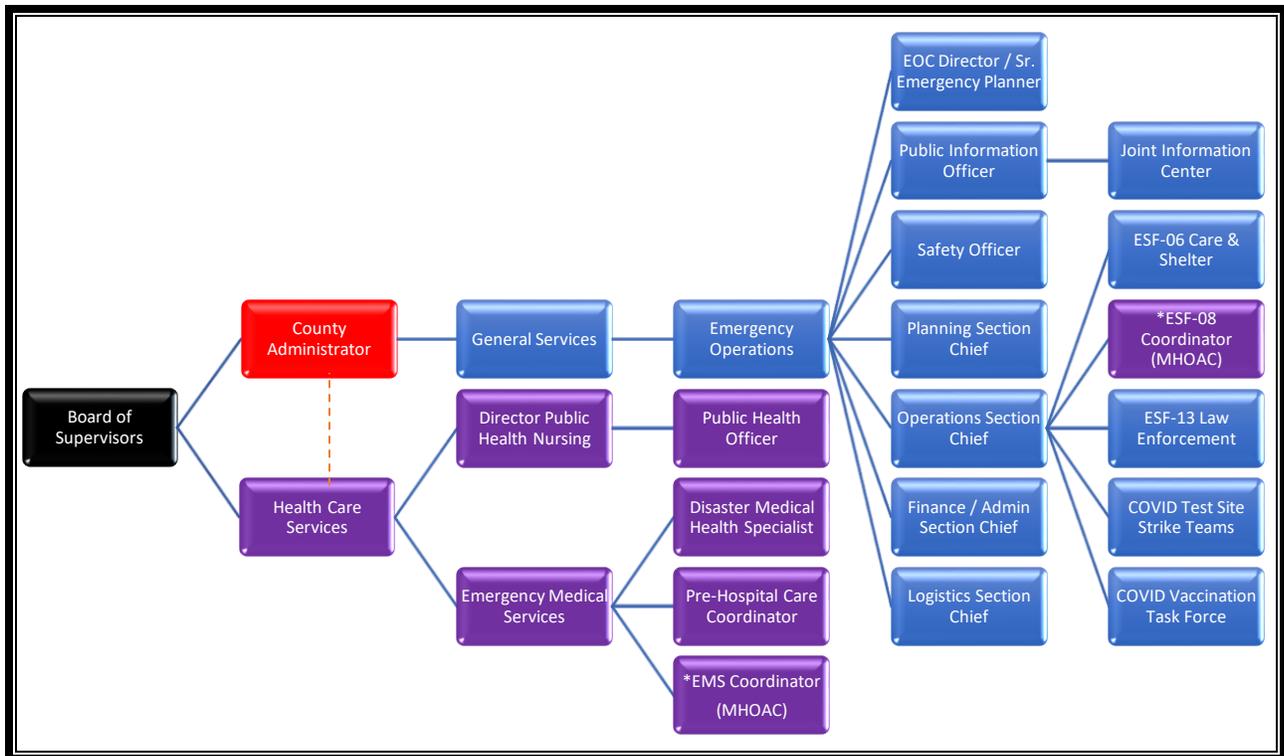


Figure 1. San Joaquin County EOP organizational chart.

**After the declaration of an emergency, the EMS Coordinator as the MHOAC also fills the role as the ESF-08 Coordinator (adapted from: San Joaquin County 2020-2021 Organizational Chart Office of the County Administrator November 20,2020, Interviews, and San Joaquin County Emergency Operations Plan)*

A review of the County’s organizational structure revealed the most critical departments operate independently of one another (see **Figure 1**). The Director of General Services (in **blue**) oversees the Office of Emergency Services (in **blue**) and reports directly to the CAO (in **red**), who reports directly to the BOS. The Director of Health Care Services (in **purple**), who oversees the Emergency Medical Services Agency (in **purple**) and Public Health Services (in **purple**), also reports directly to the BOS. The Director of Health Care Services consults with the CAO, usually involving staffing and budgetary issues.

The initial proclamation of a local emergency was made by the Director of the Office of Emergency Services in accordance with San Joaquin County Ordinance 4.3005. This step was necessary to secure FEMA funds as the OES is the logistical support agency in the time of an emergency response. OES has the staffing and expertise in incident management, such as setting up testing sites, vaccination sites, inventory coordination, and resource distribution. The San Joaquin County Office of Emergency Services established the Medical Health Operation Area Coordinator (MHOAC) and designated the Emergency Medical Services Agency (EMSA) to fulfill this responsibility. The MHOAC holds regular meetings with key personnel in all departments, including local hospitals, to distribute the most current information available. The OES established a joint information center to pass on a unified, clear, and concise message to the public. Public Health Services used their own website but was resistant to collaboration with the joint information center. This caused the public information and state reporting functions to be inconsistent, and this responsibility was ultimately transferred back to OES.

Shortly after the Director of OES declared the Local Emergency on March 12, 2020, it was determined that the COVID-19 pandemic was really a Public Health Emergency and not an OES natural disaster. OES was willing to provide services to support Public Health.

Public Health Services then took over response management of the emergency. The overall organizational structure did not lend itself to cooperation between departments at the initial stages of the emergency declaration. When the responsibilities shifted, communication and coordination between departments failed. Public Health took on the responsibility for contact tracing, public health communication, and case reporting to the public and to the State. Public Health attempted to take on all logistical responsibilities and did not take up OES's offer of support to work in a coordinated manner.

Qualified people were needed to fulfill a variety of roles including such specialties as trained nurses, epidemiologists, laboratory staff, and contact tracers. Federal funding was available via the Epidemiology and Laboratory Capacity ([ELC](#)) Award. This Federal funding was intended to assist in establishing or enhancing PHS' ability to aggressively identify cases, to conduct contact tracing and follow up, as well as to implement recommended containment measures.

Despite receiving the funding, the staffing to fulfill this requirement was met with resistance by the County Administrator's office.

While OES attempted to locate space for the anticipated required additional personnel, Public Health had specific requests that were difficult to meet and delayed contact tracing.

The Emergency Medical Services Agency and Public Health Services both report to the Director of Health Care Services. EMSA operates independently of Public Health Services, which created many instances of communication breakdown between EMSA and PHS. Differences in management styles hindered coordination between the two departments. As is their role, EMSA attempted to take on the task of securing and distributing Personal Protective Equipment (PPE) to all stakeholders and to facilitate testing in skilled nursing facilities. Public Health Services was resistant to this partnership and originally attempted to take the leadership role in the response, instead of collaborating and allowing each department to facilitate their own area of expertise.

The Board of Supervisors did not recognize the severity and lack of coordination of the County emergency response until the vaccine distribution failed to roll out as planned. At this time, the Public Health Department, EMSA, and OES, under the direction of the Interim CAO, began correcting the coordination and collaboration issues and were negotiating a unified response.

Prior to January 2018, the Chair of the BOS had direct oversight responsibility for the Office of Emergency Services. The San Joaquin County code was then modified. It designated the CAO as the Director of Emergency Services and the head of OES as the Deputy Director of Emergency Services. County Ordinance 4-3005 lists the Powers and Duties of the Director of Emergency Services and Director of Emergency Operations. One such duty empowers the CAO, as Director of Emergency Services, to "*...direct cooperation between and coordination of services and staff of the emergency organization of the County; and resolve questions of authority and responsibility that may arise between them...*"

It was unclear to the Board of Supervisors as to who was directing the coordination of the COVID response. It was also not clear to them, until late into the response, that the Public Health Officer was not setting the restrictions, and that the restrictions were being dictated by the State and changed constantly. Almost daily, the Governor made statements and exceptions regarding the guidelines being set forth by the State Department of Public Health. This made it impossible to follow the inconsistent regulations.

Findings

- F1.1** A lack of full understanding and application of San Joaquin County's Emergency Operations Plan, and its Emergency Support Function Annexes, delayed a collaborative and coordinated response.
- F1.2** The most critical departments operate independently of one another during the declaration of a Local Disaster or Public Health Emergency, making it difficult to coordinate and collaborate their response.
- F1.3** When Public Health Services took over management of the COVID-19 response, communication and coordination between departments failed, which delayed the process of curtailing the spread of the COVID-19 Virus.

Recommendations

- R1.1** By March 1, 2022, San Joaquin County train all Public Health Services, Emergency Medical Services Agency, and Office of Emergency Services staff on the overall coordination and application of San Joaquin County's Emergency Operations Plan, including its Emergency Support Function Annexes, and thereafter provide refresher training on an annual basis.
- R1.2** By March 1, 2022, the Director of the Office of Emergency Services develop a written policy with procedures and practical application exercises, requiring annual testing of the overall coordination, effectiveness, and application of San Joaquin County's Emergency Operations Plan, including its Emergency Support Function Annexes.
- R1.3** By June 1, 2022, the San Joaquin County Board of Supervisors approve the Office of Emergency Services written policy with procedures and practical application exercises, requiring annual testing of the overall coordination, effectiveness, and application of San Joaquin County's Emergency Operations Plan, including its Emergency Support Function Annexes.
- R1.4** By October 1, 2022, Office of Emergency Services conduct the first assessment of the overall coordination, effectiveness, and application of San Joaquin County's Emergency Operations Plan, and its Emergency Support Function Annexes using practical application exercises and report their findings and recommendations to the Board of Supervisors.

2.0 Public Health Services Organizational Impediments

San Joaquin County reorganized its Public Health Services Department in November of 2019. Prior to the reorganization, the Public Health Officer reported directly to the Director of Health Care Services. Under the new structure, the Public Health Officer became subordinate to the Public Health Director, in contrast to most counties in California.

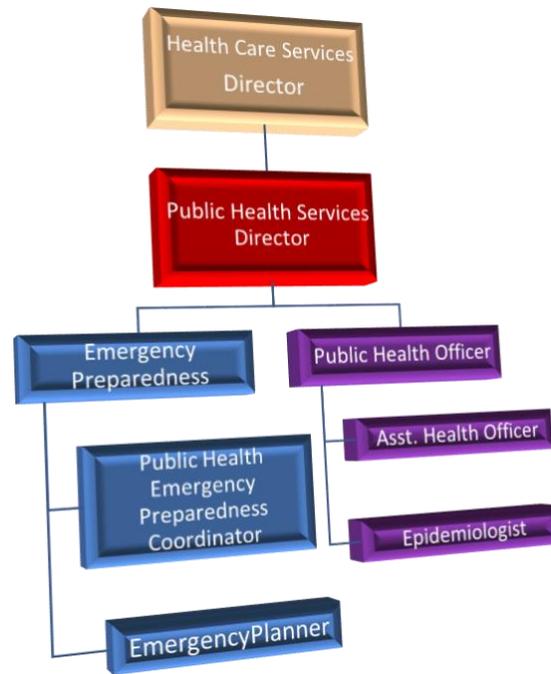


Figure 2. San Joaquin County Public Health Services organization chart.

(adapted from: San Joaquin County 2020-2021 Organizational Chart Office of the County Administrator November 20,2020, Interviews, and San Joaquin County Emergency Operations Plan)

One of the first actions taken by the Public Health Services Director in their new role was to terminate the Public Health Officer and appoint an interim PHO. As a result, when the COVID pandemic began in March 2020, San Joaquin County had a new organizational structure in place wherein the Public Health Officer was subordinate to the Public Health Services Director. By comparison, in other counties the role of the Director of Public Health Services is a subordinate or equal role to the Public Health Officer. The PHO, during a declared Public Health Emergency, is usually the ultimate authority as provided by the California Health & Safety Code §101040.

The Public Health Officer soon became the face of the pandemic response, receiving advisories and directives from the State of California. As State guidelines were constantly changing, the Public Health Officer attempted to communicate with the public and regularly update the Board of Supervisors. However, the Public Health Services Director was hesitant to share pertinent information, thus preventing the Public Health Officer from fulfilling the job of disseminating information to the public and other County Departments. The Public Health Officer was often the

object of Board, management, and constituent frustration. Despite these hurdles, the Public Health Officer performed admirably and was commended by peers.

Finding

F2.1 Requiring the Public Health Officer to report directly to the Director of Public Health Services impeded the Public Health Officer's ability to fulfill the statutory requirements of responding to the Public Health Emergency.

Recommendation

R2.1 By March 1, 2022, the San Joaquin County Board of Supervisors approve an organizational structure wherein the Public Health Officer reports directly to the Director of Health Care Services Agency.

3.0 Lack of Understanding and Use of County Disaster Workers

Under State Law, Title 1, Sections 3100-3109 of California Government Code, all government employees are declared Disaster Service Workers (DSW) who can be called upon to perform their regular duties or work in another department during a declared emergency.

Throughout this investigation it became evident that there was not a clear understanding of how Department Heads could retain Disaster Service Workers assigned to them. The written policy in San Joaquin County does not explicitly state the procedure for how and when employees are recalled to their home departments.

During emergency situations, departments place a request for staff with the Human Resources Department (HR) who then coordinates that effort countywide. Issues included a shortage of personnel, departments not making a timely request for personnel, and staff members being prematurely recalled back to their original departments. Some Department Heads believed that employees assigned to their department to deal with the pandemic were assigned until released; not until recalled. Department Heads recalled their employees when they felt it was necessary, regardless of pressing needs of the borrowing department. Several departments had personnel recalled prematurely, which left the emergency response departments short-staffed. As a result, Department Heads had to go through the process of getting a staff request approved by the CAO and placed on the BOS agenda. In some instances, this took several months. To obtain urgently needed workers, Department Heads were required to find alternative methods, such as requesting part-time staff, which did not require Board of Supervisor approval.

Findings

F3.1 San Joaquin County does not have a clear policy or procedure that stipulates how Disaster Service Workers are deployed to emergency departments, and how they are recalled to their home departments. This caused personnel shortages and delayed the County's emergency response.

F3.2 Not all County employees receive training about their Disaster Service Workers responsibilities, causing confusion when an emergency is declared.

Recommendations

R3.1 By March 1, 2022, San Joaquin County Board of Supervisors develop, approve, and implement a written policy establishing an annual process to review the hiring, training, and gathering of a pool of Disaster Service Workers.

R3.2 By March 1, 2022, San Joaquin County Board of Supervisors develop, approve, and implement a written policy detailing how Disaster Service Workers are assigned to other departments and released back to their home department.

R3.3 By March 1, 2022, San Joaquin County Board of Supervisors develop, approve, and implement a written program to train all county employees on their responsibilities as Disaster Service Workers.

4.0 Inadequate Public Health Emergency Response Capabilities

In response to the September 11, 2001, attacks on the World Trade Center, and the subsequent anthrax attacks, Congress established a new program to help health departments prepare for emergencies. The Center for Disease Control and Prevention's Public Health and Emergency Preparedness (PHEP) program works with state, local, and territorial public health departments to not only prepare for, but also to withstand and recover from public health emergencies. Every year, the PHEP program provides funding to ensure public health departments can effectively deal with outbreaks of infectious diseases, natural disasters, and chemical, biological, or radioactive events. PHEP funds are used to support epidemiologists, lab staff, and planners. The funds also require the maintenance of an inventory of personal protective equipment.

San Joaquin County entered into a \$4.2 million five-year grant agreement with the California Department of Public Health (CDPH) to receive PHEP funds for the term July 1, 2017, through June 30, 2022. The funds support the National Response Plan/National Incident Management System

and are intended to ensure the following response capabilities have been developed and put in place:

Community Preparedness	Community Recovery	Emergency Operations Coordination	Emergency Public Information and Warning
Fatality Management	Information Sharing	Mass Care	Medical Countermeasure Dispensing
Medical Material Management	Medical Surge	Non-Pharmaceutical Interventions	Public Health & Laboratory Testing
Surveillance & Epidemiological Investigation	Responder Safety and Health	Volunteer Management	Program Management

Figure 3. Public Health Emergency Preparedness Capabilities.

(Public Health Emergency Preparedness Agreement between San Joaquin County and the California Department of Public Health dated July 1, 2017 Attachment A 1: Scope of Work/Work Plan)

The Grand Jury reviewed the PHEP Grant Agreement, as well as other associated documents between CDPH and San Joaquin PHS, to determine how the PHEP Funds were utilized and whether PHS achieved the response capabilities listed above.

The Grand Jury focused on Community Preparedness, Emergency Operations Coordination, and Information Sharing to determine if Public Health achieved the following capabilities as specified by the grant agreement.

Community Preparedness: The ability of communities to prepare for, withstand, and recover — in both the short and long terms — from public health incidents. By engaging and coordinating with emergency management, healthcare organizations (private and community-based), mental/behavioral health providers, community and faith-based partners, state, local, and territorial, public health’s role in community preparedness.

Emergency Operations Coordination: Maintain Emergency operations coordination: the ability to direct and support an event or incident with public health or medical implications by establishing a standardized, scalable system of oversight, organization, and supervision consistent with jurisdictional standards and practices and with the National Incident Management System.

Information Sharing: Maintain capability to conduct multi-jurisdictional, multidisciplinary exchange of health-related information and situational awareness data among federal, state, local, territorial, and tribal levels of government, and the private sector. This capability includes the routine sharing of information as well as issuing of public health alerts to federal, state, local,

territorial, and tribal levels of government and the private sector in preparation for, and in response to, events or incidents of public health significance.

Just a few months prior to the declaration of the COVID-19 public health emergency, an internal “Tabletop Exercise” revealed that the Public Health Services staff lacked an overall understanding of San Joaquin County’s Emergency Operations Plan, and lacked the ability to execute the Community Preparedness, Emergency Operations Coordination, and information-sharing capabilities that were to have been developed with the use of PHEP Funds.

Finding

F4.1 The lack of understanding of San Joaquin County’s Emergency Operations Plan delayed a collaborative and coordinated response necessary to meet the requirements outlined in the Public Health Emergency Preparedness agreement.

Recommendations

R4.1 By March 1, 2022, Health Care Services complete an operational audit to affirm that the requirements outlined within the Public Health Emergency Preparedness agreement are being met.

R4.2 By April 30, 2022, Health Care Services present their findings to the Board of Supervisors.

Conclusion

Given the unprecedented impact of the COVID-19 pandemic, the Grand Jury investigation found that dedicated and capable County employees worked tirelessly to contain the virus, but their efforts were hampered and delayed by organizational and policy issues.

The Grand Jury’s findings and adoption of the recommendations contained in this report should greatly improve the County’s ability to mitigate the current pandemic and ensure adequate preparedness when the next emergency occurs.

Disclaimers

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911. 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

One juror recused them self from all parts of the investigation including interviews, deliberations, and the writing and approval of this report.

Response Requirements

California Penal Code Sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

The San Joaquin County Board of Supervisors shall respond to all findings and recommendations.

Mail or hand deliver a hard copy of the response to:

Honorable Xapuri B. Villapudua, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

Also, please email a copy of the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury, at grandjury@sjcourts.org.

Sources

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2020 - 2021 San Joaquin County Grand Jury



**Independent Special Districts:
Transparency “Not Found”
Case #0220**



Summary

Independent special districts (ISDs) are standalone government agencies with elected Boards of Directors. They may extend over multiple counties, but generally have a loose relationship with the primary county in which they reside.

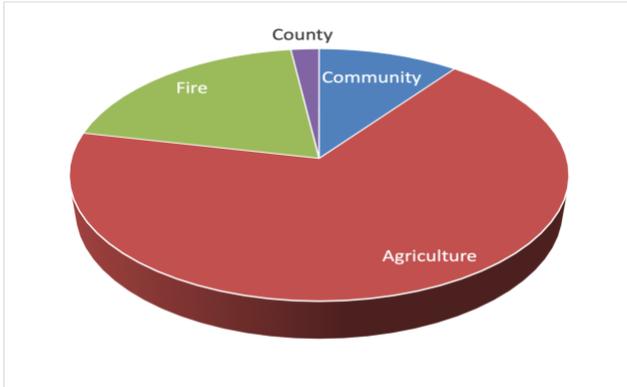


Figure 1. Categories of ISDs.

(data from surveys and LAFCO)

With 101 independent special districts (ISDs) within its boundaries, San Joaquin County far exceeds the state average. In total, 68% of those ISDs are related to the agricultural base of the county (Figure 1). The largest components of the agriculture-related districts are reclamation (the Delta) and irrigation.

The 2020-2021 Grand Jury determined that the workings of these districts are often difficult for the public to access, and, for the most part, “not found”.

For instance, every year, property owners of San Joaquin County receive their property tax bill from the Treasurer-Tax Collector’s office. On that bill is a list of assessments and fees based on local bonds and independent special districts (ISDs). Most people pay the bill without question. However, if one were to try to determine what all the fees and assessments were for, it would be a difficult and time-consuming journey of discovery.

The questions being raised by this Grand Jury are not new. Over the years, there have been multiple reports both at the state level and the county level recommending better regulations and accountability for independent special districts. In response to some of these investigations, the state has implemented regulations to increase transparency. The most recent law is Senate Bill 929 ([SB 929](#)), which requires all ISDs to have public websites.

Website: “Not Found”

Despite SB 929, only 52% of ISDs in San Joaquin County have websites.

Of those with websites, only seven minimally satisfied the Grand Jury (Figure 2). The Grand Jury sought only basic compliance with SB 929 and meaningful links to state websites. Improvement is always possible.



This report recommends modest actions needed by each ISD to improve transparency and SB 929 compliance.

Existing County Information About ISDs

There is a great deal of information about ISDs in the county, but it is scattered across a number of agencies and is often not easily accessible. San Joaquin County's Local Agency Formation Commission (LAFCO) has a useful spreadsheet listing all of the ISDs in the county, but the links in the spreadsheet are not active and the information is limited. The San Joaquin County Auditor-Controller's Office (ACO) has recent and historical audits for most ISDs, but they are only available by request. Other county departments like the Treasurer-Tax Collector, Clerk of the Board, and Registrar of Voters also have pieces of information about many ISDs. One of the key recommendations of this report is that LAFCO and the county departments work together to create a definitive webpage for each ISD that consolidates and summarizes the information that resides at the county level. An important element of this is an accurate and active link to each district's website.

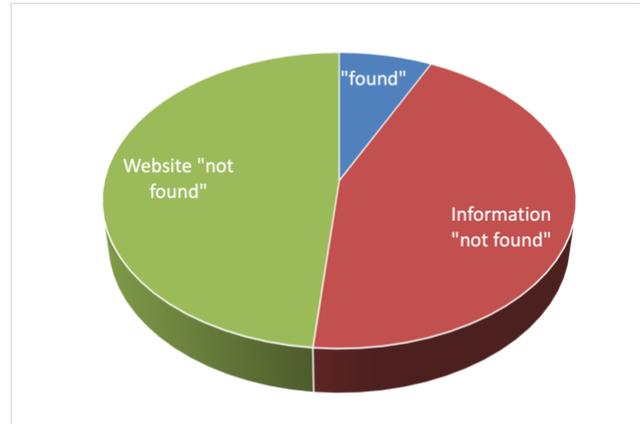


Figure 2. Status of ISD websites.

(data from surveys and LAFCO)

Sharing County Services – Strength in Numbers

Another key recommendation is that all ISDs in the county consider sharing county digital services as provided by the Information Systems Division (SJ-IS). Many already do.

The Information Systems Division has a large portfolio of ready-to-use and secure services, including

- website creation;
- payroll;
- email hosting;
- videoconferencing and business messaging; and
- office productivity tools.

Creating a modern cyber-secure website and information services (IS) infrastructure is difficult. Very few of the ISDs have the capabilities to do this. Some ISDs have high-quality websites and a number use third-party vendors with specialized solutions. Other ISDs struggle to produce secure and quality websites.

Moving forward, there needs to be a much higher level of overall transparency for independent special districts. The ISDs, LAFCO, and the county have the ability to make sure that none of the critical information is: "not found".

Glossary

- **ADA:** Americans with Disabilities Act, a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public
- **ACO:** Auditor-Controller's Office
- **County:** San Joaquin County
- **CSDA:** California Special District Association, "a not-for-profit association that was formed in 1969 to ensure the continued existence of local, independent special districts." (*CSDA's Guide to Special District Laws and Related Codes*, CSDA 2007, 2 ¶1)
- **District:** San Joaquin County Independent Special District
- **Enterprise districts:** Independent special districts that run similar to businesses that collect fees for services provided
- **GIS:** Graphical Information System
- **IS:** Information Services
- **ISD:** Independent special district, a local government granted by state statutes to serve a community of people by delivering specialized services not provided by city or county
- **LAFCO:** Local Agency Formation Commission, "an independent regulatory commission created by the California Legislature to control the boundaries of cities and special districts." (*It's Time to Draw the Line: A Citizens Guide to LAFCO*, 6). All 58 counties have a LAFCO.
- **MOU:** Memorandum of Understanding, a document between at least two parties that explains the proposed agreement between them
- **MSR:** Municipal Service Review, "...added to LAFCO's mandate with the passage of the Cortese Knox Hertzberg Act in 2000. A service review is a comprehensive study designed to better inform LAFCO, local agencies, and the community about the provision of municipal services. Service reviews attempt to capture and analyze information about the governance structures and efficiencies of service providers, and to identify opportunities for greater coordination and cooperation between providers. The service review is a prerequisite to a sphere of influence determination and may also lead a LAFCO to take other actions under its authority." (CALAFCO website)
- **Multi county district:** A special district whose boundaries fall across multiple counties.
- **Non-Enterprise districts:** Independent special districts that provide a general benefit to an entire community and are funded by property taxes
- **Reclamation district:** An independent special district responsible for reclaiming and/or maintaining land that is threatened by permanent or temporary flooding for agricultural, residential, commercial, or industrial use. The land is reclaimed by removing and/or preventing water from returning via systems of levees, dikes, drainage ditches, and pumps.
- **ROV:** San Joaquin County Registrar of Voters
- **SB 272:** California State Senate Bill 272: Public Records Act: Enterprise System Catalog
- **SB 929:** California State Senate Bill 929 Special districts: Internet Web sites
- **SCO:** State Controller's Office
- **SJ-IS:** San Joaquin County Information Systems Division

- **SOI:** Sphere of Influence is the physical boundaries and service area of a local agency, as determined by LAFCO. (*Guide to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000*)
- **State:** State of California
- **WCAG 2.1 Level AA:** Web Content Accessibility Guidelines Industry standard accessibility guidelines (pertains to ADA requirements)

Background

History of Independent Special Districts

In the late 1800s, independent special districts (ISDs) were established as a way of accessing services not provided by the cities or counties. Originally, ISDs were formed by farmers who wanted to share the capital costs of large irrigation projects. The Wright Act of 1887 formed the Turlock Irrigation District and gave farmers in the district the ability to capture, store, and distribute Sierra run-off to local farms. In the early 1900s, the formation of water districts brought water to additional agricultural and urban areas.



Starting in the late 1940s and early 1950s, a statewide hospital shortage prompted the establishment of healthcare ISDs. Property owners realized these local governments could serve the public with more than just their water needs, and a boom in the establishment of independent special districts followed. In the 1950s and 1960s, the state experienced a wave of urbanization in unincorporated areas and a need for services not provided by cities or counties. ISDs were formed to provide specialized services including fire protection, road maintenance, sewer treatment, waste disposal, levee maintenance, and parks and recreation. This was

the trend until the late 1990s when the state and county governments became concerned about the increase in ISDs that were essentially outside of their control.

So began the movement to limit the formation of independent special districts. Some ISDs were no longer necessary, while others consolidated with similar service providers to better meet the needs of their community. Since 1997, there has been a 5% decrease in the number of independent special districts. Currently, there are more than 2200 special districts in California. San Joaquin County has one of the highest counts of ISDs in the state with 97¹.

Legislation

State law defines special districts as “any agency of the state for the local performance of governmental or proprietary functions within limited boundaries” ([Government Code section 16271\(d\)](#)).

¹ There are 101 ISDs with land parcels within the county’s boundary. However, four of them are primarily in other counties giving a net of 97 that are considered to be *in* San Joaquin County.

With the explosive growth of independent special districts in the 1950s and 1960s, issues arose including a lack of organization, numerous uncoordinated local governments, lack of economic resource management, and public disinterest in local government. In response, the Knox Nisbet Act of 1963 established the Local Agency Formation Commission (LAFCO) as an independent commission working within the boundaries of each county. Each county LAFCO would help control the borders of cities and special districts, discourage sprawl, and encourage orderly government ([Government Code section 56300](#)). In 2000, the Cortese-Knox-Hertzberg Local Government Reorganization Act was adopted. It established “procedures for local government changes of organization, including city incorporations, annexations to a city or special district, and city and special district considerations” as stated on the [CALAFCO](#) website.

On September 14, 2018, Governor Jerry Brown signed SB 929. It was specifically intended to increase transparency of independent special districts. As of January 1, 2020, the law requires all independent special districts to have a website that contains specific details:

- contact information
- board meeting agendas
- board member or staff information
- financial information
- SB 272 Enterprise System Catalog

Additionally, [Government Code section 7405](#) requires websites to be ADA Compliant.

Little Hoover Commission

Established in 1962, the Little Hoover Commission is California’s Independent State Oversight Commission ([Government Code section 8501](#)). The Commission authors reports and legislative proposals, based on investigations into state government operations and policies. The Commission explores how programs can and should function. In two reports, the Commission found ISDs function in a manner that is largely invisible to the public, compromising oversight and accountability. Consolidations and reorganizations are made difficult even when they make sense. As described in the May 3, 2000, Little Hoover Commission Report, *Special Districts: Relics of the Past or Resources for the Future*, more than 2200 of the 3800 special districts in California are “independent.” ISDs are governed by their own elected boards. The ones that receive their primary funding in the form of taxes and assessments are referred to as non-enterprise districts. Those that primarily receive revenues in the form of fees for service provided are known as enterprise districts.

Past Grand Jury Reports

There have been numerous grand jury reports regarding independent special districts in San Joaquin County and throughout the state. In the 2012-2013 San Joaquin County Grand Jury Informational Report, [#0212, The Great Unwatched-San Joaquin County’s Special Districts](#), the Grand Jury attempted to assemble a comprehensive list of independent special districts in San Joaquin County. Surveys were sent to all ISDs in the county, but more than 20% were returned due to incorrect addresses. The Grand Jury also discovered, as a result of the surveys, that some of the respondents were not familiar with the terms Municipal Service Review or Sphere of Influence. The 2012-2013 Grand Jury published a count of independent special districts which totaled 100 at

the time. The 2020-2021 Grand Jury verified the current count of ISDs and found it to have minimal changes.

Type of District	Number of Districts (2012-2013)	Number of Districts (2020-2021)	Function of Districts
Reclamation	51	50	Levee Maintenance
Fire	19	19	Fire Suppression
Irrigation	8	6	Water Provision
Water Agencies	8	8	Potable Water Provision
Drainage	3	3	Flood Control
Cemetery	2	2	Cemetery Maintenance
Community Services	2	2	General Services
Sanitary	2	2	Sewer Services
Levee	1	1	Flood Control
Mosquito Abatement	1	1	Vector Control
Port	1	1	Port Administration
Resource Conservation	1	1	Conservation Promotion
Storm Drainage	1	1	Flood Control
Total	100	97	

Figure 3. ISD Comparison of 2013 and 2021.

(adapted from 2012-2013 San Joaquin County Grand Jury Informational Report, #0212, The Great Unwatched-San Joaquin County's Special Districts)

Both the 2013-2014 and the 2014-2015 San Joaquin Grand Juries issued reports on groups of independent special districts. In the 2013-2014 report [#0113, San Joaquin County Reclamation Districts: Limited Resources for a Big Task](#), the Grand Jury determined that while the reclamation districts were generally operating well, they lacked transparency and accountability. There were two specific areas of concern noted in the report, a lack of adopted budgets and a lack of contracts for professional services. In

the 2014-2015 report, [#1401, It's Time to Come Together: Consolidate the Eight](#), the Grand Jury found inconsistencies in how the fire districts were being run. With these inconsistencies in employment policies, benefits, and tax bases, the Grand Jury recommended



consolidation of the eight fire districts to facilitate more consistent services and accounting across the county. The fire districts did not follow the recommendations of the Grand Jury.

The 2016-2017 Grand Jury, prompted by news coverage regarding the Escalon Cemetery District embezzlement case, published a report, [#0416, San Joaquin County Self-Governing Special Districts: Who is Watching the Cookie Jar?](#) The Grand Jury referenced multiple instances of publicized fraud and embezzlement in the state, prompting the San Joaquin County Grand Jury to take a deeper look into independent special districts and how they are vulnerable to such situations. The Grand Jury found minimal review of audits being conducted. Due to a lack of tools and guidelines, there were ISD board members who did not understand their district's financial reports. This report prompted the Auditor-Controller's Office to take a more involved role by developing and distributing a list of financial best practices to ISDs and requiring the submission of independent audits annually.

These findings are not isolated to San Joaquin County. Multiple Grand Jury reports in counties across the state have made similar findings. These repeated themes are complex and have prompted many reports producing positive incremental impact.

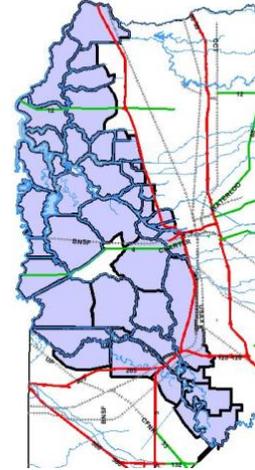


Figure 4. Reclamation districts.

Reason for Investigation

This investigation was initiated by the 2020-2021 Grand Jury in response to the lack of public access to dependable, complete, and transparent information on the independent special districts within the boundaries of San Joaquin County. It is the intention of this Grand Jury to affect change in independent special district transparency and accountability to the populations they serve.

Method of Investigation

The Grand Jury hosted presentations, conducted interviews, and researched past reports on independent special districts. The Grand Jury conducted a survey that was sent to all 101 ISDs.

Materials Reviewed (Note: Refer to [Sources](#) at end of this report for additional material reviewed.)

- Guide to the *Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000*, November 2020
- Little Hoover Commission reports #155 and #239
- Past San Joaquin County Grand Jury reports:
 - *#0212 The Great Unwatched 2012-2013*
 - *#0113 Reclamation Districts 2013-2014*
 - *#1401 It's Time to Come Together: Consolidate the Eight 2014-2015*
 - *#0416 Who is Watching the Cookie Jar 2016-2017*
- Other Grand Jury reports:
 - Tulare County Grand Jury Report Special Districts – *Audit Failures 2014-2015*

- Nevada County Grand Jury Report *Special Districts Transparency and Accountability 2018-2019*
- Nevada County Grand Jury Report *Special Districts – Your Special Districts What You Should Know 2019-2020*

Documents Related to Independent Special Districts

- Survey responses from independent special districts in San Joaquin County ([Appendix A](#))
- Current board rosters
- 2021 local appointments list
- Current ISD board vacancies list

Interviews Conducted

- San Joaquin County Auditor-Controller’s Office
- San Joaquin County LAFCO
- San Joaquin County Public Works Department
- Attorneys for reclamation districts
- San Joaquin County Information Systems Division

Presentations

- San Joaquin County LAFCO
- California Special District Association (CSDA)
- San Joaquin County Public Works Department

Discussions, Findings, and Recommendations

1.0 All Independent Special Districts

Public Transparency Requirements

While independent special districts can be an effective form of local government, they are largely not transparent to the public they serve. In an effort to address this, the state adopted SB 929 which requires all ISDs to have a website that contains at least the following information

- contact information;
- board meeting agendas and specifically the current agenda (Brown Act compliance);
- financial transactions (which can be satisfied with a link to the State Controller’s website);
- board compensation;
- [SB 272](#) Enterprise System Catalog; and
- accessibility – [WCAG 2.1 Level AA](#) (Web Content Accessibility Guidelines).

Smaller independent special districts are able to apply for an exemption to SB 929 on an annual basis.

Like any public agency, ISDs must also comply with the [Ralph M. Brown Act](#) (Government Code sections 54950-54963). The Brown Act guarantees the public’s right to attend and participate in meetings of local legislative bodies. Among other requirements, board meeting agendas and meeting attendance instructions must be posted publicly in advance of meetings.

Only 52% of the ISDs in the county have websites ([Figure 2](#)). Of those, compliance with SB 929 is mixed ([Figure 5](#)). Note that in [Figure 5](#), an “Indirect Link” leads to the SCO’s site, but not to the specific information for the district.

Each website was given a cursory check against ADA accessibility standards ([WCAG 2.1 Level AA](#)). The overall average test value of the spot check was 86%.

See [Appendix A – Independent Special Districts](#) for a complete list of all ISDs and their preliminary SB 929 compliance.

Website Creation

Very few ISDs have the resources to create a website that is compliant with all government regulations. Nor do they have the resources to maintain a website that is hardened against cyber-attack. The San Joaquin County’s Information Systems Division (SJ-IS) has these resources and is already used by a number of districts for a variety of services. ([See below, 5.0 Information Systems Division, Shareable Services](#))

There are also specialized private vendors. The Grand Jury was only able to identify some of the vendors and/or website creation tools ([Figure 6](#)). This is informational only and does not constitute an endorsement or a judgement of suitability. (See [Appendix A – Independent Special Districts](#))

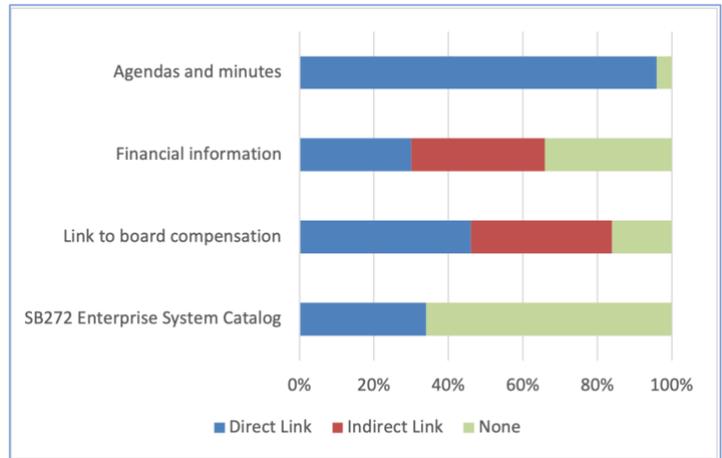


Figure 5. SB 929 Compliance for ISDs with websites.
(data from surveys and LAFCO)

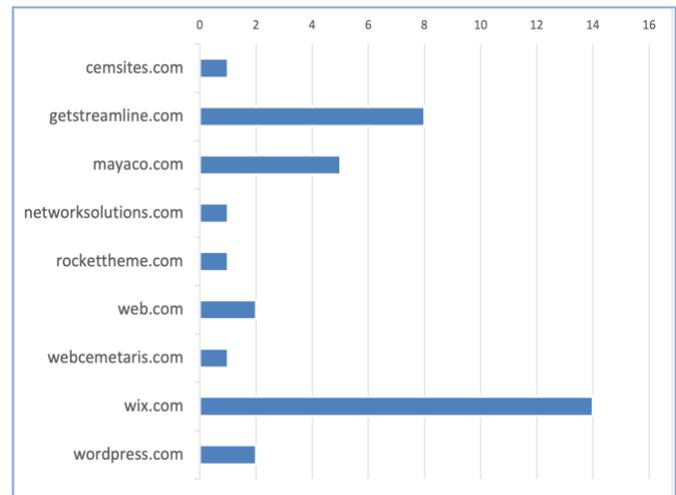


Figure 6. Number of districts using certain software packages.
(data from surveys and LAFCO)

Assessments

ISDs are often funded by assessments. Assessments are taxes assigned to each parcel of land in the district. The actual rates and calculations of assessments are done internally by the district. Each ISD provides their net assessment per parcel to the Auditor-Controller's Office annually by August 12th. The Auditor-Controller's Office takes the supplied figures and attaches them to the corresponding parcel's tax bill. Should a constituent want information on the assessments, the property tax bill contains a contact phone number for each ISD. As such, the primary way a constituent of the ISD can obtain information regarding their assessments is through their annual property tax bill.

Some ISDs publish their rate structure on their website but many do not.

Missing Survey Responses: "not found"

The following districts did not return the survey, nor was the court able to contact them in time for this report:

- Lockeford Community Services District
- Mountain House Community Services District
- Reclamation District #38 Staten Island
- Reclamation District #1007 Pico & Nagle
- Reclamation District #2033 Brack Tract
- Reclamation District #2108 Tinsley Island
- Reclamation District #2114 Rio Blanco Tract
- Dos Rios Storm Water District

Findings

The following findings do not apply to all independent special districts. See [Response Requirements](#) for which findings apply to which districts.

F1.1 No website was found, negatively impacting public transparency, and is not compliant with SB 929.

F1.2 Not all elements of SB 929 compliance are present on the district website, negatively impacting public transparency.

F1.3 Imprecise links to the State Controller's Office website for financial transactions and board compensation make the website harder to use.

F1.4 The financial transactions on the State Controller's Office website do not provide an easily understood picture of the district's finances.

F1.5 The San Joaquin County Auditor-Controller's Office has audits and financial summaries for most districts that provide a more complete picture of the finances.

F1.6 The district could achieve higher levels of functionality and security on its website by leveraging the IS services of the county or other entity that has focused software for special districts.

Recommendations

The following recommendations do not apply to all independent special districts. See [Response Requirements](#) for which recommendations apply to which districts.

R1.1 By March 31, 2022, comply with SB 929. Provide proof of exemption when relevant.

R1.2 By March 31, 2022, contact the San Joaquin County's Information Systems Division (SJ-IS) to discuss the possible benefits of shared services including cyber security and website development.

R1.3 By March 31, 2022, provide a link to the most recent audit on the district website.

R1.4 By November 30, 2021, confirm the accuracy of the information for the district in [Appendix A – Independent Special Districts](#) and provide corrections to the Grand Jury.

2.0 LAFCO

The Local Agency Formation Commission (LAFCO) was formed in 1963 by state law. The law established LAFCOs in all 58 counties to help address the population explosion occurring in California at the time. San Joaquin County's LAFCO has limited oversight of independent special districts within the boundaries of the county. By January 1, 2008, LAFCO was mandated to have conducted a Sphere of Influence (SOI) study for every city and special district in the county. Those SOI studies are to be reviewed and updated every five years thereafter. The SOI study is important to the taxpayer because, along with determining which cities and agencies provide services, it also helps determine what taxes are to be paid.

In accordance with [Government Code section 56425](#), LAFCO shall conduct a Municipal Service Review (MSR) in preparation of any updates to the SOI study. The review includes

- population projections;
- location characteristics;
- planned capacity of public facilities;
- financial ability to provide services;
- opportunities for shared facilities; and
- accountability for community service needs, including governmental structure and operational efficiencies.

Even though the SOI study and MSR reporting is mandated to take place every five years, LAFCO lacks the resources to provide these reports as required. City SOI studies are kept current, but LAFCO depends on ISDs to submit the documentation to perform the reviews. When the ISDs do not submit the information, there is no enforcement protocol. Thus, the most prevalent reasons

for MSRs and updated SOI studies are annexations, dissolutions, or discrepancies requiring review. LAFCO will hold up annexations and dissolutions in order to force compliance.

LAFCO has the definitive list of special districts in the county, both dependent and independent; however, contact and status information is sometimes out of date. On their website, LAFCO has links to all the [MSRs](#) conducted since 2009. They also have a PDF containing the ISD mailing list. The list makes the ISDs' contact information publicly available but does not have a link to the county map, date of agency formation, ISD web address, links to the latest MSR for each ISD, nor any links to the SOI studies.

Findings

F2.1 There is no easy access from the LAFCO website to the websites of independent special districts, making it difficult for the public to find information about those districts.

F2.2 There is no comprehensive central directory from which the public can access information on their independent special districts, making such information difficult to find.

F2.3 The public would benefit from the addition of the following to the LAFCO website

- District website link;
- Link to latest Municipal Service Review;
- Link to latest Sphere of Influence study;
- Link to the district map (usually found on the county GIS);
- Date of agency formation; and
- Links to information about each Independent Special District as available from county departments.

Recommendations

R2.1 By March 31, 2022, LAFCO work with the San Joaquin County Information Systems Division (SJ-IS) to create a webpage on the LAFCO website that lists all independent special districts within the boundaries of the county and provide a link to a standard summary page for each district.

R2.2 By March 31, 2022, on the summary webpage for each district, LAFCO provide at least the following information

- A link to the independent special district's website;
- A link to a map of the district's boundaries;
- A link to the most recent Municipal Service Review;
- Links to all past Municipal Service Reviews that are available online;
- A link to most recent Sphere of Influence study; and
- Formation date and a description of the district.

R2.3 By March 31, 2022, LAFCO work with the county on this summary page to also include summary information from any county department which has information on the referenced independent special district. This would include information such as recent audits from the Auditor-Controller's Office, current elections from the Registrar of Voters, and Board of Supervisors' special district board member appointments from Clerk of the Board.

3.0 The County

The county and the ISDs are independent government agencies. One does not report to the other. However, they do interact and as such, in the normal course of business, the county has certain information about many of the ISDs that includes

- The Auditor-Controller's Office receives annual audits and applies parcel assessments to be billed on landowner property taxes. While the Auditor-Controller's Office collects the audits of each of the independent special districts, that information is not available on their website;
- The Treasurer-Tax Collector distributes property tax bills and collects payments. People interested in viewing their own property tax bill can do so on the Treasurer-Tax Collector's [website](#);
- The Board of Supervisors can make board appointments when there are vacancies.
- The Information Systems Division provides services to a number of ISDs;
- The county maintains a [district map](#) that shows the boundaries of most of the special districts, both dependent and independent;
- The Clerk of the Board has limited interactions with ISDs but has the responsibility of providing access to [public records](#) and scheduling appointments to Boards and Commissions; and
- The Registrar of Voters holds local elections for Independent Special District board members when requested to do so.

Website Access

The residents of San Joaquin County do not have access to a website that could lead them to the full information about each of the ISDs within the geographic boundaries of the county. The best they have is LAFCO's [spreadsheet](#).

Other counties have similar limited views, but some have active links to the ISD's websites.

High Number of ISDs

Largely because of its many agricultural districts ([Figure 1](#)), San Joaquin County has one of the highest numbers of ISDs in the state.

County	Number of ISDs	2020 Population	Per 100,000 Citizens
Tulare	87	471,389	18.5
Kern	80	912,316	8.8
Fresno	80	1,010,120	7.9
San Joaquin ²	78	772,948	10.1
Sacramento	61	1,567,490	3.9
San Diego	59	3,379,160	1.7
Riverside	56	2,517,830	2.2
San Bernardino	50	2,208,400	2.3
Los Angeles	50	10,079,000	0.5
Stanislaus	49	558,911	8.8
Contra Costa	44	1,160,920	3.8
Monterey	43	435,828	9.9
Sonoma	42	493,334	8.5
Merced	40	281,615	14.2
Solano	39	452,076	8.6
Placer	35	408,317	8.6
San Luis Obispo	34	286,354	11.9
Santa Barbara	33	448,369	7.4
Ventura	30	851,297	3.5
Orange	27	3,198,000	0.8
Santa Cruz	23	272,555	8.4
San Mateo	22	771,019	2.9
Alameda	18	1,684,000	1.1
Santa Clara	17	1,945,940	0.9
San Francisco	1	891,583	0.1

Figure 7. Number of ISDs in California counties with populations over 270,000.

(adapted from California State Controller's Office website)

² This is an example of inconsistencies in information regarding ISDs. The state incorrectly shows San Joaquin County as having 78 ISDs when the actual count is 97.

Findings

F3.1 There is no easy access from the county website to the websites of independent special districts, making it difficult for the public to find information about those districts.

F3.2 County departments have information on independent special districts that is difficult for the public to access.

Recommendations

Recommendations are listed below by department.

4.0 San Joaquin County Auditor-Controller's Office

Audits

The Auditor-Controller's Office (ACO) receives audits from most ISDs on an annual basis. Summary information about these audits is maintained in an internal spreadsheet. This includes a brief financial analysis. Increasingly, the audits are delivered by the ISDs to the ACO in digital form (PDF), but many are still delivered on paper. Currently, the audits are not available for public access through a website.

The detailed audits that the ACO collects are in sharp contrast to the limited information collected by the State Controller's Office (SCO). The SCO gathers unstructured transactional information³ which is very difficult to assemble into a meaningful financial picture of a district.

The ACO's diligence in auditing has caught instances of malfeasance in the past. In particular, there was embezzlement at the Escalon Cemetery District as noted in the 2016-2017 Grand Jury report [#0416, San Joaquin County Self-Governing Special Districts: Who is Watching the Cookie Jar?](#).

Parcel Tax Assessments for ISDs

ISDs often get a major part of their funding from parcel tax assessments. Each district internally maintains a rate structure for the parcels in its district. Once a year (by August 12th), they compute the net assessment per parcel and send them to the ACO. This information eventually makes it into the property tax statement from the county. The county does not know how the amount is calculated and simply serves as a tax collection agency for the districts.

County Bank and Financial Services

For many districts the ACO provides banking and payroll services.

³ Special districts are annually required to file a [Financial Transactions Report](#). The largest part of this report is a spreadsheet row for every revenue and expense transaction. This is much like the check register of the district and provides very little structure to the information.

Findings

F4.1 The independent special district audits, on file with the Auditor-Controller's Office, are not easily accessible to the public.

F4.2 The brief financial summaries derived from the audits by the Auditor-Controller's Office are not easily accessible to the public.

F4.3 The Auditor-Controller's Office financial summaries provide a clearer picture of a district's finances than that which is found on the State Controller's Office site.

Recommendations

R4.1 By September 30, 2021, the Auditor-Controller's Office require all future independent special district audits to be submitted in an electronic form.

R4.2 By December 31, 2021, make all electronic independent special district audits going forward available on the Auditor-Controller's website.

R4.3 By March 31, 2022, the Auditor-Controller's Office provide the most recent independent special district audit links to LAFCO for their new independent special district summary webpages.

5.0 The Information Systems Division

The San Joaquin County's Information Systems Division (SJ-IS) is a mature and fully functional government Information Services (IS) department with broad capabilities and a forward-looking strategy. It has an experienced management team and professional staff of over 100 employees.

Being a government agency, the department has requirements beyond a normal business entity. Special regulations require the following capabilities, among others

- a high level of security;
- accessibility for those with special needs; and
- public transparency.

Strategy and Cyber Security

The SJ-IS has an extensive [Digital Services & Innovations Strategy](#) including a robust [Cyber Security Strategy](#). Any ISD that shares services with the county benefits from these strategies and their implementation.

Shareable Services

San Joaquin County has software applications for everything from hospitals to tax collection to streetlights. The breadth of requirements for a county IS department means a large catalog of services (see [Appendix B - Enterprise Service Catalog](#)). Many of the services can be partitioned for

private and isolated use by another government agency such as an ISD. Effectively, it would be as if that entity has its own data center. Some of the services available are

- **Overall cyber security** Achieving the levels of security described in SJ-IS's [Cyber Security Strategy](#) is not easy and getting it wrong can be costly;
- **Secure email** An ISD can maintain their existing email addresses and take advantage of the county's infrastructure. County and ISD emails would be completely isolated;
- **Office productivity tools** The SJ-IS can provide an isolated version of Microsoft's Office 365 which includes Word, Excel, and PowerPoint;
- **Document storage** Microsoft SharePoint is part of the Office 365 package;
- **Video conferencing and business messaging** The SJ-IS offers Microsoft Teams, Zoom, and WebEx;
- **Financial and payroll systems** The Division has a full suite of shareable financial packages from Oracle's PeopleSoft; and
- **Content management** This software facilitates the creation and maintenance of webpages. (See [Website Creation and Hosting](#) below).

A number of ISDs already share county services via MOUs. The following ISDs use county financial systems:

- Clements Rural Fire District
- Escalon Cemetery District
- Farmington Rural Fire District
- French Camp McKinley Rural Fire District
- Lathrop Manteca Fire District
- Lockeford Community Services District
- Mokelumne Rural Fire District
- Montezuma Rural Fire District
- Mountain House Community Services District
- San Joaquin County Mosquito Abatement District
- Stockton East Water District
- Tracy Public Cemetery District
- Waterloo Morada Rural Fire District
- Woodbridge Sanitary District

The Mountain House Community Services District additionally uses other shared services provided by SJ-IS including

- GIS (Graphical Information System) for roads, storm, wastewater and water;
- data backup;
- document imaging;
- SJ-IS cloud services; and
- Office 365.

Website Creation and Hosting

The SJ-IS is capable of providing full website support for other government agencies including ISDs. Services include

- creating a basic website that is compliant with regulations including SB 272, SB 929, and WCAG 2.1 (ADA);
- “content management” tools for self-authoring and maintenance of webpages;
- cyber security;
- isolation (the entity’s domain is separate from the county); and
- training.

Registrar of Voters

The San Joaquin County Registrar of Voters (ROV) is part of the SJ-IS and provides election services to ISDs when needed.

Findings

F5.1 The county has a modern, professionally run Information Systems Division with many quality services that can be shared with independent special districts.

F5.2 The county’s robust implementation of its cyber strategy would be difficult for most independent special districts to duplicate.

Recommendations

R5.1 By March 31, 2022, the San Joaquin County Information Systems Division create a catalog of available services, benefits, costs, and sample MOUs, and distribute to all independent special districts.

R5.2 By March 31, 2022, the San Joaquin County Information Systems Division, in conjunction with at least one independent special district, create a working, model website that can be maintained and expanded by the independent special district.

Conclusion

While most independent special districts in San Joaquin County are performing the tasks for which they were created, many are not consistently operating in a manner that is transparent to the constituents they serve. By working together, San Joaquin County, LAFCO, and the independent special districts can and should do a better job of providing information that is easily accessible to the public.

Disclaimers

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911. 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

California Penal Code Sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

Note: If the responder is an elected official, the response must be sent within 60 days of receipt.

The San Joaquin County Local Agency Formation Commission (LAFCO) respond to Findings F2.1, F2.2 and F2.3 and Recommendations R2.1, R2.2, and R2.3.

The San Joaquin County Board of Supervisors respond to Findings F3.1, F3.2, F4.1, F4.2, F4.3, F5.1, and F5.2, and Recommendations R4.1, R4.2, R4.3, R5.1, and R5.2.

Each independent special district shall respond to the findings and recommendations marked with a “Y” on their row in the following table.

Response Requirements by District

District	F1.1	F1.2	F1.3	F1.4	F1.5	F1.6	R1.1	R1.2	R1.3	R1.4
Avena Drainage District	Y				Y	Y			Y	Y
Banta-Carbona Irrigation District					Y	Y		Y	Y	Y
Boggs Tract Fire District	Y				Y	Y			Y	Y
Byron-Bethany Irrigation District		Y	Y	Y	Y	Y			Y	Y
California Irrigation District	Y				Y	Y			Y	Y
Central Delta Water Agency		Y	Y	Y	Y	Y			Y	Y
Central San Joaquin Water Conservation District		Y	Y	Y	Y	Y			Y	Y
Clements Rural Fire District		Y	Y	Y	Y	Y			Y	Y
Collegeville Fire District	Y				Y	Y			Y	Y
Country Club Sanitary District	Y				Y	Y			Y	Y
Dos Reis Storm Water District	Y				Y	Y			Y	Y
Eastside Rural Fire District	Y				Y	Y			Y	Y
Escalon Cemetery District (Burwood Cemetery)		Y	Y	Y	Y	Y			Y	Y
Escalon Consolidated Fire Protection District		Y	Y	Y	Y	Y			Y	Y
Farmington Fire District	Y				Y	Y			Y	Y
French Camp-McKinley Fire Protection District		Y	Y	Y	Y	Y			Y	Y
Lathrop Irrigation District					Y	Y		Y	Y	Y

District	F1.1	F1.2	F1.3	F1.4	F1.5	F1.6	R1.1	R1.2	R1.3	R1.4
Lathrop-Manteca Fire Protection District		Y	Y	Y	Y	Y			Y	Y
Liberty Rural Fire Protection District	Y				Y	Y			Y	Y
Lincoln Rural Fire District	Y				Y	Y			Y	Y
Linden County Water District					Y	Y		Y	Y	Y
Linden-Peters Fire District		Y	Y	Y	Y	Y			Y	Y
Lockeford Community Services District			Y	Y	Y	Y		Y	Y	Y
Lockeford Protection District #1	Y				Y	Y			Y	Y
Mokelumne Rural County Fire District		Y	Y	Y	Y	Y			Y	Y
Montezuma Fire Protection District		Y	Y	Y	Y	Y			Y	Y
Mountain House Community Services District		Y	Y	Y	Y	Y			Y	Y
Nagle Burk Irrigation District	Y				Y	Y			Y	Y
New Jerusalem Drainage District	Y				Y	Y			Y	Y
New Mariposa Drainage District	Y				Y	Y			Y	Y
North San Joaquin Water Conservation District		Y	Y	Y	Y	Y			Y	Y
Oakwood Lake Water District		Y	Y	Y	Y	Y			Y	Y
Reclamation District #1 Union Island	Y				Y	Y			Y	Y
Reclamation District #1007 Pico & Nagle	Y				Y	Y			Y	Y
Reclamation District #1608 Smith Tract		Y	Y	Y	Y	Y			Y	Y
Reclamation District #1614 Smith Tract					Y	Y		Y	Y	Y
Reclamation District #17 Mossdale		Y	Y	Y	Y	Y			Y	Y
Reclamation District #2 Union Island	Y				Y	Y			Y	Y
Reclamation District #2023 Venice Island		Y	Y	Y	Y	Y			Y	Y
Reclamation District #2027 Mandeville Is		Y	Y	Y	Y	Y			Y	Y
Reclamation District #2028 Bacon Island					Y	Y		Y	Y	Y
Reclamation District #2029 Empire Tract	Y				Y	Y			Y	Y
Reclamation District #2030 McDonald Island	Y				Y	Y			Y	Y
Reclamation District #2033 Brack Tract	Y				Y	Y			Y	Y
Reclamation District #2037 Rindge Tract		Y	Y	Y	Y	Y			Y	Y
Reclamation District #2038 Lower Jones Tract		Y	Y	Y	Y	Y			Y	Y
Reclamation District #2039 Upper Jones Tract		Y	Y	Y	Y	Y			Y	Y
Reclamation District #2040 Victoria Island		Y	Y	Y	Y	Y			Y	Y
Reclamation District #2041 Medford Island		Y	Y	Y	Y	Y			Y	Y
Reclamation District #2042 Bishop Tract	Y				Y	Y			Y	Y
Reclamation District #2044 King Island	Y				Y	Y			Y	Y
Reclamation District #2058 Pescadero District			Y	Y	Y	Y			Y	Y
Reclamation District #2062 Stewart Tract	Y				Y	Y			Y	Y
Reclamation District #2064 River Junction	Y				Y	Y			Y	Y
Reclamation District #2072 Woodward Island		Y	Y	Y	Y	Y			Y	Y
Reclamation District #2074 Sargent-Barnhart Tract	Y				Y	Y			Y	Y
Reclamation District #2075 McMullin Ranch	Y				Y	Y			Y	Y

District	F1.1	F1.2	F1.3	F1.4	F1.5	F1.6	R1.1	R1.2	R1.3	R1.4
Reclamation District #2085 Kasson District	Y				Y	Y			Y	Y
Reclamation District #2086 Canal Ranch	Y				Y	Y			Y	Y
Reclamation District #2089 Stark Tract	Y				Y	Y			Y	Y
Reclamation District #2094 Walthall	Y				Y	Y			Y	Y
Reclamation District #2095 Paradise Junction	Y				Y	Y			Y	Y
Reclamation District #2096 Wetherbee Lake	Y				Y	Y			Y	Y
Reclamation District #2107 Mossdale	Y				Y	Y			Y	Y
Reclamation District #2108 Tinsley Island	Y				Y	Y			Y	Y
Reclamation District #2113 Fay Island	Y				Y	Y			Y	Y
Reclamation District #2114 Rio Blanco Tract	Y				Y	Y			Y	Y
Reclamation District #2115 Shima Tract	Y				Y	Y			Y	Y
Reclamation District #2118 Little Mandeville Island	Y				Y	Y			Y	Y
Reclamation District #2119 Wright-Elmwood Tract	Y				Y	Y			Y	Y
Reclamation District #2126 Atlas Tract	Y				Y	Y			Y	Y
Reclamation District #348 New Hope			Y	Y	Y	Y			Y	Y
Reclamation District #38 Staten Island	Y				Y	Y			Y	Y
Reclamation District #403 Rough & Ready	Y				Y	Y			Y	Y
Reclamation District #404 Boggs Tract		Y	Y	Y	Y	Y			Y	Y
Reclamation District #524 Middle Roberts Is	Y				Y	Y			Y	Y
Reclamation District #544 Upper Roberts Is	Y				Y	Y			Y	Y
Reclamation District #548 Terminous		Y	Y	Y	Y	Y			Y	Y
Reclamation District #684 Lower Roberts Is		Y	Y	Y	Y	Y			Y	Y
Reclamation District #756 Bouldin Is					Y	Y		Y	Y	Y
Reclamation District #773 Fabian Tract	Y				Y	Y			Y	Y
Reclamation District #828 Weber Tract		Y	Y	Y	Y	Y			Y	Y
Ripon Consolidated Fire District		Y	Y	Y	Y	Y			Y	Y
San Joaquin County Resource Conservation District		Y	Y	Y	Y	Y			Y	Y
San Joaquin Mosquito & Vector Control					Y	Y		Y	Y	Y
South Delta Water Agency			Y	Y	Y	Y			Y	Y
South San Joaquin Irrigation District		Y	Y	Y	Y	Y			Y	Y
Stockton East Water District		Y	Y	Y	Y	Y			Y	Y
Stockton Port District		Y	Y	Y	Y	Y			Y	Y
Thornton Fire District	Y				Y	Y			Y	Y
Tracy Public Cemetery District		Y	Y	Y	Y	Y			Y	Y
Tracy Rural Fire District			Y	Y	Y	Y			Y	Y
Tuxedo-Country Club Rural Fire District	Y				Y	Y			Y	Y
Waterloo-Morada Fire District		Y	Y	Y	Y	Y			Y	Y
Woodbridge Fire District		Y	Y	Y	Y	Y			Y	Y
Woodbridge Irrigation District		Y	Y	Y	Y	Y			Y	Y
Woodbridge Sanitary District			Y	Y	Y	Y			Y	Y

Mail or hand deliver a hard copy of the response to:

Honorable Xapuri B. Villapudua, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

Also, please email a copy of the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury, at grandjury@sjcourts.org.

Sources

Accessible Metrics, <https://www.accessiblemetrics.com/blog/what-are-the-levels-of-wcag-compliance/>

CALAFCO (MSR), <https://calafco.org/lafco-law/faq/what-are-municipal-service-reviews>

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California Legislative Information,

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=7.&title=1.&part=&chapter=18.1.&article=

California Special District Association, <https://www.csda.net/special-districts/learn-about>

Institute for Local Government, <https://www.ca-ilg.org/post/about-special-districts>

It's Time to Draw the Line: A Citizen's Guide to LAFCOs, California Local Agency Formation

Commission, 2nd Edition, by Tami Bui & Bill Ihrke, May 2003,

<https://www.acgov.org/lafco/documents/CitizensGuideToLAFCO.pdf>

Little Hoover Commission, <https://lhc.ca.gov/>

Appendix A: Independent Special Districts

The information in that spreadsheet has been compiled by the Grand Jury from public information, the surveys, and study of district websites.

Key

Contact	Managing entity/contact for the district
Address	The business address of the district
Phone	The business telephone number for the district
Website	The district website URL
Software	The solutions provider for the web software (when determined)
SB 929	SB 929 compliance summary (See SB 929 key, next.)
WCAG	Partial measure of accessibility. The percentage is based on the tests run using https://www.webaccessibility.com . This is limited to checking only a few pages. WCAG 2.1 Level AA is the target accessibility; see Web Content Accessibility Guidelines (WCAG)
Board	Information about board members
Meeting	Regular meeting time for the board
Location	The location of the board meeting

SB 929 Key

The following are based on a high-level view of compliance. See the actual law for full details.

1	Missing contact information
2	Missing next agenda
3	Missing financial summary
4	Imprecise link to financial transactions. The link given goes the SCO (State Controller's Office) site but not specifically to the special district.
5	Missing board staff compensation
6	Imprecise link to board staff compensation. The link given goes the SCO (State Controller's Office) site but not specifically to the special district.
7	Missing Enterprise System Catalog (SB 272)

Cemetery Districts

Escalon Cemetery District (Burwood Cemetery)

Contact:	Dhana Dominguez	Address:	28320 East River Road	Phone:	838-2924
Website:	escaloncemeterydistrict.com		Escalon, CA 95320	Email:	escaloncemeterydistrict@gmail.com
Software:	cemsites.com	SB 929:	3, 5, 7	WCAG:	87%
Board:	Vickie Mello-Chair, Terri Rocha, Lynn Hogue	Meeting:	2nd Wed of each month	Location:	28320 E. River Rd, Escalon, 95230

Tracy Public Cemetery District

Contact:	Maylene Warner	Address:	501 E. Shulte Road	Phone:	835-2930
Website:	tracypubliccemeterydistrict.com		Tracy, CA 95376	Email:	tpcd@att.net
Software:	webCemetaries.com	SB 929:	4, 6, 7	WCAG:	92%
Board:	Dianne Timan-Chairman, Eugene Birk, Derrick Davis, Richard Paulson, Kevin Tobeck	Meeting:	2nd Wed of Month at 5:30pm	Location:	Main office / Zoom

Community Services Districts

Lockeford Community Services District

Contact:	Joe Salzman	Address:	P.O. Box 809	Phone:	727-5035
Website:	lockefordcsd.specialdistrict.org		Lockeford, CA 95237	Email:	
Software:	getstreamline.com	SB 929:	4, 6	WCAG:	87%
Board:		Meeting:		Location:	

Mountain House Community Services District

Contact:	Edwin Pattison	Address:	230 South Sterling Dr. #100	Phone:	831-2300
Website:	mountainhousecsd.org		Mtn House, CA 95391	Email:	info@mountainhousecsd.org
Software:	not determined	SB 929:	5, 7	WCAG:	85%
Board:		Meeting:	2nd Wed of Month at 7:00pm	Location:	

Drainage Districts

Avena Drainage District

Contact:	Chris Eley	Address:	221 Tuxedo Ct. Ste E	Phone:	466-8511
Website:	none found		Stockton, CA 95204	Email:	none
Software:		SB 929:	---	WCAG:	
Board:	John Vander Mullen-Pres, Ed Nunes, Daniel Vierra, Frank Rocha-VP, Dennis DeSilva	Meeting:	annually	Location:	Trustee Residence

New Jerusalem Drainage District

Contact:	Lilliana Freeman	Address:	c/o Herum\Crabtree\Suntag 5757 Pacific Avenue, Suite 222	Phone:	472-7700
Website:	none found		Stockton, CA 95207	Email:	lfreeman@herumcrabtree.com
Software:		SB 929:	---	WCAG:	
Board:	Timothy Bogetti, Michael M. Petz, Joseph Perez, Zachary Reece,	Meeting:	as established by Board of Directors	Location:	Banta-Carbona Irrigation District Office 3514 W.

Andrew D. Koster, Peter Reece-Pres, Jeanne M. Zolezzi-Secy	Lehman RoadTracy, California 95304
---	---------------------------------------

New Mariposa Drainage District

Contact: Chris Eley	Address: 221 Tuxedo Ct. Ste E Stockton, CA 95204	Phone: 466-8511
Website: none found	SB 929: ---	Email: none
Software:	Meeting: Has not met for 3 years	WCAG:
Board: John Weeks-Pres, Frank Faria, Rick DaSilva		Location: n/a

Fire Districts

Boggs Tract Fire District

Contact: Richard J Edwards	Address: 425 N El Dorado Street Stockton, CA 95202	Phone: 937-8801
Website: none found	SB 929: ---	Email:
Software:	Meeting: na	WCAG:
Board: na		Location:

Clements Rural Fire District

Contact: Chief David Ingrum	Address: 18901 E Highway 88 P.O. Box 523 Clements, CA 95227	Phone: 759-3371
Website: www.clementsfire.org	SB 929: 3, 5, 7	Email: dingrum@sjgov.org
Software: not determined	Meeting: 2nd Monday of each month	WCAG: 87%
Board:		Location: Fire Station

Collegeville Fire District

Contact: Chief Dennis Faist	Address: 13225 East Mariposa Road Stockton, CA 95215	Phone: 462-3883
Website: none found	SB 929: ---	Email: crfpd14@yahoo.com
Software:	Meeting:	WCAG:
Board: Grant Thompson-Chairman, Kurt Pettitt, Mark Bonham, Rob Norman, Paul Sanguinetti, Betty Pettitt-secy		Location:

Eastside Rural Fire District

Contact: Ginger Root	Address: 4330 North Pershing Ave, Ste B-1 Stockton, CA 95207	Phone: 956-3516
Website: none found	SB 929: ---	Email: ginger.root@att.net
Software:	Meeting: Monthly	WCAG:
Board: Marty Asborn -Pres, Susan Trammel-VP, Kathy Garcia -Dir, Jess Miller-Dir, Lynne Armanino-Dir, Ginger Root - CAO, Board Clerk		Location: Business Office

Escalon Consolidated Fire Protection District

Contact: Chief Rick Mello	Address: 1749 Coley Avenue Escalon, CA 95320	Phone: 838-7500
Website: escalonfire.com	SB 929: 3, 5, 7	Email: rmello@escalonfire.com
Software: not determined	Meeting: 2nd Thursday of each Month	WCAG: 87%
Board: Joe Camara -Chair, Laura Catrina- Vice Chair, Mickey Schilber-Secy, Mark Paulsen, Terry Pinheiro		Location: 1531 2nd St, Escalon

Farmington Fire District

Contact: Chief Conni Bailey	Address: 25474 E Highway 4 P.O. Box 25 Farmington, CA 95230	Phone: 886-5321
Website: none found		Email: ffd41@outlook.com

Software:		SB 929:	---	WCAG:	
Board:	Kelly Ogilvie-Pres, Frank Bracco Jr-VP, Butch Latini-Treasurer, Jeremiah Mulvihill	Meeting:	Every 4th Monday	Location:	Fire Station

French Camp-McKinley Fire Protection District

Contact:	James Miller	Address:	310 E. French Camp Rd.	Phone:	932-8630
Website:	frenchcampfire.com		French Camp, CA 95231	Email:	jmiller@frcfire.com
Software:	not determined	SB 929:	5, 7	WCAG:	89%
Board:	Mary Nicholson-Chair, Philip George-Vice Chair, Larry Lee-Finance Comm, Gorman Houbein-Finance Comm.	Meeting:	3rd Thursday of Month 6:00PM	Location:	Fire Station

Lathrop-Manteca Fire Protection District

Contact:	Chief Josh Capper	Address:	19001 Somerston Parkway	Phone:	941-5101
Website:	www.lmfire.org		Lathrop, CA 95330	Email:	Jcapper1@lmfire.org
Software:	not determined	SB 929:	5, 7	WCAG:	83%
Board:	Gloryanna Rhodes-Chair, Jeremy Coe-Vicw Chair, Charles Garcia, Mark Elliott, Tosh Ishihara, Hailey Salazer-Secy	Meeting:	3rd Thursday of every month	Location:	Lathrop City Hall 390 Towne Centre Drive, Lathrop, CA 95330

Liberty Rural Fire Protection District

Contact:	Chief Stanley Seifert	Address:	24124 North Bruella Road	Phone:	339-1329
Website:	none found		Acampo, CA 95220	Email:	lib12@softcom.net
Software:		SB 929:	---	WCAG:	
Board:	Howard Wegat-Chair, Galen Gribavto-Clerk, Robert Erman	Meeting:	2nd Thursday of each Month	Location:	Fire Station

Lincoln Rural Fire District

Contact:	Ginger Root	Address:	4330 North Pershing Ave, Ste B-1	Phone:	956-3516
Website:	none found		Stockton, CA 95207	Email:	ginger.root@att.net
Software:		SB 929:	---	WCAG:	
Board:	Fred Hanker-Pres, Brent Lesovsky-VP, Peggy Bernier-Dir, Steven Plinski-Dir, Dale Williams-Dir, Ginger Root-CAO/Clerk	Meeting:		Location:	Fire House

Linden-Peters Fire District

Contact:	Chief Kirk Noffsinger	Address:	17725 East Highway 26	Phone:	887-3710
Website:	lindenfire.org		Linden, CA 95236	Email:	knoffsinger@lindenfire.org
Software:	web.com	SB 929:	3, 5, 7	WCAG:	81%
Board:	John E. Plotz-Pres, Thomas G. Watkins-VP, David Frison-Secy, Fire Chief Kirk Noffsinger-Tres, Kenny Watkins III, Paul Castillou Jr.	Meeting:	1st Thurs after 1st Wed of every month 7:00PM	Location:	Fire House

Mokelumne Rural County Fire District

Contact:	Chief Frank Ramirez	Address:	13157 East Brandt Road	Phone:	727-0564
Website:	mokelumnefire.org		Lockeford, CA 95237	Email:	framirez@mokelumnefire.org
Software:	web.com	SB 929:	3, 5, 7	WCAG:	CNBT

Board:	Mike Young-President, Mark Sperling-VP, Frank Ramirez-Secretary, John Anagnos, Jim Tamura, Joseph Valente	Meeting:	1st Wed of Month @7pm	Location:	Fire Station Classroom
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Montezuma Fire Protection District

Contact:	Chief Edward Martel	Address:	2405 South B Street	Phone:	464-5234
Website:	montezumafire.com		Stockton, CA 95206	Email:	Chief181@sbcglobal.net
Software:	RocketTheme.com	SB 929:	2, 3, 5, 7	WCAG:	82%
Board:	Jeff Hachman-Chair, Sur Heaton, Trudy Klingenberg, Edward Martel-Clerk	Meeting:	1st Wednesday of Month except January & July - 2nd Wednesday	Location:	Fire Station

Ripon Consolidated Fire District

Contact:	Chief Dennis Bitters	Address:	142 South Stockton Avenue	Phone:	599-4209
Website:	riponfire.com		Ripon, CA 95366	Email:	dbitters@riponfire.com / info@riponfire.com
Software:	not determined	SB 929:	5, 7	WCAG:	87%
Board:	Sheri Coburn-Chair, Larry Madoski-Vice Chair, Ryan Mackey-Secy, Bryce Perkins, Harrison Gibbs	Meeting:	2nd Thur of Month 9:00am	Location:	Fire Station

Thornton Fire District

Contact:	Chief Everen Watkins	Address:	25999 North Thornton Road P.O. Box 78	Phone:	327-0815
Website:	none found		Thornton, CA 95686	Email:	thornton_fire@att.net
Software:		SB 929:	---	WCAG:	
Board:	Jim Allan, William Stokes, Leonard Clark, Billy Price, Frank Yoka	Meeting:	2nd Thursday of Month	Location:	Fire House

Tracy Rural Fire District

Contact:	Raychel Jackson	Address:	793 S. Tracy Blvd., #298	Phone:	834-7269
Website:	tracyruralfire.org		Tracy, CA 95376	Email:	raychel.jackson@tracyruralfire.org
Software:	getstreamline.com	SB 929:	6	WCAG:	87%
Board:	John Muniz-Chair, Pete Reece-Vice, John Vieira, Matt Kopinski, Jeff Ramsey, Raychel Jackson-secy	Meeting:	2nd Tues each month	Location:	835 Central Ave, Tracey, CA

Tuxedo-Country Club Rural Fire District

Contact:	Ginger Root	Address:	4330 North Pershing Ave, Ste B-1	Phone:	956-3516
Website:	none found		Stockton, CA 95207	Email:	ginger.root@att.net
Software:		SB 929:	---	WCAG:	
Board:	Jim Larson- Pres, Rick Matuska-VP, Ginger Root-CAO/Board Clerk	Meeting:	1st Thursday of Month	Location:	Fire Station

Waterloo-Morada Fire District

Contact:	Chief Eric Walder	Address:	6925 East Foppiano Lane	Phone:	931-3107
Website:	wmfire.org		Stockton, CA 95212	Email:	ewalder@wmfire.org
Software:	not determined	SB 929:	5, 7	WCAG:	80%
Board:	Clay Titus-Pres, Ryan Haggerty-VP, JohnD Baker-Secy, Ralph Lucchetti, Ryan Gresham	Meeting:	2nd Wednesday of Month	Location:	Fire Station

Woodbridge Fire District

Contact:	Chief Steve Butler	Address:	400 East Augusta Street Woodbridge, CA 95258	Phone:	369-1945
Website:	woodbridgefire.org			Email:	diana.tidwell@woodbridgefire.org
Software:	networkSolutions.com	SB 929:	1, 3, 5, 7	WCAG:	79%
Board:	David Duke-Pres, ThomasAlexander-VP, Diana Tidwell-Secy, Michael Manna, Richard Gerlack, Laurel Moore Jr	Meeting:	4th Wednesday of Month	Location:	Fire Station

Irrigation Districts

Banta-Carbona Irrigation District

Contact:	Margaret G. Howe	Address:	3514 West Lehman Road Tracy, CA 95304	Phone:	835-4670
Website:	banta-carbona.org			Email:	mhowe@inreach.com
Software:	getstreamline.com	SB 929:	-	WCAG:	73%
Board:	James M Thoming-Pres, Keith Robertson-VP, Glenn S Robertson, Annette Elissagaray, Margaret Howe-Secy	Meeting:	First Wed after the 10th of month	Location:	District Office

Byron-Bethany Irrigation District

Contact:	Rick Gilmore	Address:	7995 Bruns Road Byron, CA 94514	Phone:	835-0375
Website:	www.bbid.org			Email:	r.gilmore@bbid.org
Software:	not determined	SB 929:	5, 7	WCAG:	CNBT
Board:	Russel Kagehiro-Pres, Rick Gilmore-GM&Secy, Timothy Maggiore-VP, Larry Enos, Mark Maggiore, Charles J. Tuso, Thomas Pereira, Peter Alvarez	Meeting:		Location:	7995 Bruns Road, Byron, CA 94514

California Irrigation District

Contact:	Sandra Turner,Brekke RE, Karna Harrigfield,Esq.	Address:		Phone:	571-7235
Website:	none found		, CA	Email:	
Software:		SB 929:	---	WCAG:	
Board:	na	Meeting:	na	Location:	na

Lathrop Irrigation District

Contact:	Curtis A Bryant	Address:	PO Box 1397 Lathrop, CA 95330	Phone:	888-4799
Website:	lathropirrigation.com			Email:	cbryant@lathropirrigation.com
Software:	wix.com	SB 929:	-	WCAG:	78%
Board:	Scot A Moody-Pres, Ravi Kotecha, Michael Dell'osso	Meeting:	4th Wednesday of Month	Location:	1235 Academy Dr, Lathrop

Nagle Burk Irrigation District

Contact:	Joelle Smith	Address:	P.O. Box 1129 Tracy, CA 95376	Phone:	835-3232
Website:	none found			Email:	jsmith@mehlhaff-law.com
Software:		SB 929:	---	WCAG:	
Board:	John Vieira-Pres, Gregory Wright-VP, Robert Fagundes, Sue Ohundorf, Henry Tosta	Meeting:	1st Thursday of the month following the 3rd day of the month at 3:30pm	Location:	District Office 4600 S. Tracy Blvd, Ste 114, Tracy, CA 95377

South San Joaquin Irrigation District

Contact:	Mia S Brown	Address:	11011 E. Highway 120, Manteca, CA 95336	Phone:	249-4621
Website:	http://ssjid.com/		Manteca, CA 95336	Email:	mbrown@ssjid.com
Software:	not determined	SB 929:	5	WCAG:	88%
Board:	Robert Holmes-Pres, Mike Weststeyan-VP/Board Secy, Peter M Rietkerk-Assessor/Treasurer/Collector, Dave Kamper, John Holbrook, Ralph Roos, Bere Lindley	Meeting:	2nd & 4th Tuesday of Month	Location:	District Main Office

Woodbridge Irrigation District

Contact:	Anders Christensen	Address:	18750 North Lower Sacramento Rd P.O. Box 580 Woodbridge, CA 95258	Phone:	642-0796
Website:	sites.google.com/site/woodbridgeirrigationdistrict/			Email:	widirrigation@gmail.com
Software:	not determined	SB 929:	3, 5, 7	WCAG:	82%
Board:	William Stokes-Pres, Edward Lucchesi-VP, Andres Christensen-Secy	Meeting:	2nd Thursdays of Month	Location:	District Headquarters

Levee Districts

Lockeford Protection District #1

Contact:	Alexis Stevens	Address:	500 Capitol Mall, #1000 Sacramento, CA 95814	Phone:	(916)446-7979
Website:	none found			Email:	astevens@somachlaw.com
Software:		SB 929:	---	WCAG:	
Board:	Christopher Locke	Meeting:	none	Location:	n/a

Mosquito & Vector Control District

Contact:	Ed Lucchesi	Address:	7759 South Airport Way Stockton, CA 95206	Phone:	982-4675
Website:	sjmosquito.org			Email:	elucchesi@sjmosquito.org
Software:	mayaco.com	SB 929:	-	WCAG:	87%
Board:	Gary Haskin-Pres, Marc Warmerdam-VP, Prabhjot Singh-Secy, Jay Colombini, Jack Fiori, Francis Groen, Omar Khweiss, Gary Lambdin, Michael Manna, Richard Silverman, Steve Coldani	Meeting:	http://www.sjmosquito.org/About-Us/Calendar-of-Events	Location:	District Office

Port District

Contact:	Melanie Rodriguez	Address:	2201 West Washington Street P.O. Box 2089 Stockton, CA 95203	Phone:	946-0246
Website:	portofstockton.com			Email:	mrodriguez@stocktonport.com

Software:	not determined	SB 929:	5, 7	WCAG:	77%
Board:	Gary Christopherson-COB, R. Jay Allen-Vice Chair, Melanie Rodriguez-Secy	Meeting:	1st & 3rd Monday of Month	Location:	Port Admin Building

Reclamation Districts

Reclamation District #1 Union Island

Contact:	Pamela Forbus	Address:	343 East Main Street, Suite 815 Stockton, CA 95202	Phone:	943-5551
Website:	none found	SB 929:	---	Email:	pamforbus@sbcglobal.net
Software:		Meeting:	As needed (1 Spring, 1 Fall)	WCAG:	
Board:	Paul Marchini-Chairman, Al Warren Hoslett-Secy, Pamela Forbus-Asst Secy, Vincent Marchini, Nicholas Mussi	Location:			District Office

Reclamation District #2 Union Island

Contact:	Pamela Forbus	Address:	343 East Main Street, Suite 815 Stockton, CA 95202	Phone:	943-5551
Website:	none found	SB 929:	---	Email:	pamforbus@sbcglobal.net
Software:		Meeting:		WCAG:	
Board:	Robert K. Feguson-Chair, Al Warren Hoslett-Secy, Pamela Forbus-Asst Secy, Thomas Sarale, Louis Casale Jr	Location:			

Reclamation District #17 Mossdale

Contact:	Dante John Nomellini	Address:	P.O. Box 1461 (235 E Weber Avenue 95202) Stockton, CA 95201	Phone:	465-5883
Website:	reclamationdistrict.wixsite.com/rd17	SB 929:	6, 7	Email:	ngmplcs@pacbell.net
Software:	wix.com	Meeting:	As needed (1 Spring, 1 Fall)	WCAG:	92%
Board:	Michael Robinson-Pres, Dante Nomellini-Secy & Counsel, Donald Widmer, Zachary Reece	Location:			District Office

Reclamation District #38 Staten Island

Contact:	Angela Ortegon	Address:	P.O. Box 408 Walnut Grove, CA 95690	Phone:	(916)776-1531
Website:	none found	SB 929:	---	Email:	recdist@cfrstatten.com
Software:		Meeting:		WCAG:	
Board:				Location:	

Reclamation District #348 New Hope

Contact:	Alexis Stevens	Address:	500 Capitol Mall, #1000 Sacramento, CA 95814	Phone:	916 446-7979
Website:	rd348.org	SB 929:	4, 6	Email:	astevens@somachlaw.com
Software:	getstreamline.com	Meeting:	2nd Thursday of Month	WCAG:	87%
Board:	William Stokes-Pres, Jason Spaletta-VP, Alexis Stevens-Secy, Frank Olagaray	Location:			via teleconference

Reclamation District #403 Rough & Ready

Contact:	Andy Pinasco	Address:	P.O. Box 20 Stockton, CA 95201	Phone:	948-8200
Website:	none found	SB 929:	---	Email:	apinasco@neumiller.com
Software:				WCAG:	

Board:	Jason Cashman-Pres, Jeff Vine, Juan Villanueva, Diane Dias-Secy	Meeting:	Jan and June	Location:	Neumiller & Beardslee Law offices
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Reclamation District #404 Boggs Tract

Contact:	Dan Nomellini, Jr.	Address:	P.O. Box 1461 Stockton, CA 95201	Phone:	465-5883
Website:	reclamationdistrict.wixsite.com/rd404			Email:	dantejr@pacbell.net
Software:	wix.com	SB 929:	4, 6, 7	WCAG:	92%
Board:	Jason P Cashman-Pres, Dante Nomellini, Jr-Secy, Dr. Mel Lytle, R Gary Lambdin	Meeting:	as needed	Location:	District Office

Reclamation District #524 Middle Roberts Is

Contact:	Allison Cherry Lafferty	Address:	c/o Kroloff, Belcher, Smart, Perry & Christopherson 7540 Shoreline Drive Stockton, CA 95219	Phone:	478-2000
Website:	none found			Email:	alafferty@kroloff.com
Software:		SB 929:	---	WCAG:	
Board:	Mario Jaques-Chair, Rudy Mussi, Loren Ohm, Allison Laferty-Secy	Meeting:	quarterly	Location:	Law Offices / Zoom

Reclamation District #544 Upper Roberts Is

Contact:	Pamela Forbus	Address:	343 East Main Street, Suite 815 Stockton, CA 95202	Phone:	943-5551
Website:	none found			Email:	pamforbus@sbcglobal.net
Software:		SB 929:	---	WCAG:	
Board:	Jerry Robinsonn-Chair, Al Warren Hoslett-Secy, Pamela Forbus-Asst Secy, Joseph Ratto Jr., Michael Robinson	Meeting:	As needed (1 Spring, 1 Fall)	Location:	District Office

Reclamation District #548 Terminous

Contact:	Dan Nomellini Jr.	Address:	P.O. Box 1461 Stockton, CA 95201	Phone:	465-5883
Website:	reclamationdistrict.wixsite.com/rd548			Email:	dantejr@pacbell.net
Software:	wix.com	SB 929:	4, 6, 7	WCAG:	92%
Board:	George Biagi Jr.-Pres, Dante Nomellini Jr-Secy, Joe Olagaray, Rob Kammerer	Meeting:	2nd Thursday of Month	Location:	District Office

Reclamation District #684 Lower Roberts Is

Contact:	Dante John Nomellini	Address:	P.O. Box 1461 Stockton, CA 95201	Phone:	465-5883
Website:	reclamationdistrict.wixsite.com/rd684			Email:	ngmplcs@pacbell.net
Software:	wix.com	SB 929:	4, 6, 7	WCAG:	92%
Board:	Kurt Sharp-Pres, Dante Nomellini Sr-Secy & Counsel, Jeff Lagorio, Stefan Giovannoni	Meeting:	3rd Tuesday of Month	Location:	District Office

Reclamation District #756 Bouldin Is

Contact:	Pamela Forbus	Address:	343 East Main Street, Suite #815 Stockton, CA 95202	Phone:	943-5551
Website:	bouldinland.org			Email:	pamforbus@sbcglobal.net
Software:	not determined	SB 929:	-	WCAG:	91%
Board:	David A Forkel-Chair, Pamela Forbus-Secy, Randall Neudeck, Russell E Ryan	Meeting:	1 Spring, 1 Fall	Location:	District Office

Reclamation District #773 Fabian Tract

Contact: Daniel J. Schroeder	Address: P.O. Box 20	Phone: 948-8200
Website: none found	Stockton, CA 95201	Email: dschroeder@neumiller.com
Software:	SB 929: ---	WCAG:
Board: Joseph Bacchetti-Pres, Mark Bacchetti, Joe Enos, Daniel Schroeder-Secy	Meeting: 1st Tuesday of every month 9:00AM	Location: Neumiller & Beardslee, 3121 W. March Lane, Suite 100, Stockton, CA 95219

Reclamation District #828 Weber Tract

Contact: Daniel J. Schroeder	Address: P.O. Box 20	Phone: 948-8200
Website: rd828.com	Stockton, CA 95201	Email: dschroeder@neumiller.com
Software: mayaco.com	SB 929: 3	WCAG: 91%
Board: Bill Mendelson-Pres, Daniel Schroeder-Secy, Debbie Provost, Paul Marsh	Meeting: 3rd Thursday of Every Jan, April, July & Oct	Location: 3121 W March Lane, #100, Stockton 95219

Reclamation District #1007 Pico & Nagle

Contact: Robert Mehlhaff	Address: 4600 S. Tracy Blvd. Ste. 114 P.O. Box 1129	Phone: 835-3232
Website: none found	Tracy, CA 95378	Email: rmehlhaff@mehlhaff- law.com
Software:	SB 929: ---	WCAG:
Board:	Meeting:	Location:

Reclamation District #1608 Smith Tract

Contact: Elvia Trujillo	Address: P.O. Box 4857	Phone: 498-8200
Website: rd1608.com	Stockton, CA 95204	Email: etrujillo@neumiller.com
Software: mayaco.com	SB 929: 3	WCAG: 91%
Board: Michael Panzer-Pres, Elvia Trujillo- Secy, Brett Tholborn, Dan MacDonnell	Meeting: 1st Wednesday of Month	Location: 3121 W. March Lane #100, Stockton 95219

Reclamation District #1614 Smith Tract

Contact: Rhonda L. Olmo	Address: P.O. Box 4807	Phone: 948-8200
Website: rd1614.com	Stockton, CA 95204	Email: rolmo@neumiller.com
Software: mayaco.com	SB 929: -	WCAG: 91%
Board: Kevin Kauffman-Pres, Christian Gaines-VP, Rhonda Olmo-Secy, Dominick Gulli	Meeting: 1st Monday of Month	Location: 3121 W. March Lane #100, Stockton 95219

Reclamation District #2023 Venice Island

Contact: Brett Baker	Address: P.O. Box 1461	Phone: 465-5883
Website: reclamationdistrict.wixsite.com/rd20 23	Stockton, CA 95201	Email: ngmplcs@pacbell.net
Software: wix.com	SB 929: 4, 6, 7	WCAG: 92%
Board: Philip J. DiNapoli-Pres, Brett Baker- Secy & Counsel, Dante Nomellini Sr,- Asst Secy & Counsel, Charles (Tom) Foscue	Meeting: as needed by teleconference	Location:

Reclamation District #2027 Mandeville Is

Contact: Craig Watanabe	Address: P.O. Box 248	Phone: 464-2959
Website: reclamationdistrict.wixsite.com/rd20 27	Holt, CA 95234	Email: cwatanabe@ccrcfarms.com
Software: wix.com	SB 929: 4, 6, 7	WCAG: 92%
Board: Anthony A Marnell II-Pres, Anthony A Marnell III-Secy, Meredith C Ellis	Meeting: as needed	Location: 20750 W Mandeville Levy Rd, Stockton 95219

Reclamation District #2028 Bacon Island

Contact:	Pamela Forbus	Address:	343 East Main Street, Suite 815 Stockton, CA 95202	Phone:	943-5551
Website:	baconisland.org			Email:	pamforbus@sbcglobal.net
Software:	not determined	SB 929:	-	WCAG:	91%
Board:	David A Forkel-Chair, Pamela Forbus-Secy, Randall Neudeck, Russell E Ryan	Meeting:	1 Spring, 1 Fall	Location:	District Office

Reclamation District #2029 Empire Tract

Contact:	Alan Coon	Address:	2575 Grand Canal Blvd., Ste 201 Stockton, CA 95202	Phone:	946-9675
Website:	none found			Email:	arcoons@arcoonslaw.com
Software:		SB 929:	---	WCAG:	
Board:	Mike Quartaroli, Chris Podesto, John Rocha	Meeting:	October	Location:	District Office

Reclamation District #2030 McDonald Island

Contact:	George Hartmann	Address:	3425 Brookside Road Ste A Stockton, CA 95219	Phone:	956-9940
Website:	none found			Email:	gvhlaw@gmail.com
Software:		SB 929:	---	WCAG:	
Board:	Dennis Gardemeyer-Chair, George Hartmann-Secy, James Paroli, Dan Tank	Meeting:		Location:	Clavius Club, McDonald Island, San Joaquin County

Reclamation District #2033 Brack Tract

Contact:	Ginger Hirohata	Address:	165 West Cleveland Street, Ste 1 Stockton, CA 95202	Phone:	465-9022
Website:	none found			Email:	
Software:		SB 929:	---	WCAG:	
Board:		Meeting:		Location:	

Reclamation District #2037 Rindge Tract

Contact:	Dan Nomellini, Jr.	Address:	P.O. Box 1461 Stockton, CA 95201	Phone:	465-5883
Website:	reclamationdistrict.wixsite.com/rd2037			Email:	dantejr@pacbell.net
Software:	wix.com	SB 929:	4, 6, 7	WCAG:	92%
Board:	Jeffrey G. Klein-Pres, Douglass M Eberhardt II-Secy, Bradley L. Hellwig	Meeting:	as needed	Location:	District Office

Reclamation District #2038 Lower Jones Tract

Contact:	Dante John Nomellini	Address:	P.O. Box 1461 Stockton, CA 95201	Phone:	465-5883
Website:	reclamationdistrict.wixsite.com/rd2038			Email:	ngmplcs@pacbell.net
Software:	wix.com	SB 929:	4, 6, 7	WCAG:	92%
Board:	Kevin Jones-Pres, Dante Nomellini Sr-Secy & Counsel, Henry Foppiano, Bernard teVelde	Meeting:	as needed	Location:	District Office

Reclamation District #2039 Upper Jones Tract

Contact:	Dante John Nomellini	Address:	P.O. Box 1461 Stockton, CA 95201	Phone:	465-5883
Website:	reclamationdistrict.wixsite.com/rd2039			Email:	ngmplcs@pacbell.net
Software:	wix.com	SB 929:	4, 6, 7	WCAG:	92%
Board:	Pending-Pres, Dante Nomellini Sr-Secy & Counsel, Kurt Sharp, Kevin	Meeting:	as needed	Location:	District Office

Jones, James Barsoom, Gregory
Torlai ,Bernard teVelde

Reclamation District #2040 Victoria Island

Contact:	Dante John Nomellini	Address:	P.O. Box 1461	Phone:	465-5883
Website:	reclamationdistrict.wixsite.com/rd2040		Stockton, CA 95201	Email:	ngmplcs@pacbell.net
Software:	wix.com	SB 929:	4, 6, 7	WCAG:	92%
Board:	Pending-Pres, Eileen Nichols Christin-Secy, Jim Jerkovich, John Zech	Meeting:	as needed	Location:	District Office

Reclamation District #2041 Medford Island

Contact:	Dan Nomellini, Jr.	Address:	P.O. Box 1461	Phone:	465-5883
Website:	reclamationdistrict.wixsite.com/rd2041		Stockton, CA 95201	Email:	dantejr@pacbell.net
Software:	wix.com	SB 929:	4, 6, 7	WCAG:	92%
Board:	Robert A Brocchini-Pres, Dante Nomellini Jr -Secy, Peter J Ottesen	Meeting:	as needed	Location:	District Office

Reclamation District #2042 Bishop Tract

Contact:	Pamela Forbus	Address:	343 East Main Street, Suite 815	Phone:	943-5551
Website:	none found		Stockton, CA 95202	Email:	pamforbus@sbcglobal.net
Software:		SB 929:	---	WCAG:	
Board:	Karen Garrett-Chair, Carlo Thompson III-Secy, Rosie Ruppel, Ryan Thompson, Jorge Ramirez	Meeting:	1 Spring, 1 Fall	Location:	District Office

Reclamation District #2044 King Island

Contact:	Alan Coon	Address:	2575 Grand Canal Blvd., Ste 201	Phone:	946-9675
Website:	none found		Stockton, CA 95203	Email:	arcoons@arcoonslaw.com
Software:		SB 929:	---	WCAG:	
Board:	Andy Solari, Skip Foppiano, John Jackson	Meeting:	October	Location:	District Office

Reclamation District #2058 Pescadero District

Contact:	Francesca Gosner	Address:	3650 W. Canal Blvd.	Phone:	835-2293
Website:	pescaderord.specialdistrict.org		Tracy, CA 95304	Email:	RD2058@yahoo.com
Software:	getstreamline.com	SB 929:	4, 6	WCAG:	92%
Board:	Nat Bacchetti-Pres, Alexis Stevens-Secy, Richard Pellegrini, Greg Pombo	Meeting:	1st Wednesday of Month	Location:	District Office

Reclamation District #2062 Stewart Tract

Contact:	Susan Del Osso	Address:	73 Stewart Road	Phone:	879-7900
Website:	none found		Lathrop, CA 95330	Email:	sdelloso@cambaygroup.com
Software:		SB 929:	---	WCAG:	
Board:	Susan Del Osso-Chair, Ramon Batista, William Scott, Jeanne Zolezzi-Secy	Meeting:	July Annually	Location:	District Office

Reclamation District #2064 River Junction

Contact:	Alan Coon / Diane Dias	Address:	2575 Grand Canal Blvd., Ste 201	Phone:	946-9675
Website:	none found		Stockton, CA 95207	Email:	arcoons@arcoonslaw.com / ddias@arcoonslaw.com
Software:		SB 929:	---	WCAG:	

Board:	Mary Dutra, J.B.Wilson, John Van Till, Diane Dias-Secy	Meeting:	Jan and June	Location:	5129 E. Division Rd., Manteca, CA
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Reclamation District #2072 Woodward Island

Contact:	Dante John Nomellini	Address:	P.O. Box 1461	Phone:	465-5883
Website:	reclamationdistrict.wixsite.com/rd2072		Stockton, CA 95201	Email:	ngmplcs@pacbell.net
Software:	wix.com	SB 929:	4, 6, 7	WCAG:	92%
Board:	Coleman Foley-Pres, Dante Nomellini Sr -Secy & Counsel, Kurt Sharp, Eddie Lucchesi Jr.	Meeting:	as needed	Location:	District Office

Reclamation District #2074 Sargent-Barnhart Tract

Contact:	Carolyn E Hartmann	Address:	3425 Brookside Road Ste A	Phone:	956-9940
Website:	none found		Stockton, CA 95219	Email:	cehartmann@gmail.com
Software:		SB 929:	---	WCAG:	
Board:	Nelson Bahler-Chair, Carolyn E Hartmann-Secy, George Hartmann-Assy Secy, Robert Ripken, Tim Delaney	Meeting:		Location:	3425 Brookside Road, #A, Stockton 95219

Reclamation District #2075 McMullin Ranch

Contact:	Pamela Forbus	Address:	343 East Main Street, Suite 815	Phone:	943-5551
Website:	none found		Stockton, CA 95202	Email:	pamforbus@sbcglobal.net
Software:		SB 929:	---	WCAG:	
Board:	Eddy Cardoza-Chair, Lauren Haworth-Vice Chair, Pamela Forbus-Secy, Brian Mizuno, Raymond M Quaresma, Tom Teicheira	Meeting:	1 Spring, 1 Fall	Location:	District Office

Reclamation District #2085 Kasson District

Contact:	Kathleen P Lockwood	Address:	5415 N Sperry Road	Phone:	321-4282
Website:	none found		Denair, CA 95316	Email:	recdist2085@gmail.com
Software:		SB 929:	---	WCAG:	
Board:	Ralph Timan-Pres, Kathleen P Lockwood-Secy	Meeting:	quarterly	Location:	San Joaquin River Club, /South Kasson Rd, Tracy 95304

Reclamation District #2086 Canal Ranch

Contact:	Donald G. Lenz, Joan Wautier	Address:	11292 North Alpine Road	Phone:	948-0792
Website:	none found		Stockton, CA 95212	Email:	jwautier@santomogroup.com, dlenz@santomogroup.com
Software:		SB 929:	---	WCAG:	
Board:	Donald G. Lenz-Pres, Jose Hernandez, Saul Ramirez-Secy	Meeting:	not given	Location:	11292 N. Alpine Rd. Stockton, CA 95212

Reclamation District #2089 Stark Tract

Contact:	Pamela Forbus	Address:	343 East Main Street, Suite 815	Phone:	943-5551
Website:	none found		Stockton, CA 95202	Email:	pamforbus@sbcglobal.net
Software:		SB 929:	---	WCAG:	
Board:	Mario Jaques-Chair, Al Warren Hoslett-Secy, Pamela Forbus-Asst Secy, Chandler Jacques, Stanley Bettencourt	Meeting:	1 Spring, 1 Fall	Location:	District Office

Reclamation District #2094 Walthall

Contact: V Albert Boyce	Address: P.O. Box 1870	Phone: 239-4014
Website: none found	Manteca, CA 95336	Email: albertboyce@gmail.com
Software:	SB 929: ---	WCAG:
Board: Brian Mizuno-Chair, Albert Boyce-Secy, Pete Boyce	Meeting: in field	Location:

Reclamation District #2095 Paradise Junction

Contact: Kathleen P. Lockwood	Address: P.O. Box 2660	Phone: 321-4282
Website: none found	Lodi, CA 95241	Email: rd2095@yahoo.com
Software:	SB 929: ---	WCAG:
Board: Robert (Bob) Pombo-Pres, Kathleen P. Lockwood-Secy, Ron Machado, Ernie J.Pombo	Meeting: quarterly	Location: Pombo Real Estate Office

Reclamation District #2096 Wetherbee Lake

Contact: Randy Barker / Karen Murr	Address: PO Box 909	Phone: 401-6741 (909)224-0427
Website: none found	Manteca, CA 95336	Email: rec.dist2096@gmail.com
Software:	SB 929: ---	WCAG:
Board: Randy Barker-Pres, Stacey Cody, Armon Robeck, Paul Bunicki, Jay Murray, Karen Murray-Secy	Meeting: 2nd Sat of the month / General Mtg in November	Location: Armon Robeck Residence 900 Wetherbee Ave, Manteca, CA 95337

Reclamation District #2107 Mossdale

Contact: Pamela Forbus	Address: 343 East Main Street, Suite 815	Phone: 943-5551
Website: none found	Stockton, CA 95202	Email: pamforbus@sbcglobal.net
Software:	SB 929: ---	WCAG:
Board: Robert Brown Jr - Chair, Al Warren Hoslett-Secy, Pamela Forbus-Asst Secy, Ramon Batista, Ron Dell'osso	Meeting: 1 Spring, 1 Fall	Location: District Office

Reclamation District #2108 Tinsley Island

Contact: Carolyn Hartman	Address: 3425 Brookside Rd. Ste A	Phone: 956-9940
Website: none found	Stockton, CA 95219	Email: gvhlaw@gmail.com
Software:	SB 929: ---	WCAG:
Board:	Meeting:	Location:

Reclamation District #2113 Fay Island

Contact: Paul C Edwards	Address: 611 Middlefield Rd	Phone: 650-350-1555
Website: none found	Redwood City, CA 94063	Email: paul@edwards-partners.com
Software:	SB 929: ---	WCAG:
Board: Paul C Edwards-Pres, Cree C Edwards-Secy, William L Edwards	Meeting: as needed	Location: none given

Reclamation District #2114 Rio Blanco Tract

Contact: Pamela Forbus	Address: 343 East Main Street, Suite #815	Phone: 943-5551
Website: none found	STOCKTON, CA 95202	Email: pamforbus@sbcglobal.net
Software:	SB 929: ---	WCAG:
Board:	Meeting:	Location:

Reclamation District #2115 Shima Tract

Contact: Daniel J. Schroeder	Address: P.O. Box 20	Phone: 948-8200
Website: none found	Stockton, CA 95201	Email: dschroeder@neumiller.com
Software:	SB 929: ---	WCAG:

Board:	Daniel Schroeder-Secy, Justin Kelley, Tyler Kelley, John C Kelley Jr	Meeting:	1st Tues of each April & Oct	Location:	3121 W March Lane, #100, Stockton 95219
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Reclamation District #2118 Little Mandeville Island

Contact:	Andy Pinasco / Diane Dias	Address:	P.O. Box 20 Stockton, CA 95201	Phone:	948-8200
Website:	none found			Email:	apinasco@neumiller.com / ddias@neumiller.com
Software:		SB 929:	---	WCAG:	
Board:	Jason Katindoy, Jason Cashman, Jeffrey Wingfield, Diane Dias-Secy	Meeting:	January and July	Location:	3121 W March Lane, Stockton 95219

Reclamation District #2119 Wright-Elmwood Tract

Contact:	Daniel J. Schroeder	Address:	PO Box 20 Stockton, CA 95201	Phone:	948-8200
Website:	none found			Email:	dschroeder@neumiller.com
Software:		SB 929:	---	WCAG:	
Board:	Eugene Muzio-Pres, Alvin Cortopassi, Nelson Bahler, Daniel J. Schroeder-Secy	Meeting:	3rd Monday of April & Oct. 9:00AM	Location:	Office of Neumiller & Beardslee, 3121 W. March Ln., Ste 100, Stockton, CA 95219

Reclamation District #2126 Atlas Tract

Contact:	Jean Knight	Address:	P.O. Box 4776 Stockton, CA 95204	Phone:	470-7071
Website:	none found			Email:	jknight@neumiller.com
Software:		SB 929:	---	WCAG:	
Board:	Rosalinda Ruppel-Chair, Jean Knight-Secy, Karen Garrett, Jorge Ramirez	Meeting:	1 time each Jan, April, July and Oct	Location:	10100 Trinity Parkway, 5th floor, Stockton 95219

Resource Conservation District

San Joaquin County Resource Conservation District

Contact:	Richard Rodriguez	Address:	7585 S Longe Street, #100 Stockton, CA 95206	Phone:	472-4127
Website:	sjrcrd.com			Email:	sjrcrd@outlook.com
Software:	not determined	SB 929:	3, 5, 7	WCAG:	78%
Board:	Richard Rodriguez-Pres, Phil Balmat-VP, Jack Hamm-Tres, John Herrick, William Koster, Diego Olagaray, JohnThoming, Molly Watkins, Marden Wilbur	Meeting:	na	Location:	na

Sanitary Districts

Country Club Sanitary District

Contact:	Ginger Root	Address:	4330 North Pershing Ave, Ste B-1 Stockton, CA 95203	Phone:	956-3516
Website:	none found			Email:	ginger.root@att.net
Software:		SB 929:	---	WCAG:	
Board:	John Dalrymple-Pres, Kevin Huff-VP, James J Hoblitzell IV, Jim Larson, Spencer Tracy, Ginger Root-Clerk	Meeting:	3rd Monday of the Month	Location:	4330 N Pershing, Suite B1, Stockton 95207

Woodbridge Sanitary District

Contact:	Felix Valdez / Lily Mora	Address:	19720 Benedict Drive Woodbridge, CA 95258	Phone:	368-0900
Website:	woodbridgesd.specialdistrict.org			Email:	woodbridgesanitary@woodbridgesd.com / imora@woodbridgesd.com
Software:	getstreamline.com	SB 929:	4, 6	WCAG:	87%
Board:	Douglas Colucci, Larry Norvall, Mary Avanti, Terry Welss-Brown, Patrick Piccardo, Lily Mora-Secy	Meeting:	2nd Wed of the month	Location:	Woodbridge Fire Station

Storm Drainage and Maintenance District

Dos Reis Storm Water District

Contact:	Samantha Menor	Address:	525 West Dos Reis Road Lathrop, CA 95330	Phone:	
Website:	none found			Email:	
Software:		SB 929:	---	WCAG:	
Board:		Meeting:		Location:	

Water Agencies

Central Delta Water Agency

Contact:	Dante Nomellini Sr	Address:	235 East Weber Avenue P.O. Box 1461 Stockton, CA 95201	Phone:	465-5883
Website:	reclamationdistrict.wixsite.com/cdwa			Email:	ngmplcs@pacbell.net
Software:	wix.com	SB 929:	4, 6, 7	WCAG:	92%
Board:	George Biagi Jr.-Pres, Dante Nomellini Sr-Mgr & Co-Counsel, Rudy Mussi, Eddie Zuckerman	Meeting:	2nd Tuesday of Month	Location:	District Office

South Delta Water Agency

Contact:	John Herrick	Address:	1806 W. Kettleman Ln., Suite L, Lodi, CA 95242	Phone:	663-9148
Website:	southdeltawater.org			Email:	jherrlaw@aol.com
Software:	not determined	SB 929:	4, 6	WCAG:	83%
Board:	Jerry Robinsonn-Chair, Mary Hildebrand-Vice Chair, Natalino Bacchetti-Secy, Paul Marchini, Jack Alvarez	Meeting:	none	Location:	3650 W Canal Blvd, Tracy 95304

Water Conservation Districts

Central San Joaquin Water Conservation District

Contact:	Reid W. Roberts	Address:	11 S. San Joaquin St, Ste 306 Stockton, CA 95202	Phone:	466-7952
Website:	www.csjwcd.com			Email:	none given
Software:	wordpress.com	SB 929:	3, 5, 7	WCAG:	92%
Board:	Grant Thompson-Pres, Anthony Chiappe, Richard Wagner, Richard	Meeting:	1st and/or 3rd Thursday of the month	Location:	Collegetown Fire Station

Velsdtra, Eugene Caffese, James Nilsson-VP

North San Joaquin Water Conservation District

Contact: Shasta Burns	Address: P.O. Box E 318 East Kettleman Lane Lodi, CA 95240	Phone: 712-1693
Website: nsjgroundwater.org	SB 929: 3, 5, 7	Email: nsjwcd@outlook.com
Software: wordpress.com	Meeting: Last Monday of the Month	WCAG: 78%
Board: Joe Valente, Tom Flinn, Charlie Starr, Dave Simpson, Marden Wilbur		Location: Zoom

Water Districts

Stockton East Water District

Contact: Scot A. Moody	Address: 6767 East Main Street P.O. Box 5157 Stockton, CA 95205	Phone: 948-0333
Website: sewd.net	SB 929: 3, 5	Email: smoody@sewd.net
Software: not determined	Meeting: Every Tuesday @12:30	WCAG: 89%
Board: Div 1 Richard Atkins-VP, Div 2 Andrew Watkins-Pres, Div 3 Alvin Cortopassi-Dir, Div 4 Melvin Panizza-Dir, Div 5 Paul Sanguinetti-Dir, Div 6 Lara Lee McGaughey-Dir, Div 7 Thomas McGurk-Dir, Scot Moody-Secy		Location: 6767 E Main St Stockton 95215

Linden County Water District

Contact: Barbara Kascht	Address: 18243 East Highway 26 P.O. Box 595 Linden , CA 95236	Phone: 887-3216
Website: lindencwd.com	SB 929: -	Email: bk lindencwd@verizon.net
Software:	Meeting: 3rd Thursday of the Month	WCAG: 87%
Board: David Fletcher-Pres, Lawrence Knapp-VP, Barbara Kascht-Secy, Myron Blanton, Elaine Reed, Steven M Lagorio		Location: 18243 E Highway 26, Linden 95236

Oakwood Lake Water District

Contact: District Engineer	Address: P.O. Box 77980 Stockton, CA 95267	Phone: (925)570-8830
Website: www.oakwoodlakewater.com	SB 929: 5, 7	Email: bert.michalczyk@gmail.com
Software: mayaco.com	Meeting: 4th Tues of Each Month 7:00PM	WCAG: 92%
Board: Eugene Oliver-Pres, Nelson Bahler-VP, Timothy Smith, Steve Marino, Glen Campi		Location: Oakwood Shores Clubhouse 1699 Bella Lago Way, Manteca, Ca 95337

Districts Mostly in Other Counties

Reclamation District #2101 Blewett

Contact: James Coddington	Address: 6130 Huntingdale Circle Stockton, CA 95219	Phone: 477-2156
Website: none found	SB 929: ---	Email:
Software:	Meeting:	WCAG:
Board:		Location:

Del Puerto Water District

Contact:	William Harrison	Address:	P.O. Box 1596	Phone:	892-4470
Website:	delpuertowd.org		Patterson, CA 95363	Email:	
Software:	getstreamline.com	SB 929:	6	WCAG:	92%
Board:		Meeting:		Location:	

Oakdale Irrigation District

Contact:	Steve Knell	Address:	1205 East F Street	Phone:	847-0341
Website:	www.oakdaleirrigation.com/		Oakdale, CA 95361	Email:	info@oakdaleirrigation.com
Software:	getstreamline.com	SB 929:	6	WCAG:	87%
Board:	Tom Orvis-Pres, Brad DeBoer-VP, Sharon Cisneros-Treas, Steve Knell- Secy, Linda Santos, Ed Tobias, Herman Doornenbal	Meeting:	1 Tuesday of Month	Location:	District Office

West Stanislaus Irrigation District

Contact:	Lisa Lea	Address:	P.O. Box 37	Phone:	894-3091
Website:	weststanislausid.org		Westley, CA 95387	Email:	wsidoffice@weststanislausid. org
Software:	not determined	SB 929:	4, 6	WCAG:	85%
Board:	Div 1 Bobby Yamamoto-Dir, Div 2 James Cox-VP, Div 3 Justin Goubert- Dir, Div 4 Kenneth Bays-Dir, Div 5 Leroy DelDon III-BoardPres, Robert Pierce-Secy Treas	Meeting:	Tuesday of the Second Full Week of each Month	Location:	8598 Kern St, Welsey 95387

Appendix B: SJ-IS Enterprise Service Catalog



Service Name	Description	Features	Category
Remote access	Access business resources from offsite locations	<ul style="list-style-type: none"> • Access to County resources (e.g. applications, shared drives, printers) from offsite locations 	Accounts & access
Business Applications Access	Manage account access for business applications	<ul style="list-style-type: none"> • Create, modify, and delete business systems accounts • Grant role-based access to business systems • Change account names • Password reset 	Accounts & access
User ID & access	Provide employees with what they need to access County resources located on their desktop	<ul style="list-style-type: none"> • Create, modify, and delete user account access (County ID, network, and email) • Change account name • Password reset 	Accounts & access
Homeland Security Grant	Administer the Homeland Security Grant for County	<ul style="list-style-type: none"> • Coordinate homeland Security Grant Activity with FEMA and California Office of Emergency Services • Coordinate and conduct meetings for the Local Approval Authority • Facilitate Project Selection process for Homeland Security Funds • Participate in Grant Audits 	Administration
County IT Standards	Develop and maintain County IT Purchasing Standards	<ul style="list-style-type: none"> • Develop IT Standards for IT equipment and software for the County • Review and approve any deviations from the defined standards 	Administration

Office Automation Program	Administer the Office Automation Program for the County	<ul style="list-style-type: none"> Administer the Office Automation program and budget for the County Process annual orders for IT equipment eligible for replacement under the program. 	Administration
Staff Augmentation	Provide staff augmentation to Departments	<ul style="list-style-type: none"> Provide ISD staff to Departments for Staff Augmentation based on availability 	Administration
Web conferencing	Employees can host or join virtual meetings on their desktops or laptops either remotely or on-site	<ul style="list-style-type: none"> MS Teams / Webex / Zoom Conference phones available upon request Access to conference meetings (either on- or offsite) 	Collaboration
Audio conferencing	Employees can host or join meetings on their telephones either remotely or onsite	<ul style="list-style-type: none"> PC, Desk Phone or Conference Room Phones via MS Teams Access to conference meetings (either on- or offsite) 	Collaboration
Video conferencing	Users can interact via webcam with people both within and outside the organization	<ul style="list-style-type: none"> Video meetings with multiple parties or one-on-one Video equipment in specific meeting rooms 	Collaboration
Email	Written communication	<ul style="list-style-type: none"> Inbox Calendar Resource scheduling (meeting rooms) Access to shared mailboxes Unlimit on mailbox size Common Global Address book/External contacts Spam filtering, virus protection Archiving and retrieval of older emails Web/browser access to email Mass email/notifications (emergency notification, surveys, reporting) Setting up a distribution list Setting up email access on mobile devices eDiscovery for CPRA / Litigation 	Communications
VoIP Telephone	Voice communication	<ul style="list-style-type: none"> Desk phone Teleconference phones (meeting rooms) Voicemail (including recovering deleted voicemails) Team line (a call rings multiple phones) Team line (a call rings according to a calling tree) Call Center Application Employee directory Caller ID Call history Call forwarding Conference calling 	Communications

Mobile devices	Manage company-provided mobile devices	<ul style="list-style-type: none"> • County provided devices • Install applications for business use • County negotiated plan • Upgrades and replacements • Assist with active sync • Training, application setup, and maintenance • Mobile Device Management Security (MDM) 	Communications
MS Teams Chat	Instant messaging between employees	<ul style="list-style-type: none"> • Install MS Teams • Setup accounts • Enable group messaging • Collaboration 	Communications
Radio Communications	P25 Two way radio communications and Microwave connectivity	<ul style="list-style-type: none"> • Countywide capability for Public Safety and First Responder communications (Fire/Life/Safety) • Local Government (Public Works, Public Health, Environmental Health) • Microwave Connectivity between geographic locations • Radio Frequency management with FCC • Maintain Radio Inventory and replacement program • Construct and maintain radio tower sites • Develop and manage MOUs between the County and Federal/State and Municipal agencies 	Communications
Internet	Access online content (ethernet or wireless)	<ul style="list-style-type: none"> • Access to external websites • Certain websites may be blocked/restricted by default • Request to unblock sites 	Connectivity
Local Area Network (LAN)	Provide Network connectivity within a County facility	<ul style="list-style-type: none"> • Access to services and systems for County departments in their office space • Design/Manage data network for office space • Design/Manage wireless connectivity within County offices • Maintain data cabling infrastructure for County offices 	Connectivity
Wide Area Network (WAN)	Provide connectivity between facilities	<ul style="list-style-type: none"> • Access to services and systems across geographic locations for County departments • Design/Manage data circuits between locations • Design/Manage wireless connectivity between County locations 	Connectivity
Wi-Fi Access	Wi-Fi access for employees to County network	<ul style="list-style-type: none"> • Provide W-Fi access to County systems and services to employees • Provide network security for Wi-Fi network • Design and deploy Wi-Fi hardware and infrastructure in County Facilities 	Connectivity

		<ul style="list-style-type: none"> Maintain and support Wi-Fi network 	
Guest Wi-Fi	Non-employees can access the internet onsite	<ul style="list-style-type: none"> Access to wireless internet for non-employees Restricted access 	Connectivity
Corporate application training	Develop training based on users' roles	<ul style="list-style-type: none"> Business applications E-learning courses 	Consulting
Desktop application training	Provides training for general desktop applications	<ul style="list-style-type: none"> Desktop software training Desktop hardware training (e.g. headset, multi monitor, equipment and devices, printer setup) 	Consulting
IT training consultation	Provides training for IT staff	<ul style="list-style-type: none"> Training for IT Staff Staff Development 	Consulting
Project Management Office	Management of IT Projects to ensure projects delivery desired results within budgeted costs and timeframes	<ul style="list-style-type: none"> Vendor Management Develop/review and manage IT RFI/RFP process Track project progress (timelines/cost/deliverables) Provide status reports to executive management Assign Project Managers to projects Participate in Project Selection process 	Consulting
RFP reviews	Technical needs assessment for project proposals	<ul style="list-style-type: none"> Evaluate different proposals and recommend the best option Participate in RFI/RFP review and selections process 	Consulting

Information Security Policy	Develop, maintain and recommend Information Security Policy	<ul style="list-style-type: none"> Maintain Information Security Policy for County Update Policy to remain current with regulations and best practices 	Cybersecurity
Information Security Meeting	Conduct regular Information Security Meeting	<ul style="list-style-type: none"> Conduct monthly meeting of the Information Security Committee Update membership of Information Security Committee 	Cybersecurity
Investigate Security Incidents	Conduct forensic investigations of	<ul style="list-style-type: none"> Investigate incidents of information security violations within the County. Ensure equipment and information is being used as authorized and approved 	Cybersecurity

	information security incidents	<ul style="list-style-type: none"> Report investigative findings to appropriate management 	
Information Security Training	Provide Information Security Training	<ul style="list-style-type: none"> Provide information security training to new employees Provide ongoing annual ongoing information security training to County staff. Ensure compliance with training requirements 	Cybersecurity
Hardware provisioning	Supply employees with necessary hardware	<ul style="list-style-type: none"> Provide desktop or laptop hardware Procurement, installation, and configuration of hardware Upgrading hardware Peripheral devices Equipment loaning (e.g. conference room projectors) Repair hardware Hardware return and disposal 	Desktop, equipment, & software
Software provisioning	Supply employees with necessary, up-to-date software	<ul style="list-style-type: none"> Request non-standard software Procure/order new software Install and upgrade software 	Desktop, equipment, & software
Software support	Helping employees troubleshoot application errors or malfunctions	<ul style="list-style-type: none"> Remote application support Onsite application support Computer remote control 	Desktop, equipment, & software
Relocation Services	Relocate devices from one location to another	<ul style="list-style-type: none"> Sending devices to new locations Coordinating with those involved with the move 	Desktop, equipment, & software
Software Development	Provide software development services to County departments	<ul style="list-style-type: none"> Provide software development resources for web development, mobile applications, custom applications, interface development, etc Build custom applications, web pages, reports, etc for County Departments 	Development
Cloud Services	Provide private cloud services to County departments	<ul style="list-style-type: none"> Provide compute and storage resources Ensure enough capacity is available on cloud platform Provision storage and server resources as requested by departments 	Operations
Data Protection and Recovery	Provide data backup and recovery services	<ul style="list-style-type: none"> Provide Data Backup and Recovery services to County Departments. Validate data backups are valid and secure 	Operations

Disaster Recover / Business Continuity	Disaster Recovery and Business Continuity process and technology	<ul style="list-style-type: none"> • Maintain County's IT Disaster Recovery and Business Continuity Plans • Regularly Test and validate plans • Maintain the County Disaster Recovery Site • Ensure County's mission critical systems are included in the Disaster Recovery/Business Continuity Plans • Review and update plans to remain current 	Operations
Audio/Visual	Maintain the County's A/V Systems	<ul style="list-style-type: none"> • Support and maintain the Board Chamber A/V system • Maintain the A/V systems in Conference Rooms 	Operations
Service desk	Resolve issues and provide support for end users	<ul style="list-style-type: none"> • Phone, email, and remote desktop support • User access requests, password resets • Troubleshooting 	Help & support
Desk-side support	In-person support for individual business users regarding end-user technology	<ul style="list-style-type: none"> • Onsite support for desktop and peripheral hardware, desktop software 	Help & support
After-hours support	IT support outside of regular office hours for critical services	<ul style="list-style-type: none"> • Emergency support regarding critical business applications and/or network failure • Manage additional costs associated with after-hours support 	Help & support
Software Support	Provide software support for County applications	<ul style="list-style-type: none"> • Provide support for PeopleSoft Financials and Human Resources Systems • Support the County's Oracle Budgeting System • Support the County's Law & Justice applications • Provide support for Oracle and Microsoft Databases • Support server and desktop software 	Help & support
Hardware Support	Provide hardware support for network/server/PC devices	<ul style="list-style-type: none"> • Provide hardware support for County network, server and PC devices. • Provide hardware support for communications devices included Wi-Fi and radios. 	Help & Support
Data Center	Provide Data Center resources	<ul style="list-style-type: none"> • Provide space and resources in the County's datacenter. • Provision server, storage, network, and security resources. 	Help & Support

2020 - 2021 San Joaquin County Grand Jury



**City of Manteca:
A City Government in Turmoil
Case #0320**



Summary

The City of Manteca was the focus of several reports in local media that were critical of the mayor, city council, and the city manager's actions, which resulted in the loss of several city executives. There was also a growing concern for the state of the city's finances. Several complaints were lodged with the 2020-2021 Grand Jury.

Upon thorough review, the Grand Jury concluded that several basic administrative protocols were missing from the management of the city: lack of consistent and formal personnel practices, lack of training and succession planning, and absence of financial acumen which in turn led to insufficient checks and balances. There is also a need for improved internal employee grievance processes.

Overall lack of leadership from the council and inexperience in the city manager's office created the dysfunctional administration that is struggling to effectively manage city operations.

After examining the events of the City of Manteca's last three years, the 2020-2021 Grand Jury identified several practices that should be avoided, while recommending that new policies be implemented and followed. Future administrations should use this Grand Jury report as a road map for improvement of city management. The Grand Jury recommends that the city

- Develop, implement, and adhere to hiring, promotion, and termination policies;
- Utilize open recruitment, both internal and external, for all vacancies;
- Implement succession planning so that institutional knowledge is maintained;
- Develop and implement definitive onboarding and training plans for all employees;
- Develop a grievance procedure that provides an option to allow grievances against top administration to be dealt with by an external third party; and
- Ensure the management of the city's finances are transparent, current, and within the confines of budgetary constraints.

Glossary

- **Acting manager:** Acting managers are in essence substitute managers; therefore, they are expected to fulfill some of the same responsibilities as permanent managers, though they may not be given the full control as the actual manager.
- **City of Manteca Councilmember Orientation (December 10, 2020):** Orientation pamphlet created to give new councilmembers a basic understanding of the city's functions and roles of the City's departments to allow them to make better-informed decisions.
- **City manager:** An executive officer of a municipality who works outside of the political realm to keep the operations running smoothly. In the City of Manteca, the city manager is responsible for the day-to-day city operations.
- **City manager form of government:** Manteca has a city council elected by the people and charged with the basic responsibility of governing the community. The city manager is appointed by the council to manage the city's administrative responsibilities and day-to-day operations. The city manager is an "at will" employee who serves and is retained at the pleasure of the city council.

- **External auditor:** An outside firm hired by the city council to conduct an annual review of the city's financial records and procedures.
- **Interim manager:** Interim managers are temporary positions assigned when an unexpected management vacancy occurs. Interim managers are place-holder positions until the entity finds a viable candidate to fill the position permanently. Interim managers are typically given full control and power, and may be offered the position permanently.
- **Manteca City Council:** Comprised of four elected councilpersons and an elected mayor. The mayor serves as a figurehead for the city and as a moderator for council meetings. The mayor has no more influence than any other councilmember on any matter brought before the council. The city council sets policy and gives direction to the city manager.
- **Open recruitment:** A hiring process that includes a public announcement for an open position, inviting anyone qualified to apply.
- **Position control:** The process of tracking and maintaining personnel actions so that department budgets are monitored, ensuring there are sufficient funds to cover on-going employee salaries.
- **Public study session:** Informational gathering meetings for the city council which are open to the public. No official legislative actions are taken during the study sessions.
- **Succession plan:** A multi-year, on-going process of identifying and developing personnel for key positions. It provides a way to identify key roles, people with the right skills to fill those roles, and positions that may need filling quickly.

Background

The City of Manteca was founded by Joshua Cowell in 1861, who began developing 1000 acres in what is now the center of the city. On May 28, 1918, the City of Manteca was incorporated. The city now comprises 17.8 square miles and its population is approximately 83,000. Since 1980, the population has tripled, mainly due to people from the Bay Area looking for affordable homes.

The city government of Manteca is led by a mayor and city council, along with a city manager. The mayor and four councilmembers are elected to four-year terms. Election for councilmembers is staggered so that only two seats are up for election every two years. The city council's main responsibilities are the oversight of the financial health of the city and all city improvement projects. Just as important, the city council is responsible for hiring the city manager. The city manager is a contracted employee and serves at will to the council. The city manager is responsible for overseeing all city employees, managing the day-to-day activities of the city, and implementing the vision of the council-approved strategic plan.

In November 2018, Manteca voters elected a new mayor and two new city councilmembers. With a newly elected mayor, two new members and two incumbent councilmembers, it was a relatively inexperienced council.

The new mayor campaigned on a platform to change the city government and rid the city of department heads that the mayoral candidate perceived to be slowing down progress. In less than a year, five department heads left their positions, either voluntarily or by termination. The first to go was the city manager. Subsequently, the position of acting city manager was filled by the new

human resources manager, who lacked city manager experience. One of the first actions of the newly appointed acting city manager was to place other department heads on administrative leave, pending investigations and possible terminations. Soon after, many other key employees resigned.

Five months later, the acting city manager was appointed to serve as interim city manager, who then decided to restructure the city's organizational plan. The reorganization plan was presented to the city council, without the benefit of complete job descriptions or funding based on financial reports, as required by a detailed position control process. The council had some questions, but accepted the interim city manager's assurance that the plan was workable and that financial reports would be forthcoming. In June 2020, the city council made the interim city manager the permanent city manager by a four-to-one vote. There was no recruitment, and no other candidates were considered.

Many city positions went unfilled or were covered by persons that were either not qualified or experienced. Employees were overworked and fearful for their jobs, resulting in low morale. This was especially true for the finance department. A series of events exposed the new administrative leadership as lacking the political and financial acumen necessary to effectively run a city, which left the city's finances in a state of uncertainty. The new city manager committed a series of blunders that a more experienced city manager would have avoided.

Reason for Investigation

The 2019-2020 Grand Jury opened an investigation after receiving complaints but was unable to complete it in a timely manner. Since then, the City of Manteca has been the subject of numerous media reports about the loss of several key employees in a noticeably short period of time, and more recently, reports in reference to serious financial issues. The 2020-2021 Grand Jury received additional complaints from concerned residents and decided to open an investigation.

Method of Investigation

The Grand Jury conducted more than 20 interviews with city management and staff, past and present, and members of the city council. Additionally, the Grand Jury reviewed documents, media accounts, and relevant internet websites.

Documents Reviewed

- 2021 Provisional Budget
- Accounting records
- Brown Act (Ralph M. Brown Act, California Government Code sections 54950 – 54963)
- Capital Improvement Project documents
- City of Manteca's Municipal Code
- Consultant contracts
- Correspondence to the city council
- Employee contracts
- Financial records, including audits, budget projections, and summaries
- General ledger reports

- Grievance procedure
- Job descriptions
- Local news articles related to Manteca
- Memoranda of Understanding with represented employee groups
- Onboarding manual
- Organizational chart
- Orientation presentation
- Personnel Policies and Procedures
- Proposed city reorganization plan
- Public improvement plans
- Purchasing Policy
- Rules and Regulations
- Salary schedules

Websites Searched

- City of Manteca <https://www.ci.manteca.us>
- International City/County Management Association <https://icma.org>
- League of California Cities <https://www.cacities.org>

Discussions, Findings, and Recommendations

1.0 Inconsistent Employment Practices

1.1 Hiring

In general, executive hiring can be accomplished in two ways: outside candidate recruitment or internal candidate promotion. Promotion from within city ranks usually involves a long-serving, tested and trusted employee, who has experience or the expertise to be an executive serving the community. Manteca’s appointed city manager was neither a long-serving employee, nor did the candidate have any experience as a city manager. Only one city council member expressed concerns about the lack of experience and voted against the appointment. The city manager then appointed the city clerk as interim assistant city manager, who had no municipal management experience, but was seen as being supportive of the city manager. Neither position went through any kind of recruitment process.

Generally accepted business practices show that open recruitment is the best way to find the most qualified candidates, yet this routinely did not happen in Manteca. Open recruitment does not preclude internal candidates from applying, provided they meet the minimum qualifications. Open recruitment assures that the candidate who is hired has the qualifications, and the process was open, fair, and honest. Currently, Manteca has no standard recruitment policies and procedures that assure a consistent approach.



Finding

F1.1 The city manager and the assistant city manager positions were filled without the benefit of an established recruitment process. This caused community-wide turmoil while they struggled to learn the job.

Recommendation

R1.1 By December 31, 2021, develop, adopt, and implement effective written recruitment policies and procedures, and strictly adhere to them for all executive hiring.

1.2 Insufficient Training & Development

There were concerns that employees in various departments were not sufficiently trained, particularly within the finance department. Employees were not provided periodic training to keep or improve current skills, nor were they updated on new processes or procedures. Leadership training was also noted as a critical need across departments. Due to a lack of qualified leadership in some departments, especially the finance department, and the absence of a training and development policy for city employees, there were few managers capable of identifying issues in order to provide necessary training and development for staff.



Findings

F1.2.1 Some managers were not capable of providing necessary training for staff, particularly within the finance department, which resulted in poor decision making.

F1.2.2 The city has no policy for employee training or professional development; therefore, employees lack the necessary skills to maintain efficient operations.



Recommendations

R1.2.1 By March 31, 2022, develop and implement a written policy requiring department heads to regularly evaluate staff performance, ensuring they have the knowledge and skillset to perform the job assignments, and provide training when necessary.

R1.2.2 By March 31, 2022, develop and implement a written policy requiring staff be trained or cross-trained, ensuring work can be covered during temporary absences.

1.3 Reorganization/Position Control

The newly appointed acting city manager quickly commenced with reorganization plans that included 27 new positions. A presentation was made to the city council in March 2020, without

benefit of complete job descriptions or detailed funding sources, as required in a position control schedule. Nevertheless, the city council approved a partial reorganization in June 2020.

Finding

F1.3.1 City council approved the reorganization without the benefit of a detailed position control schedule, causing confusion and failure of the reorganization plan.

Recommendation

R1.3.1 By December 31, 2021, develop and implement a policy that requires a detailed position control schedule be presented to the city council for approval, prior to the execution of any reorganization.

1.4 Inconsistent Promotion Policy

Policies and procedures relating to promotions were not followed. Almost every department has a history of people who were promoted without meeting the minimum qualifications for the positions. City management communicated to city employees that promotions would be open and fair. Subsequently, several appointments were made that did not adhere to that commitment. Employees expressed a belief that to earn a promotion, **who you know** is more important than **what you know**.



Findings

F1.4.1 The City of Manteca has a history of unfair promotional practices which caused low morale and the loss of employees.

F1.4.2 Employees were ill-prepared for promotions, leading to inexperienced and unqualified employees being promoted.

Recommendations

R1.4.1 By March 31, 2022, develop and implement a revised written policy that ensures promotions are based on qualifications.

R1.4.2 By March 31, 2022, develop and implement an employee development program to assist candidates in acquiring education and/or training to help them gain skills that could lead to promotions.



1.5 Lack of Formal Succession Planning

The Grand Jury determined that the City of Manteca does not have a formal succession plan. Without a succession plan, continuity, and smooth transitions are virtually impossible. In addition,

essential institutional knowledge is lost. Lack of succession planning became a glaring issue in view of the loss of many key employees, especially in the finance department.



Finding

F1.5.1 The city has no succession plan to fill management positions with qualified candidates. Without a transitional process, there was a delay in the preparation and completion of important reports, including the annual audit.

Recommendations

R1.5.1 By December 31, 2021, develop and implement a succession plan for all management positions.

R1.5.2 By March 31, 2022, department heads develop and implement a plan that ensures employees are sufficiently trained or cross-trained in multiple positions so that critical vacant positions can be filled with qualified personnel.

1.6 Inconsistent Administrative Leave and Employee Termination Process

In some cases, executives that left the city were placed on paid administrative leave pending outside investigations. The loss of personnel and the haphazard execution of administrative leaves was the catalyst for several complaints. Outside law firms were used to conduct investigations averaging \$40,000-\$60,000 per investigation. Paid leave, investigations, severance packages, and wrongful termination lawsuits have cost the city more than \$1,000,000 over the last two years.

The policy for placing personnel on administrative leave should only be implemented: "If the City Manager or Department Manager determines such suspension is necessary to protect the health, safety, and welfare of the residents or other employees of the city" (*City of Manteca Personnel Policies and Procedures*, section 11.05, 37). This language is ambiguous and was often extended to protect subordinates from retaliation that management was concerned **might** happen. The rationale was that the department head was placed on administrative leave so there would not be retaliation against the perceived complainant.

Findings

F1.6.1 The policy for placing an employee on administrative leave, also called suspension, is ambiguous and subject to misinterpretation, leading to unfair practices.

F1.6.2 Investigations conducted by outside law firms are expensive and costly to taxpayers.

Recommendations

R1.6.1 By December 31, 2021, develop and implement a written administrative leave policy that is clear and concise.

R1.6.2 By March 31, 2022, develop and implement a written reciprocal agreement for an investigating team from a neighboring city or cities, to conduct internal investigations (similar to law enforcement agencies utilizing investigative staff from a neighboring community or department).

R1.6.3 By March 31, 2022, develop and implement a written policy for employing external resources, when necessary.

1.7 Flawed Grievance Procedure

There were several reports of top administrators bullying city employees, disparaging employees in open conversations, and denying opportunities for promotions. Many employees who were the subject of retaliation did not file a formal grievance under the current procedure, because it would ultimately be decided by the same administrators. Some did not feel safe coming forward until after they left city employment, at which time the city took the position that former employees had no standing to file a grievance. Many letters of complaint were submitted to the city manager and city council, but went unheeded, which ultimately led to external investigations.

Findings

F1.7.1 Employees were afraid that if they complained they would become the subject of harassment and retaliation by management, causing them not to avail themselves of the existing grievance procedure, resulting in increased denigration of morale.



F1.7.2 Complaints were not addressed and no action was taken until the large volume of complaints could no longer be ignored, resulting in frustration and low morale.

Recommendation

R1.7.1 By March 31, 2022, revise the current grievance procedure to include a reciprocal program, which would allow grievances to be reviewed by another city's administrators, assuring impartiality.



2.0 Ineffectual City Management

2.1 The Team Approach

In October 2019, the city council appointed an acting city manager who had no city management experience. In November 2019, the acting city manager promoted the city clerk, also with no

executive city management experience, to be assistant city manager. The acting city manager and assistant city manager agreed to share the city manager duties. By creating an “administrative team,” the city manager spread the duties between the city manager, the assistant city manager, and to some extent, the deputy city manager, which was a newly-created position. The team interviewed candidates for employment, attended meetings, and conferred on potential actions together, duplicating efforts. The new administrative team projected themselves as team-oriented leaders, who welcomed new ideas and exchanges. However, they were intolerant of any resistance to their ideas.

A recurring issue was inadequate administrative leadership due to inexperience and lack of political and financial acumen. It became clear that the management team was overwhelmed, and costly mistakes were made. One example was giving all employees three extra days off during the holidays in 2019, assuring the city council that there would be no cost to the city even though some city executives voiced concern over the proposal. The team failed to take into account the 24-hour staffing for vital public safety services, costing the city taxpayers more than \$240,000 in overtime compensation.

Findings

F2.1 A series of mistakes were made that more experienced managers could have avoided, costing the taxpayers undue financial expense.

F2.2 The team approach was inefficient, duplicating many efforts and requiring constant conferences to update other members of management. This cost unnecessary time and money.

Recommendation

R2.1 By December 31, 2021, the city council review the structure of the city manager’s office to ascertain a management approach that is most efficient and cost-effective.

2.2 Qualifications of City Manager

Manteca city manager’s job description includes the following minimum requirements

- Education - bachelor’s degree in business administration, public administration, or related field; and
- Experience - eight years of increasing responsibility in city or other government administration.

The recent former city manager started working in Manteca on July 16, 2019, as the administrative services director (human resources), and within two months was appointed acting city manager. No other candidates were considered for the position.

Finding

F2.2.1 There currently is no explicit requirement for previous city management experience for the position of city manager, leading to the hiring of inexperienced and unqualified personnel.

Recommendation

R2.2.1 By December 31, 2022, develop and adopt new minimum qualifications in the city manager’s job description, to include previous city management experience, city municipal finance experience, and capital improvement project management.

2.3 City Council Interference with Management

The Manteca Municipal Code is frequently violated by city councilmembers. The councilmembers **are mandated** to direct their orders to staff through the city manager in public meetings in accordance with Manteca Municipal Code section 2.08.080.

Relationship to City Council, “The City Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager. The City Manager shall take his or her orders and instructions from the City Council only when sitting in a duly held meeting of the City Council and no individual Councilmember shall give any order or instruction to the City Manager.” (Manteca Municipal Code §2.08.080)

There were many instances of the mayor and some city councilmembers bypassing the city manager and directing city staff, even to the extent of providing fully developed plans for department heads to present to the city council. The only current remedy is for the city manager to reiterate that the mayor and councilmembers are mandated to direct requests through the city manager’s office.

Finding

F2.3.1 The mayor and some councilmembers violated Municipal Code section 2.08.080. This circumvented the public’s right to have city business conducted in public, and caused confusion among staff, subverting the required chain of command.

Recommendations

R2.3.1 By March 31, 2022, develop, adopt, and implement a written censure policy for municipal code violations by the mayor and city councilmembers.

R2.3.2 By March 31, 2022, include a review of Municipal Code section 2.08.080 during the annual ethics training for the mayor and councilmembers.

3.0 Faulty Financial Operations

The city, through its finance department, is responsible for maintaining all the city's funds and accounts in a manner consistent with laws, regulations, and accounting standards required by the Governmental Accounting Standards Board (GASB). The department

- monitors cash flow;
- maintains accounts payable and receivables for all departments;
- prepares payrolls;
- prepares billings for city services;
- makes purchases for city departments;
- prepares financial analysis and projections;
- prepares reports required by state and federal laws; and
- monitors expenditures versus budget appropriations.



city

The City of Manteca's financial system is complex, with over 200 funds and thousands of accounts. The growth of the city, and the expansion of its full range of services, requires an expansive accounting system. Various state and federal laws and regulations, and generally accepted accounting principles, require different sources of revenue be placed into separate funds to accurately account for receipts and expenditures. The laws and regulations also require individual activities or programs be recorded separately, resulting in the large number of accounts. Management of these complex operations requires trained and qualified staff, and technology capable of handling the data.

The city's financial accounting software and computer hardware were never fully implemented. The inability to manage and extract information made it difficult to prepare timely financial reports in a format that was easily understood by elected officials and the public. There was a lack of personnel with advanced training or specific accounting skills which would enable them to maintain accurate reconciliations, post accounts, and properly account for the various inter-fund transfers being directed by city management.

An additional impact on the finance staff was the reduction in the number of employees. A high turnover among remaining finance department staff created a loss of institutional knowledge. This required inexperienced employees to take on increased responsibility and workloads beyond their skill levels.

The cumulative impact of the conditions in the finance department was the lack of timely, accurate information being provided to the city council and department heads. With account reconciliations and fund balances in question, and numerous internal transfers implemented among restricted funds, the city council was working with a distorted and inaccurate understanding of the city's financial condition. The city councilmembers were unaware of these distortions and inaccuracies, or the extent of their fiduciary obligations to the city. They relied upon the information provided,

asking few or no questions. Oftentimes, agendas and staff reports were not delivered with adequate time for public or council review.

Findings

F3.1 Councilmembers asked few questions of staff about the city's financial condition or the fiscal impacts of major expenditures they were being asked to approve. This caused ill-informed decision making.

F3.2 Major projects were presented to councilmembers with inadequate time to review the complex issues involved. This caused ill-informed decision making.

F3.3 The city council's approval of loans between restricted funds, without receiving any information or documents on the repayment requirements or fiscal impacts, created an unclear picture of the actual fund balances in the various accounts.

Recommendations

R3.1 Beginning October 1, 2021, the city council conduct public study sessions, at least quarterly, to receive and discuss complex financial issues. These sessions include, but not be limited to, the city's financial condition, long-term impacts of past, current, and proposed fiscal obligations of the city, major capital outlays, and employee contracts.

R3.2 By October 1, 2021, develop, adopt, and implement a policy which requires information regarding major new or existing complex projects or programs, including a detailed financial analysis, be provided to the city council and the public at least ten days in advance of the item being considered for approval at a city council meeting.

R3.3 By October 1, 2021, all proposals for the city council authorizing inter-fund loans be accompanied by loan documents detailing obligations of the loan by appropriate department heads or entities, including an analysis of impacts on the city's overall financial condition.

Conclusion

The nature of our democratic form of government is not static. Changes are inevitable, leaders change, laws change, people and ideas change, and cities grow. The same is true for city employees: periodic elections decide the mayor and city council, employees are hired, fired, transfer, or retire. These changes are common but are generally not crippling. However, when there is an extraordinary and unexpected loss of key personnel, it can be disconcerting to the city's employees and the public. This can lead to rumors and conspiracy theories about what is happening at "City Hall" and leaves remaining city employees uncertain about their futures. All these changes can also reveal problems that might otherwise go undetected. This is what happened in the City of Manteca.

Overall lack of leadership from the mayor and city council and inexperience in the city manager's office created a dysfunctional administration. Inconsistent employment practices and inadequate training compounded the problem.

It is incumbent upon all public employees, especially publicly-elected officials, to be properly prepared and adequately trained to be the custodians of the public's trust and taxpayers' finances. The Grand Jury's findings and recommendations reflect concerns that the city's financial operations need strengthening in personnel and procedures. Audit activities, both internal and external, need better oversight by elected and appointed officials. Information on fiscal matters must be given greater emphasis, clarity, and attention. The elected city council must become better prepared to understand and to address the complexity of local government finances in Manteca.

Acceptance of the Grand Jury's findings and adoption of the recommendations in this report will enable Manteca to mitigate their current issues. This will empower the City of Manteca to successfully meet the challenges of the future.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

California Penal Code Sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

The Manteca city council shall respond to all findings and recommendations.

Mail or hand deliver a hard copy of the response to:

Honorable Xapuri B. Villapudua, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

Also, please email a copy of the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury, at grandjury@sjcourts.org.

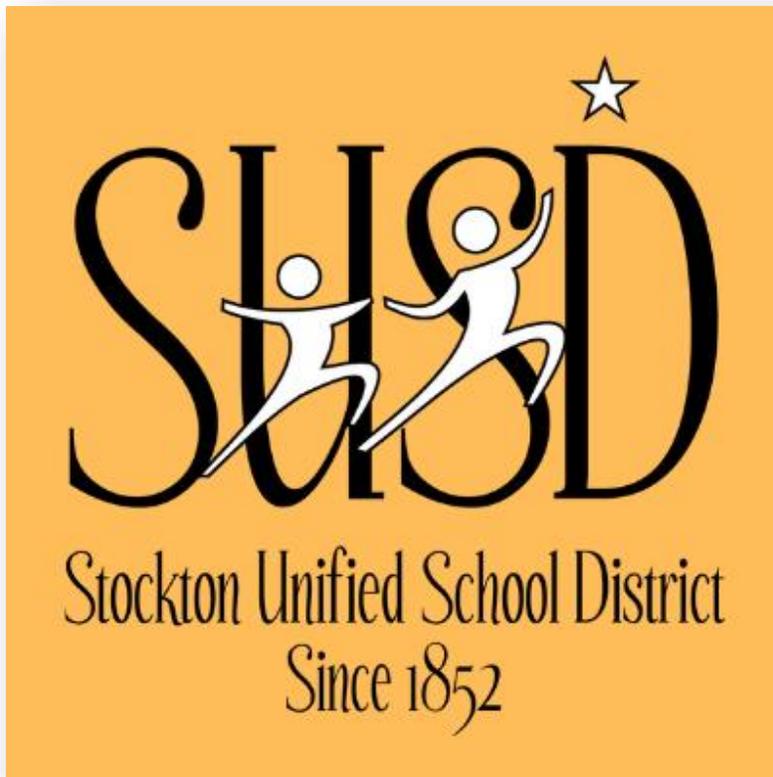
2020 - 2021 San Joaquin County Grand Jury



Stockton Unified School District Board of Education:

Dissension, Dismay, and Disarray

Case #0620



Summary

PUBLIC OVERSIGHT OF LOCAL GOVERNMENT IS THE FOUNDATION OF AMERICAN DEMOCRACY.

Nowhere is this more evident than in our public schools, where local boards of education are entrusted by their diverse communities to uphold the Constitution, protect the public interest in schools and ensure that a high-quality education is provided to each student. To maximize the public's confidence in local government, our local boards must govern responsibly and effectively.

California School Board Association, 2018

The 2020-2021 Grand Jury investigated the Stockton Unified School District Board of Trustees (SUSD). The single most important job of any school board is to recruit, hire, and retain an outstanding superintendent to lead the district. The need for stable, quality leadership is essential for improving student achievement, especially in a high-poverty district like SUSD. Research clearly shows that the primary factor needed to accomplish this crucial task is an effective school board. The Grand Jury found that there is widespread concern about the short tenure of SUSD superintendents, especially in the last 15 years. This turnover rate, which is as high as anywhere in California, is a foremost indication that the trustees have failed, and will continue to fail, to effectively lead the district.

Among other issues found to be of serious concern by the Grand Jury are

- Disregard of policies and procedures, especially regarding hiring;
- Trustee behavior, especially during meetings;
- Trustee disregard of their appropriate roles;
- Inappropriate complaints, especially by trustees against other trustees; and
- Deficient transparency, making it difficult for the public to understand what is taking place.

These trustee actions have been found to negatively impact Stockton Unified and make it difficult, if not impossible, for positive, lasting change to take hold. They have also contributed to declining morale and distrust among employees and community members.

The Grand Jury recommends that the Board of Trustees

- Publicly and officially affirm their commitment to follow their agreed-upon process for recruitment and hiring of a superintendent;
- Publicly and officially affirm their commitment to follow their agreed-upon Bylaw 9124, when hiring future legal services;
- Publicly agree to abide by the Governance Norms adopted by the board;
- Publicly agree to adhere to the California School Board Association Professional Governance Standards;

- Publicly livestream all board meetings, even after returning to in-person meetings;
- Improve timely documentation of board meetings; and
- Discuss the findings and recommendations of this entire report during a public board meeting.

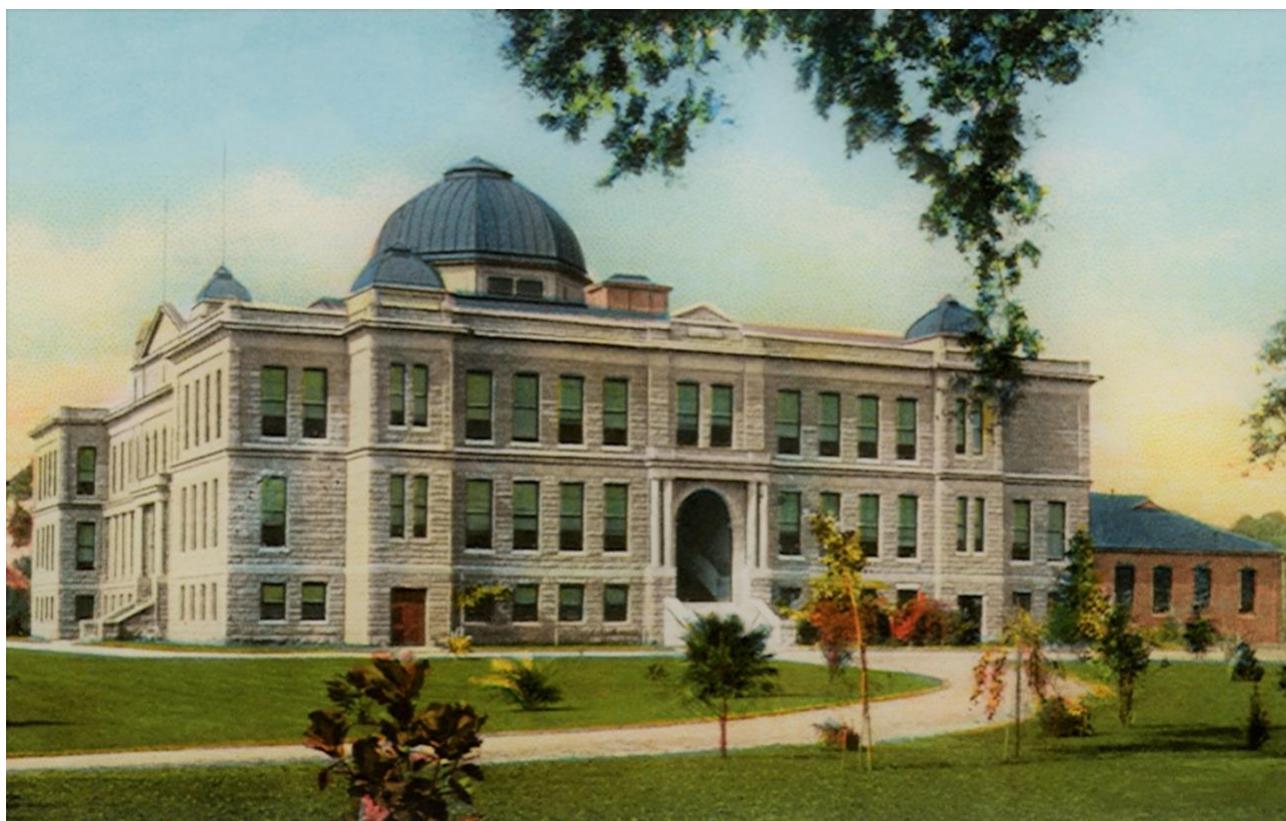
In addition, the Grand Jury recommends that the district no longer accept or investigate complaints initiated by trustees against other trustees because the district is not the appropriate, nor the legal venue for these complaints.

Glossary

- **Ad hoc advisory committee:** An ad hoc committee is a committee that is formed for a specific purpose.
- **Board of trustees (trustee):** The members of the board of trustees, commonly known as the school board, are elected representatives of their community. Putting the interest of students' futures first, they are charged with making decisions about the local public school system based on the community's expectations, goals, and needs.
- **Brown Act:** Ralph M. Brown Act requires that "All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency..."
- **CDE:** California Department of Education
- **Censure:** A formal and public group condemnation of an individual
- **COVID-19:** Coronavirus disease
- **CSBA:** California School Board Association
- **CSD:** SUSD Constituent Services Department
- **CSEA Chapter 821:** California School Employees Association (custodians, facilities, food service, information services, mechanics, secretaries, and others)
- **Governance norms:** Agreed-upon behavioral expectations and protocols
- **LCAP:** Local Control and Accountability Plan
- **Majority/minority:** Groups identified by voting preference, not by race, ethnicity, or gender.
- **RFP:** Request for Proposals
- **Robert's Rules of Order:** Guide to parliamentary procedure
- **Superintendent:** The superintendent is the top executive in the school district. The job is to promote the success of all students and support the efforts of the board of trustees to keep the district focused on learning and achievement.
- **Superintendent tenure:** Longevity on the job
- **SUSD:** Stockton Unified School District
- **UCP:** Universal Complaint Procedures

Background

On September 9, 1850, California entered the Union as the 31st state. Approximately 6,000 children were living in the state, yet few adults, including legislators, were interested in establishing public schools. Eventually, during the 1852 California State Legislative Session, a law was passed that called for five cents for every 100 dollars of property valuation to be used for grants for public schools. The city of Stockton was not inclined to apply for a grant that year, because the city was broke. However, some local leaders were concerned that the cities of Sacramento and San Francisco were taking advantage of all the money. One member of the Stockton City Council was so concerned that one year later he put up \$50 to establish a public-school fund. Nine other aldermen followed suit, and with \$500 in the kitty, Stockton public schools were born. Sixty-seven girls and 88 boys comprised the first cohort to be educated publicly in the city of Stockton. ([A history of public schools of Stockton, California](#))



Stockton High School from a postcard, 1920.

Today, California provides instruction and support services to roughly 5.9 million students in grades kindergarten through 12th in more than 10,000 schools throughout the state. There are more than 1,000 school districts in California. The May 2021 proposed state budget includes total funding of \$121.7 billion for all K-12, the highest level of funding in California's history ([Budget: K-12 Education](#)). In 2020, students numbered 35,242 in Stockton Unified School District (SUSD) and were served by 4,000 employees in 55 schools. The total budget was approximately \$585 million.

Demographics

In 2018, Stockton – whose 310,000 residents were 42% Hispanic, 24% Asian, 19% Non-Hispanic White, and 13% Black – was the most racially diverse large city in America, according to a [U.S. News analysis](#) based on recent census data. ([How Racially and Ethnically Diverse Is Your City?](#))

Stockton Unified is the largest school district in San Joaquin County. It also has [the most diverse student population](#).

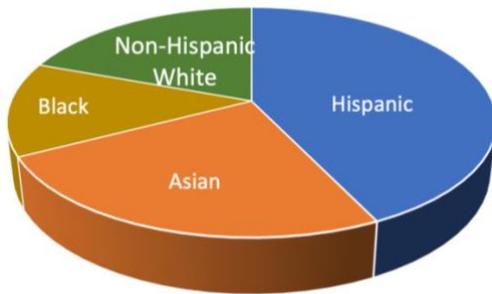


Figure 1. Stockton 2018 demographics.
(data from [U.S. News analysis](#))

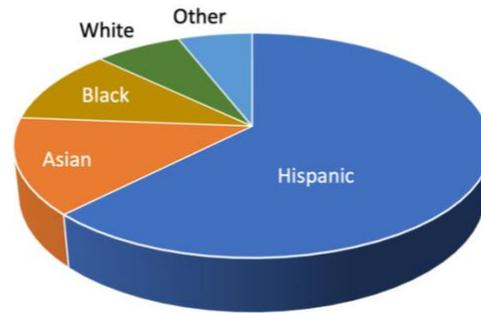


Figure 2. SUSD student 2018-2019 demographics.
(see [SUSD Fast Facts](#))

As of the 2017-2018 school year, 63% of SUSD students were Hispanic; 14% Asian; 11% Black/African American; 7% White; 6% other. Eighty-two percent of the students were socio-economically disadvantaged, 23% were English Language Learners (ELL), and 8% were foster youth.

Poverty

The 2019 census data reveals that more than 21% of SUSD residents live below the poverty line. This is about 1.5 times the rate in San Joaquin County (13.7%), and nearly double the rate in California (11.8%). More importantly, 30% of children (under 18) are below the poverty line.

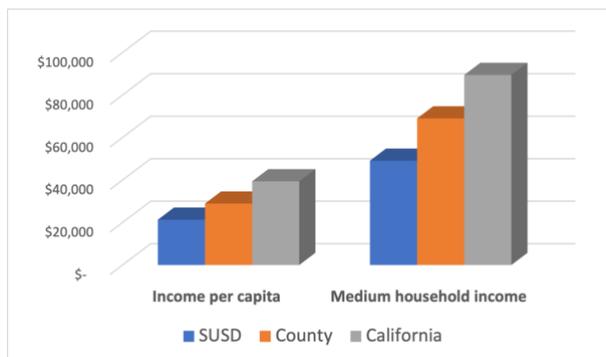


Figure 3. Comparing SUSD income.
(see [Census Reporter](#))

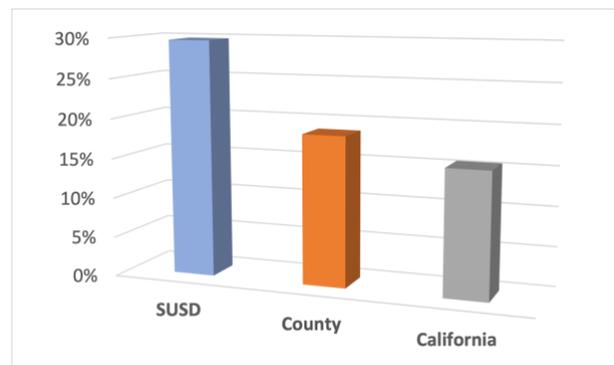


Figure 4. Children below the poverty line.
(see [Census Reporter](#))

Academic Achievement

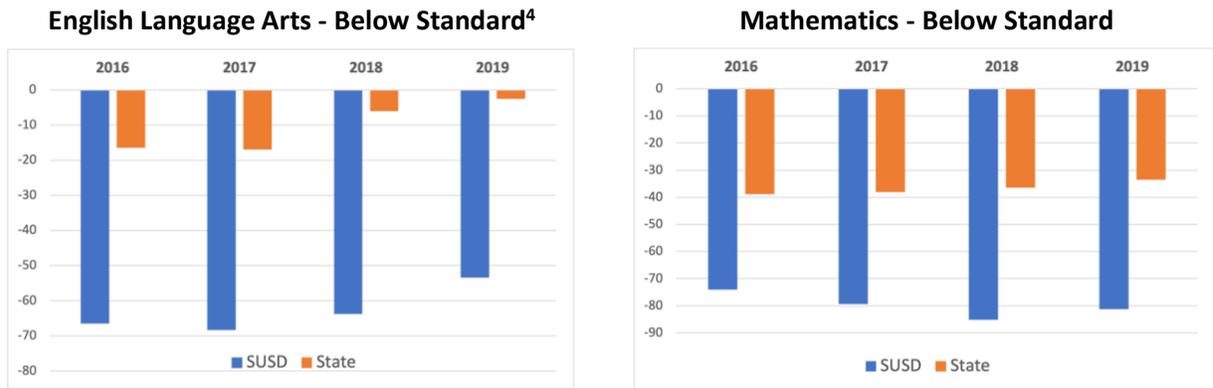


Figure 5. SUSD dashboard academic standards.

(adapted from [SUSD Dashboard](#))

SUSD academic achievement, as demonstrated in Figure 5, is well below the state level. Among Stockton Unified students, the 2019 pre-Covid high school graduation rate was 85% with 35% of students enrolled in A-G classes⁵.

The following mission statement and goals for students are found on the SUSD website:

Mission

Our Mission is to graduate every student college, career, and community ready. In doing so we lift all youth out of circumstances of poverty and scarcity.

Goals for Students

- Every child by the end of the 3rd grade will read and comprehend at the proficient level.
- Every child by the end of the 9th grade will demonstrate mastery of Algebra concepts and application.
- Every child by the end of the 12th grade will graduate and be college or career ready.



⁴ Distance from Standard measures how far, on average, students are from the lowest possible score for Standard Met. The Smarter Balanced Consortium has identified Standard Met as demonstrating the knowledge and skills necessary for students to be on track for college and career readiness at their grade level.

⁵ A-G classes are high school classes that students are required to successfully complete to be eligible for admission to the California State University and University of California systems.

Trustees

Stockton Unified is governed by a seven-person board of trustees, each elected by voters in seven districts throughout the city. Elections are staggered four-year terms and are held every two years. Trustees are limited to two terms.

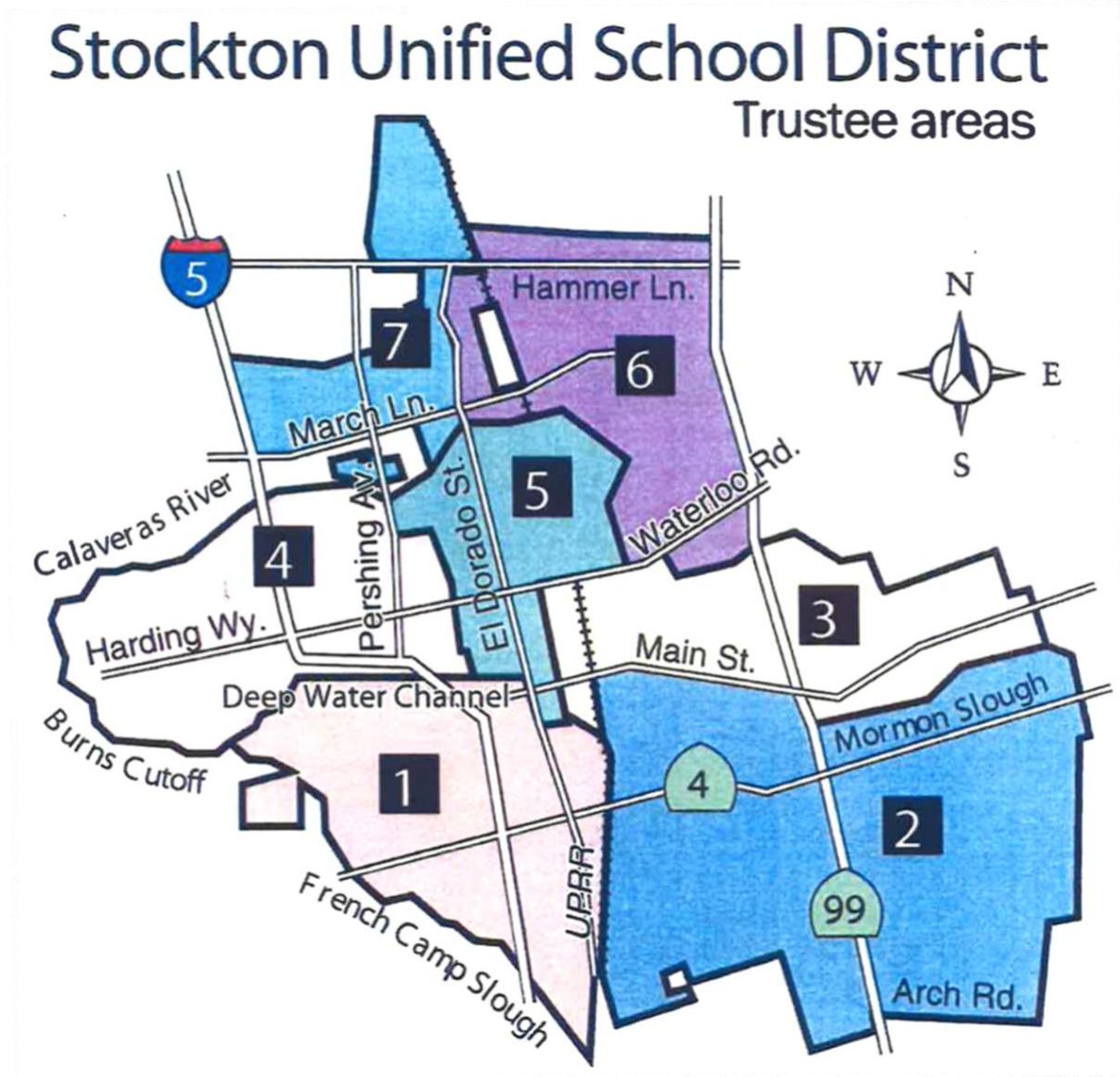


Figure 6. SUSD trustee districts.

(adapted from [SUSD District Maps](#))

The rate of SUSD superintendent turnover is one of the highest in the state. Since 2005, the district has been served by 13 superintendents (including acting, interim, and permanent). Since then, the average length of service of the superintendents is less than 17 months. Of the 13, only five have been permanent (not including the recently hired John Ramirez, Jr.). The average length of stay of the five permanent past superintendents was 19 months.

Reason for Investigation

The 2020-2021 Grand Jury received numerous complaints concerning the dysfunction of the Stockton Unified School District Board of Trustees. Additionally, there have been media accounts describing conflicts within the district, especially among board members. After reviewing these complaints and media reports, the Grand Jury opened an investigation into the SUSD Board of Trustees.

Method of Investigation

The Grand Jury focused on the roles of the board of trustees and their conduct. In preparation they reviewed relevant materials and conducted interviews.

Materials Reviewed

- Applicable federal, state, and county laws
- Board meeting records including minutes, agendas, recordings, and public comments
- California Department of Education (CDE) website
- California Education Code
- Complaints against trustees
- Contracts for legal services and investigations
- CSBA websites, including documents regarding the role of the board
- District budgets
- District bylaws and policies
- District employee compensation
- District Governance Handbook with [Governance Norms](#)
- District website including California State Dashboard
- Documents related to charter schools
- LCAP survey
- Numerous news articles
- Student representative resignation letter February 10, 2021
- Trustee resignation letter June 19, 2021 ([Appendix B](#))
- Uniform Complaint Procedures (UCP)

Interviews Conducted

There were 37 interviews.

- Attorneys specializing in school district law
- Complainants
- County Department of Education
- Directors and senior staff (current and former)
- Superintendents, assistant superintendents (current and former, interim, and permanent)
- Trustees (current and former)
- Union leaders

Sites Visited

Normally, the Grand Jury would visit Stockton Unified sites and attend board meetings. Due to the COVID-19 pandemic, in-person activities were limited. These limitations also hindered the Grand Jury from getting input from parents.

Discussion, Findings, and Recommendations

1.0 Stockton Unified Superintendents: A Revolving Door

As described above, the 2020-2021 Grand Jury conducted 37 interviews. The issue of high superintendent turnover was consistently cited as a major problem for the district. It was often described by employees as having to start a whole new job every few months, as new visions and priorities began with each new superintendent. Below is a list of the SUSD superintendents since 2005.

Dates	Superintendent	Duration
May 11, 2021 - present	John Ramirez, Jr.	Seven weeks
February 26, 2021	John Ramirez, Jr. (Acting, Interim)	Two months
June 16, 2020 - January 26, 2021	Brian Biedermann (Interim)	Six months
June 1, 2018 - June 15, 2020	John Deasy	Two years
August 2017 - May 31, 2018	Dan Wright (Interim)	Ten months
July 2016 - August 2017	Eliseo Davalos	One year
September 2014 - June 2016	Julie Penn (Interim)	Two years
July 2012 - August 2014	Steve Lowder	Two years
July 2010 - June 2012	Carl Toliver (Interim)	Two years
September 2009 - July 2010	Steve Vaczovsky (Interim)	One year
July 2008 - September 2009	Tony Amato	One year
July 2006 - June 2008	Jack McLaughlin	Two years
September 2005 - June 2006	Carl Toliver (Interim)	Ten months

Figure 7. SUSD superintendents from 2005 to present.

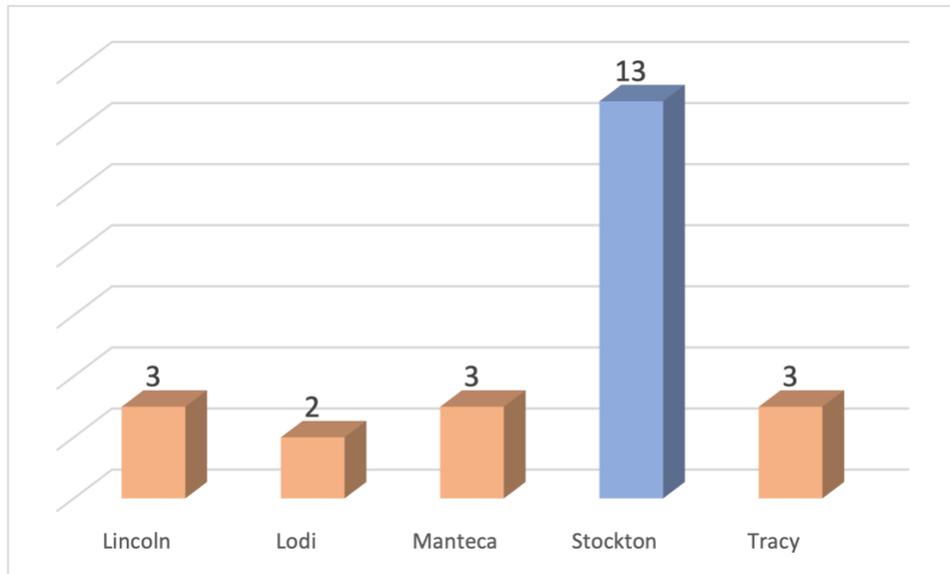


Figure 8. Superintendent turnover since 2005 for San Joaquin County school districts with more than 10,000 students.

Numerous academic studies have examined superintendent tenure. A [nationwide study](#) completed in 2018, concluded that superintendents in the largest school districts stay an average of six years. Female superintendents and superintendents in high-poverty districts and districts with higher percentages of students of color tended to stay less time. The average tenure in high-poverty districts was five years, compared with nine years for higher-income districts. Similarly, the average tenure was less than five years for superintendents serving in districts with the highest percentages of students of color, compared with nearly 12 years for superintendents in predominantly white districts. Importantly, the research indicated that superintendents were not dissuaded from moving to high-poverty districts, however, turnover rates were higher, despite the need for greater stability.

Poor relationships with the school board, caused by ineffectiveness and conflict are found to be important predictors of superintendent departures. Other research has indicated that high-functioning school boards (based on member self-evaluation), are the strongest predictor of longer superintendent tenure. A positive, effective superintendent-school board relationship is key. Superintendents who are promoted from within the district also tend to stay longer. ([EdSource](#))

Short superintendent tenure makes it difficult, if not impossible, for changes that lead to increased student achievement to take effect, especially in low-performing school districts. Change takes time, as described below. Unfortunately, looking back to 2005, Stockton Unified superintendents have not stayed long enough to make lasting, positive changes.

David Gordon, former superintendent of Elk Grove Unified School District and the current Sacramento County Superintendent of Schools, "... believes that superintendents should stay five to seven years in the job if they want to implement change ... If you're not there five to seven years, you're unlikely to make much of an impact." ([EdSource](#))

New SUSD superintendents rarely spend ample time assessing their district to determine what is working and what is not. They usually bring in their own agenda and often some of their own people. This would not always be a problem if they remained in the same school district for several years. It takes time to make positive changes and to assess and adjust those efforts where necessary.

In recent years, SUSD superintendent turnover, as indicated in the data above, is as high as anywhere in California. This, in the opinion of the Grand Jury, has had a detrimental effect on Stockton Unified's efforts to create and sustain a positive culture, which is critical for success.



School boards hire and supervise superintendents. It is their most important responsibility. As noted above, a high-functioning school board is a critical element in creating and sustaining a positive culture, enabling it to hire and retain a high-quality, long-tenured superintendent.

Numerous media reports and complaints reviewed by the Grand Jury described the combative behavior among the board of trustees in the past few years. As observed by the Grand Jury, this contentiousness undermines superintendent stability in SUSD. The frequent turnover of superintendents makes it easier for board members to act inappropriately and at times to exceed the limits of their authority. Thus, it becomes a vicious cycle. A strong, long-standing superintendent is much more likely to develop positive relationships with board members, staff, and community members. This helps to create the stability necessary to ride out the natural ups and downs of the change process within and outside the district.

Additionally, superintendents who leave before their contract is fulfilled often costs districts substantial financial resources which could be used for students, especially in high-need communities. The previous, permanent superintendent, John Deasy, submitted his resignation on April 21, 2020, to be effective on June 15th of that year. He had completed two years of a three-year contract. He was paid in full for the third year, at a cost of approximately \$320, 000.

Findings

F1.1 Superintendent turnover in Stockton Unified School District is as high as anywhere in California, making it impossible to institute lasting, positive change.

F1.2 A major contributing factor to Stockton Unified School District's high superintendent turnover is a history of school board dysfunction.

F1.3 High superintendent turnover in Stockton Unified School District discourages employees, causing low morale.

F1.4 When superintendents leave before the term of their contract, they are paid for the remainder. This diverts funds that could be used for educational materials and services.

Recommendation

R1.1 By November 1, 2021, the Stockton Unified School District Board of Trustees complete additional intensive governance training, facilitated by a qualified external body such as the California School Board Association.

2.0 Best Hiring Practices Ignored by Trustees

2.1 Hiring a Superintendent: Agreed-upon Process Disregarded

At the May 12, 2020, special board meeting, in anticipation of the superintendent's June 15th departure, SUSD trustees voted unanimously to use a formal process for selecting a permanent, or if necessary, interim superintendent. This process was similar to that used to select previous superintendents. The following is excerpted from the meeting agenda:

Proposed Process for Recruitment and Selection of Interim Superintendent (if needed) to start on June 16, 2020:

- The Board will meet in Closed Session at the end of this meeting to consider candidates for Interim Superintendent.
- The Board may invite candidates for an interview with the Board.
- If necessary, the Board will extend an offer to a candidate for Interim Superintendent if a permanent Superintendent has not been selected by June 16, 2020, or if the selected candidate is unable to commence by June 16, 2020.

(The above process was used to select the Interim Superintendent, Brian Biedermann, who served from June 2020 until February 2021.)

Proposed Process for Recruitment and Selection of Permanent Superintendent:

- Select date for commencement of advertisement of open position and recruitment for Superintendent.
- Appointment of ad hoc advisory Board committee to oversee the advertisement process.
- Development of ad hoc advisory Board committees at May 12, 2020 Board meeting to obtain feedback from various stakeholder groups:
 - Family Feedback Committee
 - Community Feedback Committee
 - Staff Feedback Committee
 - Student Feedback Committee
- The Feedback committees will meet with stakeholders to share their hopes for the next Superintendent.

- The Board will meet in Closed Session to review applications, review stakeholder feedback, and invite candidates to interview.
- The Board will announce decision of new Superintendent.

These processes for recruiting and selecting a permanent superintendent were adopted unanimously by the board on May 12, 2020. **At no time since then has a recruitment and selection process, like the one described above, been used.**

On July 1, 2020, Mr. John Ramirez, Jr. was contracted by Stockton Unified School District to provide consultant services for SUSD for one year. The contract called for him to “provide support and mentoring for the Interim Superintendent, the Interim Deputy Superintendent, Executive Cabinet, Board of Education, Educational Services, Human Resources Administration, and Budget Management.” He also provided consulting services to an independent charter school, Vision Quest & Career Pathway, before starting this consulting contract. Vision Quest & Career Pathway operated as an independent charter school for formerly incarcerated adults. On January 7, 2020, the charter was approved by the Stockton Unified School Board. After four months Vision Quest & Career Pathway charter school closed.

Mr. Ramirez continued to provide consultant services for the district until February 2, 2021. On January 26, 2021, the interim superintendent, Brian Biedermann, gave notice that he was stepping down from the superintendency, citing health issues. The board then named Mr. Ramirez acting superintendent, ending his consultant contract. This lasted until February 9, 2021, when he was elevated to interim superintendent. He remained in that position until May 25, 2021, when the Board voted five to two to make him the permanent superintendent. He is the sixth permanent superintendent in the last 16 years.

All the previous, permanent superintendents were selected after using a thorough process, led by search firms. In those cases, in-depth background checks were conducted, references were checked, and previous employers were questioned. The firm then gathered community and staff input, before conducting rigorous interviews. Once the search firm process had eliminated all but a few candidates, the board then held further interviews. In some cases, board members visited the candidate’s previous school district. Only after all these activities were completed did the board make a final choice. This process is typical throughout the state and the nation. **None of these procedures were used to hire Mr. Ramirez.**

Mr. Ramirez has 25 years of experience in education, beginning with three years in an elementary school classroom in Salinas, California. He then served as principal of an elementary school, a middle school, and a high school, all in Monterey County. From 2010 to 2016, he worked as the superintendent of Alisal Union School District, a K-6th grade district (with no middle school or high school students), currently serving 9,000 students in 12 schools. The current SUSD board’s attorney also worked at Alisal Union School District with Mr. Ramirez.

Finding

F2.1 The Stockton Unified School District Board of Trustees did not follow the “Process for Recruitment and Selection of an Interim Superintendent” nor the “Process for Recruitment and Selection of a Permanent Superintendent,” when hiring the current superintendent, John Ramirez, Jr. Taking this shortcut produced confusion and mistrust among the board, the staff, and the public.

Recommendation

R2.1 By September 30, 2021, the Stockton Unified School District Board of Trustees publicly and officially affirm their commitment to follow their agreed-upon “Process for Recruitment and Selection of an Interim Superintendent” and the “Process for Recruitment and Selection of Permanent Superintendent” when hiring future superintendents.

2.2 Hiring a Board Attorney: SUSD Bylaws and the Brown Act Ignored

On February 24, 2020, a special board meeting was held at 2:00 pm. It is unusual for an SUSD board meeting to be held at that time of day, because it is difficult for many constituents to attend during the normal working day. This limited community members’ access to this important meeting. The purpose of the meeting was to approve a contract with the law firm Burke, Williams & Sorensen to represent the board. It is unusual for a school district to employ an attorney to serve only a board of trustees rather than the entire district. The agenda (Item 1.5) regarding the hiring of the law firm did not include the contract or the funding source.

The trustees returned from a closed session to find copies of the contract at their places on the dais. There was a motion to postpone the item until the agreement could be posted for public viewing at the next regularly scheduled board meeting. The motion failed by a vote of four to three. The motion to approve the agreement with Burke, Williams and Sorenson, LLP was then passed, also by a vote of four to three.

The SUSD Board Bylaw 9124 states

Retaining Legal Counsel

When the district is seeking legal advice or representation, the Superintendent or designee shall initiate a Request for Proposals (RFP) to advertise and solicit proposals for legal services. In evaluating the proposals, the Board and Superintendent shall consider the firm's or attorney's background, experience, and reputation in education law; experience advising or representing school districts in California; fees; and experience of attorneys at the firm who will provide legal services.

The Board and Superintendent shall annually evaluate the performance of the firm and/or attorneys providing legal services in such areas as efficiency and adequacy of advice; results obtained for the district; reasonableness of fees; and responsiveness to and interactions with the Board, administration, and community. Upon a successful evaluation, the Board

may renew the agreement with legal counsel without initiating an RFP. ([SUSD Board Bylaw 9214](#))

This was not the first time in recent years that the board decided to hire new attorneys. SUSD board bylaws recommend that legal services are periodically reviewed to determine whether the services are meeting the needs of the district. The attorney for the district with the law firm of Dannis Woliver Kelley had served SUSD for 15 years. This attorney handled matters for the district, not just the board of trustees. The Fagen Friedman & Fulfroost LLP firm was chosen to replace this longtime SUSD attorney. The approved public process was used to hire this firm. A request for proposal (RFP) was developed, following district bylaws. Proposals were accepted from five law firms. Interviews were conducted, followed by reviews and ratings of the proposals, using a scoring rubric developed by a board subcommittee. The vote to hire Fagen Friedman & Fulfroost LLP was approved unanimously.

This process was quite different from the one used to hire the designated board attorney in the February 24, 2020 special meeting. There was no RFP, no acceptance of multiple proposals, no interviews, and no scoring rubric. The contract was approved at a public meeting as required by law, however, according to public statements by some board members, they had not been informed of the details, and had not seen the contract before the special meeting. "1.5 (A): Approval of Agreement with Burke, Williams & Sorensen, LLP" was all that was placed on the agenda. There was no contract to review. Until the special meeting, the name, and qualifications of the attorney for the board were known only to some of the board members. The Grand Jury is concerned that some, but not all, of the board members, appeared to have known in advance about the plan to hire an attorney with Burke, Williams & Sorensen, LLP to provide legal services, strictly for the board and not for the whole district.

This time the vote was not unanimous. It was four to three, and a motion to postpone failed by the same margin. The board members in the minority were upset and believed there was a Brown Act violation. The attorney with Burke, Williams & Sorensen, LLP was present at the meeting before being confirmed and began work immediately.

Formal complaints from the community and some trustees were made, alleging the Ralph M. Brown Act had been violated. The board took up the matter again, two months later, to "cure and correct" what the Grand Jury believes was a valid complaint. At the April 28, 2020, meeting the board voted four to three to reaffirm the hiring of the board attorney.

Findings

F 2.2.1 The Stockton Unified School District Board of Trustees did not follow Bylaw 9124, failing to initiate a Request for Proposal when hiring the current board attorney on February 24, 2020. Taking this shortcut created confusion and mistrust among the Stockton Unified Board, the staff, and the public.

F 2.2.2 Before the open session meeting to hire the board attorney on February 24, 2020, the Stockton Unified School District Board of Trustees did not make the contract available to the public

and the minority-voting trustees. This lack of transparency caused anxiety and increased mistrust among the board, the staff, and the public.

Recommendations

R 2.2.1 By September 30, 2021, the Stockton Unified School District Board of Trustees approve a resolution officially affirming their commitment to follow their agreed-upon Bylaw 9124 when hiring future legal services.

R 2.2.2 By September 1, 2021, all relevant supporting documents, including contracts and financial information, be attached to and distributed with the agenda when hiring legal services.

R 2.2.3 By November 1, 2021, the Stockton Unified School District Board of Trustees complete additional intensive Brown Act training facilitated by a qualified external body such as the California School Board Association.

3.0 Meeting Behavior: Trustees Ignore Norms of Civil Behavior

Complaints, media reports, and public comments submitted to the board have described the dysfunctionality of the Stockton Unified Board of Trustees. In recent months loud arguments can be heard during public meetings, which often last more than four hours. Trustees angrily speak over one another, and occasionally microphones are muted, cutting off discussion. People who have observed board meetings for many years describe them as the most chaotic they have ever witnessed. The meetings make many observers and participants extremely uncomfortable. The trustee behavior at the meetings has been described as watching your parents fighting in public.

On February 10, 2021, the student representative resigned, stating

Good morning. I'm sorry to report that I will be resigning from my position on the SUSD School Board. I was looking forward to a productive time in office. This decision was not made because of one incident, but because of a plethora of mistreatment to students, parents, teachers, and trustees. Not only are Robert's Rules of Order being disregarded, but it is also my belief that this board is negatively impacting our schools.

I ask that in future meetings, members take the time to show respect and kindness when choosing their words. Many members of the board fail to be positive role models for our students.

I wish members of all affiliations luck in their endeavors to make SUSD the district that it deserves to be...

This resignation letter was read aloud during the Public Comments section of the February 23, 2021, Stockton Unified Board of Trustees' regular meeting.

Since the November 2020 election, there has been a clear voting majority and a small minority on the board. During discussions of agenda items, those in the minority are often not allowed to fully express their views, particularly if the board leadership disagrees with them.

Trustees are elected to represent specific areas of Stockton within SUSD. When trustees are not allowed to express thoughts during a discussion, the students and parents of their areas are not being equally represented. As of January 7, 2021, the following admonition can be found at the top of every board meeting agenda:

In order to help assure compliance with the Brown Act, and in order to make our Board Meetings more effective and more efficient, trustees will speak only when recognized, and trustees who speak on a topic other than the Agenda Item currently under consideration will be out of order and will be subject to having their microphone muted.

Throughout many board meetings there are three consistent patterns of interaction:

- A motion is called with a first and second, discussion to follow. However, what follows is: “We have a first, a second, discussion,” and then, without pause, “time for roll call.” A minority-voting trustee calls out to ask for time for discussion and is told that time has already passed. That trustee then points out that there was no pause for discussion. A loud debate about the process then ensues. No discussion is allowed regarding the agenda topic.
- A minority-voting member is in the middle of a discussion about an agenda item and is interrupted with shouts of, “Out of order! Out of order! Out of order!” This is done with no discernable reason to the listening and viewing public. The trustee tries to continue but the “Out of order” persists.
- Trustees are muted during reports and discussions. This muting process was instituted supposedly in accordance with the Brown Act. Research conducted by the Grand Jury indicated that the SUSD Board has never publicly or privately adopted any policy for the muting of the board members, and muting is not referred to in any of the sections of the Brown Act.
- The Brown Act does state, “No action or discussion shall be undertaken on any item not appearing on the posted agenda ...” (Government code section 54954.2). However, the President of the Board determines whether the speaker is properly addressing the agenda. This interpretation is often arbitrary and questionable.

Additionally, a three-minute time limit has been applied to some board members’ speeches during meetings. The Brown Act does not address time limits for trustees, and restricting speech in this manner appears to be problematic to the Grand Jury, in both intent and application. This time limit is strictly enforced for board members in the minority.

In recent months, two board members in the voting minority have been censured by five trustees in the voting majority for their speech at board meetings. One such censure for the two members was voted on and passed at the February 9, 2021, SUSD Board meeting. The two trustees were accused by a fellow board member of “... harassment in open session, closed session, social media, and in public ...”. During that meeting, the accused trustee attempted to discuss the censure, and there were repeated attempts to keep the trustee from speaking. The censured trustee pointed out

that these censures did not follow the policy adopted by SUSD. The Grand Jury agrees that there were no specific actions detailed in the censure, therefore there was not compliance with procedures 2. a, b, or c, and 4., as listed below:

2. Any such motion, when made, shall be in writing and shall include:

- a. A specific description of the provision of the Code of Ethics that is claimed to have been violated;
- b. A specific factual description of the alleged action, statement, or other conduct of the Board Member at issue and a description of how that action, statement or other conduct constitutes a violation of the Code of Ethics;
- c. The specific language for the proposed censure by the Board of the Board Member for the alleged violation of the Code of Ethics. ...

4. Upon the introduction of any Motion to Censure, and prior to any vote thereon, and in an effort to avoid an official Board Censure, the accused Board Member shall be provided the opportunity to explain his/her action, statement, or other conduct, to apologize therefore, and to agree to future compliance with the Code of Conduct. ([Board Bylaw 9251](#))

A censure is read aloud and voted on during an open session meeting. Other than this, censures have no concrete consequences. When board members vote to censure colleagues, the board attorney is required to provide the censure language. This use of legal services wastes time and taxpayer money.

On March 4, 2017, the entire board attended an “Effective Governance Workshop” conducted by a California School Board Association governance consultant. The focus of discussions among board members included

- Unity of purpose;
- Clarity of roles;
- Positive team culture; and
- Development of supportive processes or protocols.

It was agreed that following the workshop, protocols would be added to the Board’s Governance Handbook which would be officially adopted. It was suggested that the agreed-upon norms and protocols be distributed to each board member and posted on the walls of the board room for the board and public to see. The Governance Norms were adopted on April 10, 2018. They have since been printed on card stock and can be found on the dais in front of each trustee. Some of the agreed-upon norms are:

1. Focus time and energy on student best interests.
2. Listen actively, openly and respectfully. We will listen to what other people have to say, recognizing that each individual opinion is as important as our own.

3. Speak Openly, Honestly, and Respectfully.

We will not be afraid to say what we think.

We will speak in a respectful and dignified manner, being mindful of our own body language, one of voice, and the words we use.

We will let each other know of the impact of their communication on us personally, so they are able to clarify their intent with us firsthand.

We will not attack another person verbally.

We will not be harshly argumentative or personal in our comments ...

8. We won't take disagreements personally ...

12. We agree to look upon history as lessons learned; focus on the present and the future. (See [Appendix A](#) for all Governance Norms)

This is only one example of the training the board has attended in the last few years. As a group, the trustees have participated in many workshops, usually facilitated by the California School Board Association. Despite participating in this training, board members continue to violate governance norms and misuse their leadership positions.

It is incumbent on both the board and the superintendent to work together as a team. The CSBA Professional Governance Standards hold that "School districts and county offices of education are governed by boards, not by individual trustees. While understanding their separate roles, the board and superintendent work together as a 'governance team'. This team assumes collective responsibility for building unity and creating a positive organizational culture in order to govern effectively." ([Professional Governance Standards](#))

The leadership required of the superintendent in this relationship is critical. It is normal and proper for the superintendent to guide trustees through the governance processes and help to build the cohesiveness necessary to govern effectively.

Findings

F3.1 The current Stockton Unified School District Board of Trustee leadership stifles expression and input from members in the minority, not allowing open and free discussion regarding board meeting agenda items. This undermines the democratic process and limits the representation of the trustees' constituents.

F3.2 The current Stockton Unified School District Board of Trustees does not adhere to the agreed-upon SUSD Governance Norms. This negatively impacts the function of the board and the district's efforts to make educational progress.

F3.3 The absence of a student representative on the Stockton Unified School District Board of Trustees prevents students from having a voice in the governance of the district.

F3.4 Censuring of Stockton Unified School District Board of Trustees, based on personal disagreements, is an abuse of district time and resources.

F3.5 The current Stockton Unified School District Board of Trustees does not follow the Professional Governance Standards recommended by the California School Board Association.

Recommendations

R3.1 By September 30, 2021, a student representative be seated on the Stockton Unified School District Board of Trustees.

R3.2 By September 30, 2021, the Stockton Unified School District Board of Trustees publicly agree to abide by the Governance Norms which were adopted on April 10, 2018.

R3.3 As of September 1, 2021, the Stockton Unified School District Board of Trustees cease issuing censures unless a violation of law or policy is demonstrated.

R3.4 By September 1, 2021, the Stockton Unified School District Board of Trustees' leadership cease to arbitrarily limit discussion by any trustee when addressing agenda items.

4.0 Trustee Misunderstanding and Disregard of Roles

The role of a board member in any school district is clearly defined. The California School Board Association (CSBA) describes it in the overview of the [Professional Governance Standards](#), including three vital elements of trustee and board responsibilities.



- Effective boards
 - Hire and support the superintendent; and
 - Conduct regular and timely evaluations of the superintendent.
- The individual trustee
 - Keeps learning and achievement for *all* students as the primary focus;
 - Acts with dignity and understands the implications of demeanor and behavior; and
 - Understands the distinction between board and staff roles, and refrains from performing management functions that are the responsibility of the superintendent and staff.
- The board as a team
 - Communicates a common vision;
 - Operates openly, with trust and integrity; and
 - Governs within board-adopted policies and procedures.

Historically, SUSD board members have not always adhered to the governance standards and the above responsibilities. For example, some board members have attempted to resolve complaints and concerns unilaterally. In those cases, if a board member received a complaint or concern from



a constituent or a staff member, they often bypassed the superintendent and went directly to the object of the complaint. This still occurs today. The appropriate response to any complaint is to keep it in the chain of command. The CSBA recommends that board members receive complaints in a friendly, compassionate manner. They should confirm that they fully understand the complainant's issue. The trustee will then explain that they have no authority as an individual and direct the complainant to the appropriate level in the system.

Most importantly, they should report the complaint to the superintendent as soon as possible. The basis for not getting directly involved relates to a school board's responsibility in the judicial review process. This requires board members to remain unbiased and uninvolved in addressing the issue directly.

The chain of command is also important in issues that involve employees. Some SUSD trustees have bypassed the superintendent and directed employees to perform tasks. This places an employee in an untenable situation. Their boss is the superintendent, and their boss's boss is the board. Board Bylaws [Board Bylaw 9323](#) state, "Unless agreed to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the superintendent. Board members shall refer Board-related correspondence to the superintendent for forwarding to the Board or for placement on the Board's agenda, as appropriate." Some trustees demanded specific central administrative employees and school site administrators be terminated.

The superintendent is an employee of the district and reports directly to the board. After hiring a superintendent, effective school boards expect the top school administrator to successfully lead the district, giving leeway for the superintendent to make administrative decisions.

Micromanaging the superintendent by individual trustees leads to confusion. The superintendent can expect appropriate questions and suggestions from individual trustees, usually during normal working hours. In the last few years, SUSD superintendents have frequently been called at all hours, including on weekends and holidays. Additionally, some SUSD trustees have spent an excessive amount of time meeting with the superintendent. For the first time, board members now have a physical office next to the superintendent. This has made it difficult for a superintendent to effectively tend to the many important tasks at hand. The role of the board of

trustees does not include the daily managing of the district. The CSBA describes the role of the board concerning the superintendent:

- Hire and support the superintendent so that the vision, goals and policies of the district can be implemented.
- Conduct regular and timely evaluations of the superintendent based on the vision, goals and performance of the district, and ensure that the superintendent holds district personnel accountable. ([Professional Governance Standards](#))

Findings

F4.1 Lack of adherence to California School Board Association Professional Governance Standards among Stockton Unified School District Trustees results in confusion and inefficiencies.

F4.2 Stockton Unified School District Trustees have been found to direct staff, bypassing the superintendent, causing confusion, and contributing to low morale.

F4.3 Stockton Unified School District Trustees have been found to direct superintendents and other administrators to terminate specific administrative employees which could violate normal employment law and procedures.

F4.4 Disregard for, or misunderstanding of, the Ralph M. Brown Act among Stockton Unified School District Trustees results in violations of the act and reduced governance transparency.

Recommendations

R4.1 By September 3, 2021, the Stockton Unified School District Board of Trustees publicly review the California School Board Association Professional Governance Standards. Each trustee publicly agree to adhere to them.

R4.2 By November 1, 2021, the Stockton Unified School District Board of Trustees complete additional intensive Brown Act training facilitated by a qualified external body such as the California School Board Association.

5.0 Frivolous Complaints

Some trustees filed numerous complaints against each other, reflecting their ongoing interpersonal conflicts. Between February 2019 and February 2021 more than 17 of these complaints were **incorrectly** filed with the Constituent Services Department (CSD). Many of the trustee complaints expressed displeasure about what other trustees said or did not say to them. The CSD deals with complaints filed by employees, students, parents, and staff. The CSD follows the Universal Complaint Procedures (UCP) requirements found in the California Department of Education California Code of Regulations, Title 5, [sections 4600-4687](#).

A valid complaint filed with the agency responsible for the UCP is described in the code: “A complaint is a written and signed statement alleging **a violation of federal or state laws or regulations, ...**”

A recent comprehensive legal analysis concluded that SUSD Board of Trustee governance issues are not covered under SUSD’s Universal Complaint Procedures (UCP) because the board does not constitute an educational program or activity, as defined in the California Education Code section 33325(a). Thus, a trustee’s complaint against another trustee is inconsistent with the statutory scope of the UCP, because the alleged behavior did not occur in the delivery of an educational program.

Additionally, since trustees are not employees of the district, nor recipients of educational services provided by the district, the UCP does not apply to them. The federal statute defines employee as “an individual employed by an employer, **except the term “employee” shall not include any person elected to office in any State...**” ([Title VII, 42 U.S.C. A section 2000f](#)). SUSD board members are elected officials responsible only to the voters and may only be removed by their constituents.

Many of these trustee-initiated complaints filed with the district were investigated by outside law firms. Hundreds of thousands of taxpayer dollars were spent vetting these complaints, none of which have been upheld. Many were also appealed and still determined to be unfounded, using additional district funds. As of April 2021, **all** trustee complaints are being forwarded to the superintendent and the board attorney. Some recent complaints against trustees are also being handled by outside law firms.

Recently, union leaders have filed multiple complaints against board members, particularly those in the voting minority. These complaints appear to be a part of an organized effort, as many are similar, and at times, identical.

In addition to complaints filed with the SUSD Constituent Services Department, similar complaints have been filed by trustees against other trustees with the California Department of Justice and the San Joaquin County District Attorney. These complaints also waste time and taxpayer money.

Findings

F5.1 The complaints among the Stockton Unified School District Trustees are not an appropriate means of addressing board dissension, because none of the complaints correctly cite violations of law or policy. These complaints waste district time and money.

F5.2 Frivolous complaints by Stockton Unified School District Trustees against each other harm relationships on the board, making it difficult, if not impossible, for there to be cohesiveness among the board of trustees.

F5.3 Investigations of frivolous complaints made by Stockton Unified School District Trustees against each other waste time and money which could be better used for students.

Recommendations

R5.1 As of August 1, 2021, discontinue accepting and investigating all trustee complaints against each other.

R5.2 By November 2, 2021, Stockton Unified School District Board of Trustees participate in intensive governance training related to appropriate roles of the board, facilitated by CSBA consultants or other qualified outside facilitators.

6.0 A Lack of Transparency and Public Accessibility

6.1 Meeting Accessibility

Stockton Unified School Board meetings are not easily accessible. There have been no in-person meetings since March 2020, due to the COVID-19 pandemic. The board meetings are available telephonically via GoToMeeting. To participate, the public is required to call a specific phone number and input a code. The meetings can only be heard, not seen. The meetings are video recorded, but they are only accessible afterward, and to view them it is necessary to request a link to the recordings. Very few trustees and other participants are seen in the video, as many of them close the camera on their computer. Thus, even on the video, it is difficult to know who is speaking. Any justification for trustees not using their camera is unknown to the Grand Jury. All school district board meetings in San Joaquin County, except Stockton Unified and San Joaquin County Office of Education, are accessible via live video.

Recently Stockton Unified has begun providing Spanish translation at board meetings. American Sign Language interpretation for hearing-impaired participants is also now available during the video version of meetings. Other languages are not represented.



6.2 Public comments

Public comments that are submitted in writing prior to meetings are read aloud by the secretary facilitating the board meeting. Twenty minutes are allowed for comments related to each subject. Often there are many more comments than 20 minutes will allow. The comments chosen to be

read are purportedly read in the order received. Before February 2021, all public comments were part of the minutes. Currently, the comments, whether read or not, are no longer included, thus unavailable to the public, unless specifically requested. The California Public Records Act guarantees that the public has access to public records of governmental bodies in California. [California Government Code Section 6252\(e\)](#) states that “Public records’ includes any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics...”. Public comment made to a legislative body constitutes a public record and must be released when requested according to the California Public Records Act, unless an exception applies.

Public comments related to agenda items are received as soon as the agenda is posted for the public. Recent public comments that are read aloud during board meetings have been from organized groups, such as California School Employees Association, Chapter 821. They frequently are the first comments received by the district, and sometimes opposing opinions that have been received are not read.

6.3 Timeliness and Accuracy of Minutes

The accurate and timely documentation of public meetings is essential for transparency and the historical record. Board minutes are sometimes edited by the board counsel. Changes and omissions were confirmed by comparing the written record with the video recordings of meetings. Of particular concern, on several occasions, a trustee who was in the voting minority requested that the “minutes to reflect” a specific point. The published minutes, however, do not include the point the trustee specified.

The Grand Jury also noted that on some occasions, the board meeting minutes were not posted in a timely manner or not at all. A review of the records for recent regular and special board meetings revealed that no minutes have been posted for eight meetings in 2020 and four meetings thus far in 2021. It is the responsibility of the president of the board and the superintendent to make sure that board meeting minutes are accurate and available to the public in a reasonable amount of time after the meeting.

6.4 Disbanded Subcommittees

The board of trustees, until recently, had the following subcommittees that included community member representation:

- Curriculum and Student Outcome
- English Language Learner
- Safety and Student Conduct
- Equity/Diversity
- Naming of New Construction Projects

The subcommittees provided an opportunity for two-way communication: the district to constituents and constituents to the district. Trustees and staff were assigned to one or more of the subcommittees, and the trustees regularly reported the committee activities at board meetings. The board of trustees disbanded the subcommittees at the March 23, 2021, meeting by a vote of five to two. There were different reasons given for the disbandment. Some trustees

stated that the subcommittees added extra work for staff, since some meetings were held after working hours. Other trustees stated publicly that the motive for dissolving the subcommittees was to stifle communication and reduce transparency. In any case, dissolving the subcommittees decreased accessibility and public engagement for SUSD constituents.

Findings

F6.1 The board meetings lack transparency and sufficient access, making it difficult for members of the community to be informed about what is happening in the district.

F6.2 Incomplete or unpublished board minutes undermine public engagement and trust.

F6.3 The dissolution of the board subcommittees reduced public engagement and board transparency.

F6.4 All public comments submitted to board meetings are not easily accessible which reduces transparency and public engagement.

Recommendations

R6.1 By August 3, 2021, all Stockton Unified School District board meetings be held in person and open to the public.

R6.2 By September 1, 2021, all Stockton Unified School District board meetings be publicly livestreamed, with all trustees on camera. This is to continue when in-person meetings resume.

R6.3 By October 1, 2021, evaluate, with public input, the reinstating of previous Stockton Unified School District board subcommittees.

R6.4 By September 1, 2021, all Stockton Unified School District board meeting minutes include the statement, "All public comments received by the district are available for review by contacting the district office".

R6.5 By September 1, 2021, post accurate and complete minutes of all Stockton Unified School District board meetings within 30 days of the meeting.

R6.6 By November 1, 2021, the Stockton Unified School District board of trustees discuss the findings and recommendations of this full Grand Jury report during a public meeting.

Conclusion

The turnover of superintendents is one of Stockton Unified's greatest problems. The primary reason that Stockton Unified School District has become a revolving door for superintendents has been the ineffectiveness of the board of trustees. This has been true for many years, but recently it is especially so.

Dissension among the trustees is rampant, as demonstrated by the unruliness of board meetings and by the many complaints trustees have filed against each other. The tendency to take shortcuts and bypass agreed-upon bylaws and long-held standards have become the norm. Trust among trustees, staff and the community is at an all-time low, as is employee morale. These dismaying conditions make it difficult to attract and keep high-quality administrative staff.



Recently, a member of the board of trustees resigned (See Appendix B.). The Grand Jury agrees with the sentiment expressed in the resignation letter that urges the voters in upcoming Stockton Unified elections to “use critical thinking in deciding which candidates merit your support and vote. Use reputable news outlets and trusted candidate information sources ... to do your research on which candidates will serve the community best.”

The district has an opportunity to reset. A new superintendent is now in place, and the district can, if it chooses, put aside petty differences. Following best hiring procedures, abandoning unreasonable complaint and censure practices, adhering to appropriate trustee roles, and maximizing public involvement would greatly increase the SUSD Board’s ability to eliminate the disarray.

Stockton Unified students and their families must be the focus of every ounce of effort, every decision made, and every dollar spent. Unless this becomes a reality, the SUSD mission “to lift all youth out of circumstances of poverty and scarcity” will always be just a dream.

To paraphrase the former student representative, the Grand Jury wishes all members of the Stockton Unified community the best of luck in their endeavors to make SUSD the district that it deserves to be.

Acknowledgments

The Grand Jury wishes to acknowledge the thousands of students, families, and employees who, despite the many challenges they face, continue to persevere, and move forward in their educational endeavors. The Grand Jury also thanks the numerous individuals who provided valuable insight and information regarding the issues plaguing Stockton Unified School District.

Disclaimers

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911. 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

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Appendices

Appendix A: SUSD Governance Norms

In addition to meeting the norms below in order to create a positive culture and atmosphere, we agree to act in ways that will help us meet the CSBA Professional Governance Standards.

We agree to the following norms as agreed and amended 4/10/2018.

1. Focus time and energy on student best interests.
2. Listen actively, openly, and respectfully. We will listen to what other people have to say, recognizing that each individual opinion is as important as our own.
3. Speak Openly, Honestly and Respectfully.
 - We will not be afraid to say what we think.
 - We will speak in a respectful and dignified manner, being mindful of our own body language, tone of voice, and the words we use.
 - We will let each other know of the impact of their communication on us personally, so they are able to clarify their intent with us firsthand.
 - We will not attack another person verbally.
 - We will not be harshly argumentative or personal in our comments.
4. Maintain confidentiality – it is agreed that board president will remind the members present during closed- both at the beginning and end of the session that all matters discussed must remain confidential. It is further agreed that all board members shall report any “leaks” of confidential matter to the board president who will discuss the matter with the individual breaching the confidentiality. This norm is of the highest priority to the board and will be conveyed to all new board members and staff during orientation.
5. Take collective responsibility – board members shall stand behind the decisions of the majority vote.
6. Validate other’s communications and opinions. We will offer validation when other members of the team communicate with us individually or when team members make the effort to communicate honestly and respectfully during board meetings, even when we don’t agree with what the other person is saying. Accept differences in experience, culture, and values.
7. We will ask questions when we do not understand, we will come informed to board meetings and not surprise staff with unanticipated questions or objections.
 - We may paraphrase other team member comments in order to clarify for understanding, and
 - strive to build on each other’s comments and ideas whenever possible during our discussions.
8. We won’t take disagreements personally.

9. We agree to “Talk Straight” – get to the point.
10. We will provide specific and constructive direction. Provide direction so that staff may present sufficient, appropriate, specific information that helps the Board make rational, thoughtful, responsible decisions.
11. We agree to behave professionally and respect meeting times, come prepared for the meetings and ask cabinet questions about the agenda items before the Board meetings so they are prepared to respond. We believe and commit to “no surprises”.
12. We agree to look upon history as lessons learned; focus on the present and the future.

Appendix B: Trustee Letter of Resignation (The Record, June 19, 2021)

Dearest SUSD students, families, staff, and community members,

Thank you for the opportunity to serve. I am writing to officially resign my position as board member for Stockton Unified School District, Area 7, effective June 18, 2021.

Due to work and commute reasons, my spouse and I have decided to move out of the area, and this will require that I resign my post. I am a former foster child and my spouse immigrated as an unaccompanied minor, so we know too well the pains of being separated and apart from our families at a very young age and do not wish that for our children.

It has been a great honor to serve the SUSD community, most of all our amazing students. I am heartened by their brilliance and resolve, and by the advocacy of parents and community members who are unapologetic about the resources, opportunities, and leadership that our scholars deserve.

However, I do have some words of caution for our community. There have been a number of decisions made by the majority board members that give me great concern for the governance of our district and for the wellbeing of our students.

The majority board members have taken troubling steps to eliminate transparency and to cut the public off from its actions and deliberations. They have eliminated subcommittees, not live-streamed board meetings, changed agendas at the last minute, held "special meetings" with little notice, and even misspent district dollars on politically motivated investigations to intimidate dissenting trustees and to create fodder for disinformation campaigns. [Here is a link](#) to a list of board decisions from our public agendas that I recommend you review as evidence of these facts.

Sadly, staff members have also shared with me that they too have been harassed and that board members have exercised intimidation and retaliation tactics against staff who have refused to comply with board member requests to perform unethical or illegal behavior.

Don't despair as the public has a number of tools to remedy these wrongdoings. The greatest of all is your vote. In November of 2022, the majority of the SUSD school board seats (4) will be up for election.

I urge you to use critical thinking in deciding which candidates merit your support and vote. Use reputable news outlets and trusted candidate information sources like the League of Women Voters of San Joaquin County to do your research on which candidates will serve the community

best. Attend candidate forums held by the League, the NAACP, APAPA, BWOPA or set one up yourself with neighbors, family, and community members to see what candidates value and to get an understanding of their leadership and community experience.

The Stockton and greater San Joaquin County community has been under attack, much like the rest of the nation, with disinformation and misinformation attempting and, in many cases, succeeding at influencing your vote. Tragically, our students, families, and the community-at-large are the ones who suffer the consequences. However, I am hopeful that the community will come together to ensure our students and families get the leadership they deserve to succeed and to prosper.

Thank you for all you do.

 (Redacted)

Section III Law and Justice

Law and Justice..... 129

Introduction and Background 129

Glossary 130

Law and Justice – Year of the Pandemic 133

COVID-19 Impact on Prisons and Jails..... 133

Local Law Enforcement Agency Responses to Grand Jury Inquiries..... 135

Local Agencies Responses 137

Lodi Jail 138

San Joaquin County Jail 139

Deuel Vocational Institution (DVI) 140

San Joaquin County Probation 141

San Joaquin County Sheriff’s Department 142

Stockton Police Department 142

Manteca Police Department 143

Ripon Police Department 143

Tracy Police Department.....	144
Lodi Police Department.....	144
Escalon Police Department	145
San Delta Joaquin College District Police Department	145
Stockton Unified School District Department of Public Safety	146
University of the Pacific Department of Public Safety	146
San Joaquin County District Attorney’s Office	147
Juvenile Justice System Changes	148
Facility Closures & California Youth Authority (CYA) Changes	148
Conclusion	149
Addendum A: A Brief Evolution of California Criminal Justice	151
Addendum B: A Bill That Changed the Criminal Justice System AB 109	152

2020 - 2021 San Joaquin County Grand Jury



Law and Justice



Introduction and Background

California Penal Code sections 919(a), and 919(b) authorize the Civil Grand Jury to inquire into the condition of jails and public prisons operated by the state, county, and cities within the jurisdiction of San Joaquin County. The Grand Jury is charged with investigating matters pertaining to law enforcement, including police, juvenile justice, public protection, probation issues, and inspecting court detention facilities within the county.

Due to the coronavirus pandemic restrictions this past year, the Grand Jury could not tour any state or county facilities or participate in any public safety ride-along programs. Instead, the Grand Jury utilized surveys, information requests, and web-based presentations to fulfill its obligation. In addition, law enforcement had a double whammy in 2020–2021, dealing with the effects of the pandemic and the civil unrest across the country that resulted from concerns stemming from a series of police-involved use-of-force deaths.

This year’s Grand Jury focused on the state of the criminal justice system, the impact of the COVID-19 pandemic on the local detention facilities and law enforcement, as well as a particular focus on how law enforcement agencies were approaching

- COVID-19 procedures and protocols;
- Use of force training & monitoring;
- Implicit bias training & monitoring;
- Recruiting and diversity;
- Extremist activity identification within the ranks;
- Grievance and complaint protocols; and
- Homelessness interaction.

The Grand Jury surveyed, and presentations were made by all local law enforcement entities within the county addressing the above items.

Glossary

- **AB 109:** California Assembly Bill 109 (The Prison Realignment Act) was passed in 2011 and implemented in 2012. The Prison Realignment Act transfers responsibility for supervising certain kinds of felony offenders (non-serious, non-violent, and non-sexual) and state prison parolees from state prisons and state parole agents to county jails and probation officers. The law also amends various California codes, including the California Penal Code, California Health & Safety Code, and California Vehicle Code. It further allows judges more sentencing options or alternatives. For example, judges can sentence offenders to house arrest, community service, furlough programs, work release, or substance abuse treatment. In addition, the judge can sentence the offender to a partial jail term and then allow the offender to finish out-of-custody, with mandatory supervision for the remainder of the sentence.
- **AB 243:** California Assembly Bill 243 requires implicit bias training for every peace officer and a refresher every five years.
- **AB 900:** California Assembly Bill 900 requires the State of California to reimburse local agencies for incurred facility costs to comply with AB 109.
- **AB 953:** California Assembly Bill 953 - Racial and Identity Profiling Act of 2015 (RIPA) requires law enforcement to collect data on all officer contacts/stops, eliminate racial and identity profiling, and improve diversity and racial identity sensitivity law enforcement. The data is sent to the Department of Justice (DOJ) annually.
- **Brown vs. Plata:** Brown v. Plata 563 U.S. 493 (2011). Alternative Solutions for Prison Overcrowding in California was a decision by the Supreme Court of the United States ordering

the California Department of Corrections and Rehabilitation to release approximately 46,000 inmates to ease overcrowding.

- **BSCC:** Board of State Community Corrections. Established in 2012, the California Board of State and Community Corrections (BSCC) is an independent statutory agency that provides leadership to the adult and juvenile criminal justice systems, expertise on public safety realignment issues, a data and information clearinghouse, and technical assistance on a wide range of community corrections issues (Penal Code sec. 6024-6025). In addition, the BSCC promulgates regulations for adult and juvenile detention facilities, conducts regular inspections of those facilities, develops standards for the selection and training of local corrections and probation officers, and administers significant public safety-related grant funding.
- **California Penal Code section 832.5(a) (1):** Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies and shall make a written description of the policy available to the public.
- **California Penal Code section 919(a):** “The Grand Jury may inquire into the case of every person imprisoned in the jail of the county on a criminal charge and not indicted.”
- **California Penal Code section 919(b):** “The Grand Jury shall inquire into the condition and management of the public prisons within the county.”
- **CCHCS:** California Correctional Health Care Services, a department of the state
- **CDCR:** California Department of Corrections and Rehabilitation
- **CHCF:** California Health Care Facility, located in Stockton, CA
- **COVID-19:** Coronavirus disease
- **CYA:** California Youth Authority
- **DOJ:** California Department of Justice
- **DVI:** Deuel Vocational Institution
- **Government Code section 8658:** In any case in which an emergency endangering the lives of inmates of a state, county, or city penal or correctional institution has occurred or is imminent, the person in charge of the institution may remove the inmates from the institution. They shall, if possible, remove them to a safe and convenient place and there confine them if necessary to avoid the danger, or, if that is not possible, may release them. Such person shall not be held liable, civilly or criminally, for acts performed under this section.
- **IAPro:** This full-featured software has been designed from the ground up to meet the needs of internal affairs and professional standards units. IAPro was first released in 1998 after an in-depth analysis of requirements at several law enforcement agencies’ Professional Standards and Internal Affairs Units. Through seven major version releases, IAPro has been enhanced to meet the range of police integrity needs found throughout its customer base. As a result, IAPro has a rapidly expanding customer base and is used by nearly 500 public safety agencies in the United States, New Zealand, Australia, and Canada. Longtime customers include NYPD, Las Vegas Metropolitan Police, Toronto Police Service, and Western Australia Police.
- **Lexipol:** Lexipol LLC is a private company based in Frisco, Texas, that provides policy manuals, training bulletins, and consulting services to law enforcement agencies, fire departments, and other public safety departments. In 2019, 3500 agencies in 35 US states used Lexipol manuals or subscribed to their services. Lexipol states that it services 8,100 agencies as of March 2020.

Lexipol retains copyright over all manuals that they create, even those modified by local agencies, but does not take on policymakers' status. Critics note that a decision made by Lexipol becomes policy in thousands of agencies and that there is little transparency into how the policy decisions are made.

- **POST:** California Commission on Peace Officer Standards and Training (POST) sets the minimum standards for training that each sworn officer must meet.
- **Project Hope:** A California State initiative to provide private hotel accommodations to people released from state prison who need to safely quarantine or isolate due to COVID-19 exposure or positive status but do not have housing-in-place to do so.
- **Proposition 13:** Passed in June 1978, provides three functions in property tax assessments in California - all real property has established base year values, a restricted rate of increase on assessments, and a limit on property taxes.
- **Proposition 47:** Passed by California voters November 4, 2014, the law reduces the reclassification of most non-serious, non-violent, and drug crime felonies to misdemeanors. It also allowed for possible resentencing of those already in prison for these crimes.
- **Proposition 57:** Passed in 2016, it allows offenders of non-violent felonies who served entire sentences for their primary offense and have sustained good behavior to be considered for early parole. It also changes policies on juvenile prosecution and authorizes sentence credits for rehabilitation, good behavior, and education.
- **SB 10:** California Senate Bill 10 - Pretrial Release and Detention. Was signed into law on August 28, 2018, with an effective date of October 1, 2019. This bill eliminates bail and replaces it with a risk assessment to determine if a person can be released pending trial. It eliminates releases based on one's ability to pay for bail. The risk assessment determines a person's risk to public safety and the risk of failure to appear, determining if the person is released. SB 10 was defeated in the November 2020 election; however, San Joaquin County utilizes the risk assessment voluntarily for persons entering the County Jail. Therefore, it can be used as a determining factor when considering pre-trial release.
- **SB 230:** California Senate Bill 230 builds on California's rigorous officer training requirements by establishing a minimum standard on the use of force for all law enforcement agencies throughout the state. No later than January 1, 2021, it requires each law enforcement agency to maintain a policy that provides guidelines on the use of force, utilizing de-escalation techniques and other alternatives to force when feasible. It also has specific guidelines for applying deadly force and factors for evaluating and reviewing all use of force incidents, among other things. The bill requires each agency to make its use of force policy accessible to the public.
- **SB 439:** California Senate Bill 439 establishes 12 years old as the minimum age for juvenile prosecution in California. However, children under the age of 12 can be prosecuted for brutal murder or forcible sex offenses. SB 439 also states that youth under the age of 12 cannot be detained as no criminal court has jurisdiction over them, except in the cases of murder or sex offenses. This law intends to protect young children from potentially adverse consequences of the criminal justice system and to create and enable systems to provide young people with adequate support and care.

- **SB 823:** California Senate Bill 823 – Signed into law September 30, 2020. This bill closes the Division of Juvenile Justice and removes it from the California Department of Corrections and Rehabilitation (CDCR). Instead, it places Juvenile Justice under the authority of the Department of Health and Human Services in a new division called the Office of Youth and Community Restoration (OYCR).

Law and Justice – Year of the Pandemic

The dominant news of 2020-2021 has been the COVID-19 pandemic. The sheer magnitude of how this pandemic affected the world was unlike anything in recent history. The pandemic's effect will be apparent for some time. The speed at which the pandemic spread was due to a variety of factors which included a lack of containment and a lack of shared information. This, in turn, caused a lack of urgency related to the necessary actions which needed to be taken to mitigate the spread of the disease before it was too late to contain the disease.

A typical approach to handling a crisis usually involves five phases. The first phase is to recognize there is something not right going on. The second phase is control. Control consists of stopping the action, containing it to the smallest area, and then isolating that area to keep the action from spreading. The following phase identifies those involved and takes care of their immediate human needs (food, shelter, clothing, etc.), medical evaluation, treatment, and evacuation if necessary. The next phase is to identify the cause of the problem, develop a solution, and implement those solutions so that the final stage can begin and return the situation to normal as soon as possible.

Unrestricted travel exacerbated the problem and required the cooperation of countries, organizations, and businesses. As such, many people were forced into untenable conditions. People were stuck on cruise ships, in foreign countries, in areas that lacked adequate medical care, and were not allowed to return home. The failure of governments to share information delayed the development of effective treatments and vaccines. Wearing masks, sheltering-in-place, and social distancing became the accepted "best practice" to slow the spread. Today, vaccines have been developed and are being distributed.

COVID-19 Impact on Prisons and Jails

As the world, the country, and the states fumbled through the best way to deal with the pandemic, the criminal justice system was no different. The pandemic made us question several aspects of the criminal justice system, especially where there was an obvious need to balance the public's safety against the safety of offenders -- in and out -- of incarceration. Jails and prison populations are uniquely vulnerable due to overcrowding and the close-contact environment. Access to sanitizing supplies, personal protective equipment (PPE), and medical care can be limited. Isolation in place and social distancing are difficult, if not impossible. There were plans to handle infectious disease outbreaks such as measles, tuberculosis, influenza, and other medical emergencies and natural disasters. These plans were woefully inadequate when it came to dealing with this pandemic.

Inmates' rights advocates claim that incarceration puts inmates in a closed population, where social distancing is almost impossible, making the spread of the virus greater. They state that

incarceration could be a death sentence for anyone confined to jail or prison, especially those who are at high risk with underlying conditions. Most agree that once the COVID-19 virus made its way into prison, everyone -- inmates, correctional and support staff -- would be more at risk than the public due to the confined conditions in which they must live and work. When the COVID-19 virus began to spread in the United States, stopping the spread in prisons did not appear to be a priority. Instead, attention was on the general population. There were shortages of cleaning supplies, PPEs, and even test kits, and when they became available, prisons and jails had to scramble to get whatever they could. It is a common misconception that what happens in incarcerated facilities does not affect the public, and what happens on the outside does not affect those who are incarcerated.

According to *"The Marshall Project"* and *"The Associated Press,"* between March 2020, and June 2020, more than 100,000 inmates were released early from state and federal prisons nationwide.

March 18, 2020, California's governor signed executive order N-36-20, directing the California Department of Corrections and Rehabilitation (CDCR) secretary to temporarily halt the intake or transfer of inmates and youth into the state's 35 prisons and four youth prisons. The executive order intended to develop and implement protocols to protect the health, safety, and welfare of inmates and all staff who work in the facilities, and any visitors. It also authorized money to lease hotel rooms and to buy travel trailers for homeless people, including those recently released from prisons or jails.

March 31, 2020, California's governor ordered the release of 3,500 inmates to reduce overcrowding in state prisons during the pandemic. The decision targeted those who were set to be released within 60 days.

June 16, 2020, the California Department of Corrections and Rehabilitation decided to release an additional 3,500 inmates to the "community supervision plan" who had six months or less to serve.

August 6, 2020, California prison officials announced that as many as 17,600 inmates may be released due to the coronavirus and may include some incarcerated for violent offenses.

September 2020, officials report half of all those incarcerated at Folsom State Prison tested positive for COVID-19.

October 20, 2020, a three-judge panel in the First District Court of Appeals ordered San Quentin State Prison to release or transfer more than 1000 inmates "after showing deliberate indifference to prisoner's health during an outbreak of the novel coronavirus." Under this ruling, San Quentin can house no more than 1,775 inmates.

The collateral effect of these state directives and court orders negatively impacted the spread of the COVID-19 virus by releasing county inmates.

Local Law Enforcement Agency Responses to Grand Jury Inquiries

COVID-19 Response

The Grand Jury requested each local law enforcement agency to provide the Grand Jury with their written COVID-19 procedures and protocols. All local law enforcement agencies responded.

Following a detailed review of the agencies' policies and procedures, the Grand Jury determined that these agencies have taken a proactive posture in the implementation of their policy and procedures to protect the health and welfare of the public, detention facility inmates, as well as their employees.

Despite these efforts, the data revealed that at the time of the Grand Jury Survey, the San Joaquin County Sheriff's Department had the highest number of inter-departmental COVID-19 positive cases among its workforce, followed closely by the Stockton Police Department. Unfortunately, data related to the positive cases of COVID-19 within the San Joaquin County Jail Inmate population was not made available to the Grand Jury, citing the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Use of Force Training & Monitoring

All agencies follow federal, state, and local laws and standards that govern law enforcement policies and procedures. Police Officers Standardized Training (POST) set the minimum requirements that each agency must meet or exceed. Among the requirements is Use of Force training. Every law enforcement officer must attend a basic peace officer academy of approximately six months. After graduating from the academy, there is ongoing formal and informal training in-house by certified staff, and outside training is also conducted by certified trainers. Every officer is required to attend refresher training every two years called Perishable Skills Training. There are four categories of refresher training:

- Tactical Firearms - four hours minimum
- Drivers Training/Awareness - four hours minimum
- Arrest & Control - four hours minimum
- Strategic Communications - two hours minimum

Additionally, all agencies require quarterly firearms qualification. Every law enforcement agency in San Joaquin County has its training requirements based not only on what is needed but also on what supervisors feel the officers need, and finally, what the officers might want or feel they need. Every agency makes training a priority to ensure their officers are trained to employ the best policing strategies, judgment, and techniques to serve their communities better.

The use of force is a hot topic due to recent events. SB 230 requires all law enforcement agencies to have a written policy that includes de-escalation tactics and other alternatives to force. All law enforcement agencies in San Joaquin County have a written use-of-force policy and certified instructors who provide de-escalation tactics. The policies and procedures are reviewed annually and are revised as needed. All departments use Lexipol as one source to keep current, as well as various university studies and other police department practices. Ever-evolving technology produces new equipment that may provide a safer, less lethal way to gain compliance and control crowds. Communication and de-escalation training has become the essential tool an officer can

employ and is included in all use of force training within all of the San Joaquin County law enforcement agencies.

Years ago, law enforcement agencies did two things that prepared officers to serve their communities better:

- Officers completed a tour of duty in the jails, which helped officers serving in the community know some of the inmates they may encounter. This enabled them to learn to de-escalate situations without using lethal options available to the officers on the streets.
- Officers also “walked a beat,” allowing the officer to get to know the area and the people. As a result, citizens are more willing to communicate with someone they see in the community every day rather than someone who only shows up only when there is conflict.

More and more officers are being dispatched to situations requiring a skill set beyond their training. Dealing with the mentally ill often leads to violence and tragedy. Domestic disturbance calls also escalate out of control. Sometimes the mere sight of the uniform can exacerbate a situation. Some communities implement alternative responses and screening calls to determine if different responders should be dispatched, such as mental health specialists or family mediators.

More outreach addresses community concerns to establish better relationships and promote transparency, including recruiting more officers that reflect the community’s racial and ethnic makeup.

Implicit Bias Training & Monitoring

AB 243 requires implicit bias training for all peace officers. All local agencies need it and most have certified trainers, but those that do not, have staff designated to become trainers. Implicit Bias has become so important and necessary that almost every type of training has a component devoted to the subject. Every time the media reports on race episodes, it is likely to start an internal conversation that may lead to a “teachable moment” or informal training.

Recruiting and Diversity

Every agency is experiencing some degree of difficulty with the recruitment and retention of sworn officers. Current negative attitudes toward law enforcement officers have made a career in law enforcement less desirable than it once was. Smaller agencies cannot offer many future career opportunities such as promotions or special assignments, and overall, the pay is lower than in larger metropolitan areas. Some central valley communities are less culturally diverse and, therefore, less attractive to some recruits. Law enforcement agencies are now more discerning regarding attitudes and personality characteristics, especially when hiring an officer who wants a lateral transfer.

Extremist Activity Identification within the Ranks

As a result of the January 6, 2021, Capitol insurrection, law enforcement and intelligence agencies saw a need to increase social media tracking to focus on domestic violent extremists within their ranks, but must balance that with civil liberty concerns. The Grand Jury found that all local agencies, during recruitment and interviews, screen for social media presence, which is part of routine background checks. The Grand Jury also found that no departments routinely screen social

media beyond the initial hiring process. All agencies say if complaints of possible extremist activity are reported, they will be investigated.

Grievance and Complaint Protocols

All agencies have a written grievance/police complaint procedure as required by California Penal Code section 832.5(a)(1). All claims against any specific officer or group of officers, or their department in general, are investigated. All complaints are reported to the Department of Justice on a standard form. Most are entered into a database called IAPro (Internal Affairs Profession Standard Unit), gaining worldwide popularity. This database records complaints and misconduct, police pursuits, firearm discharges, and use of force. A software program called Blue Team Nextgen can be used to generate various reports. For example, officer conduct can be entered into the database, and information, noting good or bad behavior or incidents, are then reviewed by supervisors, up the chain of command, all the way to the Chief of Police, with each reviewer noting that they have reviewed it.

AB 953, the Racial and Identity Profiling Act of 2015, dictates that data is collected on all police contacts and is sent to the California Department of Justice (DOJ). Other reports can also be generated (such as complaints against an officer), and a yearly report is generated and sent to the DOJ. Findings for complaints are unfounded, exonerated, not sustained, and sustained. Action taken can be anything from a verbal reprimand to termination, and if it warrants, arrest and prosecution.

Homelessness Interaction

Homelessness is a problem every department faces, and as homelessness increases, so have the concerns of how it is best handled.

Currently, the sheer number of homeless people causes exponentially more problems. There is no clear solution or plan to deal with them, as the reasons for someone being homeless have grown. As law enforcement agencies within the county began to have more and more interaction with homeless people, they became a point of contact that connected them with programs that provide services. Most agencies have designated at least one person to become a “homeless liaison officer.”

Combating homelessness requires a multifaceted approach, as each homeless person’s needs are different. In response, communities have developed many programs designed to provide basic shelter, food, and clothing. In addition, some departments assist with drug addiction, medical, or health care needs. Others try to assist in finding work and connecting with family.

Local Agencies Responses

The 2020-2021 Grand Jury focused on the effects of COVID-19 as it related to the local detention facilities and law enforcement agencies. Therefore, the Grand Jury requested COVID-19 procedures from each agency. The following detention centers and law enforcement agencies were responsive to the Grand Jury’s request:

- Deuel Vocational Institution

- San Joaquin County Jail
- San Joaquin County Sheriff
- Lodi Jail
- Lodi Police Department
- Ripon Police Department
- Escalon Police Department
- Manteca Police Department
- Stockton Police Department
- University of the Pacific Department of Public Safety
- San Joaquin Delta College District Police Department
- Stockton Unified School District Department of Public Safety

Detention Facilities Surveyed

The 2020-2021 Grand Jury surveyed detention facilities regarding standards and operations, and coronavirus procedures and protocols to the following

- San Joaquin County juvenile detention facilities;
- Camp Peterson;
- San Joaquin County Jail and Honor Farm;
- Lodi Jail;
- Deuel Vocational Institution;
- California Health Care Facility; and
- California Department of Corrections and Rehabilitation Division of Juvenile Justice (CYA).

Only Lodi City Jail, San Joaquin County Jail, and Deuel Vocational Institution (DVI) responded to our survey.

Lodi Jail



The Lodi Jail is the smallest detention facility to respond to the Grand Jury’s survey. It is not designated for long-term incarceration. Their COVID-19 procedures are basic. The holding cell is disinfected before being occupied. Everyone wears a mask, including the detainee. The detainee is screened for any flu-like symptoms. Anyone displaying any symptoms is further screened by medical staff at a local hospital. If medical staff clear the detainee and charges are warranted, they are transported and booked into the San Joaquin County Jail. The transporting vehicle is also disinfected before and after transport. If they are not cleared medically, medical staff will determine what action should be taken next. If they are cleared, and charges do not warrant detention, they can be cited and released, or released outright.

San Joaquin County Jail



To help mitigate jail overcrowding during the pandemic, all local law enforcement agencies have been contacted and asked to make their best effort to “cite and release” all those who do not pose an immediate threat to the public. All staff, inmates, and visitors are required to wear masks. Before intake, all arrestees are screened for flu-like symptoms. Any questionable cases are referred to an on-duty nurse for further evaluation. A District Attorney review is also done to determine if charges should be filed or dropped. The detainees are then given a pre-trial review, and an on-call judge can decide whether they can be cited and released. Those detainees that have not been released will go through a more intensive medical screening before housing. Those not displaying any symptoms will be released to a housing unit in a designated quarantine area for 14 days. Any detainee having questionable symptoms is isolated/quarantined in a designated unit until cleared. Any positive cases will be housed at the San Joaquin County Hospital jail unit, and they will be under their direction and procedures.

All tours, vendors, volunteers, and alternate work programs have been temporarily suspended. Contact visits, except legal visits, have also been suspended. During this time, the jail provides free unlimited mail and an appropriate number of phone calls to maintain contact with family.

Some uniformed staff have been re-assigned to disinfection crews. Equipment cleaning stations have been placed in a centralized area; hand sanitizers are available throughout the jail. Housing units are cleaned and disinfected multiple times a day and given increased access to wash laundry. Several misting machines have been purchased and are used to disinfect common areas known to be likely exposure areas, including vehicles, and any other areas deemed necessary.

Inmates are transferred to and from the court in specifically assigned groups to avoid the COVID-19 spread. A compliance sergeant conducts random checks (at least once a week) to ensure all processes and protocols are being utilized. Staff supervisors do staff wellness checks. Staff is provided free COVID-19 tests. If any specific housing unit has multiple infections, it will be designated as an isolation unit, and contact tracing will be conducted. All staff and inmates will be advised and tested as appropriate.

Deuel Vocational Institution (DVI)



DVI is scheduled to close in July 2021, and they did not send specific COVID-19 procedure and protocols, except for their expedited release procedures. The CDCR website was reviewed and the basic COVID-19 procedures and protocols for the institution are noted here. The pandemic presented the CDCR with new problems that could not have been foreseen and that, combined with the slow rate of reliable information, caused mistake-prone responses that were painful learning experiences. After a rocky start, CDCR quickly established procedures and protocols.

Cleaning and disinfecting are ongoing. Institutions have established a PPE workgroup to monitor and assess whether the institution has an adequate supply of PPE to address COVID-19 and protect staff and those that are incarcerated. Staff and inmates are required to wear masks when moving around the institution and designated areas. Social distancing is to be observed whenever possible. Upon intake, all inmates are tested and evaluated by medical staff. They are issued PPE and are quarantined for 14 days, unless they tested positive or develop symptoms, in which case they are housed according to medical needs. If an inmate needs a higher level of care, it must be coordinated by the Director of California Correctional Health Care Services and the Director of Health Care Operations and Correctional Services.

Most programs and services have been suspended, much the same as throughout the state of California. The CDCR is working closely with the California State Sheriffs' Association and Public Health experts to develop a plan to resume intake in a controlled and limited manner. Priority will be given to those counties who have the greatest need to create space.

All inmates being transferred or released are required to have a negative COVID-19 test at least 24 hours before they can be transferred or released. Inmates who refuse to be tested will not be transferred or released. Those who have a release date and have completed their full sentence are exempt from this testing requirement. In those cases of parole or probation, the parole or probation officers will be notified, as well as the county public health officer. All inmates being released are instructed to self-quarantine for 14 days, and if they show any symptoms to seek medical evaluation. Those who must be released, and who are positive or are in quarantine at the time of release, are instructed to seek the advice of medical professionals and isolate/quarantine upon release. If they have no housing in the community, they are offered housing through Project Hope.

Local Law Enforcement Agencies by Community

The 2020-2021 Grand Jury reviewed information from the following law enforcement agencies regarding their COVID-19 procedures, use of force training, implicit bias training, recruitment and

diversity, extremist activity identification, grievance and complaint protocols, and homeless interaction:

- San Joaquin County Probation
- San Joaquin County Sheriff's Department
- Stockton Police Department
- Manteca Police Department
- Ripon Police Department
- Tracy Police Department
- Lodi Police Department
- Escalon Police Department
- San Joaquin Delta College District Police Department
- Stockton Unified School District Department of Public Safety
- University of the Pacific Department of Public Safety
- San Joaquin County District Attorney

San Joaquin County Probation



Of all the law enforcement agencies in San Joaquin County, Probation has the most diverse functions. They are involved in the criminal justice system from arrest, through the courts, to incarceration, and release. Probation staff is not comprised of just peace officers. There are medical and mental health professionals, educators, and social workers among their ranks. All classified as peace officers are required to attend the POST mandated training. Probation is the agency that has been the most affected by AB 109. San Joaquin County Probation provides safe custodial care for juveniles and upholds public safety by providing prevention, investigation, and supervision services for offenders. One of Probation's primary goals is to provide evidence-based interventions to clients, assisting them in adopting pro-social behaviors (reducing recidivism), thereby increasing public safety and reducing victimization. San Joaquin County Probation has a shared set of values with AB 109. The Probation Department also oversees the provisions of SB 439, which establishes 12 years old as the minimum age for juvenile prosecution in California, except in cases of suspected serious offenses such as murder or sex crimes. SB 439 also states that youth under 12 cannot be detained, as no criminal court has jurisdiction over them. This law intends to protect young children from potentially adverse consequences of the criminal justice system and to create and enable systems to provide young people with adequate support and care.

San Joaquin County Sheriff's Department



San Joaquin County Sheriff's Department serves the entire county. It has various assignments other agencies do not, such as an aviation unit, a marine patrol unit, the County Jail, court security, and provides services for the Lathrop and Mountain House communities. Some of these assignments require special skills or extra training beyond that of the average officer. San Joaquin County Jail was among the first California county jails to implement AB 109. The Sheriff's Office became a leader in developing and implementing programs that meet guidelines for the foundation of the evolving criminal justice system, focused on prevention and rehabilitation versus warehousing and punishment. Due to their proactive approach, they are considered to be the model for other departments to follow.

Stockton Police Department



Stockton Police Department's mission statement is: "To work in partnership with our community, to build and maintain relationships founded on trust and mutual respect, while reducing crime and improving the quality of life." When faced with the economic downturn of the early 2000s, Stockton Police Department, like many other departments, was forced to do more with less. Utilizing technology helped, but Stockton's police chief understood that the key to effective policing is gaining the community's support. Therefore, the Stockton Police Department combined the idea of smarter policing (use of technology and best processes, training to improve officers) with principled policing (police need to earn the public's trust, respect, and support to be effective). Through outreach, Stockton has solicited community involvement in the areas of education, crime prevention, and community betterment programs. In 2015, Stockton was chosen as one of six cities to participate in the National Initiative on Building Community Trust and Justice for a three-year partnership. Their goal was to increase trust between communities and the criminal justice system, and advance public and scholarly work in this area with solid evaluation. Their focus was enhanced procedural justice, reducing the impact of implicit bias, and fostering reconciliation. Through this partnership, Stockton Police Department has learned and developed many programs

and techniques, instituting many changes that the community is demanding. Stockton actively trains personnel from other agencies to be instructors, and that is changing the police culture. On June 28, 2021, California Attorney General Rob Bonta, while discussing the Violence Prevention Program, called Stockton, “a model” for the rest of the state.

Manteca Police Department



Manteca has two POST certified instructors to teach implicit bias and principled policing, and has others attending training at Force Science Institute that will augment their use of force training. Additionally, Manteca has two community resource officers to work with the San Joaquin County Continuum of Care, and partners with businesses and non-profit organizations to provide resources to the homeless.

Ripon Police Department



The priority of life is a guiding principle for Ripon Police. This principle pertains not only to protecting one single life but also protecting the life of the community. They want to be a proactive agency involved in creating partnerships to build trust with the community and deter criminal activity. Their mantra is, “We will demonstrate honest, ethical behavior in all our interactions. Our actions will match our words. We must have the courage to stand up for our beliefs and do what is right.”

The chief is an advocate for the area’s homeless, especially those in a mental health crisis. He and his officers try to go above and beyond to get the homeless whatever assistance is needed. However, like other smaller departments, Ripon faces issues with recruitment and retention. They cannot offer the pay, promotional opportunities, special assignments, or activity level of larger departments.

Tracy Police Department



The Tracy police chief describes his department as a safety system that includes community involvement, public education, prevention, and suppression services. They have a monthly outreach program for the homeless and are researching alternate response models. In furtherance, the Chief sent a team to Washington state to evaluate a program in Olympia called CRU (Crisis Response Unit), which responds to calls for service that they may handle more effectively. It consists of one specially trained non-sworn police employee and one contracted case management person. Several other cities in Oregon, Colorado, and California have used alternative responders with some success. The makeup of each of the alternative response teams is different. Some responders are medical and psychiatry-trained personnel. Some respond in conjunction with the police, and one operates independently. Funding ranges from totally government-supported through government and private donations, and one is all private donations. Police dispatchers are trained to assess the calls to determine the best response. The CRU has their vehicles and can patrol by themselves and respond independently after a trial period. The Tracy police chief would like to see programs similar to these, not only for the City of Tracy but countywide.

Lodi Police Department



While all law enforcement agencies take implicit bias training and racial profiling and identity training seriously, the Lodi Police department has a local history that motivates them to be more sensitive in this area. In January 1998, a cross was burned on the lawn of Tokay High School, and the outraged community formed Breakthrough Project. The mission of Breakthrough Project is to create a community that is free of bigotry, racism, prejudice, and intolerance. Celebrating diversity through communication, education, and responding to acts of discrimination are coordinated with the Lodi Police Department. In addition, Lodi has one community service officer dedicated to helping the homeless. They also have a part-time mental health liaison to help the homeless and are hoping to turn it into a full-time position.

Escalon Police Department



The primary mission of the Escalon Police Department is to serve the community and strive to maintain the quality of life that the residents of Escalon enjoy. The men and women assigned to patrol are committed to the city's mission statement, "Taking pride in our community through quality service," and receive the same training regarding implicit bias and use of force as the other larger departments within San Joaquin County.

Considering the small size of the Escalon community, the police department has the unique ability to reach out to all public members. They attend parent groups at meetings with the schools, including parents whose primary language is not English. Many of the police officers are bilingual, allowing them to interact well with their non-English speaking residents. Additionally, they participate in programs to connect with citizens personally, such as Coffee with a Cop, and National Night Out. They also have programs for juveniles that include police explorer programs for any youth 14 to 20 years of age; they interact with youth at the local Escalon Youth Center and participate in various events within the city.

San Delta Joaquin College District Police Department



San Joaquin Delta College District Police are required to meet the same POST training that other law enforcement agencies meet. In addition to the standard training, Delta College District Police also receive training from Keenan Safe College which provides more campus-gear training courses such as Active Shooter on Campus, Bullying, Making Campus Safe for LGBTQ, Diversity Awareness, and Microaggression Awareness. The campus community's safety is their responsibility, and they take a parental view of the student body. The department recently purchased a VR (virtual reality) system that will allow them to train for various situations virtually. They have a dedicated homeless liaison officer, and all staff is trained to interact with the homeless population. De-escalation is their preferred method of confronting a hostile person. When that fails, they use "collective intervention" methods using teachers, mental health, medical personnel, or counselors to calm the situation.

Stockton Unified School District Department of Public Safety



The Department of Justice mediated a settlement between the community and the Stockton Unified School District Police Department in 2019 stemming from parental complaints that the police were too aggressive in their Use of Force. The settlement created a Community Advisor Group (CAG). The police department and the CAG decided that due to the negativity associated with police departments, a name change was necessary to something more positive. The new name is Stockton Unified School District Department of Public Safety (SUSDDPS). The focus was also changed from a heavy enforcement policy to a more non-enforcement policy, with an emphasis on community outreach. There is no proactive enforcement unless it is a serious situation. Their mission statement is: “to advocate for equality and inclusivity by embracing a guardian mentality; to reduce disproportionality and promote educational environment; to create and maintain a vital, healthy, safe and just community, and to improve the quality of life for all.” The vision of the SUSDDPS is to prevent students from entering the “School to Prison Pipeline” through the implementation of the four Cornerstones of Redesigning School Safety: Restorative Justice, Youth Engagement, Community Involvement, and a Holistic Approach. SUSDDPS officers are POST certified peace officers and must have the same mandatory training as other law enforcement officers. During the pandemic, SUSDDPS officers received training online from UCLA and follow all training requirements. SUSDDPS does not have a dedicated officer to handle homeless contacts. However, homeless individuals are referred to the Stockton Police Department or other agencies to provide necessary services.

University of the Pacific Department of Public Safety



The University of the Pacific’s Department of Public Safety’s mission ensures a safe place for students, faculty, staff, and guests to live, study, work, and visit. The department uses a low-profile approach to involve the community in policing with their “see something, say something” program. That slogan appears on posters all around the campus. The Stockton Police Department handles most major incidents or investigations. Up until this year, all training was done by outside agencies.

However, with the pandemic, police training classes were reduced, making it difficult to get training. The chief was able to hire a retired Stockton police captain who was a certified trainer. The chief also found some new activities to augment the required training. These included Bias by Proxy in Reporting, Culturally Competent Crises Intervention, and Advanced Bystander for Law Enforcement (ABLE). There is minimal contact with the homeless, but they have a homeless liaison officer who attends training to help officers with homeless contacts. This officer then trains others about what they learned. Also, all around the campus are blue light phones that connect users directly to public safety officers. There is a campus escort service called STRIPE. STRIPE provides either golf cart or walking escort services to students. STRIPE is composed of trained student employees who are essentially police cadets. Recruitment has not been easy, especially when trying to become more diverse. They are one of the lowest-paying departments, so it is hard to attract a younger, more diverse group of candidates. The typical candidates have been officers from other agencies looking for a slower pace before they retire. This year is the first time the STRIPES program produced a candidate who completed a POST academy and joined their department.

San Joaquin County District Attorney's Office



The San Joaquin County District Attorney's Office also provided a presentation to the Grand Jury. Like the other County agencies, the District Attorney's Office has adopted the spirit of AB 109 that shifts the criminal justice system toward a more holistic community approach of education and second chances through intervention, rehabilitation, and addressing inequities that give people who have been disparaged more opportunities. The District Attorney believes that the resulting social and economic impact will reduce court costs and create a more prosperous population. Warehousing offenders and not preparing them for life in the community increases recidivism. Giving people alternatives that avoid incarceration and improve the quality of life by providing job skills and treatment for drug addiction or mental health issues is more effective than incarceration. The long-term benefit, providing programs to help make a successful transition back into the community, saves tax dollars, and the community welcomes another taxpayer, increasing county revenue instead of draining it. Addressing inequities that certain members of the population face, especially when it comes to fair and equal treatment, will ease resentment and promote greater trust in the system and a safer environment for all.

Juvenile Justice System Changes

SB 823 closes the Division of Juvenile Justice. This legislation removed the Division of Juvenile Justice from the California Department of Corrections and Rehabilitation (CDCR), placing it under the authority of the Department of Health and Human Services in a new division, the Office of Youth and Community Restoration (OYCR).

In February of 2011, counties began to assume parole supervision of juvenile offenders under the Public Safety and Rehabilitation Act of 2010. The Juvenile Parole Board continued to determine when a youth is sufficiently rehabilitated to warrant a release, but county courts and probation officials established and enforced conditions of supervision.

The County Jail and County Juvenile Detention Facilities have embraced the changes mandated by AB 109 to provide for programs to promote rehabilitation and aid the transition and reintegration into the community. Their focus, on changing the inmate's behavior with more emphasis on rewards rather than punishment, is evidence-based programming with a reward system. The facilities report that most inmates have responded positively. The programs currently implemented are life skills, substance abuse counseling, anger management, job readiness and training, employment assistance, and education services. Combined with other community programs, this new plan will target at-risk youths, so as to intervene before they are lured into the system. In addition, other programs will help provide alternatives to gang lifestyles, including tattoo removal. In addition, the new Office of Youth and Community Restoration will focus on keeping juveniles out of the criminal justice system to stop the criminal cycle in its lowest and most susceptible and vulnerable population.

Since the new agencies will no longer be part of the criminal justice system, contacts with youthful offenders will not be put in any criminal databases unless the offense warrants it. Keeping records clean allows for more opportunities later in life. There are also considerations underway by OYCR to "wipe clean" prior juvenile records after sentences are served, and they do not re-offend. The possible change may even allow former CYA or CDCR offenders to be "grandfathered-in," thus giving more options to former offenders, especially those who may have been victims of systemic racism and lacking the possibilities or opportunities that others may have enjoyed.

There are impacts to the detention facilities that this Grand Jury notes will affect the immediate future.

Facility Closures & California Youth Authority (CYA) Changes

AB109 was passed in 2011 and since then there have been multiple requirements for changes in the incarceration of youth and adults. Following are the impacts due to those changes.

The governor announced that Deuel Vocational Institution (DVI) would be closed as of July 2021. He stated that his desired goal was to close two prisons within three years and five prisons within five years and eliminate the California Youth Authority (CYA).

It is unknown how the juvenile offenders will be handled and housed, but they will no longer be part of the criminal justice system. The governor stated that N. A. Chaderjain (Chad), and O. H. Close (OH), in Stockton would be the initial closure, tentatively scheduled in 2021.

Correctional staff at DVI will be offered jobs at other institutions throughout the state based on seniority. Staff from Chad and OH and others designated as correctional staff will be offered similar opportunities. The correctional personnel leaving San Joaquin County which includes the employees' family members, will affect schools, businesses, and tax revenues. The departure of some inmates' families who have moved to the county and families who visit and stay in hotels/motels, dine, and shop while here, will also negatively impact tax revenue to the county.

Currently, DVI operates one of the largest dairy farms in the state, supplying milk for all the prisons (including CYA) and other government agencies needing milk. Therefore, this was one of the few programs where inmates could learn the skills necessary for jobs in dairy farming.

Unfortunately, many of these factors will negatively impact the county.

Conclusion

Law enforcement in San Joaquin County has undergone massive changes in just about every phase of the criminal justice system. Changing attitudes and recent events have law enforcement looking to reinvent themselves. In San Joaquin County, the law enforcement agencies are ahead of the curve. San Joaquin law enforcement agencies were proactive in adopting the provisions of AB 109, while most of the nation is just beginning to address these issues. All law enforcement agencies in San Joaquin County have numerous outreach programs to connect and engage the communities they serve, and that their residents have been demanding. Law enforcement agencies interviewed by the Grand Jury have recognized the need to become more in tune with the community they are sworn to protect and serve. Training will be the key to continued progress.

Sources

The following documents submitted by the San Joaquin County juvenile detention facilities were reviewed:

- BSCC inspection dated March 13, 2020
- Juvenile Detention Food Service Plan
- Juvenile Detention Release Procedures
- *Juvenile Detention Youth Handbook*
- Juvenile Justice Center fire inspection March 12, 2020

The following documents submitted by the San Joaquin County Juvenile Detention Camp Peterson were reviewed:

- BSCC inspection dated March 13, 2020
- *Camp Peterson Facility Handbook*

The following documents submitted by San Joaquin County Jail and Honor Farm were reviewed:

- BSCC inspections dated June 20, 2019, and January 23, 2020
- San Joaquin County Sheriff's Department Custody Division Policies and Procedures, section: 3.2.0, subject: 3.2.3, Inmate Management, Classification
- *Inmate Orientation and Rule Book*
- Fire inspection June 30, 2020, and follow-up inspection December 15, 2020

The following documents submitted by the Lodi Jail were reviewed:

- BSCC inspection November 18, 2020
- Fire Safety inspection March 31, 2020
- Operational Fire Safety Permit May 12, 2020
- Food Service Policy
- Inmate Classification Policy
- Inmate Orientation

The following documents submitted by the Deuel Vocational Institution were reviewed:

- 3rd Quarter fire inspection November 6, 2020
- California Gang Reduction, Intervention, and Prevention Program pamphlet, April 2014
- DVI HA CCP (Hazardous Materials)
- *DVI Mainline Inmate Orientation Handbook*
- Case Records COVID-19 Release Procedures July 3, 2020

The following documents submitted by the Stockton Unified School District Department of Public Safety were reviewed:

- *Strategic Plan 2019-2021*
- Stockton Unified School District Resolution 20-24
- Stockton Unified School District "*Safeguarding Our Future*"

Other materials reviewed:

- California Department of Correction and Rehabilitation <https://cdcr.ca.gov>
- LA Times August 9, 2020, *Gavin: Release Them All!*
- Marshall Project – State-by-State Look at Coronavirus in Prison
<https://www.themarshallproject.org>
- KPIX Channel 5 – Report: Transfer of COVID-19 Positive California Prisoners Caused “Public Health Disaster”
- The Mercury News May 3, 2021 – State prison officials accused of “Public Health Disaster”
- The Record January 25, 2021 – Realizing the promise of state’s youth justice transformation

Addendum A: A Brief Evolution of California Criminal Justice

Early California prisons were meant to be so miserable that they were places to be avoided, where no one would ever want to return once released. In the 19th century, California had only two prisons - San Quentin and Folsom.

As the prison population grew, the public's views changed toward criminals. The people wanted to know more about prisons and their function. Crimes like the Polly Klass abduction, the emergence of gangs, drug-related violence, minors committing violent crimes, and the Manson Family killings started the "pendulum effect" between rehabilitation proponents and tough-on-crime proponents.

Former Governor Jerry Brown is the person most responsible for California's current criminal justice system. He was a proponent of a more progressive criminal justice system. He was against the death penalty and appointed Rose Bird to the California Supreme Court, and together they blocked executions until the California Supreme Court ruled it unconstitutional in 1972. It was reinstated in 1978 by a ballot referendum.

In his first term as governor that led to AB 109, Brown did two things: defund the state's inpatient mental health facilities and initiate determinate sentencing – the protocol for the set duration of sentences – whether minimum, medium, or maximum length.

During Brown's first term as California's 34th governor, the state's mental health care system was under fire for various reasons: over-medicating, abusing, and neglecting patients. Brown ordered the executive management of those facilities to address and eliminate these violations. When they did not, or could not, their budgets were cut.

After Proposition 13 was passed in 1978 (changing real estate tax rates and reducing revenues to the state), the state needed to tighten spending. As a result, most state funding for mental health care was eliminated. With funds to operate state mental institutions gone, local mental health facilities could not respond to the rise in patients, resulting in many constituents being redirected into the criminal justice system.

Next, Governor Brown changed sentencing guidelines from indeterminate sentences (the ability of the court system to sentence offenders for an indeterminate amount of time vs. a pre-determined amount of time) to determinate sentences. He believed these new laws would satisfy inmates because they would know when they would be released. Finally, Brown started the tough-on-crime era. New laws were passed, resulting in longer sentences even for misdemeanors, making it easier to revoke parole and return offenders to prison.

Despite attempts by some to change disciplinary policies and provide more rehabilitative, vocational, and diversion programs, prison populations continued to grow, sparking a prison-building boom. California prisons were so full that many inmates were sent to out-of-state prisons. After several years of court monitoring, the United States Supreme Court gave the state an ultimatum to reduce the prison population (Brown vs. Plata). Recognizing that the tough-on-crime policy was a failure, the mandate to reduce the prison population was an opportunity to change the justice system drastically. Public Safety Realignment legislation (AB 109) directed counties to reduce the prison population and initiate community programs.

Addendum B: A Bill That Changed the Criminal Justice System

AB 109

What does AB 109 mean for the state?

AB 109 is commonly known as the Realignment Act. Passed in 2011 and implemented in 2012, the Realignment Act transfers the responsibility for supervising certain kinds of felony offenders (non-serious, non-violent, and non-sexual), state prison parolees to county jails, and probation officers. The law also amended several California codes, including the California Penal Code, California Health and Safety Code, and California Vehicle Code.

When AB 109 was passed, its focus was to reduce California's prison population immediately, but the reduction was only part of the plan. AB 109 Prison Realignment, along with Propositions 47 and 57, were designed to reduce the number of people incarcerated. They also provided for programs to promote rehabilitation and to aid transition and reintegration back into the community. Before AB 109, prisons were warehouses where only a few rehabilitative programs were available. They lacked the necessary support programs in the community once prisoners were released. Many inmates lacked the motivation to participate in any programs other than sentence reduction. To accomplish inmate population reduction in the immediate and near-term required a new approach to the entire criminal justice system. AB 900 Public Safety and Offender Rehabilitation Act, passed in 2016, requires the state to reimburse local agencies for the expenses to comply with AB 109.

AB 109 further allows judges more sentencing options or alternatives. For example, judges can sentence offenders to house arrest, community service, furlough programs, work release, or substance abuse treatment. In addition, judges can sentence offenders to a partial jail term, allowing offenders to finish sentences out-of-custody with mandatory supervision for the remainder of their time.

The Realignment Act is based on the premise that community-based support services will increase the offender's potential to reintegrate into the community successfully. In addition, the intent is to encourage counties to develop and implement evidence-based practices and alternatives to incarceration to limit future crimes and reduce victimization and recidivism.

AB 109 requires each county to ascertain how to comply - what programs would be needed, how to manage probations, etc. San Joaquin County embraced the challenge and is the model for many other counties and states. This is an ongoing process that establishes programs - those that are successful get adopted, those that do not work are eliminated.

The mission of the old California Department of Corrections was to protect the public by safekeeping all those committed to their custody. CDCR (the new California Department of Corrections and Rehabilitation) has the same mission. Additionally, CDCR provides opportunities to make a successful transition back into the community, thereby reducing recidivism.

Reducing the prison population not only means releasing a certain number of inmates. It requires a plan to minimize future inmate populations while simultaneously protecting the public. This means creating and providing programs designed to help reintegration into the community with the skills necessary to be successful. Programs include job training, resume writing, and help to acquire social skills designed to modify criminal behaviors. It also consists of a way to reduce sentences

besides “day-for-day.” Milestone credits (completion of specific programs) and Rehabilitative Achievement credits (for attendance and participation in approved group or individual activities) are also offered.

Integrated Behavior Treatment Model

The Integrated Behavior Treatment Model is a holistic approach to rehabilitation developed by the juvenile justice system and is now increasingly used throughout the criminal justice system. The elements of the model include

- Education and employment – providing any educational and vocational training available;
- Attitudes and thinking – changing attitudes by assessing critical thinking, reasoning, and victim empathy;
- Mental and physical health support;
- Family and community support and stability;
- Peer influence (i.e., gang involvement reversal);
- Violence and aggression treatment; and
- Substance use treatment.

What does AB 109 Mean to San Joaquin County?

San Joaquin County has embraced AB 109 and has become a leader and innovator in the new criminal justice system. Since AB 109 required the criminal justice system to become more community-based, San Joaquin County did not hesitate to create and implement many programs that it was previously lacking. These were so successful that county representatives from all over the country come to San Joaquin County to learn its procedures.

AB 900 Public Safety and Offender Rehabilitation Act requires the state to reimburse local agencies for the expenses to comply with AB 109. To reduce the inflow of new inmates, policing needs to include more latitude (discretionary decision making) and more community involvement to offer more outreach programs such as education, mental health care, job training, and even financial aid to keep possible offenders from being arrested and incarcerated. If arrested, the offender does not necessarily go to or stay in jail.

Proposition 47 reduces the classification of most non-serious, non-violent, and drug offenses to misdemeanors and further allows for possible resentencing of those already in prison for these crimes. Some violations could be a citation (essentially a ticket with a promise to appear) and release.

San Joaquin County decided to adopt the “risk assessment model” and offer it to offenders whom the courts may consider releasing without bail. This model assesses the person’s risk for not appearing in court.

The shift from punishment and warehousing of those not conforming to society’s laws to prevention, rehabilitation, and second chances, will not be accomplished without some bumps in the road. In California’s eagerness to reduce incarcerated populations, changes have been made to laws governing sentencing. Felonies have been reduced to misdemeanors, and with changes to “good time” or “participation” credits that can be earned can reduce sentences. A May 3, 2021, article in The Mercury News estimates that more than 63,000 inmates convicted of violent crimes

will be eligible for the reduction and early releases. Critics say that this endangers public safety and puts these offenders back on the streets to commit more crimes.

Other factors that can affect early releases are limits on county jail populations, i.e., ensuring jail populations do not exceed a set maximum. Although every effort will be made to ensure public safety, there is a possibility an offender could be released without the victim being notified. Pre-trial screening for release pending trial could also lead to the same situation. Either could pose a threat to the safety of the victim or the community. It also increases the chances of releasing someone who may re-offend.

There are at least two additional unintended consequences. First, jails and prisons will soon house primarily inmates who have committed serious, violent, or sex crimes and serve lengthy sentences. This will make jails and prisons more dangerous. Additionally, some inmates may learn to “game the system” by participating in programs solely for early release without any commitment to changing behavior.

AB 109 Impact on Early Release and Probation

After realignment, several previously mentioned programs were instituted. AB 109 allows for some, primarily lower-risk, inmates to be released early due to overcrowding. The County Jail currently houses over 1,300 inmates. The maximum capacity is 1,550; however, the population can reach 1,585 before court-ordered releases become mandatory. When releases become mandatory, a Superior Court judge determines which inmates will be released based on the risk they present to the community. The judge then resentences an offender to a partial jail term, allowing the offender to finish their term “out-of-custody” with mandatory supervision for the remainder of the sentence. During the COVID pandemic, the California Department of Corrections and Rehabilitation has limited or stopped accepting inmates from the counties into the state system, leaving the county jails overcrowded with those inmates who cannot be released.

Before AB 109, prison inmates that were released were either placed on parole or discharged if they completed their entire sentence. County jail inmates were placed on probation or just released without monitoring if they completed their sentence or if their charges were dismissed or dropped.

After AB 109, only those prison inmates who are serious, violent, or sex offenders are supervised on parole, all others will be handled by county probation. Other prison inmates who are not discharged are referred to county probation for further disposition.

San Joaquin County Probation Department’s mission is to “increase public safety, support victims and reduce repeat offense through client accountability and support,” they “are dedicated to inspiring positive change by delivering proven, evidence-based practices which assist clients in identifying a path to productive life choices...The role of probation is to take the lead in AB 109 community-based system. Probation partners with law enforcement, the courts, and community organizations and services to provide a pathway from a destructive lifestyle to a productive life. The belief is that offenders will eventually be released back to the community and therefore should be supported to be the best person they can be.” (*San Joaquin County 2017-2018 Annual Report*)

San Joaquin County probation not only supervises offenders after release from incarceration but is actively involved with them in all phases of the criminal justice system. They also direct those to the aftercare that had been missing in years past.

Section IV: Independent Special Districts

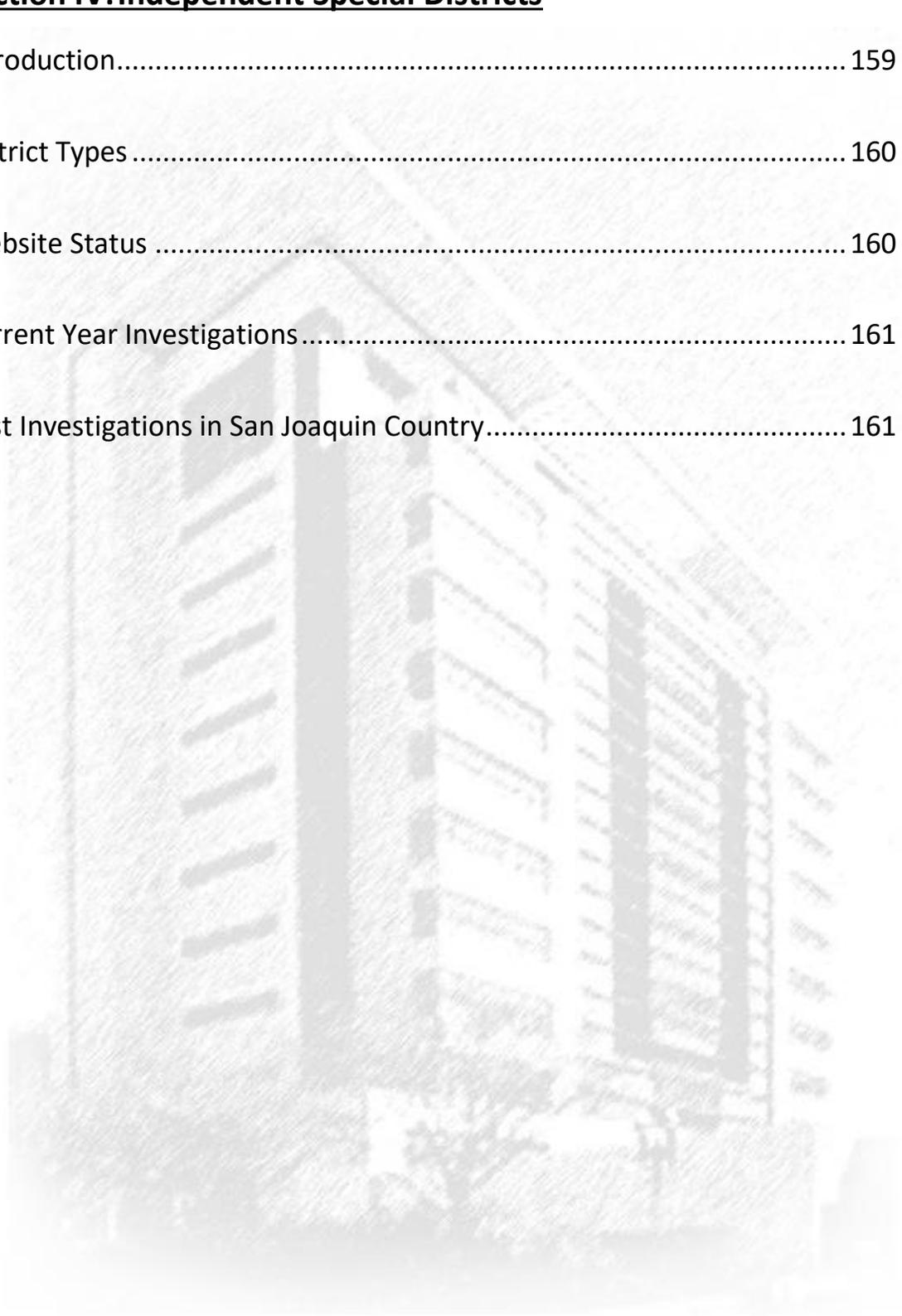
Introduction..... 159

District Types 160

Website Status 160

Current Year Investigations 161

Past Investigations in San Joaquin Country..... 161



Independent Special Districts

San Joaquin County Grand Jury

Independent Special Districts



Introduction

San Joaquin County has one of the highest number of Independent Special Districts (ISDs) in the state. There are 97 districts that are mostly within the boundaries of the county and under the normal purview of the county's LAFCO. There are another four that have parcels in the county but mostly exist in other counties. Altogether there are 101 districts represented.

The high number of districts is largely due to the agricultural base of the county with fully 66 of the districts related to that endeavor.

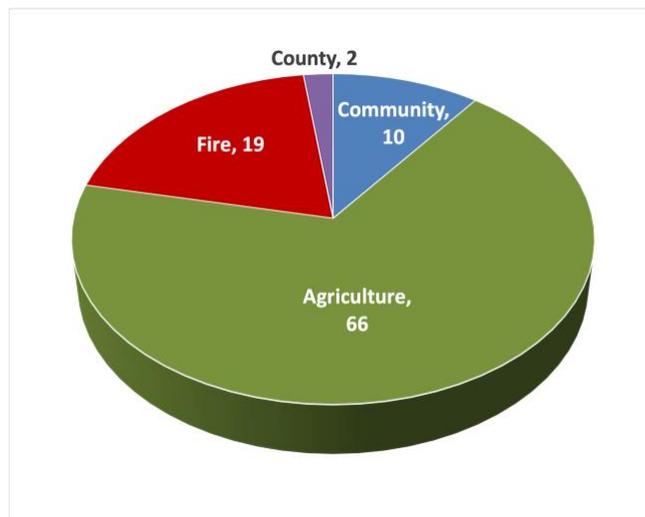


Figure 1 – Categories of independent special districts in the county.

District Types

There are 15 different district types represented in the county of which six are agriculture related.

Type	Category	#
Reclamation District	Agriculture	50
Fire District	Fire	19
Irrigation District	Agriculture	7
Drainage District	Agriculture	3
Water Conservation District	Agriculture	3
Cemetery District	Community	2
Community Services District	Community	2
Sanitary District	Community	2
Water Agency	Agriculture	2
Water District	Community	2
Levee District	Agriculture	1
Mosquito Abatement District	County	1
Port District	Community	1
Resource Conservation District	County	1
Storm Drainage & Maintenance District	Community	1

Website Status

A few districts have excellent websites, but currently only 52% of the ISDs actually have websites and generally, adherence to minimal standards is spotty. (Figure 2)

In Figure 2, “Information ‘not found’” means that the website was missing key information as required by Senate Bill 929 ([SB 929](#)), or had poor links to key information.

The information required for SB 929 includes:

- contact information
- board meeting agendas
- board member or staff information
- financial information
- SB272 Enterprise System Catalog

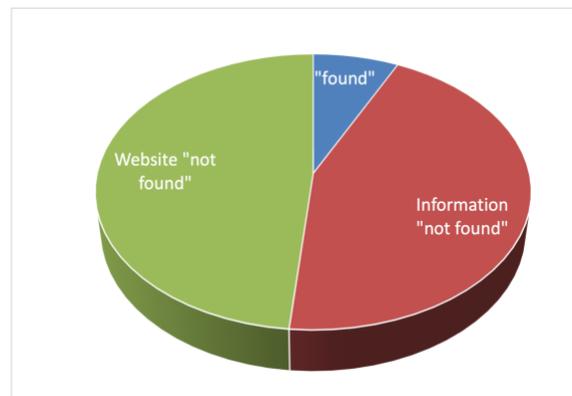


Figure 2 – Website status.

Current Year Investigations

Case	Title	Grand Jury Year
0220	Independent Special District: Transparency “Not Found”	2020-2021

Past Investigations in San Joaquin Country

See [San Joaquin County Grand Jury, Previous Civil Grand Jury Rosters and Reports.](#)

Case	Title	Grand Jury Year
0518	French Camp/McKinley Fire District: A District in Disarray	2018-2019
0416	Who is Watching the Cookie Jar	2016-2017
0716	French Camp/McKinley Fire District	2016-2017
1401	It’s Time to Come Together: Consolidate the Eight	2014-2015
0113	San Joaquin County Reclamation Districts	2013-2014
0212	The Great Unwatched	2012-2013
1112	Report on San Joaquin County Mosquito Vector & Control District’s Lack of Transparency and Compliance with Brown Act	2012-2013
0311	San Joaquin County Mosquito & Vector Control District	2011-2012
0511	North San Joaquin County Water District	2011-2012
0510	French Camp/McKinley Fire District	2010-2011
1110	Woodbridge Sanitary District	2010-2011
0209	Farmington Rural Fire Protection District	2009-2010
0809	North San Joaquin County Water Conservation District	2009-2010
1106	Lathrop/Manteca Fire Protection District	2006-2007
0402	Reclamation District #348	2002-2003
2799	San Joaquin County Mosquito Abatement & Vector Control District	1999-2000

Section V: Follow-Up

Introduction..... 165

San Joaquin County Parks and Recreation: Budget Challenges and Matters of Trust (2018-2019 Case #0118) 167

Micke Grove Zoo: Honoring the Past, Securing the Future (2018-2019 Case #0218)..... 179

Tracy City Council: Restore the Public Trust (2018-2019 Case #0418) 193

French Camp McKinley Fire District: A District in Disarray (2018-2019 Case #0518)..... 201

Homelessness in San Joaquin County Building on a Foundation: Collaboration and Communication (2019-2020 Case #0119) 217

Illegal Dumping: Talking Trash (2019-2020 Case #0519) 237

Office of the Public Defender: Conflict, Mistrust, Lawsuits (2019-2020 Case #0819)..... 251

FOLLOW-UP

San Joaquin County Grand Jury

Follow-up Reports



Introduction

Each year Grand Juries investigate and prepare reports with findings and recommendations directed to local governments and other public entities. California Penal Code sections 933 and 933.05 require that the agencies provide written responses to all findings and recommendations to the Superior Court.

Section 933.05 requires that for each finding, the responding person or entity must indicate one of the following: 1) the respondent agrees with the finding, or 2) the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation.

For each recommendation, the responding party must provide one of the following responses:

1. The recommendation has been implemented, with a summary regarding the implemented action.
1. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
2. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
3. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

This section of the Grand Jury's Final Report contains the responses to the prior year's report, as well as the follow-up to several reports from earlier Grand Juries. The findings and recommendations, as well as the agencies' responses, are provided verbatim.

In addition to reviewing the responses to ensure that they met the criteria specified above, the Grand Jury also determined whether additional follow-up is needed. If an agency's response is not clear or complete, or if it includes a future date for implementation of the recommendation, the Grand Jury may choose to conduct a follow-up review. If a future date is indicated, the Grand Jury will verify whether or not it is completed at the time indicated by the agency.

When an agency responds that they do not intend to implement the recommendation of a Grand Jury, the Grand Jury may choose to take no further action or to conduct a new investigation.

Follow-up to the 2018 - 2019 San Joaquin County Grand Jury Report



San Joaquin County Parks and Recreation: Budget Challenges and Matters of Trust Case #0118

Preface

This report contains a continuation of the responses to the 2018-2019 San Joaquin County Civil Grand Jury report regarding the San Joaquin County Parks and Recreation Department. The first follow-up report was presented in the 2019-2020 Grand Jury report. The 2019-2020 Grand Jury reviewed the responses and made new recommendations.

The 2020-2021 Grand Jury follow-up conclusions are presented after the agency responses to each recommendation.

Discussions, findings, and recommendations from the 2020-2021 Grand Jury are in text boxes framed in black.

Complete copies of the original report and the agency responses may be found on the San Joaquin County Grand Jury website at: <https://www.sjcourts.org/grandjury/>

Summary

The 2018-2019 Grand Jury investigated the need for the Board of Supervisors and the Parks and Recreation Division to manage the Park System within a structurally balanced and sustainable budget. The 2019-2020 Grand Jury reviewed the responses from the Board of Supervisors. They determined the Board of Supervisors developed a balanced and sustainable budget for the 2020-2021 fiscal year which was funded by generated revenues and only supplemented by endowment trusts.

The 2019-2020 Grand Jury recommended the Board of Supervisors obtain, from Wells Fargo, an annual performance report for the William G. Micke Estate Trust. They also recommended the creation of an annually updated Living Document to be included in all future budget packets which will maintain trust administration continuity.

The 2020-2021 Grand Jury determined that the outstanding recommendations were implemented.

Method of Follow-Up Investigation

The 2020-2021 Grand Jury reviewed the 2019-2020 responses to the 2018-2019 report, #0118, *San Joaquin County Parks and Recreation: Budget Challenges and Matters of Trust*, and documented the mandatory responses to the findings and recommendations. The 2020-2021 Grand Jury reviewed the responses to the recommendations to determine if

- the agency responses were complete and comprehensible;
- the agency implemented the recommendations within the stated deadlines; and
- confirmation, including written documentation and interviews, was necessary.

Summary of Responses and 2020-2021 Grand Jury Conclusions

Respondent	2019-2020 Rec #	Response	2020-2021 Grand Jury Conclusion
County of San Joaquin	R1	Implemented	No further action taken
	R2	Implemented	No further action taken
	R3	Implemented	No further action taken

Findings, Recommendations, Agency Responses, and Grand Jury Results

1.0 Parks and Recreation Budget and Trust Usage

2018-2019 Grand Jury Finding F1.1: The Parks and Recreation Division budget has not kept pace with inflation, nor has it benefited from substantial growth in the overall County budget, thereby hindering the Division's ability to maintain and improve the parks.

Agency Response: *Partially Disagree*

The Parks and Recreation Division utilizes ongoing programs offered from other county divisions that include repairs, maintenance, and improvement to the parks and the costs associated have not historically been reflected in the Parks and Recreation budget. In 2018-2019 this cost was estimated to be approximately \$800,000. In addition, the 2019-2020 budget narrative includes a description of an estimated \$905,000, specifically for parks facility improvement projects through the Public Improvement Program and general Fund.

2018-2019 Grand Jury Finding F1.2: The reduction in County contributions through Net County Costs has further exacerbated the Parks and Recreation budget challenges.

Agency Response: Disagree

Beginning in FY 2011-2012, General Fund contributions for the Parks and Recreation Division have been reduced a total of four (4) years and increased five (5) years. During the same time, the Division’s revenues have increased three (3) years and decreased six (6) years.

Fiscal Year	General Fund	Revenue
2011-2012	\$3,776,537	\$1,601,963
2012-2013*	\$ 426,409	\$4,348,326
2013-2014	\$2,113,634	\$2,844,191
2014-2015	\$1,715,820	\$3,098,370
2015-2016	\$1,769,986	\$2,873,854
2016-2017	\$2,572,711	\$2,685,957
2017-2018	\$2,377,440	\$2,696,076
2018-2019	\$2,295,359	\$2,291,884
2019-2020	\$3,804,296	\$2,251,452 (adjusted)

* The 2012-2013 Revenue includes operating transfers in the amount of \$1,630,758 that should have been processed in 2011-2012.

In addition to General Fund support for the Parks and Recreation Division, the following table identifies the additional General Fund support that has been provided through the Capital Projects Division during the same timeframe, totaling \$6,108,181:

Fiscal Year	General Fund
2011-2012	\$ 578,479
2012-2013	\$ 404,398
2013-2014	\$ 838,707
2014-2015	\$ 490,126
2015-2016	\$1,349,316

2016-2017	\$ 232,608
2017-2018	\$1,013,721
2018-2019	\$1,200,826
Total	\$6,108,181

2018-2019 Grand Jury Finding F1.3: The Board of Supervisors and the Parks and Recreation Division have continued to supplement the budget with monies from the Parks Trust Funds rather than making the difficult decisions required to balance the Parks and Recreation budget.

Agency Response: *Disagree*

The 2018-2019 budget reflects the difficult decisions that were made, which eliminated three vacant Park Worker positions and significantly reduced the Division’s reliance on part-time temporary (extra help) positions. The Parks and Recreation Division continues to maintain a balanced budget.

2018-2019 Grand Jury Finding F1.4: The continued borrowing of money to balance the Parks and Recreation budget is an unsustainable practice that has decimated the Parks Trust Funds.

Agency Response: *Disagree*

The Parks and Recreation Division did not borrow money from the trust funds. Over the past three fiscal years, there has been a significant decrease in the utilization of the Parks Trust Funds.

2018-2019 Grand Jury Finding F1.5: Despite direction by the Board of Supervisors to create a program to reduce reliance on trust funds and provide a balanced budget by 2014-2015, the Parks and Recreation Division continues to rely on trust funds to balance its annual budget.

Agency Response: *Partially Disagree*

The County Parks are supported by revenue from trust accounts established for their maintenance and operation. The Micke Grove Trust Fund receives approximately \$300,000 each year for the operation and maintenance of the Micke Grove Park. The Park Donation Trust funds have been utilized in accordance with the donor’s intent. The funds in the Subdivision Trust have been used in accordance with the parameters set forth in County Ordinance 3675, which requires the dedication of land or the imposition of fees in lieu thereof, or a combination of both, for park or recreational purposes. The approved Parks and Recreation Division budget for 2019-2020 only utilizes trust funds specifically designated for maintenance and operations and is a balanced budget.

2018-2019 Grand Jury Finding F1.6: Despite recognition by members of the Board of Supervisors that the trust funds should be paid back once the economy recovered, no effort has yet been made to repay the “borrowed” money.

Agency Response: *Partially Disagree*

As previously stated, the Parks and Recreation Division did not borrow money from the trust funds.

The Board of Supervisors, upon the recommendation of the Parks and Recreation Division, created the Park Endowment Trust. However, the prior acts of the Board of Supervisors cannot deprive its successors of future discretionary policy choices. Thus, although ongoing operations were not included as an intended purpose for use of trust funds at the time that the Park Endowment Trust was created, the Board of Supervisors retained discretion to approve all expenditures of trust funds and has since done so. Additional County General Fund support is provided to the Parks and Recreation Division budget through investments in facilities included within the capital projects budget, totaling \$6,108,181 from 2011-2012 to 2018-2019, as reflected previously in the table for Agency Response to F1.2.

2018-2019 Grand Jury Finding F1.7: Although the Parks and Recreation Division recognized the chronic overestimation of revenues and reduced the revenue estimates in their 2018-2019 proposed budget by nearly \$360,000, data from the prior two years indicate that the revenue estimates should have been reduced by an additional \$100,000.

Agency Response: *Disagree*

2018-2019 Year-End actuals indicate that the revenue should have been reduced by an additional \$65,000, not \$100,000.

2018-2019 Grand Jury Recommendation R1.1: By March 31, 2020, the Parks and Recreation Division complete a comprehensive analysis of the County parks system that includes the tradeoffs required to operate the system under a structurally balanced budget.

Agency Response: *Has been implemented*

The Parks and Recreation Division operates within a structurally balanced budget. In 2018-2019, the Division reduced its use of trust funds by \$75,940. The amount budgeted was \$669,500, and end of year actuals were \$593,560. Trust fund usage continues to be reduced annually and has been reduced by approximately 53% since FY 2016-2017.

Fiscal Year	Trust Fund Usage
2016-2017	\$1,034,395
2017-2018	\$ 794,787
2018-2019	\$ 593,560
2019-2020*	\$ 485,078

** Includes an adjustment of \$137,078 to the 2019-2020 proposed budget. The additional funds are being utilized through the Parks Special Projects Fund in accordance with its adopted Policy and Procedures.*

The 2019-2020 Grand Jury determined to take no further action.

2018-2019 Grand Jury Recommendation R1.2: The Parks and Recreation Division develop and present to the Board of Supervisors a structurally balanced and sustainable budget beginning in 2020-2021 that includes realistic estimates for revenue.

Agency Response: *Has been implemented*

The 2019-2020 budget has further reduced the usage of trust fund revenue by \$108,482 as compared to the 2018-2019 actual amount of \$593,560 and has reduced revenue estimates by \$69,993 from the 2018-2019 budget.

The 2019-2020 Grand Jury determined to take no further action.

2.0 County Managed Trusts

2018-2019 Grand Jury Finding F2.1: Contrary to the original intent of the Park Endowment Trust, the Parks and Recreation Division has proposed, and the Board of Supervisors has approved, the use of principal for operations and maintenance in the park system each year since 2010-2011.

Agency Response: *Partially Disagree*

The Board of Supervisors, upon the recommendation of the Parks and Recreation Division, created the Park Endowment Trust. However, the prior acts of the Board of Supervisors cannot deprive its successors of future discretionary policy choices. Thus, although ongoing the Park Endowment Trust was created, the Board of Supervisors retained discretion to approve all expenditures of trust funds and has since done so.

2018-2019 Grand Jury Finding F2.2: Prior to its near depletion, the Park Endowment Trust was an invaluable resource, providing the Parks and Recreation Division an ongoing source of seed money for capital development projects and major equipment purchases.

Agency Response: *Partially Disagree*

The Parks and Recreation Division agrees that trust funds are an invaluable resource. As previously stated, the County General Fund also provided \$6,108,181 of additional funding to the Parks and Recreation Division through investments in capital projects during the previous eight years.

2018-2019 Grand Jury Finding F2.3: The Park Endowment Trust and the Micke Grove Trust represent an invaluable opportunity to provide an ongoing source of funding for new park initiatives and capital expenditures, if those trust funds are not depleted on an annual basis.

Agency Response: *Requires Further Analysis*

The San Joaquin County Auditor-Controller's Office is currently conducting an audit of County trust funds, including the Parks and Recreation Division's trust funds. The Auditor-Controller's report is expected to be available during mid-year 2019-2020. Parks and Recreation will need to review the results of the report to appropriately respond to the finding.

2018-2019 Grand Jury Finding F2.4: The Parks Special Projects Trust Fund is an excellent addition to the Parks Trust Funds that, with proper management, will provide a valuable source of funding and operational support for special projects for years to come.

Agency Response: Agree

2018-2019 Grand Jury Recommendation R2.1: Starting with the 2020-2021 proposed budget, the Parks and Recreation Division discontinue the use of both the Micke Grove Trust and the Park Endowment Trust to fund operation and maintenance of the parks.

2019-2020 Grand Jury Response: The agency’s position is that the purpose of the Micke Grove Trust is to provide operating funds when needed. Additionally, the Park Endowment Trust will be reduced to \$50,000 in the 2020-2021 budget. **The 2019-2020 Grand Jury determined to take no further action.**

2018-2019 Grand Jury Recommendation R2.2: The Parks and Recreation Division allow the principal of the Micke Grove Trust and the Park Endowment Trust funds to grow and utilize only the interest to support new park initiatives or capital expenditures.

Agency Response: R2.1 & R2.2 requires further analysis and timeframe for further determination within twelve months

Board Resolution R-18-37 established the Micke Grove Trust Account in accordance with the Terms and Conditions of the Last Will of William G. Micke to operate and maintain the Micke Grove Park. Annual revenues are utilized in accordance with the adopted resolution.

The Fiscal Year 2019-2020 budget utilizes \$485,578 from multiple trust accounts. Reducing this amount by an additional \$330,000 in 2020-2021 requires further analysis.

Trust	2019-2020 Estimated Deposits	2019-2020 Utilization
Micke Grove Trust	\$ 300,000	\$ 230,000
Park Activity Trust	\$ 7,500	\$ 6,000
Park Endowment Trust	\$ 235,000	\$ 100,000
Fish & Wildlife	\$ 7,500	\$ 7,500
Park Donation Trust	\$ 5,000	\$ 5,000
Special Projects	\$ 512,500	\$ 137,078*
Total	\$ 1,067,500	\$ 485,578

** An increase of \$137,078 from the 2019-2020 proposed budget. The additional funding is from the Parks Special Projects Fund, in accordance with its adopted Policy and Procedures. Additionally in 2019-2020, the Auditor-Controller’s Office will be completing an audit of Parks and Recreation Division Trust Funds, and the report will be presented to the Division with its findings and recommendations.*

2019-2020 Grand Jury Response: The agency's position is that the purpose of the Micke Grove Trust is to provide operating funds when needed. Additionally, the Park Endowment Trust will be reduced to \$50,000 in the 2020-2021 budget. **The 2019-2020 Grand Jury determined to take no further action.**

3.0 Non-County Managed Trusts

2018-2019 Grand Jury Finding F3.1: The Grand Jury found it difficult to determine Wells Fargo's effectiveness in managing the William G. Micke Estate Trust because the biennial reports filed with the court do not contain performance information.

Agency Response: *Requires further analysis and timeframe for further determination within twelve months.*

2018-2019 Grand Jury Recommendation R3.1: By December 31, 2019, the Board of Supervisors require Wells Fargo to submit an annual performance report for the William G. Micke Estate Trust. This report shall include the total return compared to an industry standard benchmark with a similar risk profile.

Agency Response: *Requires further analysis and timeframe for further determination within twelve months.*

2019-2020 Grand Jury Discussion, Finding, and Recommendation

The Board of Supervisors requested more time for Wells Fargo to submit the annual performance report for the William G. Micke Estate Trust.

2019-2020 Grand Jury Finding F1: The Wells Fargo annual performance report is critical to determine the effectiveness in managing the William G. Micke Estate Trust.

2019-2020 Grand Jury Recommendation R1: The Board of Supervisors require Wells Fargo to submit an annual performance report for the William G. Micke Estate Trust by September 30, 2020. This report shall include the total return compared to an industry standard benchmark with a similar risk profile.

Agency Response: *Has Been Implemented*

On December 3, 2019, during the Micke Grove Trust annual review, San Joaquin County requested Wells Fargo provide an annual industry standard benchmark report. On October 1, 2020, Wells Fargo provided San Joaquin County a total portfolio performance report with benchmarks for the reporting period of 01/01/1996 through 08/31/2020.

The 2020-2021 Grand Jury reviewed the Micke Grove Trust report, delivered by Wells Fargo to San Joaquin County, and determined it provided the requested portfolio performance information and benchmark data. The 2020-2021 Grand Jury determined to take no further action.

4.0 Parks and Recreation Benchmarking Assessment Report

2018-2019 Grand Jury Finding F4.1: Despite a strong recommendation in the Taussig report that staffing cuts would be inappropriate, the Parks and Recreations Division has continued to eliminate positions.

Agency Response: *Disagree*

The Taussig report states, “there may be room to improve employee efficiencies through increased staffing efforts or a realignment of employee roles.”

The Parks and Recreation Division has not continued to eliminate positions. The last elimination was during the 2018-2019 Fiscal Year. The 2019-2020 budget does not eliminate any positions, and the Division has retained a number of Zoo part-time staff during both 2018-2019 and 2019-2020.

During midyear 2018-2019, the Parks and Recreation Division secured Board approval to reclassify an administrative support staff position to a Park Worker position in an effort to create a more efficient division. Other efficiencies include cross training staff in all of the departments; parks, zoo, and administration, expanding the online reservations system, improving the volunteer program, and the creation of a marketing program with annual events.

2018-2019 Grand Jury Finding F4.2: While “doing more with less” is admirable, it is apparent that the Parks and Recreation Division is at the point of “doing less with less,” especially considering the additional staffing cuts in 2018-2019 and the rising costs of services and maintenance.

Agency Response: *Disagree*

While the 2018-2019 budget eliminated three vacant full-time positions, the 2019-2020 budget does not eliminate any positions.

As part of the 2018-2019 mid-year budget review process, the Board of Supervisor increased the Parks and Recreation Division appropriations for utilities by \$50,000 and the motor pool allocation by \$39,679 increasing General Fund contributions by \$76,679. The approved 2019-2020 budget included additional increases of \$18,173 and \$4,445 respectively from the General Fund.

2018-2019 Grand Jury Finding F4.3: the very low per capita contribution from the County is a major factor in the Parks and Recreation Division’s inability to balance the budget.

Agency Response: *Disagree*

The Parks and Recreation Division operates within a balanced budget. The Taussig Report used Stanislaus, Placer, and Yolo counties for benchmarking purposes in 2018-2019 in which the low per capital statistic is being used. The report also compared Net County Cost contributions as a percentage of the overall budgets and reported that San Joaquin, Stanislaus and Placer Counties fall within 1% of each other.

The report warns that no parks and recreation departments are alike, and such differences in sources of funding, organizational structure, and policy objectives are to be expected. The report also states that when examining the statistics, it is important to consider each in context. Each is a component of a greater whole and its isolation may prove to be an ineffective comparative tool.

2018-2019 Grand Jury Recommendation R4.1: By March 31, 2020, the Parks and Recreation Division provide the Board of Supervisors with a plan for addressing the findings in the Taussig report, including: (1) appropriate staffing levels, (2) rising costs of services and maintenance, and (3) long-term funding options.

Agency Response: *During the 2019-2020 budget hearing portions of this request have already been addressed with an increase in allocations to offset the increases in services and maintenance.*

Although the Taussig report states that the Parks and Recreation Division has 6.61 FTE's per regional park, which is lower than the benchmarked counties, the Taussig report also states that San Joaquin's regional park acreage is less than the benchmarked counties which are likely due to the urbanized nature of the County. The County utilizes the Alternative Workforce Program, which in 2018-2019 averaged 584 hours worked per month or the equivalent of 3.3 FTE's, which would bring the FTE's to 9.9 and align such statistic with the benchmarked counties.

The 2019-2020 Grand Jury determined to take no further action.

2018-2019 Grand Jury Recommendation R4.2: In the 2020-2021 proposed budget, the Parks and Recreation Division present options to the Board of Supervisors for bringing the per capita contribution more in line with the contributions from the benchmarked counties.

Agency Response: *Requires further analysis and timeframe for further determination within twelve months.*

The 2019-2020 Grand Jury determined to take no further action.

5.0 Loss of Historical Knowledge

2018-2019 Grand Jury Finding F5.1: Departmental reorganizations and turnover have resulted in the loss of historical knowledge amongst the Parks and Recreation leadership and staff.

Agency Response: *Agree*

2018-2019 Grand Jury Recommendation R5.1: By June 30, 2020, the Parks and Recreation Administrator gather together into a living document the necessary information to accurately document requirements of the trust funds, the stipulations related to grants awarded for each park, the requirements for managing any property donated to the County parks system, and

any other historical information that may be required by future Parks and Recreation Division administrators and employees.

Agency Response: *The Parks and Recreation Division will create a living document that will include trust fund information, recommendations from the Auditor Controllers audit, grant information and requirements, and bequeathment requirements. This document will be updated by the Division on an annual basis.*

2019-2020 Grand Jury Discussion, Finding, and Recommendation

The living document (including trust fund information, recommendations from the Auditor Controller's audit, grant information and requirements, and bequeathment requirements) will be completed by June 2020.

2019-2020 Grand Jury Finding F2: The living document is an important part of the ongoing operation of the department.

2019-2020 Grand Jury Recommendation R2: By June 30, 2020, the Parks and Recreation Division prepare and complete the living document which will include trust fund information, recommendations from the Auditor Controller's audit, grant information and requirements, and bequeathment requirements.

Agency Response: *Has Been Implemented*

The Parks and Recreation Division created a living document with updated trust fund information for inclusion in the 2019-2020 budget process. The Auditor-Controller's Office did not make recommendations beyond those included in the 2018-2019 Grand Jury report. There was no grant or bequeathment information to report at the time.

The 2020-2021 Grand Jury reviewed the Living Document with updated trust fund information and determined the requirements and stipulations of the trust funds were met. The 2020-2021 Grand Jury determined to take no further action.

2018-2019 Grand Jury Recommendation R5.2: The Parks and Recreation Administrator present this information to the Board of Supervisors during the 2020-2021 budget hearings to ensure the board has a clear understanding of this information when making budget decisions.

Agency Response: *The Parks and Recreation Division will create a living document that will include trust fund, information, and recommendations from the Auditor Controllers audit, grant information and requirements, and bequeathment requirements. This*

document will be updated by the Division on an annual basis and provided to the Board as part of the Division's budget process.

2019-2020 Grand Jury Discussion, Finding, and Recommendation

The living document needs to be available to the Board of Supervisors as part of the 2020-2021 budget process.

2019-2020 Grand Jury Finding F3: The living document information will be included with the Department's budget packet for 2020-2021.

2019-2020 Grand Jury Recommendation R3: The Parks and Recreation Division include the living document in the Department's budget packet for 2020-2021.

Agency Response: *Has Been Implemented*

The Parks and Recreation Division created a living document that included updated trust fund information, grant information and requirements (if any), and bequeathment requirements (if any). This living document was included as part of the 2019-2020 budget process and updated during the 2020-2021 budget process.

The 2020-2021 Grand Jury determined the Living Document was included in the development of the 2020-2021 budget. The 2020-2021 Grand Jury determined to take no further action.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Follow-up to the 2018 - 2019 San Joaquin County Grand Jury Report



Micke Grove Zoo: Honoring the Past, Securing the Future Case #0218

Preface

This report contains a continuation of the responses to the 2018-2019 San Joaquin County Civil Grand Jury report regarding Micke Grove Zoo. The first follow-up report was presented in the 2019-2020 Grand Jury report. The 2019-2020 Grand Jury reviewed the responses and made new recommendations.

The 2020-2021 Grand Jury follow-up conclusions are presented after the agency responses to each recommendation.

Discussions, findings, and recommendations from the 2020-2021 Grand Jury are in text boxes framed in black.

Complete copies of the original report and the agency's responses may be found on the San Joaquin County Grand Jury website at <https://www.sjcourts.org/grandjury/>.

Summary

The 2018-2019 Grand Jury found the Micke Grove Zoo suffered from inadequate funding and outdated facilities for years. Recommendations were made to update and improve the Zoo in the hopes it will continue to be a viable amenity for residents. The 2019-2020 Grand Jury found

some of the recommendations had been fulfilled while more time was needed to complete others. The 2020-2021 Grand Jury confirmed the San Joaquin County General Services Department presented a five-year master plan to the County Board of Supervisors. The Board of Supervisors accepted the plan with its seven overarching objectives, including specific strategies and tactics. The plan serves as a foundation to advance the Zoo's mission to allow it to be a place of enjoyment for the residents of San Joaquin County. The single outstanding recommendation regarding the process of seeking accreditation is still under evaluation.

Method of Follow-Up Investigation

The 2020-2021 Grand Jury reviewed the agency responses to the 2018-2019 and 2019-2020 reports, #0218, *Micke Grove Zoo: Honoring the Past, Securing the Future*, and documented the mandatory responses to the findings and recommendations. The 2020-2021 Grand Jury reviewed the responses to the recommendations to determine if

- the agency responses were complete and comprehensible;
- the agency implemented the recommendations within the stated deadlines; and
- confirmation, including written documentation and interviews, was necessary.

Glossary

- **AZA:** Association of Zoos and Aquariums
- **County:** San Joaquin County
- **MGZS:** Micke Grove Zoological Society
- **Taussig Report:** *Parks and Recreation Benchmarking and Assessment Report* (June 2018)
- **ZAA:** Zoological Association of America
- **Zoo:** Micke Grove Zoo

Summary of Responses and 2020-2021 Grand Jury Conclusions

Respondent	2019-2020	Response	2020-2021 Grand Jury Conclusion		
	Rec #		Rec#	Due Date	Conclusion
San Joaquin County Board of Supervisors	R1	Implemented			No further action
	R2	Will not be implemented			No further action
	R3	Implemented			No further action
	R4	Implemented			No further action
	R5	Will be implemented	R1	December 31, 2021	Requires further action
	R6	Will not be implemented			No further action
	R7	Implemented			No further action

Findings, Recommendations, Agency Responses, and Grand Jury Results

1.0 Micke Grove Zoo Today

2018-2019 Grand Jury Finding F1.1: The lack of a Policy and Procedures Manual for Micke Grove Zoo creates inefficiencies and potential liabilities for the Parks and Recreation Division and San Joaquin County.

Agency Response: *Partially Disagree. The Micke Grove Zoo has some Policies and Procedures in place and which are housed in various shared folders on the County server. However, due to the organizational manner in which such files are kept, such files would not be considered a manual at this time.*

2018-2019 Grand Jury Recommendation R1.1: The San Joaquin County Parks and Recreation Division develop a written Policy and Procedures Manual for all Micke Grove Zoo operations by June 30, 2020.

Agency Response: *To be implemented. During Fiscal Year 2018-2019, the Parks Administrator and the Zoo & Interpretive Services Manager (Zoo Manager) began gathering written Policy and Procedure documents to begin a Zoo Policy and Procedure Manual. The Zoo Curator who has been the “keeper” of the documents began adding them to a centralized electronic shared folder entitled Zoo Policies. As documents are gathered the Zoo Manager and staff are reading through them to ensure the validity,*

appropriateness, and applicability of each and determining if they need to be rewritten, deleted, or in some instances, created. The Policy and Procedures Manual for the Micke Grove Zoo has a completion date of June 30, 2020.

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency is creating a written Policy and Procedures Manual for all Micke Grove Zoo operations.

2019-2020 Grand Jury Finding F1: The written Policy and Procedures Manual for all Micke Grove Zoo operations is needed.

2019-2020 Grand Jury Recommendation R1: By June 30, 2020, the San Joaquin County Parks and Recreation Division complete a written Policy and Procedures Manual for all Micke Grove Zoo operations.

Agency Response: *Has been implemented*

During Fiscal Year 2018-2019, the Parks Administrator and the Zoo & Interpretive Services Manager (Zoo Manager) began gathering written Policy and Procedure documents to begin a Zoo Policy and Procedure Manual. The Zoo Curator, who has been the “keeper” of the documents, began adding them to a centralized electronic shared folder entitled Zoo Policies. A Policy and Procedures Manual for the Micke Grove Zoo has been completed. Ongoing updates and edits may be performed by the Parks Administrator as deemed necessary.

The 2020-2021 Grand Jury confirmed that the electronic Policy and Procedures Manual has been developed and is current. No further action is needed.

2018-2019 Grand Jury Finding F1.2: The lack of a detailed and comprehensive budget for Micke Grove Zoo makes proper financial management difficult.

Agency Response: *Disagree. The Micke Grove Zoo has specific line items on the Parks and Recreation Division budget, and actual charges are tracked through an access database. The use of project costing on timesheets and material purchased allows for reports to be maintained for Zoo specific items.*

2018-2019 Grand Jury Recommendation R1.2: The San Joaquin County Parks and Recreation Division develop a detailed and comprehensive budget for the Zoo that includes assumptions for every income and expense line item by December 31, 2019.

Agency Response: *Has been implemented. Starting in Fiscal Year 2017-2018 and during the Fiscal Year 2018-2019, a Zoo specific budget worksheet was created including Zoo specific revenue and expenses. The information is derived from the Parks and Recreation Division budget. The Zoo budget worksheet will be updated annually after final budgets are approved.*

The 2019-2020 Grand Jury determined to take no further action.

2018-2019 Grand Jury Finding F1.3: Micke Grove Zoo staff and operations have been negatively impacted by departmental reorganizations, turnover in administrators and staff, layoffs of part-time employees, understaffing, and lack of cross-training.

Agency Response: *Disagree. As part of ongoing efficiencies at the Micke Grove Zoo, animals which were on display at the Oak Grove Nature Center have been relocated to the Micke Grove Zoo saving husbandry and travel time. Animals that are part of the MGZS Educational program are now being cared for by the MGZS staff. These two items have saved approximately 24 hours per week of staff time, which are better served within the Zoo. All veterinary care is contracted with UC Davis Medical Teaching Hospital, which provides one day of on-site field services, emergency and after-hours' services, pharmaceuticals and telephone support as needed. The Parks Administrator and the Zoo & Interpretive Services Manager (Zoo Manager) began the process of cross-training employees and have consistently employed two-part time zookeeper aides to compensate for a full-time employee's extended absence. The number of allocated full-time positions at the Zoo remains at eight.*

2018-2019 Grand Jury Recommendation R1.3: The San Joaquin County Parks and Recreation Division complete necessary cross-training for all current Zoo staff members and hire at least one additional full-time Zookeeper by June 30, 2020.

Agency Response: *To be implemented. Cross-training of all employees began in January 2019 using a top-down method. All staff will be required to train in all aspects of animal husbandry by June 30, 2020. The Zoo Manager, Zoo Curator, and Senior Animal Care Specialist began cross-training on animal medical care, veterinary services, and animal diets in March 2019, with a completion date of December 2019.*

The Grand Jury mistakenly reported that the Zoo employs only four full-time Animal Care Specialists (referred to as Zoo Keepers in the report) Currently the Zoo is allocated eight (8) full-time positions, one (1) Zoo Manager, one (1) Zoo Curator, and five (5) Animal Care Specialists and (1) Senior Animal Care Specialist. At this time, one Animal Care Specialist is on extended medical leave and whose job duties have been allocated to two-part time temporary Animal Care Aides. Previously the Zoo Curator and Zoo Manager did not materially participate in animal husbandry, and recent cross-training has improved Zoo efficiencies. Parks and Recreation will not be requesting a fifth Animal Care Specialist allocation as the Zoo already has five (5) but will hire a replacement full-time Animal Care Specialist if the current employee is unable to return to work.

The Parks and Recreation Benchmarking and Assessments Report, commonly referred to as the Taussig report, recommends expanding the use of volunteers at Micke Grove Zoo. The Zoo Manager, along with the MGZS education staff, have begun revamping the volunteer program, and also aim to look into the possibility of creating an intern program.

The 2019-2020 Grand Jury determined to take no further action.

2018-2019 Grand Jury Finding F1.4: The lack of a preventive maintenance schedule and record of repairs has resulted in increased costs and staff time in maintaining Micke Grove Zoo.

Agency Response: *Partially Disagree. Facilities Management, Park Workers, Zoo Manager, and Parks Administrator walk the Zoo on a monthly basis, and have created a list of Zoo specific repairs. The items on the list are prioritized and tracked through to completion. In Fiscal Year 2018-2019, a new full-time Park Worker was allocated to spend three whole days within the Zoo and dedicates time/resources toward performing the necessary maintenance as identified within the Zoo repair list.*

2018-2019 Grand Jury Recommendation R1.4: The San Joaquin County Parks and Recreation Division develop a preventive maintenance schedule and accurate repair record for Micke Grove Zoo by June 30, 2020.

Agency Response: *Has been implemented. Beginning in January 2019, the Parks Administrator, Zoo Manager, General Services Assistant Director and Facility Maintenance and Construction Superintendent began a monthly walkthrough at the Zoo to discuss, address, and plan scheduled maintenance and repair issues. To date, the process consists of utilizing an excel worksheet with items coded as high, medium, and low priorities. Items are then tracked to completion. Although this process pertains to known issues, all new or emergent items are prioritized and submitted through the facility maintenance program already in place.*

The 2019-2020 Grand Jury determined to take no further action.

2018-2019 Grand Jury Finding F1.5: The inability of MGZS to operate the concession stand and gift shop, as well as provide necessary fundraising support, demonstrates noncompliance with the 1999 operating agreement with San Joaquin County.

Agency Response: *Agree*

2018-2019 Grand Jury Finding F1.6: The inability of San Joaquin County to ensure compliance with its 1999 operating agreement with MGZS has been financially detrimental to Micke Grove Zoo and its visitors.

Agency Response: *Agree*

2018-2019 Grand Jury Recommendation R1.5: The San Joaquin County General Services Department renegotiate their operating agreement with MGZS to update and clarify assigned roles and responsibilities by June 30, 2020.

Agency Response: *To be implemented. The Parks Administrator will create an operating agreement with the MGZS that will include assigned roles and responsibilities by June 30, 2020.*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency is in the process of reviewing its operating agreement with MGZS. They requested a deadline extension to December 31, 2020.

2019-2020 Grand Jury Finding F2: A new agreement with MGZS is an important part of the zoo's ongoing operations.

2019-2020 Grand Jury Recommendation R2: By December 31, 2020, the San Joaquin County Parks and Recreation General Services Department execute an operating agreement with MGZS that will include assigned roles and responsibilities.

Agency Response: *Will not be implemented*

On July 21, 2020, the MGZS voted to terminate the 1999 Operating Agreement with a final termination date of September 4, 2020. Litigation is now pending between the MGZS and San Joaquin County. No new operating agreement exists between the MGZS and San Joaquin County.

The current and ongoing lawsuit between the Micke Grove Zoological Society and San Joaquin County makes it unlikely that an operating agreement will be executed.

The 2020-2021 Grand Jury determined no further action is needed.

2.0 A Vision for Tomorrow

2018-2019 Grand Jury Finding F2.1: Despite budget challenges, San Joaquin County leadership is committed to the continued operation and improvement of Micke Grove Zoo.

Agency Response: *Agree*

2018-2019 Grand Jury Finding F2.2: The residents of San Joaquin County value Micke Grove Zoo and desire to see it improved.

Agency Response: *Agree*

2018-2019 Grand Jury Finding F2.3: Developing a vision and plan for the future of Micke Grove Zoo is essential to generating the financial support necessary to make that vision a reality.

Agency Response: Agree

2018-2019 Grand Jury Finding F2.4: San Joaquin County leadership must obtain the guidance and expertise of the industry professionals in both determining and designing the master plan for Micke Grove Zoo in order to ensure its successful future.

Agency Response: Agree

2018-2019 Grand Jury Recommendation R2.1: The San Joaquin County General Services Department complete and present to the Board of Supervisors an analysis of viable options for the future direction of Micke Grove Zoo, including what they envision the Zoo to be in five, ten, and twenty years by June 30, 2020.

Agency Response: *To be partially implemented. The San Joaquin County General Services Department, Director, and the Parks and Recreation, Parks Administrator will complete and present to the Board of Supervisors an analysis of viable options for the future direction of Micke Grove Zoo, including what they envision the Zoo to be in five years by June 30, 2020.*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency is completing an analysis of viable options for the future direction of Micke Grove Zoo. They requested a deadline extension December 31, 2020.

2019-2020 Grand Jury Finding F3: The analysis of viable options for the future direction of Micke Grove Zoo is an important part of its ongoing operations.

2019-2020 Grand Jury Recommendation R3: The San Joaquin County General Services Department complete an analysis of viable options for the future direction of Micke Grove Zoo, including what they envision the Zoo to be in five years. Present the analysis to the Board of Supervisors by December 31, 2020.

Agency Response: *To be partially implemented*

The San Joaquin County General Services Department, Director, the Parks and Recreation, Parks Administrator, and the Zoo & Interpretive Services Manager are preparing a five-year strategic plan to be presented to the Board of Supervisors. Due to the Micke Grove Zoological Society's termination of the existing agreement, rejection of the interim agreement and ongoing litigation the presentation of the five-year strategic

plan will be delayed until March 31, 2021. The presentation will include the vision for the Micke Grove Zoo in the next five years.

San Joaquin County General Services Department presented a five-year plan to the Board of Supervisors which was accepted by the Board on February 23, 2021.

The 2020-2021 Grand Jury determined to take no further action.

2018-2019 Grand Jury Recommendation R2.2: The San Joaquin County General Services Department develop and present to the Board of Supervisors a professionally designed Master Plan for Micke Grove Zoo, which includes development goals for the next five, ten, and twenty years by December 31, 2020.

Agency Response: *To be partially implemented. The Parks and Recreation Division will develop and present to the Board of Supervisors a Master Plan for the Micke Grove Zoo for the next five years by December 31, 2020. Beginning with a five-year strategic plan will allow the Department to implement strategies and goals set through the strategic plan.*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency is preparing a professionally designed Master Plan for Micke Grove Zoo which includes strategies and goals for the next five years.

2019-2020 Grand Jury Finding F4: The five-year plan is a critical component of the ongoing operations of the zoo.

2019-2020 Grand Jury Recommendation R4: The San Joaquin County General Services Department complete a professionally designed Master Plan for Micke Grove Zoo that includes strategies and goals for the next five years. Present the Master Plan to the Board of Supervisors by December 31, 2020.

Agency Response: *To be partially implemented*

The San Joaquin County General Services Department, Director, the Parks and Recreation, Parks Administrator, and the Zoo & Interpretive Services Manager are preparing a five-year strategic plan to be presented to the Board of Supervisors. Due to the Micke Grove Zoological Society's termination of the existing agreement, rejection of the interim agreement and ongoing litigation the presentation of the five-year strategic plan will be delayed until March 31, 2021. This presentation will include the vision for the Micke Grove Zoo for the next five years

San Joaquin County General Services Department presented a five-year plan to the Board of Supervisors on February 23, 2021.

The 2020-2021 Grand Jury determined to take no further action.

2018-2019 Grand Jury Finding F2.5: Owning and operating a zoological facility today where animal care standards are subject to intense scrutiny and criticism may necessitate certification from a recognized professional association. Such certification is further justified through numerous additional benefits.

Agency Response: Agree

2018-2019 Grand Jury Finding F2.6: Regaining accreditation through the Association of Zoos and Aquariums (AZA) may not be practical or affordable for Micke Grove Zoo due to the stringent requirements and constantly evolving standards.

Agency Response: Agree

2018-2019 Grand Jury Finding F2.7: Accreditation through the Zoological Association of America (ZAA) offers many of the same benefits as AZA, but may allow more flexibility and affordability as the County works to improve Micke Grove Zoo.

Agency Response: Agree

2018-2019 Grand Jury Recommendation R2.3: The San Joaquin County Parks and Recreation Division examine the requirements and affordability for obtaining accreditation from available accrediting associations, and pursue appropriate accreditation as part of the County's Master Plan to improve Micke Grove Zoo by December 31, 2020.

Agency Response: To be implemented. The Park and Recreation Division will examine and analyze the requirements, affordability, and suitability of accreditation for Micke Grove Zoo by December 31, 2020. Pursuing accreditation is a rigorous process including husbandry, recordkeeping, veterinary care, animal diet, staff knowledge, and facility site inspections.

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency is in the process of examining the requirements, affordability and suitability of obtaining accreditation from available accrediting associations as part of the County's Master Plan to improve Micke Grove Zoo.

2019-2020 Grand Jury Finding F5: It is important that Micke Grove Zoo have appropriate accreditation.

2019-2020 Grand Jury Recommendation R5: The San Joaquin County General Services Department pursue appropriate accreditation. Present a written description of the findings to the Board of Supervisors by December 31, 2020.

Agency Response: *To be partially implemented*

The San Joaquin County General Services Department, Director, the Parks and Recreation, Parks Administrator, and the Zoo & Interpretive Services Manager are preparing a five-year strategic plan to be presented to the Board of Supervisors. Due to the Micke Grove Zoological Society's termination of the existing agreement, rejection of the interim agreement and ongoing litigation the presentation of the five-year strategic plan will be delayed until March 31, 2021. This presentation will include the vision for the Micke Grove Zoo for the next five years, including the pursuit of an accreditation if deemed appropriate.

2020-2021 Grand Jury Discussion, Findings, and Recommendations

San Joaquin County General Services Department presented a five-year plan to the Board of Supervisors on February 23, 2021. The plan's vision centers on seven objectives, one of which is to examine the requirements, affordability and suitability of obtaining accreditation from available accrediting associations. Currently Micke Grove Zoo does not have accreditation. The General Services Department is investigating the feasibility and value of zoo accreditation.

2020-2021 Grand Jury Finding F1: Micke Grove Zoo still does not have zoo accreditation.

2020-2021 Grand Jury Recommendation R1: The San Joaquin County General Services Department present its findings regarding zoo accreditation, including a timeline, to the Board of Supervisors by December 31, 2021.

3.0 Funding the Vision

2018-2019 Grand Jury Finding F3.1: San Joaquin County's ability to identify and secure multiple funding sources will be critical to fulfilling the future vision for Micke Grove Zoo.

Agency Response: *Partially Disagree. This requires the further analysis regarding the future vision of the Micke Grove Zoo.*

2018-2019 Grand Jury Finding 3.2: A non-profit organization or foundation capable of raising significant funds is essential to fulfilling the future vision for Micke Grove Zoo.

Agency Response: *Partially Disagree. This requires the further analysis regarding the future vision of the Micke Grove Zoo.*

2018-2019 Grand Jury Finding F3.3: The recent fundraising results from the MGZS are insufficient to support the necessary improvements for the Micke Grove Zoo.

Agency Response: *Agree.*

2018-2019 Grand Jury Recommendation R3.1: The San Joaquin County General Services Department determine the role and responsibility of the MGZS for fundraising to support the future vision for the Micke Grove Zoo, and renegotiate their operating agreement accordingly by June 30, 2020.

Agency Response: *To be implemented. The Parks Administrator and the Director of General Services along with the MGZS will create a new operating agreement with the MGZS that will assign roles and responsibilities and determine the MGZS'S fundraising expectations to support the future vision for the Micke Grove Zoo by June 30, 2020*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The Parks Administrator and the Director of General Services along with the MGZS committed to create a new operating agreement with the MGZS that will assign roles, responsibilities, and determine the MGZS's fundraising expectations. They requested a deadline extension to December 31, 2020.

2019-2020 Grand Jury Finding F6: A new operating agreement that assigns roles, responsibilities, and determines fundraising expectations is important for the future of Micke Grove Zoo.

2019-2020 Grand Jury Recommendation R6: By December 31, 2020, the Parks Administrator and the Director of General Services, along with the MGZS, execute a new operating agreement with the MGZS. The agreement will assign roles, responsibilities, and determine the MGZS's fundraising expectations to support the future vision for the Micke Grove Zoo.

Agency Response: *Will not be implemented*

On July 21, 2020, the MGZS voted to terminate the 1999 Operating Agreement with a final termination date of September 4, 2020. Litigation is now pending between the MGZS and San Joaquin County. No new operating agreement exists between the MGZS and San Joaquin County.

The San Joaquin County General Services Department, Director, and the Parks and Recreation, Parks Administrator will complete and present to the Board of Supervisors an analysis of viable options for the future direction of Micke Grove Zoo, including what

they envision the Zoo to be in five years by March 31, 2021. The presentation will include a framework for identifying a non-profit strategic partner.

San Joaquin County General Services Department presented a five-year plan, including a framework to identify a non-profit strategic partner, to the Board of Supervisors on February 23, 2021.

The 2020-2021 Grand Jury determined to take no further action.

2018-2019 Grand Jury Finding F3.4: The opportunities for San Joaquin County to obtain funding support for Micke Grove Zoo through corporate sponsorships and grants are hindered by lack of accreditation and a new Master Plan for the Zoo.

Agency Response: *Partially Disagree. In the Fiscal Year 2018-2019 Micke Grove Zoo received grant funding for \$500,000 from the State, and additional funding through Proposition 68 by working collaboratively with the United States Army Corps of Engineers.*

2018-2019 Grand Jury Recommendation R3.2: The San Joaquin County General Services Department evaluate all available funding sources for the improvement of Micke Grove Zoo and report their findings to the Board of Supervisors by December 31, 2020.

Agency Response: *To be implemented. The Department will evaluate available funding sources to improve Micke Grove Zoo and report the finding to the Board of Supervisors by December 31, 2020.*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The San Joaquin County General Services Department committed to evaluate all available funding sources to improve Micke Grove Zoo and report their findings to the Board of Supervisors.

2019-2020 Grand Jury Finding F7: It is important to know the available funding sources for the improvement of Micke Grove Zoo.

2019-2020 Grand Jury Recommendation R7: The San Joaquin County General Services Department evaluate all available funding sources for the improvement of Micke Grove Zoo and report their findings to the Board of Supervisors by December 31, 2020.

Agency Response: *To be implemented*

The San Joaquin County General Services Department, Director, and the Parks and Recreation, Parks Administrator will complete and present to the Board of Supervisors an analysis of viable options for the future direction of Micke Grove Zoo, including what they envision the Zoo to be in five years by March 31, 2021. The presentation will include an evaluation of additional funding sources.

San Joaquin County General Services Department presented a five-year plan, including strategies to improve its revenue stream, to the Board of Supervisors on February 23, 2021.

The 2020-2021 Grand Jury determined to take no further action.

Disclaimers

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

California Penal Code Sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

The San Joaquin County Board of Supervisors shall respond to the finding and recommendation from the 2020-2021 Grand Jury.

Mail or hand deliver a hard copy of the response to:

Honorable Xapuri B. Villapudua, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

Also, please email a copy of the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury, at grandjury@sjcourts.org.

Follow-up to the 2019 - 2020 San Joaquin County Grand Jury Report



Tracy City Council: Restore the Public Trust Case #0418

Preface

This report contains a continuation of the responses to the 2018-2019 San Joaquin County Civil Grand Jury report regarding Tracy City Council. The first follow-up report was presented in the 2019-2020 Grand Jury's report.

The 2020-2021 Grand Jury follow-up determinations are presented after the agency's response to the recommendation.

Discussions, findings, and recommendations from the 2020-2021 Grand Jury are in text boxes framed in black.

Complete copies of the original report and the agency's responses may be found on the San Joaquin County Grand Jury website at: <https://www.sjcourts.org/grandjury/>

Summary

The Tracy City Council was the subject of multiple complaints that warranted the attention of the Grand Jury. For several years, the Tracy City Council developed a reputation for its inability to work together as a collegial legislative body. The 2017-2018 Grand Jury recommended the Tracy City Council adopt an Ethics Policy that governs the behaviors of their elected officials. Along with the Council’s public discord, a pattern of power politics surfaced resulting in consistent three to two voting blocs. This led to the terminations or forced resignations of the City Manager, Assistant City Manager, and the Chief of Police. The unexplained departures of the City’s administrative leaders created an unstable work environment at City Hall. The Tracy City Council addressed the 2018-19 Grand Jury findings and recommendations and adopted a Code of Conduct.

The 2019-2020 Grand Jury followed-up on the recommendation that the Tracy City Council adopt an amendment to the Municipal Code requiring a supermajority vote of four members of the City Council to remove the City Manager or City Attorney. On July 20, 2020, the Tracy City Council ratified this amendment. This completes the last outstanding 2018-2019 Grand Jury recommendation.

Method of Follow-Up Investigation

The current 2020-2021 Grand Jury reviewed the 2019-2020 responses to the original 2018-2019 report, #0418, *Tracy City Council: Restore the Public Trust*. There was one outstanding recommendation. The 2020-2021 Grand Jury evaluated the response to that recommendation to determine if

- the agency’s response was complete and comprehensible; and
- the agency implemented the recommendation within the stated deadline.

Summary of Response and 2020-2021 Grand Jury Conclusion

Respondent	2019-2020 Rec #	Response	2020-2021 Grand Jury Conclusion		
			Rec#	Due Date	Conclusion
Tracy City Council	R1	Implemented			No further action

Findings, Recommendations, Agency Responses, and Grand Jury Results

1.0 Ethics Policy

2018-2019 Grand Jury Finding F1.1: The Tracy City Council’s failure to agree on an Ethics Policy is reflective of the Council’s inability to agree on the fundamentals of how to work together as an effective governing body.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Finding F1.2: The Tracy City Council’s failure to prioritize the establishment of an Ethics Policy conveys a message to Tracy residents that ethical behavior by the City Council is not of paramount importance.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Finding F1.3: The adoption of an Ethics Policy will provide the Tracy City Council with a tool to hold fellow members accountable for their actions.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Recommendation R1.1: The Tracy City Council create and adopt an Ethics Policy that governs the behavior of its elected officials, appointed officials, and senior staff by October 31, 2019.

Agency Response: *This recommendation has not yet been implemented. The City will endeavor to draft and adopt an Ethics Policy by October 31, 2019.*

2019-2020 Grand Jury Follow-up Response: The Tracy City Council approved and adopted the Tracy City Council Code of Conduct at their meeting on October 15, 2019. **The 2019-2020 Grand Jury determined to take no further action.**

2018-2019 Grand Jury Recommendation R1.2: The Tracy City Council develop a “Rules of Behavior” document to be distributed to each Council member and posted in the Council Chambers and the closed meeting rooms by October 31, 2019.

Agency Response: *This recommendation has not yet been implemented. Rules regarding expectations for City Council's behavior and norms would be included in the City's Ethics Policy.*

2019-2020 Grand Jury Follow-up Response: The Tracy City Council approved and adopted the Tracy City Council Code of Conduct at their meeting on October 15, 2019. **The 2019-2020 Grand Jury determined to take no further action.**

2.0 City Council Conduct

2018-2019 Grand Jury Finding F2.1: The petty bickering between Tracy City Council members during Council meetings has diminished their ability to effectively conduct the public’s business and has undermined the public’s trust in the Council.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Finding F2.2: The lack of an Ethics Policy restricts the ability of Tracy City Council members to hold one another accountable for violating established ethical standards.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Finding F2.3: The discord amongst Tracy City Council members is obvious to viewers of Council meetings, although the Council members themselves seemingly fail to recognize this reality.

Agency Response: *The City disagrees partially with this finding; individual Council members did recognize the discord amongst the Council body.*

2018-2019 Grand Jury Finding F2.4: Unethical conduct during the 2018 election campaign further damaged Council members' ability to work together.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Recommendation R2.1: Tracy City Council members publicly agree to set aside their personal differences and conduct the public's business in an efficient and respectful manner, by October 31, 2019.

Agency Response: *This recommendation has not yet been implemented. The anticipated adoption of an Ethics Policy will serve as an opportunity for the Council as a body to proclaim its commitment to work together collaboratively.*

2019-2020 Grand Jury Follow-up Response: The Tracy City Council approved and adopted the Tracy City Council Code of Conduct at their meeting on October 15, 2019. **The 2019-2020 Grand Jury determined to take no further action.**

3.0 Council Vacancy Appointment Process

2018-2019 Grand Jury Finding F3.1: The appointment process used by the Tracy City Council to fill Council vacancies has fostered loyalty, allegiance, and personal obligation by appointed Council members and has resulted in consistent voting blocs and facilitated divisiveness amongst the Council members.

Agency Response: *The City disagrees partially with this finding; it is unclear that the appointment process resulted in consistent voting blocs and facilitated divisiveness. However, alternative appointment methods could be explored in the future.*

2018-2019 Grand Jury Finding F3.2: The appointment process used by the Tracy City Council to fill Council vacancies does not take into account the will of the voters and has not been endorsed by Tracy's electorate.

Agency Response: *The City disagrees partially with this finding; the appointment process provides an opportunity for Council members, as elected officials themselves, to take into the will of the voters during the appointment process.*

2018-2019 Grand Jury Recommendation R3.1: The Tracy City Council adopt a resolution for filling Council vacancies that is more responsive to the voice of the voters by appointing the next highest vote-getter from the previous election by December 31, 2019.

Agency Response: *This recommendation requires further analysis and discussion. Staff will develop and present alternative Council vacancy selection processes for consideration.*

2019-2020 Grand Jury Follow-up Response: At their meeting on December 3, 2019, the Tracy City Council adopted Resolution 2019-250 for filling council vacancies. **The 2019-2020 Grand Jury determined to take no further action.**

4.0 Impact of Executive Staff Separations

2018-2019 Grand Jury Finding F4.1: The rapid succession of executive staff terminations and forced resignations created an unstable work environment for the City of Tracy's staff as department leadership was dismantled. The instability created an unnecessarily stressful work environment which was compounded by fear of job loss.

Agency Response: *The City agrees with this finding; the rapid succession of executive staff terminations and forced resignations may have contributed to an unstable working environment for the City of Tracy staff as department leadership dismantled. The instability may have contributed to an unnecessarily stressful work environment which was compounded by fear of job loss.*

2018-2019 Grand Jury Finding F4.2: The Tracy City Council's lack of transparency further eroded the public trust and caused many to speculate that power politics was the catalyst for unexplained departures of the City's professional leadership team.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Finding F4.3: The City of Tracy's reputation as a desirable employer was damaged by the series of unexplained terminations and forced resignations. This unstable environment made recruiting for open positions substantially more difficult.

Agency Response: *The City disagrees partially with this finding; the City of Tracy's reputation as a desirable employer may have been damaged by the series of unexplained terminations and forced resignations. This unstable environment may have made recruiting for open positions more difficult.*

2018-2019 Grand Jury Recommendation R4.1: The Tracy City Council amend the Tracy City Municipal Code to require a supermajority vote of four (4) members of the City Council to remove the City Manager or City Attorney, by December 31, 2019.

Agency Response: *This recommendation requires further analysis and discussion. Staff will evaluate the proposed ordinance amendment.*

2019-2020 Grand Jury Finding F1: It remains important that Tracy City Council approve and adopt the amended Tracy City Municipal Code which requires a supermajority vote of four (4) members

2019-2020 Grand Jury Recommendation R1: At the next meeting, or no later than September 30, 2020, the Tracy City Council approve and adopt the amended Municipal Code which requires a supermajority vote of four (4) members of the City Council to remove the City Manager or City Attorney.

At their July 20, 2020 meeting, the Tracy City Council adopted ordinance 1295 amending the Tracy Municipal Code section 2.08.080 to require a supermajority vote of four members of the City Council to remove the City Manager or City Attorney.

The 2020-2021 Grand Jury determined to take no further action.

5.0 Council Intrusion in City Operations

2018-2019 Grand Jury Finding F5.1: The Tracy City Council has failed to follow their policy by intruding into the responsibilities of City staff. This has negatively impacted staff morale and the effective operations of City business.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Finding F5.2: Individual Council members have intimidated staff by giving orders that are in direct opposition to departmental procedures.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Finding F5.3: The professional recommendations of City of Tracy staff may be tempered by the potential consequences of disapproving Council members due to fear of potential job loss.

Agency Response: *The City agrees with this finding.*

2018-2019 Grand Jury Recommendation R5.1: The Tracy City Council develop and implement a written protocol for sanctions or censure of Council members who violate the Tracy Municipal Code by failing to work through the City Manager to conduct City business, by December 31, 2019.

Agency Response: *This recommendation requires further analysis and discussion. Staff will present options for accountability measures to be included in the Ethics Policy.*

2019-2020 Grand Jury Follow-up Response: The Tracy City Council approved and adopted the *Tracy City Council Code of Conduct* at their meeting on October 15, 2019. **The 2019-2020 Grand Jury determined to take no further action.**

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Follow-up to the 2018 - 2019 San Joaquin County Civil Grand Jury Report



French Camp McKinley Fire District:

A District in Disarray

Case #0518

Preface

This report contains a continuation of the agency responses to the 2018-2019 San Joaquin County Civil Grand Jury report regarding the French Camp McKinley Fire District. The first follow-up report was presented in the 2019-2020 Grand Jury report. The 2019-2020 Grand Jury reviewed the responses and made new recommendations.

The 2020-2021 Grand Jury follow-up conclusions are presented after the agency responses to each recommendation.

Discussions, findings, and recommendations from the 2020-2021 Grand Jury are in text boxes framed in black.

Complete copies of the original report and the agency's responses may be found on the San Joaquin County Grand Jury website at <https://www.sjcourts.org/grandjury/>.

Summary

The 2018-2019 Grand Jury found a number of issues with the French Camp McKinley Fire District, including high employee turnover, a lack of policies and procedures, and ineffective Board oversight.

The 2019-2020 Grand Jury report noted some recommendations were resolved leaving others still in progress.

The 2020-2021 Grand Jury reviewed the responses to the outstanding recommendations and concluded that the policy manual was updated and the recommended financial audits for the District were completed for fiscal years (FY) 2015 through 2019. The audit reports were filed with the San Joaquin County Office of the Auditor-Controller.

Method of Follow-Up Investigation

The 2020-2021 Grand Jury reviewed the 2019-2020 responses to the 2018-2019 report, #0518 *French Camp McKinley Fire District: A District in Disarray*. The responses were reviewed to determine if

- the agency responses were complete and comprehensible;
- the agency would implement the recommendations within the stated deadlines; and
- confirmation, including written documentation and interviews, was necessary.

Glossary

- **Board of Directors or Board:** French Camp McKinley Board of Directors
- **District:** French Camp McKinley Fire District
- **Policy Manual:** French Camp McKinley Fire District Fire Services Manual
- ***San Joaquin County Best Practices for Accounting and Reporting for Locally-Governed Special Districts:*** A manual developed by the County Auditor-Controller to aid the Boards of special districts in managing their finances

Summary of Responses and 2020-2021 Grand Jury Conclusion

Respondent	2019-2020 Rec #	Response	2020-2021 Grand Jury Conclusion
French Camp McKinley Fire District Board	R1	Implemented	No further action taken
	R2	Implemented	No further action taken
	R3	Implemented	No further action taken
	R4	Implemented	No further action taken
	R5	Implemented	No further action taken
	R6	Implemented	No further action taken
	R7	Implemented	No further action taken

Findings, Recommendations, Agency Responses, and Grand Jury Results

5.0 Procedures, Policies, and Documentation

2018-2019 Grand Jury Finding F1.1: The District’s Policy Manual requires significant customization in order to adequately meet the needs of the District.

***Agency Response:** With the implementation of Program Management Charters, the process of monitoring and updated the Policies and Procedures has been adopted. Additionally, the term "significantly" over states the issue. The policies and procedures need cleaning up to reflect some of the District's internal organization administrative and organizational practices.*

2018-2019 Grand Jury Finding F1.2: The District does not review and regularly update the Policy Manual, placing the District at risk for financial liability.

***Agency Response:** "As Needed" describes the model FRC utilizes as listed in the "Chiefs Preface" page of the Policies Manual (See R1.1). The conclusion drawn from the Grand Jury survey of other agencies indicated there is not one universal method or model for policies and procedures revision/updating that applies for all agencies.*

2018-2019 Grand Jury Finding F1.3: The lack of access to an electronic Policy Manual makes it more difficult for staff and Board members to receive, review, and implement policy updates.

Agency Response: *Electronic access to the policy manual is available for via Lexipol online now that Administrative staff has completed the online webinar training.*

Authorized personnel and member have always had access to the Policy Manual and additional information via the District's secured internet access.

2018-2019 Grand Jury Finding F1.4: Not having procurement policies and procedures for disposing of surplus equipment, the District risks excess spending without accountability, and financial loss when the sale of surplus is not maximized.

Agency Response: *A policy has been drafted for the Directors approval. The policy includes a status tracking process to accurately inventory and maintained district property and equipment.*

Additionally, this increased oversight will occur via Program / Project Managers, in consultation with the Fire Chief and the BOD.

2018-2019 Grand Jury Finding F1.5: Not requiring the Board to approve policy updates leaves them without the ability to provide appropriate policy oversight for the District.

Agency Response: *The Fire Chief is responsible for the execution of "day-to-day" operational oversight of fire and life safety activities, i.e. emergency responses, fire prevention, etc.*

The Board of the Directors' oversight exist in the form of checks and balances relative to outcomes based on expected goals to ensure that sound fiscal policy exists, and that practices and controls are in place so that the district employees are accountability to the communities it serves.

The Fire Chief and Board of Directors shared responsibility exist in the form of approval of the annual budget, establishing financial goals, reviewing district finances, developing capital improvement plans, being involved in setting the direction of the district and, most importantly, working in the best interests of the community and the constituents the district serves.

2018-2019 Grand Jury Finding F1.6: Without clearly defined testing procedures, firefighters are deprived of the opportunity for promotions based upon their training, experience, and qualifications.

Agency Response:

Policy 1000: Recruiting and Retention and Policy 1004: Promotions and Transfers.

The present leadership is committed to fair and transparent promotional practices based upon training, experience, and qualifications.

Entry Level Examinations

- *Employment opportunity posting with qualifications and study reference;*
- *Written examination, constructed by an outside testing firm based on modern / latest fire service knowledge and training;*
- *Interview Panel with Internal French Camp Members and external Fire Service Members;*
- *Comprehensive background check by an experienced investigator;*
- *Interview with the Fire Chief;*
- *Medical examination.*

Promotional Examinations:

- *Based on the promotional position being tested; a list of qualifications and study reference for the written examination will be sent to members and or open posting for external candidates;*
 - *In conjunction with an outside testing firm the written examination will be constructed;*
 - *Abilities Assessment and or Interview Panel with internal French Camp Members and or external Fire Service Members; demonstration of the Candidate's ability to perform duties and responsibilities for the position being tested;*
- Comprehensive background check by an experienced investigator, an interview with the Fire Chief;*
- *Medical examination; if necessary.*

Fire Chief Hiring:

- *Discretion of the Board of Director's;*
- *Consideration given to the Individual's experience, and qualifications and training.*

Administrative Staff:

- *Discretion of the Board of Director's; in consultation with the Fire Chief.*
- *Consideration given to the Individual's experience, and qualifications and training.*

2018-2019 Grand Jury Finding F1.7: Public safety may be compromised when department promotions are not based on the results of objective testing procedures.

Agency Response: *Refer to FRC Response 1.6. [See the response to F1.6 above.]*

2018-2019 Grand Jury Recommendation R1.1: The French Camp McKinley Board of Directors customize and approve its Policy Manual to reflect the needs of the District by December 31, 2019.

Agency Response: *Implementing an artificial time frame before a complete assessment of the district processes, practices and needs would not be beneficial to the District or it's*

members. An assessment of the Policy Manual was underway prior to the Grand Jury investigation and continues today.

Additionally, we are re-evaluating all computer based records management, staffing and training platforms in order to streamline and optimize Fire Department business processes.

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency disagreed with the timeframe.

2019-2020 Grand Jury Finding F1: The customization of the Policy Manual is important to adequately meet the needs of the District.

2019-2020 Grand Jury Recommendation R1: By September 30, 2020, the French Camp McKinley Board of Directors approve the newly customized Policy Manual which reflects the needs of the District and deliver a copy to the Grand Jury.

Agency Response: *Implemented*

The Policy Manual has been revised and reviewed by Fire personnel. Online access is available for members at any time. The current version is on the CD disc included. Updates are made as needed to the policy manual.

The 2020-2021 Grand Jury determined to take no further action.

2018-2019 Grand Jury Recommendation R1.2: The French Camp McKinley Board of Directors develop and follow a written policy to systematically review and update their Policy Manual on a regular schedule by December 31, 2019.

Agency Response: *SEE AP 1.1 [See the response to R1.1 above]*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency disagreed with the timeframe.

2019-2020 Grand Jury Finding F2: A policy to systematically review and update their Policy Manual is important to ensure the policies reflect latest practices and procedures.

2019-2020 Grand Jury Recommendation R2: By September 30, 2020, the French Camp McKinley Board of Directors approve the written policy to systematically review and update their Policy Manual on a regular schedule.

Agency Response: *Implemented*

The Policy Manual has been updated according to Policy 204 "District Directives." Updates occur as needed to reflect the addition of new policie; the revision of existing policies, or the removal of legacy policies.

The 2020-2021 Grand Jury determined to take no further action.

2018-2019 Grand Jury Recommendation R1.3: The French Camp McKinley Board of Directors post its updated Policy Manual and all updates electronically by December 31, 2019.

Agency Response: *[None Given]*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency stated the Policy Manual is posted electronically but not available for public viewing until approved by the Board.

2019-2020 Grand Jury Finding F3: To ensure transparency, it is important that the policy be posted for the public to review.

2019-2020 Grand Jury Recommendation R3: By September 30, 2020, the French Camp McKinley Board of Directors post for public viewing its updated Policy Manual and all updates.

Agency Response: *Implemented*

Completed. The Policy Manual revision is available via the District's Lexipol online account at <http://www.lexipol.com/>. Updates are made as policies and or operational changes take occur.

A copy of the Policy Manual resides in each firehouse. Once COVID restrictions are lifted, interested community members may view the Manual by appointment.

The 2020-2021 Grand Jury determined to take no further action.

2018-2019 Grand Jury Recommendation R1.4: The French Camp McKinley Board of Directors develop policies for purchasing and disposing of equipment by December 31, 2019.

Agency Response: *[None Given]*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The policy *Inventories, Transfer, and Disposal of District-Owned Property Policy 701* was provided to the Grand Jury. The agency did not provide a policy for purchasing equipment.

2019-2020 Grand Jury Finding F4: A policy for purchasing equipment is important for transparency and consistency.

2019-2020 Grand Jury Recommendation R4: By September 30, 2020, the French Camp McKinley Board of Directors develop a policy for purchasing equipment.

Agency Response: *Implemented*

Policy 701 Inventories, Transfer, and Disposal of District-Owned Property states “It is the policy of the French Camp-McKinley Fire District to accurately inventory and maintained all district property and equipment

Policy 201 – Program Management states “It is the policy of the French Camp McKinley Rural Fire Protection District to manage resources in a responsible and transparent manner by dividing Fire Department functional tasks into specific programs and assigning program managers to each.”

The 2020-2021 Grand Jury determined to take no further action.

2018-2019 Grand Jury Recommendation R1.5: The French Camp McKinley Board of Directors develop policies for testing and promotions that maintain the integrity of test scores by December 31, 2019.

Agency Response: *[None given]*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

Subsequent discussion with Agency staff included a reference to *Policy 1000: Recruiting and Retention* and *Policy 1004: Promotions and Transfers*.

2019-2020 Grand Jury Finding F5: A policy for testing and promotions is important for transparency and consistency.

2019-2020 Grand Jury Recommendation R5: By September 30, 2020, the French Camp McKinley Board of Directors upload the Policy regarding recruitment and retention to a public website.

Agency Response: *Implemented*

Policy 1000 “Recruitment and Selection” outlines the new hiring process and the promotional process

The District committed to fair and transparent employment practices based upon individual training, experience, and qualifications. The Following outlines the general processes utilized

Entry Level Examinations

- *Employment opportunity posting with qualifications and study reference.*
- *Written examination conducted by a profession testing organization based on contemporary / latest fire service knowledge and training.*
- *Interview Panel with Internal French Camp Members and external Fire Service Members.*
- *Interview with Fire Chief and or Board Members.*
- *Comprehensive background check by an experienced investigator.*
- *Medical examination.*

Promotional Examinations:

- *Based on the promotional position being tested; a list of qualifications and study reference for the written examination will be provided to candidate and or open posting for external candidates.*
- *In conjunction with a profession testing organization a job specific written examination will be constructed.*
- *An assessment and or interview panel with French Camp Members and or external Fire Service Members; Candidate's must demonstration the ability to perform duties and responsibilities for the position being tested.*
- *Comprehensive background check by an experienced investigator for external candidates, and an interview with the Fire Chief.*
- *Medical Examination; if necessary.*

Chief Officers Hiring:

- *Discretion of the Board of Directors'*
- *Consideration given to the individual's experience, and qualifications and training.*

Administrative Staff:

- *Discretion of the Board of Director's; in consultation with the Fire Chief.*
- *Consideration given to the individual's experience, and qualifications and training.*

The 2020-2021 Grand Jury determined to take no further action.

6.0 Personnel Issues

2018-2019 Grand Jury Finding F2.1: Public safety may be put at risk when testing procedures allow less qualified candidates to be promoted into positions that require them to make critical decisions based on qualifications, training, and experience.

Agency Response: *"Less Qualified" member have not been placed into positions that would create a risk to the public.*

A new leadership team is being assembled, which is committed to conduct transparent testing. Current and future hiring and promotions practices will follow commonly utilized fire service practices to ensure the best candidates are hired and promoted based upon their training, experience, and qualifications.

2018-2019 Grand Jury Finding F2.2: By not following their grievance procedures, the District's Fire Chief and Board left their employees without recourse to resolve problems other than litigation.

Agency Response: *The "excessive" number of grievances resulted from previous leadership team(s) not following the established policies; the policies themselves are adequate.*

2018-2019 Grand Jury Finding F2.3: The District's leadership failed to address grievances and complaints of a toxic work environment, requiring the District to settle three employment-related lawsuits totaling over \$400,000.

Agency Response: *Refer to FRC Response 2.2. [See the response to F2.2 above.]*

2018-2019 Grand Jury Finding F2.4: The District's failure to conduct an annual grievance audit may have resulted in unnecessary financial liability.

Agency Response: *Refer to FRC Response 2.2. [See the response to F2.2 above.]*

2018-2019 Grand Jury Recommendation R2.1: The French Camp McKinley Board of Directors develop a clear and concise grievance policy and form by December 31, 2019.

Agency Response: *The Board and the Interim Fire Chief have reviewed the policy and are working to implement a process to address member's concerns in a transparent and timely manner. Fire Administration policy adherence and execution are required to resolving any grievance*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The *Personnel Complaints Policy 1028* and *Employee Complaint/Resolution Form* are completed.

The 2019-2020 Grand Jury determined to take no further action.

2018-2019 Grand Jury Recommendation R2.2: The French Camp McKinley Board of Directors revise the District Policy Manual to require that an annual grievance audit be sent to the Board of Directors no later than February each calendar year by March 1, 2020.

Agency Response: *The Board concurs. Ongoing communication between the Board of Directors and the Fire Chief should eliminate any grievance related surprises.*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency stated that the upcoming *District Policy Manual* covers this topic.

2019-2020 Grand Jury Finding F6: It is important for transparency and consistency that the new Policy Manual provide guidance regarding the ongoing communication between the Board of Directors and the Fire Chief about processing grievances.

2019-2020 Grand Jury Recommendation R6: By September 30, 2020, the French Camp McKinley Board of Directors post for public viewing its updated Policy Manual with guidance for the ongoing communication between the Board of Directors and the Fire Chief about processing grievances.

Agency Response: *Implemented*

Policy “1039 Grievance Procedure” *has been updated to reflect that an annual grievance audit is completed and reviewed by Board of Directors per Subsection 1039.7. The Board of Directors completed a review 2019 (no grievance filed).*

The 2020-2021 Grand Jury determined to take no further action.

2018-2019 Grand Jury Recommendation R2.3: By December 31, 2019, the French Camp McKinley Board of Directors develop a policy that requires the Board receive a copy of all internal investigative reports within 10 days of completion.

Agency Response: *Currently the Interim Fire Chief advises the Board of Directors monthly on the status of all grievances. The Board also receives a summary of any investigative report upon it's conclusion or with their monthly meeting packet.*

The 2019-2020 Grand Jury determined to take no further action.

7.0 Board Oversight

2018-2019 Grand Jury Finding F3.1: Board responsibilities are not clearly understood by all board members, which has contributed to ineffective leadership of French Camp McKinley Fire District.

Agency Response: *The lack of clear communication by previous fire leadership and onboarding of new directors contributed to the perception that role and responsibilities of some members are not clearly understood.*

2018-2019 Grand Jury Finding F3.2: Without a formalized annual review process, the Board is unable to measure the Fire Chief's performance.

Agency Response: *The Board concurs. A review process is in place and has been utilized to determine goals and objectives and compensation. An evaluation of the past Chief was underway when his occupational leave occurred.*

2018-2019 Grand Jury Finding F3.3: Board members have not held the Fire Chief accountable for failing to communicate critical personnel issues, which has led to significant employee turnover and expensive investigations and lawsuits.

Agency Response: *The previous leadership's lack of honesty and transparency, coupled with the creation of a culture of intimidation of members, concealed serious personnel issues from the board. Upon becoming aware of the seriousness of several personnel issues, the Board initiated action to hold the responsible members accountable.*

2018-2019 Grand Jury Finding F3.4: The Board is failing in their fiduciary responsibilities as evidenced by the District's delinquency in filing annual audits, the lack of policies providing financial controls, and inadequate financial oversight.

Agency Response: *A lack of honesty and transparency lead the board to infer the required filings were taking place. (See Plan of Action 3.2). [See response to R3.2 below.]*

2018-2019 Grand Jury Recommendation R3.1: French Camp McKinley Board members perform an annual review of the Fire Chief no later than July of each calendar year, beginning July 2020.

Agency Response: *The Board concurs. A review of the chief performance is generally coupled with annual budget and planning sessions or hire date.*

The 2019-2020 Grand Jury determined to take no further action.

2018-2019 Grand Jury Recommendation R3.2: French Camp McKinley Board members file annual audits with the County Auditor for 2015-2016, 2016-2017, and 2017-2018, with copies sent to the Grand Jury by December 31, 2019.

Agency Response: *The District is working with a Certified Public Account to reconcile 2015-2016, 2016-2017, and 2017-2018 records.*

2019-2020 Grand Jury Discussion, Findings, and Recommendations

The agency requested more time.

2019-2020 Grand Jury Finding F7: It is important for public trust that the District have correct and audited financial records.

2019-2020 Grand Jury Recommendation R7: By December 31, 2020, French Camp McKinley Board members file annual audits with the County Auditor for 2015-2016, 2016-2017, and 2017-2018, with copies sent to the Grand Jury.

Agency Response: *Not Completed*

Robert W Johnson Accountancy Corporation has been hired to audit the District's financial record for the following fiscal years: FY 2016-17, FY 2017-18, FY 2018-19, FY 2019-20. The review is expected to be completed by the end of 2020.

The audits from fiscal years 2015 through 2019 have been completed and copies are on file with the San Joaquin County Auditor-Controller.

The 2020-2021 Grand Jury determined to take no further action.

2018-2019 Grand Jury Finding R3.3: French Camp McKinley Board members adopt and follow the financial guidance provided in the document "*San Joaquin County Best Practices for Accounting and Reporting for Locally-Governed Special Districts*" by December 31, 2019.

Agency Response: *The Board concurs. The Board and the Interim Fire Chief have received a copy of the "San Joaquin County Best Practices for Accounting and Reporting for Locally Governed Special Districts. Additionally, the Board and Staff plans to utilize the California Special District Association vast training resources which includes online webinars to conference to assist special district.*

The 2019-2020 Grand Jury determined to take no further action.

8.0 The Future of French Camp McKinley Fire District

2018-2019 Grand Jury Finding F4.1: Considering the history of failed leadership from French Camp McKinley's Board of Directors, excessive turnover of the District's Fire Chiefs, profound personnel problems, lawsuits, and investigations, the ability of French Camp McKinley Fire District to effectively provide fire protection services to its constituents, including the critical County facilities within its jurisdiction is questionable.

Agency Response: *The Board of Director's position is to continue as the French Camp McKinley Fire District. The Board's decision is based on providing fire and life safety to the residents and business communities of French Camp and Mountain House Community Service District.*

Refer to Attachment 1. "The Office of the County administrator August 13, 2019 recommendation to the San Joaquin County Board of Supervisors: "Approval of Response to the 2018-2019 Civil Grand Jury Report Regarding the French Camp McKinley Fire District."

2018-2019 Grand Jury Finding F4.2: The District's Board has failed to follow-up on repeated recommendations to explore consolidation.

Agency Response: *This is not accurate. The board will respectfully consider any mutually beneficial agreements and or consolidation.*

2018-2019 Grand Jury Recommendation R4.1: The Board of Directors of French Camp McKinley Fire District initiate the process, including an analysis, for consolidating with another fire district by October 31, 2019.

Agency Response: *Refer to Responses 4.1 and 4.2.*

The 2019-2020 Grand Jury determined to take no further action.

2018-2019 Grand Jury Recommendation R4.2: The San Joaquin County Board of Supervisors conduct an independent review to ascertain whether French Camp McKinley Fire District is the most viable option for providing fire protection services for critical County facilities by March 31, 2020.

Agency Response: *Not Applicable: Refer to Attachment 1. "The Office of the County administrator August 13, 2019 recommendation to the San Joaquin County Board of Supervisors: "Approval of Response to the 2018-2019 Civil Grand Jury Report Regarding the French Camp McKinley Fire District."*

San Joaquin County Board of Supervisors' Response: *The recommendation has been implemented.*

An internal review of FCMFD fire protection services was performed by the County Administrator's Office. The results of the review determined:

- *There were no indications of performance deficiencies in FCMFD fire protection services provided to County facilities;*
- *Overall, County departments were pleased with the service received from FCMFD; and,*
- *The FCMFD response times and performance have been consistent with comparable fire agencies and therefore FCMFD is a viable option for the delivery of fire protection services to the County's French Camp facilities.*

The 2019-2020 Grand Jury determined to take no further action.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Follow-up to the 2019 - 2020 San Joaquin County Grand Jury Report



Homelessness in San Joaquin County Building on a Foundation: Collaboration and Communication Case #0119

Preface

This report contains the responses to the 2019-2020 San Joaquin County Civil Grand Jury report regarding Homelessness in San Joaquin County. This report focuses on the 2019-2020 Grand Jury findings and recommendations, as well as the agency responses, which are presented verbatim in this report.

The 2020-2021 Grand Jury follow-up determinations are presented after the agency response to each recommendation.

Discussions, findings, and recommendations from the 2020-2021 Grand Jury are in text boxes framed in black.

Complete copies of the original report and the agency responses may be found on the San Joaquin County Grand Jury website at: <https://www.sjcourts.org/grandjury/>.

Summary

The 2019-2020 Grand Jury investigation into homelessness was initiated in response to a citizen complaint. The investigation focused on how San Joaquin County and the seven cities within the county addressed homelessness. The Grand Jury found San Joaquin County and the seven cities have made efforts in addressing homelessness but more needed to be done. The 2019-2020 Grand Jury recommendations included

- Develop easy-to-read websites which would lead to a more-informed public on the topic of homelessness;
- Petition the court to extend the Homeless Court;
- Add four more deputies to the Community Car Program; and
- The cities of Tracy, Manteca, Lathrop, Ripon, and Escalon adopt the San Joaquin Continuum of Care and the Program Administrator as the primary organization through which the County and cities work together to develop solutions to homelessness.

The 2020-2021 Grand Jury found that the 2019-2020 Grand Jury had done admirable work in understanding homelessness as an issue in San Joaquin County, including the various systems and agencies that seek to make homelessness rare, brief, and non-recurring. San Joaquin County is making great strides pursuing solutions to homelessness in the region including cities posting plain language websites for ease of public understanding and participation in the Continuum of Care. The 2020-2021 Grand Jury found resolution to all of the recommendations on dealing with homelessness in San Joaquin County.

Method of Follow-Up Investigation

The current 2020-2021 Grand Jury studied the original 2019-2020 report, #0119, *Homelessness in San Joaquin County, Building on a Foundation: Collaboration and Communication*, and documented the mandatory responses to the findings and recommendations. These responses were then reviewed to determine if

- the agency responses were complete and comprehensible;
- the agency would implement the recommendations within the stated deadlines; and
- confirmation, including written documentation and interviews, was necessary.

Glossary

- **HUD:** U.S. Housing and Urban Development Department; a federal department that, as part of its mission, among other things administers homelessness grants.
- **LEAD:** Law Enforcement Assisted Diversion; a program that redirects individuals from criminal justice system involvement into community-based social, health, and behavioral services. The San Joaquin LEAD team consists of representatives from the Stockton Police Department, San Joaquin County District Attorney's Office, County Behavior Health Services, Community Medical Center, and the Public Defender's Office.

- **Plain Language:** Writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or intended audience (Plain Writing Act of 2020, October 13, 2010).
- **SJCoC:** San Joaquin Continuum of Care; a local program required by HUD to provide leadership and effective stewardship of resources, as well as to facilitate community planning, design, and implementation of programs critical to ending homelessness in San Joaquin County.
- **Stockton PD:** Stockton Police Department.

Summary of Responses and 2020-2021 Grand Jury Conclusions

Respondent	2019-2020 Rec #	Response	2020-2021 Grand Jury Conclusion
Board of Supervisors	R1.1	To be implemented	No further action
	R1.3	Requires further analysis	No further action
	R2.1	Will not be implemented	No further action
Sheriff's Office	R1.2	Implemented	No further action
District Attorney's Office	R1.1	Will not be implemented	No further action
City of Stockton	R3.1	Implemented	No further action
City of Tracy	R3.1	Implemented	No further action
	R3.2	Implemented	No further action
	R3.3	Implemented	No further action
City of Manteca	R3.1	Implemented	No further action
	R3.2	Implemented	No further action
	R3.3	Will not be implemented	No further action
City of Lathrop	R3.1	Implemented	No further action
	R3.2	Implemented	No further action
	R3.3	Implemented	No further action
Ripon City Council	R3.1	Implemented	No further action
	R3.2	Implemented	No further action
	R3.3	Implemented	No further action
City of Escalon	R3.1	Implemented	No further action
	R3.2	To be implemented	No further action
	R3.3	To be implemented	No further action

Findings, Recommendations, Agency Responses, and Grand Jury Results

1.0 San Joaquin County Board of Supervisors:

2019-2020 Grand Jury Finding F1.1: None of the four Designated Lead Departments has provided a plain language website that describes their efforts in addressing and limiting the impact of homelessness, leaving many San Joaquin residents with the false impression that the County and is doing little or nothing to address homelessness.

Agency Response: *Agree*

San Joaquin County concurs with the Grand Jury's finding.

2019-2020 Grand Jury Finding F1.3: Holding Homelessness Court only in Stockton denies access to many individuals and is inconsistent with the intent of the Quality of Life Policy, which is to address and limit the impacts of homelessness in San Joaquin County.

Agency Response: *Partially Agree*

San Joaquin County acknowledges that access to transportation can be a struggle for many experiencing homelessness. San Joaquin County also acknowledges that Homelessness Court is an additional non-mandated service which goes above and beyond those typically offered by the Superior Courts, and which is being offered in the most geographically central city in the County where the majority of the region's homeless individuals typically congregate. The Quality of Life Policy seeks to address and limit the impacts of homelessness in San Joaquin County in part through exercising authority and discretion in the application of all laws enacted to protect the health, safety and welfare of all County residents. The Policy does not contemplate any directive or suggestion to provide Homelessness Court or other services for the homeless equally in every city of the County. San Joaquin Superior Court is a judicial branch of the State of California and not the organization of San Joaquin County.

2019-2020 Grand Jury Finding F1.4: The four Designated Lead Departments are successfully prioritizing homelessness and implementing the Quality of Life Policy to address and limit the impacts of homelessness in San Joaquin County.

Agency Response: *Agree*

San Joaquin County concurs with the Grand Jury's finding

2019-2020 Grand Jury Recommendation R1.1: By March 1, 2021, the San Joaquin Board of Supervisors develop and publish an easy-to-find, plain language website that includes a description of efforts made to address and limit the impacts of homelessness in San Joaquin County.

Agency Response: *This recommendation will be implemented but not by March 1, 2021.*

Plans to consolidate and refine the presentation of homelessness information on the San Joaquin County website are under discussion. Multiple factors which are difficult or

impossible to predict, including the ongoing implementation of homelessness data collection strategies, next point in time count (PIT) scheduled for January 2021 and the impacts of COVID-19, the County will make its best effort for completion of this initiative by end of calendar year 2021.

Due to COVID restrictions, the planned January 2021 Point In Time Count and finalization of communication plans on homelessness was postponed. There is not a clear timeline to develop and publish the county website. The County has relegated the provision of resources to the Continuum of Care and has a link on their website www.sanjoaquinoc.org. The 2020-2021 Grand Jury determined to take no further action.

2019-2020 Grand Jury Recommendation R1.3: By March 1, 2021, County Board of Supervisors petition the court to expand the Homelessness Court to the Branch Courts, as recommended in the *Homelessness Task Force 2015-2016 Annual Report* (November 16, 2016).

Agency Response: *This recommendation requires Further Analysis*

San Joaquin County acknowledges that expanding services such as Homelessness Court for those experiencing homelessness can effectively address and limit the impacts of homelessness in the community. San Joaquin County also acknowledges the limited resources available to provide these services. The referenced Homelessness Task Force report (November 16, 2016) includes a policy recommendation from the Task Force Law and Justice Sub-committee to "expand Homeless Court to the Circuit Courts within San Joaquin County." The Task Force report does not discuss potential operational challenges to the Superior Courts in expanding this service, nor does it offer solutions to the likely cost increases associated with such an expansion. Additionally, the Task Force report fails to acknowledge that Homelessness Court is currently offered only at the offices of homeless services provider St. Mary's Dining Room, a location which the Grand Jury report cites as ideal due to it being "a familiar and safe environment to the local homeless community." This would indicate that Homelessness Court is not offered at the Stockton Courthouse by design. It is unclear how expanding Homelessness Court in the outlying courts would be accepted by a Homelessness Court participant, or if at all. Prior to any petition to the Superior Court, the County Board of Supervisors would need to conduct an examination of the willingness and capacity of the Court to overcome these and other challenges to expand this service, which could delay such a petition beyond the recommended completion date or preclude the need for such a petition, along with determining the demand for services is not currently being met.

The 2020-2021 Grand Jury determined to take no further action.

2019-2020 Grand Jury Finding F2.1: One staff person is not sufficient to ensure all needs within the county are met.

Agency Response: *Partially Agree*

San Joaquin County agrees that effective solutions to homelessness require commitment, coordination and collaboration from multiple stakeholders. San Joaquin County disagrees that there is only one staff person ensuring that all needs within the County are met. Finding 2.1 fails to include references to the other staff and resources devoted to solutions to homelessness, including from the District Attorney's Office, Sheriff's Office, Department of Health Care Services, and Community Development Department, all of which are highlighted elsewhere in the Grand Jury report.

2019-2020 Grand Jury Finding F2.2: The revised San Joaquin Continuum of Care has increased collaboration between the County, the cities, and non-profit organizations, helping to improve services for the homeless.

Agency Response: *Agree*

San Joaquin County concurs with the Grand Jury's finding.

2019-2020 Grand Jury Recommendation R2.1: By December 30, 2020, the County Board of Supervisors complete an analysis to determine if additional staff is needed for the Program Administrator for Homeless Initiatives.

Agency Response: *This recommendation will not be implemented*

Homelessness is a broad problem which requires community based solutions through a collaboration of committed public and private partners. Focus from a variety of sources, such as those public and private organizations contributing to the ongoing collaborative effort of the San Joaquin Continuum of Care, is necessary. The Board of Supervisors is one of several bodies acting in a leadership role on this matter and will coordinate as appropriate with other government entities, including City Leadership, non-County organizations, the County Administrator, and County Department Heads to help meet the needs of the community.

The 2020-2021 Grand Jury determined to take no further action.

2019-2020 Grand Jury Finding F3.1: Although many residents are interested in how homelessness is being managed, only the City of Lodi has published accomplishments in plain language on its website. This lack of readily available information makes it difficult for residents to understand what is being done to address homelessness

Agency Response: *Agree*

San Joaquin County concurs with the Grand Jury's finding.

2019-2020 Grand Jury Finding F3.2: There is a need for community-wide planning and strategic use of resources for homelessness involving all cities within the County.

Agency Response: Agree

San Joaquin County concurs with the Grand Jury's finding.

2019-2020 Grand Jury Finding F3.3: It is important to establish a coordinated and regional system of care for the homeless community to improve services while addressing and limiting the impact of homelessness.

Agency Response: Agree

San Joaquin County concurs with the Grand Jury's finding.

2019-2020 Grand Jury Finding F3.5: The leadership shown recently by the City of Stockton in working with San Joaquin County towards a shared goal of obtaining funds will streamline processes and result in improved efficiency.

Agency Response: Agree

San Joaquin County concurs with the Grand Jury's finding.

2019-2020 Grand Jury Finding F3.6: Stockton's leadership efforts in securing a regional strategic plan speaks to the current spirit of collaboration and communication between Stockton, San Joaquin County, and the San Joaquin Continuum of Care.

Agency Response: Agree

San Joaquin County concurs with the Grand Jury's finding.

2.0 San Joaquin County Sheriff's Office:

2019-2020 Grand Jury Finding F1.1: None of the four Designated Lead Departments has provided a plain language website that describes their efforts in addressing and limiting the impact of homelessness, leaving many San Joaquin residents with the false impression that the County and is doing little or nothing to address homelessness.

Agency Response: Agree

The respondent (San Joaquin County Sheriff's Office) agrees with the finding. The San Joaquin County Sheriff's Office will be adding this content to the department's webpage.

2019-2020 Grand Jury Finding F1.2: The Community Car Program adds value to the community by reducing response times for calls for service, supporting the Encampment Response Team, and limiting the impacts of homelessness in San Joaquin County.

Agency Response: Agree

The respondent (San Joaquin County Sheriff's Office) agrees with the finding. The Community Car Program is not a new idea for the Sheriff's Office. This Office had a Community Car Program deployed in many communities throughout San Joaquin County

from the late 1980s to the early 1990s. The program was abandoned in the early 1990s due to budget constraints.

In the 1990s, the Sheriff's Office adopted the Community-Oriented Policing and Problem Solving (COPPS) and Scanning Analysis Response Assessment (SARA) philosophies. These philosophies promoted and supported organizational strategies to address the causes and reduce the fear of crime and social disorder through problem-solving tactics and police-community partnerships. Interactions between law enforcement and residents within our communities are central to these philosophies.

The Community Car concept also incorporates these philosophies. Through the redeployment of the Community Car Program, the Sheriff's Office returned to addressing and solving problems within our communities. Community Car deputies foster community partnerships by implementing problem-solving strategies that ultimately build trust between the Sheriff's Office and the communities they serve.

The Community Car Program seeks to reduce crime and the fear of crime by: identifying and abating community nuisance, blight, and substandard living conditions; identifying and comprehensively responding to emerging crime trends; enhancing community safety; and protecting life and property. As a result, the Sheriff's Office is able to:

Reduce the response times of calls for service

- Increase Sheriff's Office presence in problem areas*
- Address problems that cause a reduction in the quality of life of community residents*
- Create and strengthen relationships with members of the public in communities served by the Sheriff's Office*

2019-2020 Grand Jury Finding F1.4: The four Designated Lead Departments are successfully prioritizing homelessness and implementing the Quality of Life Policy to address and limit the impacts of homelessness in San Joaquin County.

Agency Response: *Agree*

The respondent (San Joaquin County Sheriff's Office) agrees with the finding. In February and March of 2020, the San Joaquin County Sheriff's Office spearheaded a multi-agency operation to eradicate massive homeless encampments along an approximate five-mile stretch of the Diverting Canal between Highway 99 and West Lane, in unincorporated areas of Stockton. These encampments were proven to be the root cause of multiple incidents of arson, theft, burglary, environmental waste, and major damage to the infrastructure protecting the community from flooding.

Deputies, along with social service providers, contacted over 150 individuals and offered them drug-treatment assistance, housing, financial assistance, and mental-health services. Only one person accepted these resources when offered.

After days of reaching out and offering assistance, the encampments were posted with "72 Hours to Vacate" notices. After the noticed time had expired, efforts began to

remove the encampments and to clean and revitalize the entire area. The operation resulted in 15 arrests, the disposal of over 78 tons of trash and debris, the removal of over 85 tires, and the disposal of over 100 containers of human waste.

Crime decreased significantly in the residential and commercial areas surrounding the canal. Children and parents were once again able to enjoy walking and riding bikes along the canal again without fear of becoming crime victims. The area continues to be well-maintained to this day as a result of efforts by the Sheriff's Community Car Deputies.

2019-2020 Grand Jury Recommendation R1.2: By October 1, 2020, the Sheriff's Office assign four additional deputies to the Community Car Program, for a total of eight deputies.

Agency Response: *The Sheriff's Office intends to assign a total of 22 Deputies to the Community Car Program; however, the Sheriff's Office currently has 41 vacant Deputy Sheriff positions. Being able to achieve the goal of assigning 22 Community Car Deputies will depend greatly on the success of the recruitment and hiring process. The Sheriff's office is currently in the midst of a massive recruitment effort that includes purchasing television and digital ads, streamlining the background and testing process, and offering a signing bonus to new hires.*

Based on current staffing projections, the Sheriff's Office will assign two additional Deputies to the Community Car Program effective September 28, 2020; two additional Deputies in December 2020; and two-to-four additional Deputies in March of 2021.

The Sheriff's Office expanded the Community Car Program with its Community Revitalization Unit and assigned additional deputies. Currently there are nine deputies addressing quality of life issues relating to the County's homelessness which exceeds the Grand Jury's recommendation that the Sheriff's Office assign a total of eight deputies. The 2020-2021 Grand Jury determined to take no further action.

3.0 District Attorney:

2019-2020 Grand Jury Finding F1.1: None of the four Designated Lead Departments has provided a plain language website that describes their efforts in addressing and limiting the impact of homelessness, leaving many San Joaquin residents with the false impression that the County and is doing little or nothing to address homelessness.

Agency Response:

We agree with this Finding. As one of the four "Designated Lead Departments", the District Attorney's Office does not currently operate a dedicated, stand alone, website outlining its own activities, or those of other Departments, related to addressing and limiting the impacts of homelessness within San Joaquin County.

The District Attorney's Office currently provides information to the community through its own dedicated website and through social media on its Facebook page, to share efforts made by the District Attorney and her team members to address and work towards the reduction of homelessness within the San Joaquin County community. The District Attorney's Office will expand the scope of information available on its website and through social media to allow for ease of accessing information related to homelessness and available resources within the community. The District Attorney's Office is supportive of the Grand Jury's recommendation that a unified website be implemented by the Board of Supervisors through the San Joaquin County Information Systems Department (ISD).

As will be discussed further below, the District Attorney's Office supports the Grand Jury's Recommendation 1.1 for the development and implementation of a countywide unified, "easy to find", "plain language" website describing efforts made by the four "Designated Lead Departments" as well as those of other local agencies and/or organizations offering services to homeless individuals within San Joaquin County.

This unified website will allow for direct links from the District Attorney's Office website and other County Departments for ease of access by the entire San Joaquin County community to updated and consistent information on homelessness issues, activities and services.

In addition, the District Attorney's Office will work to expand the scope of information available through its website and through the use of social media to report on the activities of the three (3) designated prosecutors working in Neighborhood Deputy District Attorney (NODA) program. While their activities have historically been included on both the District Attorney's Office website and on social media, additional information can be provided to the community. The NDDAs engage the San Joaquin County citizens through participation in community activities, close working relationships with members of the Board of Supervisors' Offices, Behavioral Health Services, and other local agencies and organizations which address homelessness issues.

The NDDAs also work collaboratively with the Stockton Police Department and other county agencies on the Law Enforcement Assisted Diversion (LEAD) program to find solutions for homeless individuals within Downtown footprint and neighboring areas in the City of Stockton. The District Attorney's Office will expand the scope of information shared on its website to include data and analysis of this successful collaboration and the direct work currently being done with homeless individuals.

The District Attorney also regularly provides updates, offers feedback, and continues to work collaboratively with other "Designated Lead Departments" to address homelessness within the San Joaquin County community. This work and involvement with the aforementioned Departments and programs, and the additional engagement outlined in Finding 1.4 below, will continue in Fiscal year 2020- 2021.

2019-2020 Grand Jury Finding F1.3: Holding Homelessness Court only in Stockton denies access to many individuals and is inconsistent with the intent of the Quality of Life Policy, which is to address and limit the impacts of homelessness in San Joaquin County.

Agency Response:

We agree with this Finding. The District Attorney's Office is supportive of the San Joaquin County Superior Court expanding the reach of Homeless Court outside Stockton to address and limit the impacts of homelessness in San Joaquin County. The Homeless Court is one function of the Superior Court's Collaborative Court system. It is currently held on the last Friday of the month at St. Mary's Dining Room in Stockton, which offers a location outside the traditional courtroom setting.

The San Joaquin County Superior Court currently operates circuit courts in two additional communities, the City of Manteca and the City of Lodi. The Manteca circuit court currently serves the City of Tracy community in addition to the citizens of the City of Manteca. The Tracy circuit court has been and remains closed. The District Attorney's Office will work collaboratively with the San Joaquin County Superior Court should a decision be made to hold Homeless Court in the Manteca, Tracy and/or Lodi jurisdictions at appropriate locations outside the traditional courtroom setting similar to what occurs in Stockton. The District Attorney's Office will work collaboratively with those organizations who join in supporting the operation of Homeless Courts in those locations frequently accessed by homeless individuals.

2019-2020 Grand Jury Finding F1.4: The four Designated Lead Departments are successfully prioritizing homelessness and implementing the Quality of Life Policy to address and limit the impacts of homelessness in San Joaquin County.

Agency Response:

We agree with this Finding. At this time, most communities throughout the country are facing and working hard to address homelessness in order to make this circumstance brief, rare and a one-time occurrence. The sheer magnitude and scope of the work is complex and varies substantially in each community based on the extent of homeless population itself, as well as the availability of local resources and services. Each of the "Designated Lead Departments" are prioritizing homelessness and implementing the County's Quality of Life Policy.

Representatives of the District Attorney's Office continue to participate with the activities of the San Joaquin County Continuum of Care (Coe) and its related meetings and committees. In addition, the District Attorney's Office has participated as a core member of the COVID-19 Homeless Coalition and Hotel Taskforce, creating a partnership with the Human Services Agency (HSA) with operational plans for shelter screenings, emergency COVID-19 response planning for homeless individuals, referrals to Project Roomkey, and coordinated care for guests. This participation with representatives of the four (4) "Designated Lead Departments" will continue in Fiscal year 2020-2021.

In addition to the aforementioned work of the District Attorney's Office prosecutors assigned as Neighborhood Deputy District Attorneys (NDDAs) and the work with the Law Enforcement Assisted Diversion (LEAD) program, prosecutors in the District Attorney's Quality of Life (QoL) Division will continue work combatting illegal dumping, environmental concerns, arson cases, public nuisance actions and other related issues. These prosecutors work collaboratively with local and statewide agencies to address issues affecting the general public and those experiencing homelessness.

2019-2020 Grand Jury Recommendation R1.1: By March 1, 2021, the San Joaquin Board of Supervisors develop and publish an easy-to-find, plain language website that includes a description of efforts made to address and limit the impacts of homelessness in San Joaquin County.

Agency Response:

The District Attorney's Office will not implement this Recommendation as the Recommendation is directed to the County Board of Supervisors. The District Attorney's Office does support the development and implementation of the website suggested in this Recommendation and will contribute information for the website as requested.

The recommendation from the Grand Jury supports conveying a consistent countywide message through a dedicated website for access by homeless community members, those assisting these individuals, and by members of the general public. This supports an ease of information to and for the very individuals who need access to the services outlined on the website. The recommendation to develop and implement a unified website will allow the general public to understand exactly what services are being provided and the goals that have been accomplished within the County in one specific location rather than having to access multiple websites or seek information from a variety of sources. This will assist in dissuading the false impression within the community that little or no work is being done or accomplished to address homelessness within San Joaquin County by the departments, agencies, and organizations tasked with doing so.

By way of example, the Mecklenburg County Housing and Homelessness Dashboard in Charlotte, North Carolina, created with the support of the University of North Carolina, provides an example of a plain language website, designed for public access. This website was not created by policy or program providers, and demonstrates an ease of information sharing. A coordinated framework provides clear and easy to understand information on the inflow and outflow of those individuals experiencing homelessness. Additional relevant data points are shared in the Dashboard, such as information on wages, prevailing rental rates in the jurisdiction, work being done to assist those out of homelessness status, and school district estimates of homeless children. Reporting on these same data points, and others of local interest, will be an effective method of conveying key information from the unified website to the citizens of the San Joaquin County community.

It is evident the Mecklenburg County Housing and Homelessness Dashboard has been growing in its sophistication and design over recent years. By leveraging from various examples like this one, San Joaquin County can launch the dedicated plain language website as recommended by the Grand Jury which continues the work to meet the needs of this community. For additional information, please see their website at <https://mecklenburghousingdata.org/>. As stated above, the District Attorney's Office supports the development of this website, will link its own website as a "Dedicated Lead Department", and work with County ISD to ensure the accuracy of relevant criminal justice information contained on the website, as well as providing regular information for inclusion on the website as requested.

The 2020-2021 Grand Jury determined to take no further action.

4.0 City Responses:

2019-2020 Grand Jury Finding F3.1: Although many residents are interested in how homelessness is being managed, only the City of Lodi has published accomplishments in plain language on its website. This lack of readily available information makes it difficult for residents to understand what is being done to address homelessness.

Agency Response (City of Stockton):

The City agrees with this finding

Agency Response (City of Tracy):

The City disagrees partially with this finding.

Agency Response (City of Manteca):

The City of Manteca plans to provide more information on what the City has done regarding homelessness. This will include creating a dedicated page on the City's website indicating what has been done to date. The City will continue to update the webpage as additional items have been completed.

Agency Response (City of Lathrop):

Council disagrees partially with the finding of the Grand Jury. Many sources of information from numerous entities provide information on what is being done to address homelessness. That saidm the City will add information to our website as detailed in response to the Grand Jury Recommendation R3.1 below.

Agency Response (City of Ripon):

The City acknowledges Finding F3. 1 and recognizes the need for Ripon residents to have ready access to useful and understandable information concerning homelessness and the responsive measures of their City. This information should focus on the direct, tangible and effective steps taken by the Ripon Police Department and City government as a whole. Moreover, the City will endeavor to provide information in a format free of

the unnecessary jargon, euphemism and abstractions which all too often characterize government communications.

Agency Response (City of Escalon):

The City of Escalon acknowledges Finding F3.1 and recognizes the need for Escalon residents to have ready access to useful and understandable information concerning homelessness and the responsive measures of their City. This information should focus on the direct, tangible, and effective steps taken by the Escalon Police Department and City government as a whole.

2019-2020 Grand Jury Finding F3.2: There is a need for community-wide planning and strategic use of resources for homelessness involving all cities within the County.

2019-2020 Grand Jury Finding F3.3: It is important to establish a coordinated and regional system of care for the homeless community to improve services while addressing and limiting the impact of homelessness.

2019-2020 Grand Jury Finding F3.4: Publishing a plain-language website titled *What Lodi Has Done* for has made it easier for the public to readily understand the actions the city has taken to address homelessness.

2019-2020 Grand Jury Finding F3.5: The leadership shown recently by the City of Stockton in working with San Joaquin County towards a shared goal of obtaining funds will streamline processes and result in improved efficiency.

Agency Response (City of Stockton):

The City agrees with this finding

2019-2020 Grand Jury Finding F3.6: Stockton's leadership efforts in securing a regional strategic plan speaks to the current spirit of collaboration and communication between Stockton, San Joaquin County, and the San Joaquin Continuum of Care.

Agency Response (City of Stockton):

The City agrees with this finding

2019-2020 Grand Jury Recommendation R3.1: By December 30, 2020, the Cities of Stockton, Tracy, Manteca, Lathrop, Ripon, and Escalon post plain language information on their website that outlines the actions each city has taken to address homelessness.

Agency Response (City of Stockton):

The City will post in plain language, information that outlines our programs and actions taken to address homelessness no later than December 30, 2020.

The 2020-2021 Grand Jury determined to take no further action.

Agency Response (City of Tracy): *This recommendation has been implemented. The City of Tracy established a dedicated webpage to Homelessness in April 2019, shortly after the Tracy City Council established the Council Ad Hoc Committee to guide the creation of a Tracy Homelessness Strategic Plan. The web page clearly outlines specific Council and staff activities related to homeless and provides hyperlinks to City Council meetings, staff reports as well as links to other resources such as County Behavioral Health, Tracy Community Connections as well as serves as a one-stop-shop for linking interested visitors to additional homelessness resources including updated information from the Center for Disease Control's guidance with respect to homeless individuals and service providers.*

The 2020-2021 Grand Jury determined to take no further action.

Agency Response (City of Manteca):
The City of Manteca is actively working on creating a dedicated page on the City's website indicating what has been done to date as it relates to homelessness.

The 2020-2021 Grand Jury determined to take no further action.

Agency Response (City of Lathrop):
The Recommendation R3.1 has not yet been implemented. Implementation and links to information from the San Joaquin Continuum of Care (<http://www.sanjoaquinoc.org/>) will be added to the City of Lathrop's website within 90 days.

The 2020-2021 Grand Jury determined to take no further action.

Agency Response (City of Ripon):
In response to Recommendation R3.1, the City will post the information referenced above on its website (www.cityofripon.org), and will provide updates as events warrant. The City plans to have a separate tab entitled "Chief Orrnonde's Update on Homelessness-Action, Not Paperwork", which will be updated monthly at a minimum.

The 2020-2021 Grand Jury determined to take no further action.

Agency Response (City of Escalon):
In response to Recommendation R3.1, the City will post the information referenced above on its website www.cityofescalon.org and make updates as warranted.

The 2020-2021 Grand Jury determined to take no further action.

2019-2020 Grand Jury Recommendation R3.2: By December 30, 2020, the Cities of Tracy, Manteca, Lathrop, Ripon and Escalon adopt the San Joaquin Continuum of Care as the primary

organization through which the County and cities work together to develop solutions to homelessness.

Agency Response (City of Tracy): *This recommendation has not yet been implemented.*

Upon Council direction, staff will return to Council with a resolution adopting the San Joaquin Continuum of Care as the primary organization through which the City of Tracy will work with the County and other cities to develop solutions to homelessness.

On December 1, 2020, the City Council adopted Resolution 2020-198, which adopted the San Joaquin Continuum of Care as the primary organization through which the County and cities work together to develop solutions to homelessness for San Joaquin County. The 2020-2021 Grand Jury determined to take no further action.

Agency Response (City of Manteca):

The City of Manteca has a longstanding relationship with the San Joaquin Continuum of Care (SJCoC) and are active participants. Currently, a City of Manteca staff member is on the board as well as another staff member attending the monthly regional meetings on a monthly basis. The City of Manteca recognizes the value of the SJCoC and is committed to continuing the partnership and efforts of addressing homelessness.

The 2020-2021 Grand Jury determined to take no further action.

Agency Response (City of Lathrop):

This recommendation is implemented with City Council's approval of this response to the extent that "adoption" of the Continuum of Care does not commit the City of Lathrop to directly fund implementation costs incurred by other entities since the City of Lathrop incurs its own costs to address homelessness.

The 2020-2021 Grand Jury determined to take no further action.

Agency Response (City of Ripon):

In response to Recommendation R3.2 and 3.3, the City of Ripon will place a resolution on a City Council agenda by December 30, 2020 for consideration by the Council. The resolution will propose that the City of Ripon adopt the San Joaquin Continuum of Care as the primary organization through which the County and cities work together to develop solutions to homelessness, and officially acknowledge and support the Program Administrator for Homeless Initiatives position as the homeless coordinator for San Joaquin County.

The 2020-2021 Grand Jury determined to take no further action.

Agency Response (City of Escalon):

In response to Recommendation R3.2 and R3.3, the City of Escalon will place a resolution on a City Council agenda by December 30, 2020, for consideration by the Council. The resolution will propose that the City of Escalon adopt the San Joaquin Continuum of Care as the primary organization through which the County and cities work together to develop solutions to homelessness, and officially acknowledge and support the Program Administrator for Homeless Initiatives position as the homeless coordinator for San Joaquin County.

On December 7, 2020, the City Council adopted Resolution 64-20, which adopted the San Joaquin Continuum of Care as the primary organization through which the County and cities work together to develop solutions to homelessness for San Joaquin County. The 2020-2021 Grand Jury determined to take no further action.

2019-2020 Grand Jury Recommendation R3.3: By December 30, 2020, the Cities of Tracy, Manteca, Lathrop, Ripon and Escalon in open forum officially acknowledge and support the Program Administrator for Homeless Initiatives position as the homeless coordinator for San Joaquin County.

Agency Response (City of Tracy): *This recommendation requires further analysis.*

It is unclear what "support" means in the context of this recommendation. Staff will seek clarification from the Grand Jury to better understand its definition of "support" and what action(s) would demonstrate "support" of the San Joaquin County Homeless Coordinator position. Staff will endeavor to obtain the information and return to Council with a recommendation by December 30, 2020.

With the adoption of Resolution 2020-198 on December 1, 2020, the City Council did officially acknowledge and support the Program Administrator for Homeless Initiatives position as the homeless coordinator for San Joaquin County. The 2020-2021 Grand Jury determined to take no further action.

Agency Response (City of Manteca):

While the City of Manteca recognizes the San Joaquin County's Program Administrator for Homelessness Initiatives as the county contact focused on a regional approach to homeless issues, the City believes in a more customized approach in addressing and managing the specific needs of the homeless community within Manteca. Therefore, the City's focus is to utilize City staff on creating a more robust approach to addressing homelessness within Manteca.

The 2020-2021 Grand Jury determined to take no further action.

Agency Response (City of Lathrop):

The recommendation is implemented with City Council’s approval of this response to the extent that “support” of the Program Administrator for the Homeless Initiatives position does not commit to City of Lathrop to directly fund such position since the City of Lathrop incurs its own costs to address homelessness.

The 2020-2021 Grand Jury determined to take no further action.

Agency Response (City of Ripon):

In response to Recommendation R3.2 and 3.3, the City of Ripon will place a resolution on a City Council agenda by December 30, 2020 for consideration by the Council. The resolution will propose that the City of Ripon adopt the San Joaquin Continuum of Care as the primary organization through which the County and cities work together to develop solutions to homelessness, and officially acknowledge and support the Program Administrator for Homeless Initiatives position as the homeless coordinator for San Joaquin County.

The 2020-2021 Grand Jury determined to take no further action.

Agency Response (City of Escalon):

In response to Recommendation R3.2 and R3.3, the City of Escalon will place a resolution on a City Council agenda by December 30, 2020, for consideration by the Council. The resolution will propose that the City of Escalon adopt the San Joaquin Continuum of Care as the primary organization through which the County and cities work together to develop solutions to homelessness, and officially acknowledge and support the Program Administrator for Homeless Initiatives position as the homeless coordinator for San Joaquin County.

On December 7, 2020, the City Council adopted Resolution 64-20, which adopted the San Joaquin Continuum of Care as the primary organization through which the County and cities work together to develop solutions to homelessness for San Joaquin County. The 2020-2021 Grand Jury determined to take no further action.

Acknowledgement

The Grand Jury wishes to acknowledge the San Joaquin Continuum of Care (SJCoC) organization for its efforts in coordinating a strategic approach for community-wide planning and use of resources for homelessness involving all cities within the County. This non-governmental, non-incorporated association meets the requirements of Code of Federal Regulations 24 Part 578 as a collaborative and coordinating non-profit system. It includes government, homeless housing and service providers, and other community interests that increases public awareness and promotes programs that address the needs of the County’s homeless population.

The Grand Jury believes many of its recommendations for action are addressed through the SJCoC's *San Joaquin Community Response to Homelessness* strategic plan document, which was developed in 2020. For more information please view *Response to Homelessness Strategic Plan June 2020*, <http://www.sanjoaquinoc.org/wp-content/uploads/2020/06/San-Joaquin-Community-Response-to-Homelessness-Strategic-Plan-June-2020.pdf> .

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Follow-up Report to the 2019 - 2020 San Joaquin County Grand Jury



Illegal Dumping: Talking Trash

Case #0519

Preface

This report contains the responses to the 2019-2020 San Joaquin County Civil Grand Jury report regarding illegal dumping in San Joaquin County. This follow-up report focuses on the 2019-2020 Grand Jury findings and recommendations, as well as agency responses, which are presented verbatim in this report.

The 2020-2021 Grand Jury follow-up determinations are presented after the agency's response to each recommendation.

Discussions, findings, and recommendations from the 2020-2021 Grand Jury are in text boxes framed in black.

Complete copies of the original report and the agencies responses may be found on the San Joaquin County Grand Jury website at: <https://www.sjcourts.org/grandjury/>.

Summary

The 2019-2020 Grand Jury investigated the complex issue of illegal dumping in San Joaquin County. The investigation produced multiple findings and recommendations, requiring responses from the County Board of Supervisors and the City of Stockton. The City of Stockton responded with their willingness to participate in all the recommendations. Their participation, however, is dependent upon developing and mobilizing the illegal dumping Task Force by San

Joaquin County. It is possible that the outbreak of the COVID pandemic had a direct impact on the ability to fulfill the recommendations of the Grand Jury.

The 2020-2021 Grand Jury made multiple attempts to obtain verification of the Task Force formation, as well as resolution of the recommendations. Only the recommendation of the assignment of an Administrative Hearing Officer for code enforcement has been fulfilled. All other recommendations remain unsatisfied.

Method of Follow-Up Investigation

The current 2020-2021 Grand Jury reviewed the 2019-2020 responses to the report, #0519, *Illegal Dumping: Talking Trash* and documented the mandatory responses to the findings and recommendations. These responses were then reviewed to determine if

- the agency responses were complete and comprehensible;
- the agency would implement the recommendations within the stated deadlines; and
- confirmation, including written documentation and interviews, was necessary.

Follow up interviews were conducted, and surveys were sent to individuals who had knowledge of, or contributed to, the response preparation.

Summary of Responses and 2020-2021 Grand Jury Conclusions

Respondent	2019-2020 Rec #	Response	2020-2021 Grand Jury Conclusion		
			Rec#	Due Date	Conclusion
SJ County Board of Supervisors	R1	Will be implemented	R1	December 31, 2021	Further action required
	R2	Implemented			No further action
	R3	Will be implemented	R2.1	December 31, 2021	Further action required
			R2.2	December 31, 2021	Further action required
	R4	Will be implemented	R3	December 31, 2021	Further action required
	R5	Requires further analysis	R4	December 31, 2021	Further action required
	R6	Will be implemented	R5	December 31, 2021	Further action required

Respondent	2019-2020	Response	2020-2021 Grand Jury Conclusion		
	Rec #		Rec#	Due Date	Conclusion
	R7	Will be implemented	R6	December 31, 2021	Further action required
	R8	Will be implemented	R7	December 31, 2021	Further action required
City of Stockton	R4	Will be implemented			No further action
	R5	Will be implemented			No further action
	R6	Will be implemented			No further action
	R7	Will be implemented			No further action
	R8	Will be implemented			No further action

Findings, Recommendations, and Agency Responses

Board of Supervisors

2019-2020 Grand Jury Finding F1: Illegal dumping has increased in part because the County has not created a strong, enforceable ordinance to deter illegal dumping.

Agency Response: Agree

San Joaquin County concurs with the Grand Jury's finding.

2019-2020 Grand Jury Finding F2: There is no designated hearing officer and other staff required to enforce ordinances, leading to less effective enforcement.

Agency Response: Disagree

San Joaquin County Ordinance Code Title 2, Division 3, Chapter 5 Hearing Officer of the County of San Joaquin established the position of Hearing Officer of the County for the purpose of adjudicating enforcement actions under the code. An Officer appointed by the Board pursuant to this Chapter is available to enforce ordinances regarding illegal dumping. However, at this time the County lacks an effective ordinance or process to effectively eradicate illegal dumping.

2019-2020 Grand Jury Finding F3: San Joaquin County lacks sufficient surveillance equipment to monitor dumping hotspots and to prosecute illegal dumpers.

Agency Response: *Agree*

San Joaquin County concurs with the Grand Jury's finding.

2019-2020 Grand Jury Finding F4: San Joaquin County Public Works Department, Sheriff's Office, Community Development Department, District Attorney's Office, and all city departments within the county are not working collaboratively to address the illegal dumping problems.

Agency Response: *Disagree*

The named County Departments work together collaboratively as the law currently allows. However, at this time the County lacks ordinances and processes to effectively eradicate illegal dumping within the County. Accordingly, in the summer of 2020 the County and City began initial efforts to work together to create a joint pilot program that will provide data and effective strategies for each jurisdiction to significantly reduce illegal dumping.

2019-2020 Grand Jury Finding F5: San Joaquin County and the City of Stockton are not working together to share in the cost of illegal dumping cleanup.

County Board of Supervisors Response: *Disagree*

The law does not allow one jurisdiction to use funding that is allocated for a specific purpose in a separate jurisdiction. However, the County and the City are currently working together to create a joint pilot program that will provide data and effective strategies for each jurisdiction to significantly reduce illegal dumping and will also consider funding options for any proposed operations.

2019-2020 Grand Jury Finding F6: Free drop-off services are underutilized because the public is unaware of most of the programs offered.

County Board of Supervisors Response: *Agree*

Mattress, tires, and appliances can be disposed of by residents at no charge, and yet these items are commonly dumped illegally. For example, in the first seven months of calendar year 2020, the Department of Public Works- Road Maintenance Division picked up 568 appliances, 456 mattresses, and 2,415 tires that were illegally dumped on the road right-of-way. All of these can be disposed of at no charge by individuals (but not by businesses).

2019-2020 Grand Jury Finding F7: San Joaquin County and the City of Stockton do not have a robust referral system for sharing reports of illegal dumping irrespective of jurisdiction.

County Board of Supervisors Response: *Disagree*

The County does refer and communicate with the City of Stockton about illegal dumping. When a member of the public calls the Department of Public Works to report illegal dumping, Public Works takes the report even if the illegal dumping is for a location within a City jurisdiction, and passes the information on to the correct jurisdiction. However, the County agrees that the jurisdictions could formalize the referral process.

2019-2020 Grand Jury Finding F8: Effective cleanup incentives such as disposal vouchers, fee waivers, and recycling coupons have proven effective in reducing the likelihood of illegal dumping.

County Board of Supervisors Response: *Disagree*

Every residential garbage customer in the unincorporated County may request one free collection or disposal voucher from their garbage collection contractor. In 2019, the County and its contractors issued 7,164 no-cost disposal vouchers, and collected 172 tons of waste at free community cleanup events. Through the first nine months of 2020, the County and its contractors have issued 6,944 disposal vouchers and collected 193 tons of waste at free community cleanup events, and yet illegal dumping has increased dramatically in the County. Accordingly, the County Public Works Department intends to explore strategies to assist residents and communities in utilizing vouchers, fee waivers, and recycling coupons more easily and effectively as part of the joint pilot program.

2019-2020 Grand Jury Recommendation R1: By December 31, 2020, develop and adopt an enforceable ordinance to deter illegal dumping which includes a mechanism for collecting fines, an appeals process, and a way to recoup the cost of administration from the illegal dumpers.

County Board of Supervisors Response: *This recommendation will be implemented but not by December 31, 2020.*

The County is currently taking the lead on developing a Joint Illegal Dumping Pilot Project with the City of Stockton in order to use shared data to identify two to five illegal dumping hotspots and take joint, coordinated, comprehensive, proactive strategies and actions that can be replicated and scaled to eradicate illegal dumping in an effective and equitable way. The plan is to include the development of an enforceable ordinance within the County to deter illegal dumping. The ordinance is envisioned to include mechanisms for cost recovery, fines, penalties, and also non-monetary components such as community service. The timeline of specific strategies, actions, and programs within the Project will be initially developed by participatory members and then operationalized for maximum efficiency and effectiveness.

2020-2021 Grand Jury Discussion, Findings, and Recommendations

The 2020-2021 Grand Jury found there is no current ordinance addressing the issue.

2020-2021 Grand Jury Finding F1: Illegal dumping continues, in part, because the County has still not created a strong, enforceable ordinance to deter illegal dumping.

2020-2021 Grand Jury Recommendation R1: By December 31, 2021, develop and adopt, an enforceable ordinance to deter illegal dumping which includes a mechanism for collecting fines, an appeals process, and a way to recoup the cost of administration from the illegal dumpers.

2019-2020 Grand Jury Recommendation R2: By December 31, 2020, designate an Administrative Hearing Officer along with Public Works staff for enforcement.

Agency Response: *This recommendation has been implemented.*

San Joaquin County Ordinance Code Title 2, Division 3, Chapter 5 Hearing Officer of the County of San Joaquin established the position of Hearing Officer of the County for the purpose of adjudicating enforcement actions under the code. An Officer appointed by the Board pursuant to this Chapter is available to enforce ordinances regarding illegal dumping.

Currently, when the County discovers evidence of illegal dumping activity, staff clean it up as capacity provides and refer it to the Sheriff's Office for investigation, which then works with the District Attorney's Office for prosecution. Under the Pilot Program, it is envisioned the County Code Enforcement Officers will investigate violations of the newly adopted ordinance code sections regarding illegal dumping activity and, based on their findings, will refer the matter to the District Attorney's Office, issue a citation, or take administrative action, which, if appealed, will utilize the County's Hearing Officer. The administrative action will allow for cost recovery in a fair manner.

The 2020-2021 Grand Jury determined to take no further action.

2019-2020 Grand Jury Recommendation R3: By December 31, 2020, obtain and install appropriate surveillance equipment, such as lighting and cameras, in the top five dumping hotspots.

Agency Response: *This recommendation will be Implemented.*

The Department of Public works intends to install appropriate surveillance equipment at five illegal dumping spots as part of the Farm Ranch Rural grant. The equipment will be monitored. The anticipated time frame is by the end of December 2020.

2020-2021 Grand Jury Discussion, Findings, and Recommendations

The 2020-2021 Grand Jury received conflicting information from the Board of Supervisors and Public Works Department regarding the existence of the surveillance cameras and their monitoring. The Grand Jury was not able to confirm whether the surveillance cameras were purchased, installed, or who will be providing monitoring services. Although requests were made no verifiable responses were submitted.

2020-2021 Grand Jury Finding F2: San Joaquin County still lacks sufficient surveillance equipment to monitor dumping hotspots and to prosecute illegal dumpers.

2020-2021 Grand Jury Recommendation R2.1: By December 31, 2021, obtain and install appropriate surveillance equipment, such as lighting and cameras, in the top five dumping hotspots.

2020-2021 Grand Jury Recommendation R2.2: By December 31, 2021, develop and adopt a plan for ongoing monitoring of the cameras.

2019-2020 Grand Jury Recommendation R4: By November 30, 2020, create an illegal dumping task force (Task Force) that includes representatives from San Joaquin County Public Works Department, Sheriff’s Office, District Attorney’s Office, Community Development, and all cities within the County to participate in the Task Force. This Task Force meet regularly throughout the year.

Board of Supervisors Response: *This recommendation will be implemented but not by November 30, 2020.*

The County is currently working on proposing a Joint Illegal Dumping Pilot Project with the City of Stockton in order to use shared data to identify two to five illegal dumping hotspots and take joint, coordinated, comprehensive, proactive strategies and actions that can be replicated and scaled to reduce illegal dumping in an effective and equitable way. The Project development team intends to present the proposal to the Board of Supervisors later this year. The presentation will include a request to the respective jurisdictions to formalize the Joint Pilot Project development group into a formal task force to move the Joint Pilot Project forward pursuant to the timeline presented. It is anticipated to present the proposal to the Board of Supervisors before the end of this year.

2020-2021 Grand Jury Discussion, Findings, and Recommendations

The 2020-2021 Grand Jury made multiple requests into the status of the Joint Illegal Dumping Task Force or Pilot Project including leadership, membership, meeting schedules, task force goals, and planning timelines. Inconsistent responses were received.

2020-2021 Grand Jury Finding F3: No verifiable information regarding the existence of the Joint Illegal Dumping Pilot Project or Task Force have been provided, thus the Grand Jury cannot definitively conclude that such programs exist.

2020-2021 Grand Jury Recommendation R3: By December 31, 2021, develop and adopt the county-wide Task Force, which includes representation from San Joaquin County Public Works Department, Sheriff's Office, District Attorney's Office, Community Development, and all cities within the County. This Task Force meet regularly throughout the year.

2019-2020 Grand Jury Recommendation R5: By December 31, 2020, the newly formed Task Force develop a plan to share costs for illegal dumping pickup throughout the County and the City of Stockton.

Agency Response: *This Recommendation requires further analysis.*

Legal limitations prevent each jurisdiction from sharing the specific costs of physical cleanup outside of their respective jurisdictions. However, the County is currently working on proposing an Illegal Dumping Pilot Project with a goal that participating jurisdictions will share the cost of developing ordinances, strategies, campaigns, and programs and performing outcome analysis for reporting purposes.

2020-2021 Grand Jury Discussion, Findings, and Recommendations

The 2020-2021 Grand Jury made multiple requests as to the status of the Task Force and concluded there is no Task Force in place. Because of this, there is no plan in place to share costs.

2020-2021 Grand Jury Finding F4: Legal limitations continue to prevent each jurisdiction from sharing the specific costs of cleanup outside of their respective jurisdictions, making a coordinated response difficult.

2020-2021 Grand Jury Recommendation R4: By December 31, 2021, the newly formed Task Force develop a plan to share costs for illegal dumping pickup throughout the County and the City of Stockton.

2019-2020 Grand Jury Recommendation R6: By January 31, 2021, the Task Force develop and implement a county-wide educational program including billboards, buses, and bus stop shelters advertising to include information about free drop-off services.

Agency Response: *This recommendation will be implemented but not by January 31, 2021.*

San Joaquin County is currently working on a Pilot Program to address illegal dumping. One proposed component would be an educational component to include targeted multi-media messaging regarding illegal dumping enforcement, eradication efforts, and equity programs that will assist resident and community utilization of vouchers, fee

waivers, and recycling coupons more easily and effectively. This campaign will be developed and deployed pursuant to a project timeline once established.

2020-2021 Grand Jury Discussion, Findings, and Recommendations

The 2020-2021 Grand Jury made multiple requests as to the status of the Task Force and concluded there is no Task Force in place. Because of this, there is no county-wide multimedia campaign to inform the public of the free drop off services.

2020-2021 Grand Jury Finding F5: Free drop-off services continue to be underutilized because the public is unaware of most of the programs offered.

2020-2021 Grand Jury Recommendation R5: By December 31, 2021, the Task Force establish a project timeline to launch the multi-media campaign.

2019-2020 Grand Jury Recommendation R7: By January 31, 2021, the Task Force create a referral system to notify the appropriate jurisdictions of illegal dumping. This referral system include a complaint-recording data log with follow-up measures.

Agency Response: *This recommendation will be implemented but not by January 31, 2021.*

The Pilot Project will analyze, identify, and include effective methods of referrals of illegal dumping to the appropriate jurisdiction (local or state) with follow-up documentation and protocol included in the proposal.

2020-2021 Grand Jury Discussion, Findings, and Recommendations

The 2020-2021 Grand Jury made multiple requests as to the status of the Task Force and concluded there is no Task Force in place. Currently, Public Works takes the reports of illegal dumping and forwards them on to the appropriate jurisdiction, but there is no formal process.

2020-2021 Grand Jury Finding F6: There is no formal procedure to ensure complaints are resolved.

2020-2021 Grand Jury Recommendation R6: By December 31, 2021, the Task Force develop a complaint log and referral system to notify appropriate jurisdictions and to ensure complaints are resolved.

2019-2020 Grand Jury Recommendation R8: By January 31, 2021, the Task Force develop a written plan to establish an equitable way to fund and issue vouchers, fee waivers, and recycling coupons.

Agency Response: *This recommendation will be implemented but not by January 31, 2021.*

The proposed Pilot Project will utilize an approach that analyzes equity in addressing illegal dumping. Accordingly, the Pilot Project will develop a plan for equitably distributing benefits like vouchers, fee waivers, and recycling coupons, and also addressing other factors that limit resident or community utilization of those tools. For example, distribution of such tools does not eradicate illegal dumping if transportation to disposal sites is not available. In those instances, the Pilot Project will explore, experiment, and then evaluate the most effective strategies to assist those communities by doing pick-ups or localized drop-offs.

2020-2021 Grand Jury Discussion, Findings, and Recommendations

The 2020-2021 Grand Jury made multiple requests as to the status of the Task Force and concluded there is no Task Force in place. Therefore, no written plan has been established to share funding sources or distribute vouchers, fee-waivers, and recycling coupons.

2020-2021 Grand Jury Finding F7: Fee waivers, coupons, and vouchers are available, but are still not being utilized.

2020-2021 Grand Jury Recommendation R7: By December 31, 2021, the Task Force establish funding sources and implement a program that will equitably distribute vouchers, waivers, and coupons to the community.

City of Stockton

2019-2020 Grand Jury Finding F4: San Joaquin County Public Works Department, Sheriff's Office, Community Development Department, District Attorney's Office, and all city departments within the county are not working collaboratively to address the illegal dumping problems.

Agency Response:

The City agrees with this finding.

2019-2020 Grand Jury Finding F5: San Joaquin County and the City of Stockton are not working together to share in the cost of illegal dumping cleanup.

Agency Response:

The City agrees with this finding. The City assumes costs where appropriate for removal of garbage, junk, and debris within the city limits only.

2019-2020 Grand Jury Finding F6: Free drop-off services are underutilized because the public is unaware of most of the programs offered.

Agency Response:

The City partially agrees with this finding. The City provides some outreach regarding available free disposal programs and/or events such as Clean Sweep.

2019-2020 Grand Jury Finding F7: San Joaquin County and the City of Stockton do not have a robust referral system for sharing reports of illegal dumping irrespective of jurisdiction.

Agency Response:

The City agrees with this finding.

2019-2020 Grand Jury Finding F8: Effective cleanup incentives such as disposal vouchers, fee waivers, and recycling coupons have proven effective in reducing the likelihood of illegal dumping.

Agency Response:

The City is neutral to this finding. The City does not have data to support or refute success with a cleanup incentive program.

2019-2020 Grand Jury Recommendation R4: By November 30, 2020, create an illegal dumping task force (Task Force) that includes representatives from San Joaquin County Public Works Department, Sheriff's Office, District Attorney's Office, Community Development, and all cities within the County to participate in the Task Force. This Task Force meet regularly throughout the year.

Agency Response:

Upon convening of such a task force by San Joaquin County, the City will provide an appropriate representative(s).

The City of Stockton has agreed to participate in the proposed Task Force, however, until the Task Force is established, the City of Stockton will be unable to fulfill their agreed upon recommendations.

The 2020-2021 Grand Jury determined to take no further action.

2019-2020 Grand Jury Recommendation R5: By December 31, 2020, the newly formed Task Force develop a plan to share costs for illegal dumping pickup throughout the County and the City of Stockton.

Agency Response:

The City will participate on the task force to include the assessment of possible cost-sharing opportunities.

The 2020-2021 Grand Jury determined to take no further action.

2019-2020 Grand Jury Recommendation R6: By January 31, 2021, the Task Force develop and implement a county-wide educational program including billboards, buses, and bus stop shelters advertising to include information about free drop-off services.

Agency Response:

The City will participate on the task force, to include assessment of educational programming.

The 2020-2021 Grand Jury determined to take no further action.

2019-2020 Grand Jury Recommendation R7: By January 31, 2021, the Task Force create a referral system to notify the appropriate jurisdictions of illegal dumping. This referral system include a complaint-recording data log with follow-up measures.

Agency Response:

The City will participate on the task force, to include the exploration of a shared referral/tracking system.

The 2020-2021 Grand Jury determined to take no further action.

2019-2020 Grand Jury Recommendation R8: By January 31, 2021, the Task Force develop a written plan to establish an equitable way to fund and issue vouchers, fee waivers, and recycling coupons.

Agency Response:

The City will participate on the task force, to include identification and assessment of equitable funding opportunities for vouchers, fee waivers, and recycling coupons.

The 2020-2021 Grand Jury determined to take no further action.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

California Penal Code Sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

The San Joaquin County Board of Supervisors shall respond to findings and recommendations from the 2020-2021 Grand Jury.

Mail or hand deliver a hard copy of the response to:

Honorable Xapuri B. Villapudua, Presiding Judge
San Joaquin County Superior Court
180 E Weber Ave, Suite 1306J
Stockton, California 95202

Also, please email a copy of the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury, at grandjury@sjcourts.org

**Follow-up to the
2019 - 2020 San Joaquin County Grand Jury Report**



San Joaquin County Office of the Public Defender:

Conflict, Mistrust, Lawsuits

A Perfect Storm

Case #0819

Preface

This report contains the responses to the 2019-2020 San Joaquin County Civil Grand Jury report regarding the San Joaquin County Public Defender's Office. This report focuses on the 2019-2020 Grand Jury findings and recommendations, as well as agency responses, which are presented verbatim in this report.

The 2020-2021 Grand Jury follow-up conclusions are presented after the agency responses to each recommendation.

Discussions, findings, and recommendations from the 2020-2021 Grand Jury are in text boxes framed in black.

Complete copies of the original report and the agency responses may be found on the San Joaquin County Grand Jury website at <https://www.sjcourts.org/grandjury/>.

Summary

The San Joaquin County 2019-2020 Grand Jury investigated the Office of the Public Defender to determine the reason for a disproportionately high number of internal complaints filed and the resulting continuing costs to the county to resolve them.

The Grand Jury found there to be several incidents and allegations that led to

- the questioning of leadership by some employees;
- the formation of cliques within the department;
- a cloud of distrust and a lack of cohesiveness throughout the office;
- the filing of a high number of internal complaints; and
- lawsuits.

The Grand Jury found management followed all established policies and procedures in handling complaints, but problems continued to escalate. Communication back to employees was impacted by confidentiality rules. The Grand Jury also found there to be a disconnect between various groups within the department and recommended an independent review of departmental structure and operations to include recommendations for improvement.

The Board of Supervisors disagreed with the Grand Jury findings and took no action on the recommendations.

Method of Follow-Up Investigation

The 2020-2021 Grand Jury reviewed the 2019-2020 responses to the report, *#0819 San Joaquin County Office of the Public Defender: Conflict, Mistrust, Lawsuits, A Perfect Storm*, and documented the mandatory responses to the findings and recommendations. These responses were then reviewed to determine if

- the agency responses were complete and comprehensible;
- the agency would implement the recommendations within the stated deadlines; and
- confirmation, including written documentation and interviews, was necessary.

Follow up interviews were conducted with individuals who had knowledge of, or contributed to, the response preparation.

Glossary

- **Complaint:** Any dispute between the county and one or more employees or a recognized employee organization concerning the interpretation or application of ordinances, resolutions, policies, procedures, or agreements, including memoranda of understanding, on matters within the scope of representation.
- **County:** San Joaquin County
- **EEO:** Equal Employment Opportunity
- **HR:** Human Resources Division

- **Management:** Public Defender, Assistant Public Defender, Chief Public Defenders, and Chief Investigator
- **Public Defender’s Office:** Refers to the Department
- **Public Defender:** The department head of the Public Defender’s Office

Summary of Responses and 2020-2021 Grand Jury Conclusions

Respondent	2019-2020 Rec #	Response	2020-2021 Grand Jury Conclusion
SJ County Board of Supervisors	R1.1	Will not be implemented	No further action taken
	R1.2	Will not be implemented	No further action taken
	R1.3	Will not be implemented	No further action taken

Findings and Agency Responses

2019-2020 Grand Jury Finding F1: Employees of the Public Defender’s Office filed a disproportionate number of Equal Employment Opportunity (EEO) complaints compared to all other County Departments.

Agency Response: *Disagree*

Disagree, while the Public Defender's Office received EEO complaints, the number of complaints may represent a single complainant with multiple responding parties. Additionally, the number of complaints received is not an appropriate measure of analysis regarding a department's EEO compliance. In response to the information requested by the Grand Jury regarding the number of EEO complaints received by County Department during the period (2010 through 2019), 2 other County Departments had more EEO Complaints than the 19 received from Public Defender's Office. This is also true for the time-period 2015-2019, which the Grand Jury also requested; where the Public Defender's Office was one of two County departments that received the highest number of EEO related complaints 18 compared to other County departments that received complaints as high as 12 and 13 in total. In summary, it is the County's assessment of this data that the Public Defender's Office did not receive a disproportionate number of EEO related complaints compared to other County departments. In addition, of the 19 complaints received, 7 complaints had substantiated findings, and the other 12 were investigated to be unsubstantiated with no violations of County policy. In each of these cases, the Public Defender's Office did take appropriate corrective action and accepted the County Human Resources-EEO Office advisory recommendation to address all seven findings.

2019-2020 Grand Jury Finding F2: Confidentiality rules prevented Management from sharing any information on EEO complaints. This lack of communication caused angst and distrust in the department.

Agency Response: *Agree in Part*

Standard practice regarding County personnel investigations, including EEO complaints, requires information remain confidential. Individuals receive information on a need to know basis.

2019-2020 Grand Jury Finding F3: Management followed San Joaquin County Human Resources Department (HR) policies and procedures for addressing EEO complaints.

Agency Response: *Agree with Clarification*

San Joaquin County Human Resources has not been informed of Public Defender executive level management deviating from HR policies and procedures for addressing EEO complaints.

2019-2020 Grand Jury Finding F4: In spite of following HR policies and procedures, problems continued to escalate within the Public Defender's Office.

Agency Response: *Disagree*

This assumes that the HR policies and procedures contain a framework that can de-escalate issues. Employees with EEO complaints are encouraged to make complaints so they may be investigated and corrective action, if necessary, can be taken.

2019-2020 Grand Jury Finding F5: Past and present personnel issues created division and disruption between Deputy Public Defenders and Management, fueling a breakdown of trust and communication.

Agency Response:

Agree in part

Past personnel issues created division and disruption between some deputy public defenders and some management and fueled some level of a breakdown of trust and communication due, in part, to confidentiality constraints.

Disagree in part

There are no current or present personnel issues creating division and disruption between all deputy public defenders and all management and the past personnel issues which created the division and disruption were not between all Deputy Public Defenders and Management.

2019-2020 Grand Jury Finding F6: Past and present personnel issues created division and disruption between Public Defender Investigators, the Chief Investigator, and Management, fueling a breakdown of trust and communication.

Agency Response:

Agree in part

*Past personnel issues created division and disruption between **some** Public Defender Investigators, the Chief Investigator, and **some** Management fueling a breakdown of trust and communication due, in part, to confidential constraints.*

Disagree in part

There are no present personnel issues creating division and disruption. The past personnel issues which created the division and disruption were not between all Public Defender Investigators, the Chief Investigator, and all Management.

2019-2020 Grand Jury Finding F7: The culture, divisions, and atmosphere of the Office did not lend itself to good intra-departmental communications or de-escalation of conflicts.

Agency Response: *Disagree*

Not all employees of the Office were involved in the division. In addition, all employees were expected to, and did, continue to communicate with each other regarding work related matters.

2019-2020 Grand Jury Finding F8: Lack of respect and professionalism within the Public Defender's Office contributed to division and disruption.

Agency Response: *Disagree*

The division and disruption among some staff was fueled by personnel matters, not necessarily connected to lack of respect and professionalism. The Grand Jury report identified four Public Defender Investigator complaints filed that were major contributors to a breakdown of trust and communication.

2019-2020 Grand Jury Finding F9: The Department has an intensive, time-consuming mission. The turmoil, as described in this report, placed additional stress on an already hard-working staff.

Agency Response: *Agree*

San Joaquin County concurs with the Grand Jury's finding.

2019-2020 Grand Jury Finding F10: The turmoil in the Department led to a significant and preventable expenditure of taxpayer dollars.

Agency Response: *Disagree*

Disagree that the turmoil led to significant and preventable expenditure. Rules, policies, and laws constrained Management from releasing information on the progress and

resolution of complaint investigations, which contributed to the turmoil. Specific events identified in the Grand Jury report were major contributors to the breakdown of trust and communication.

Recommendations and Agency Responses

2019-2020 Grand Jury Recommendation R1.1: By December 31, 2020 the Human Resources Division of San Joaquin County hire an independent consultant to conduct a thorough operational review of all aspects of the Public Defender’s Office.

Agency Response: *The recommendation will not be implemented.*

The recommendation is incongruent with the Grand Jury's focus and findings of the investigation of the Department, which related exclusively to personnel issues and not to structural or operational review or findings of any inadequacies. Therefore, their investigation and findings do not warrant hiring an independent consultant to conduct a thorough operational review of all aspects of the Department.

The San Joaquin County Board of Supervisors elected not to implement the recommendation.

The 2020-2021 Grand Jury determined to take no further action. See Conclusion.

2019-2020 Grand Jury Recommendation R1.2: By June 30, 2021 present the consultant’s report including recommendations to the San Joaquin County Board of Supervisors.

Agency Response: *The recommendation will not be implemented.*

Because the investigation and findings related exclusively to personnel matters, there is no justification to hire an independent consultant to conduct a thorough operational review of the Department.

The San Joaquin County Board of Supervisors elected not to implement the recommendation.

The 2020-2021 Grand Jury determined to take no further action. See Conclusion.

2019-2020 Grand Jury Recommendation R1.3: By September 30, 2021 develop and implement a plan to utilize the recommendations from the operational review.

Agency Response: *This recommendation will not be implemented.*

In addition to the responses to R1.1 and R1.2, and assuming arguendo that there is justification to hire an independent consultant, a response cannot be made without knowing what the recommendations are from the operational review.

The San Joaquin County Board of Supervisors elected not to implement the recommendation.

The 2020-2021 Grand Jury determined to take no further action. See Conclusion.

Conclusion

The San Joaquin County Board of Supervisors disagreed either in whole, or in part, with the 2019-2020 Grand Jury's findings and recommendations. During the follow up investigation performed by the 2020-2021 Grand Jury, it was determined that much of the disagreement resulted from differences in interpretation of the report's content and intent. The original report can be found on the San Joaquin County Grand Jury website at <https://www.sjcourts.org/grandjury/>.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911.924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Section VI: Tours and Presentations

Tours..... 261

Presentations..... 261



T O U R S & P R E S E N T A T I O N S

Tours

Due to COVID-19, there were no tours.

Presentations

Escalon Police Department

LAFCo (Local Agency Formation Commission)

Lodi Police Department

Manteca Police Department

Mary Graham Children's Shelter

Ripon Police Department

San Joaquin County District Attorney

San Joaquin County Human Services Agency

San Joaquin County Probation

San Joaquin County Public Health Services

San Joaquin County Public Works

San Joaquin County Retirement Association

San Joaquin County Sheriff's Office

San Joaquin Delta College Police Department

Stockton Police Department

Stockton Unified School District Department of Public Safety

Tracy Police Department

University of the Pacific Police Department

Section VII: Grand Jury Process

About the Grand Jury 265

How the Grand Jury is Organized 265

Desirable Attributes of a Grand Juror 265

Benefits of Being a Grand Juror..... 266

Qualifications..... 266

Citizen Complaints..... 266

To Learn More 267

GRAND JURY PROCESS

About the Grand Jury

The San Joaquin County Civil Grand Jury's duty is to address citizens' concerns regarding the operation of local government entities.

The Civil Grand Jury is comprised of 19 citizens who are impaneled annually for a one-year term. The Grand Jury has a separate and different function than that of a trial jury and does not hear cases in a courtroom. Instead, Grand Jurors examine and investigate local governmental activities within San Joaquin County.

The responsibilities of the Civil Grand Jury encompass the examination of all aspects of County government, including school and special districts, to ensure that the County is being governed lawfully, efficiently, and that public monies are being handled appropriately. The Grand Jury may conduct investigations of public agencies and the administration and affairs of any city within the County.

The Grand Jury is authorized by law to:

- Inquire into the condition and management of public prisons within the County;
- Investigate and report on the operations, accounts and records of city and County offices, departments and their functions;
- Inquire into the allegations of willful or corrupt misconduct of public officials;
- Investigate into the activities of all school and special assessment districts within the County;
- Submit a final report of its findings and recommendations to the Presiding Judge of the Superior Court.

How the Grand Jury is Organized

The Presiding Judge of the Superior Court empanels 19 Grand Jurors to serve for one year, fulfilling the duties as outlined under state law. The Judge appoints a foreperson who presides over the Grand Jury. The Grand Jury elects other officers and organizes itself. The jurors meet in a weekly general session. Smaller investigative committees meet throughout the week.

In addition, Jurors meet with County and city officials, visit County detention facilities, and conduct independent reviews on matters of interest or concern. Each of the working committees report to the full Grand Jury. Conclusions are reached after study and thorough discussion of the issues and they may appear as part of the Grand Jury's final report.

Desirable Attributes of a Grand Juror

Grand Jury service is a volunteer position with modest monthly compensation for meetings and mileage. Members receive a wealth of experience and provide a vital service to their community. Desirable attributes include:

- Good health
- An open mind
- Knowledge of and interest in local government and community affairs

- Skill in working productively with others in a group setting where respect and patience are essential
- Skill and experience in fact-finding, investigative techniques, and report writing

Benefits of Being a Grand Juror

The benefits of being a grand juror are many, including:

- The satisfaction and pride of doing an important job.
- The experience of being a member of a respected panel.
- Being part of a body of people with the unique authority to see local government workings not available to most County citizens.
- Being given an opportunity to make a difference in your community.

Qualifications

To be considered for nomination to be a grand juror, you must meet the following legal requirements:

- Be a U.S. citizen;
- Be at least 18 years old;
- Be a resident of San Joaquin County for at least one year immediately prior to the beginning of your service;
- Possess intelligence, sound judgment and good character;
- Have sufficient knowledge of English language to communicate orally and in writing;

You cannot be considered:

- If you are serving as a trial juror in any court in California;
- If you have been convicted of malfeasance in office or any other high crime;
- If you are serving as an elected public officer.

Citizen Complaints

A cornerstone of the Grand Jury process is to receive and review citizen complaints which concerned persons submit as a mechanism to expose issues within governmental agencies. Because the Grand Jury is vested with certain powers to gather information, the members are able thoroughly review and investigate issues. Through review of documents and interview of witnesses, the Grand Jury process holds a strong light up to agencies to determine whether there appear to be any inefficiencies, mismanagement, or even corruption. The Grand Jury relies to a great extent on those persons who have the courage and the determination to suggest issues which may need to be investigated. The citizen complaint is a valuable tool.

The Grand Jury receives complaints regarding all levels of local government, including special districts. Complaints may include, but are not limited to, allegations of misconduct by public officials or employees and inefficiencies in local government. Any citizen may submit a

complaint by completing a Complaint Form. However, not all complaints are investigated. With so many issues brought before it, the Grand Jury must make difficult decisions about what investigations to undertake during their term.

If the issue identified in a complaint falls within the Grand Jury's jurisdiction, it is first assigned to a preliminary committee to determine whether the complaint has merit. After an initial review, the committee presents its findings to the entire Grand Jury with recommendations for action. The Grand Jury then votes on the matter and thoroughly investigates those that are approved. After the investigation is complete, a final report is generated which reveals the findings and any recommendations the Grand Jury has in the matter.

Complaints are treated as confidential. This allows a complainant to come forward without intimidation.

A complaint should be submitted to the Grand Jury only after all attempts to correct an issue have been explored.

The San Joaquin County Civil Grand Jury complaint form can be found at:

<https://www.sjcourts.org/wp-content/uploads/GrandJuryComplaintForm2.pdf>

Send your completed form to:

San Joaquin County Superior Court
Attn: Trisa Martinez, Judicial Secretary
180 E. Weber Avenue,
Suite 1114 Stockton, CA 95202

Forms also can be obtained by visiting or writing to the address above. The Grand Jury does not accept complaints via e-mail.

To Learn More

For more information about the San Joaquin County Civil Grand Jury visit:

<https://www.sjcourts.org/divisions/civil-grand-jury/#/>

SAN JOAQUIN COUNTY CIVIL GRAND JURY

180 E. Weber Ave., Suite 1114 Stockton, CA 95202

