

SACRAMENTO COUNTY
GRAND JURY
FINAL REPORT
2019~2020





SUPERIOR COURT OF CALIFORNIA

COUNTY OF SACRAMENTO
Grand Jury

Mike Howland
Foreperson

Marc Allaman

Francis Bremson

David Burgess

Henry Crowle

Michele Finerty

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Stan Hannahs

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Rhonda Leonard

Brian McElroy

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Robert Remen

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Thomas Slagle

Marla Taylor

Melanie Terhune

June 28, 2020

The Honorable Russell Hom
Presiding Judge, Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Dear Judge Hom:

As required by Penal Code Section 933, the 2019-2020 Sacramento County Grand Jury hereby submits its final report. This document includes findings and recommendations regarding the operation of local government agencies within the Grand Jury's jurisdiction. The report is the result of numerous interviews, meetings, site visits, government document reviews, and research and review of publicly available data.

The report represents the dedicated effort of the 19 Grand Jury members who worked together over the past year. The Grand Jury's goal was to create a product that will have a positive impact on all communities within Sacramento County. The diverse backgrounds of the members are reflected in the report while ultimately embodying a single voice of the Grand Jury.

The Grand Jury would like to thank you, Judge Hom and Judge Hersher for the guidance and advice provided during our tenure. We would also like to acknowledge the support and assistance of Assistant County Counsel Krista Whitman, Jury Commissioner Paul Thorne and Rebecca Castaneda and Erendira Tapia-Bouthiller of the Jury Commissioner's office.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Howland".

Mike Howland, Foreperson
2019-2020 Sacramento County Grand Jury

MEMBERS OF THE 2019-2020 SACRAMENTO COUNTY GRAND JURY

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CORONAVIRUS DISCLAIMER

The spread of the COVID-19 virus in Sacramento County has caused the disruption of governmental and commercial business activities as well as the curtailment of societal functions. While the disruption is currently expected to be temporary, there is uncertainty as to the duration.

Therefore, the Sacramento County Grand Jury expects that this matter could potentially have an impact on the findings and recommendations included in this 2019-2020 Final Report; however, the extent of the impact cannot be reasonably estimated at this time.

ROLE AND SELECTION OF THE SACRAMENTO COUNTY GRAND JURY

Role of the Grand Jury

The Sacramento County Grand Jury consists of 19 persons selected annually to provide citizen oversight of local government operations. The Grand Jury, unlike trial juries selected to hear individual cases, is empaneled for a full year to review citizens' complaints, conduct inspections and investigations and, when appropriate, write reports on local government operations.

In general, the Grand Jury has the following functions:

- Receive and review citizen complaints for possible investigation.¹
- Conduct investigations into allegations of inefficiencies of operation or possible misconduct of government officials. The Grand Jury may interview witnesses and review documents. The Grand Jury may issue reports based on the results of their investigations.
- The Grand Jury may be requested to hear evidence and return an indictment in a case of alleged criminal wrongdoing presented by the District Attorney or State Attorney General.
- Conduct Facility Assessment tours, as required by the California Penal Code, of all detention facilities in Sacramento County to observe and report on each facility's management and conditions.
- Visit other governmental facilities, meet with public officials and review public documents as necessary to fulfill their local government oversight responsibilities.²
- Monitor responses, as required by the California Penal Code, received from elected officials and agencies who are required to respond to report findings and recommendations of the previous year's Grand Jury.
- Publish an Annual Report.

With the exception of public reports, both interim and annual, issued by the Grand Jury, **all** Grand Jury communications, documents, activities and deliberations are confidential.

¹ A more detailed description of the Purpose and Function of the Grand Jury and the Grand Jury Selection Process may be found at the Grand Jury web page at <https://www.saccourt.ca.gov/grand-jury/grand-jury.aspx>

² The 2019-2020 Grand Jury visited the Sacramento County Coroner's Office, the Sacramento Police Academy, the Sacramento County District Attorney's Crime Lab and the Sacramento County's Voter Registration and Elections Office. Grand Jurors also met with representatives from the Sacramento County Sheriff's Department, the Sacramento County District Attorney's Office, the Sacramento Police Department, the Sacramento County Counsel's Office and the Sacramento County's Voter Registration and Elections Office to gain a better understanding of the challenges facing our communities.

Selection of the Sacramento County Grand Jury

The selection process for the Grand Jury begins in January of each year. A prospective pool of jurors is developed from individuals responding to invitations sent to names identified through the County's Voter Registration and State Department of Motor Vehicles file systems and from applications filled at the Courthouse by individuals interested in serving on the Grand Jury. All applicants must be at least 18 years of age, a resident of Sacramento County and not have been convicted of a felony.

Prospective jurors will participate in the following process steps before the term of the Grand Jury begins on July 1:

- Attend an orientation briefing in February to learn more about Grand Jury service and formally commit to the application process
- Submit to a background check
- Be interviewed in March/April by volunteers from the Sacramento Grand Jurors Association
- Have their applications, results of the background check and results of the interview reviewed by judges of the Sacramento Superior Court
- Prospective jurors who are identified for the final pool must attend the final Grand Jury selection, which is done by lot, and empanelment in mid-May
- New Grand Jurors attend mandatory orientation in late June prior to beginning their one year term of service on July 1

INVESTIGATIVE REPORTS



ELK GROVE PARKS:
WHERE HAVE ALL THE FLOWERS GONE?



ELK GROVE PARKS: WHERE HAVE ALL THE FLOWERS GONE?

SUMMARY

In the summer of 2018, the Cosumnes Community Services District (CCSD) posted signs in 10 Elk Grove/West Vineyard community parks that services were being cut back due to funding shortages. CCSD is the special district responsible for, among other things, maintaining parks in the City of Elk Grove. That summer, water use was curtailed, grass turned brown, mowing was reduced, bushes went untrimmed and weeds flourished. Missing equipment was not replaced and broken equipment was not repaired.

All of these problems can be traced back to the issue of insufficient revenue for Elk Grove's parks maintenance program. That program has been saddled with costly inefficiencies and fragmentation into 13 separate benefit zones and six overlay districts, and widely differing assessment rates in each of these areas. A benefit zone is an area established by CCSD in which a specified assessment fee is collected to fund park maintenance within that area. An overlay district is an area within one or more benefit zones in which voters have approved a supplemental assessment for park maintenance within that area. Each increase to these rates for each benefit zone or overlay district, beyond a specified cost of living adjustment, must be separately approved by the voters in that area.

CCSD has actively sought to educate residents about the need to solve the problems created by the combination of funding mechanisms used for maintenance, Landscape and Lighting (L&L) district and Proposition 218, and the jurisdictional divisions between CCSD and the City of Elk Grove. However, the public has been reluctant to support initiatives to resolve these problems on a comprehensive basis.

The 2019-2020 Sacramento County Grand Jury investigated the Elk Grove parks program to better understand the causes of these service cutbacks in recent years, the outlook for the future, and possible solutions to bring long-term stability to that program. The Grand Jury recommends that CCSD and the City of Elk Grove, in cooperation with other stakeholders, explore the feasibility of replacing the existing funding mechanism with a simplified, equitable, streamlined and sustainable system. In such a new system, all residents would pay an annual assessment, based on property value, sufficient to adequately fund the total cost of park maintenance district-wide, the same way property taxes are assessed. To explore this feasibility, it is recommended that CCSD and the City of Elk Grove:

- Conduct an assessment of the adequacy of all combined revenue collected presently and projected over 10 years, measured against the combined funding required for all parks presently and projected over 10 years.
- Compare the revenue growth permitted by the cost of living index to the predicted cost increases required for the entire park system.

- Analyze the costs to the park program of the additional staffing and consultant services required by the practice of budgeting and managing 19 separate zones and districts, and the costs of conducting surveys and the prescribed election procedures as precursors to revenue increases exceeding the cost of living index.
- Evaluate the effect of reversing the existing practice of first transferring new revenues to district-wide and regional facilities, before budgeting for local park maintenance.

BACKGROUND

Around July 2018, CCSD posted signs at 10 parks in the Elk Grove/West Vineyard neighborhood (also known as Benefit Zone 3), warning that services at those parks could be cut due to funding shortages. That summer, water use was cut by 50 percent, grasses turned brown, mowing was reduced, bushes went untrimmed and weeds flourished. Missing equipment, such as a basketball hoop and backboard at Amundson Park, was not replaced. Broken fixtures, such as a drinking fountain at MacDonald Park, were not repaired.

News coverage at the time disclosed that CCSD’s use of L&L district assessments to pay for park maintenance was not sustainable in certain areas. While neighborhood elections approved additional funding for Perry Park and MacDonald Park in 2019, several other parks in the Elk Grove/West Vineyard area continue to face service cuts. CCSD’s 2019 10-year Park Maintenance Master Plan (PMMP) projected additional maintenance shortfalls for Elk Grove/West Vineyard parks as early as 2022-2023.

All of these problems can be traced to the issue of insufficient revenue for Elk Grove’s parks maintenance program. That program has been saddled with costly inefficiencies and fragmentation among 19 individual assessment areas (13 benefit zones and six overlay districts), widely differing assessment rates in each of these areas, and the requirement that any increases to these rates, beyond a specified cost of living adjustment, is subject to voter approval in each area. CCSD has actively sought to educate residents about the need to solve the problems created by the combination of the funding mechanism used for maintenance (L&L district fees), the strictures of Proposition 218 (the 1996 initiative requiring voter approval of certain rate increases, as discussed later in this report) and the jurisdictional divisions between CCSD and the City of Elk Grove. The public has been reluctant to support initiatives to resolve these problems on a comprehensive basis.

Parks Considered Part of Elk Grove’s Identity

Parks, trails, and open space together play an important role in the identity and lifestyle of the City of Elk Grove. Their prominence as valued community assets is reflected in the City’s 2019 General Plan:

- “Parks and trails in Elk Grove are a significant point of pride of the community and contribute to the health and quality of life of residents and visitors. Access and

proximity to recreational facilities is one of the most important ways to foster a livable community.”

- A primary goal of the General Plan is having “plentiful parks and open spaces that are safe, clean and high quality.”
- “Elk Grove’s parks and open space are essential assets that offer residents opportunities for recreation and contact with nature. The City will continue to work with the Cosumnes Community Services District to ensure there is an adequate amount of open space as Elk Grove grows, to maintain existing parks and recreational programming.”

Jurisdictional Responsibilities

To comprehend the funding challenges facing Elk Grove parks, it is important to understand who controls the parks, how their maintenance is funded and managed, and how additional revenue can be authorized. Following the establishment of Elk Grove’s first park in 1904, a series of park management districts was created, including the Elk Grove Park District, expanding into the Elk Grove Park and Recreation District in 1936, then the Elk Grove Community Services District (EGCSD) in 1985, and most recently, CCSD in 2006.

In the 20 years since the City of Elk Grove was incorporated in 2000, the number of parks has more than doubled: from 38 parks in 2000, to 69 parks in 2006 when EGCSD was replaced by CCSD, to 98 parks today. As a condition of Elk Grove’s incorporation in 2000, the Sacramento Local Agency Formation Commission (LAFCO) required that EGCSD would continue to provide park maintenance services. But soon after, EGCSD became concerned that Elk Grove was becoming too active in park planning and development. Upon annexation of the Laguna West area in 2003, the City took several actions viewed by EGCSD as challenging its authority:

- In 2004, Elk Grove approved the Laguna Ridge Specific Plan (LRSP) which included goals to develop parks in the LRSP area.
- In 2005, Elk Grove added a “Parks, Trails and Open Space” element to its 2003 General Plan, allowing the City to become more active in defining location, size and type of amenities of public parks, and calling for a parks and trails master plan.
- In 2005, Elk Grove contracted with a landscape architecture firm to design, construct, and maintain parks and open spaces in the LRSP.

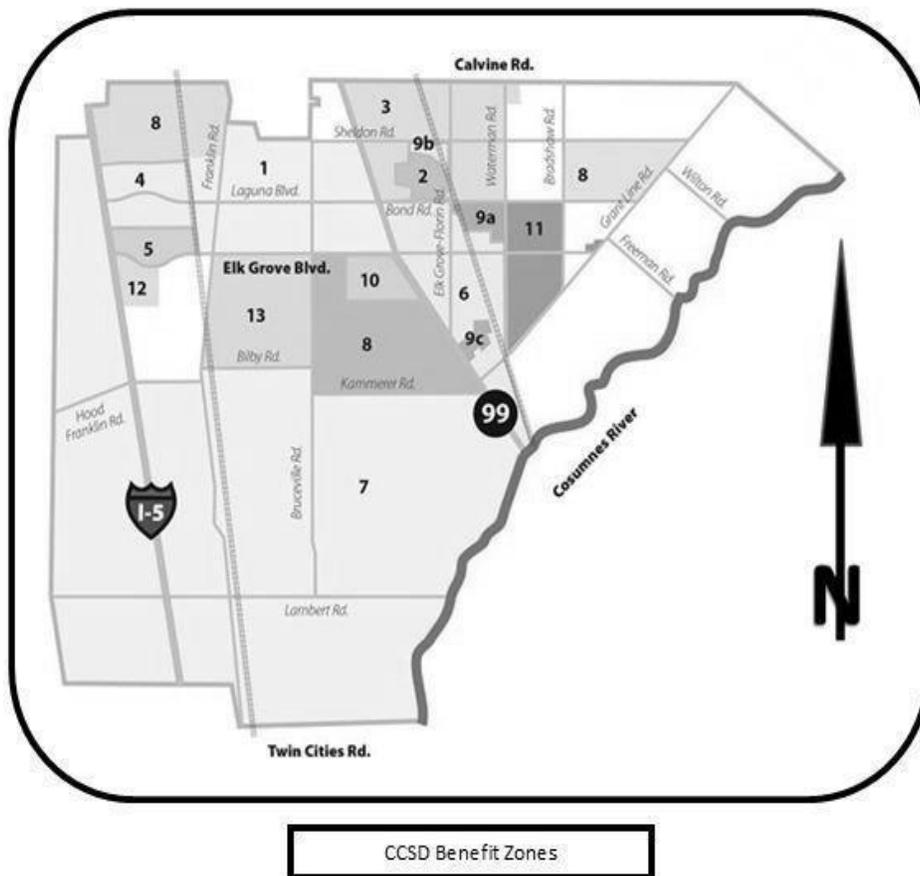
Lawsuits and Memoranda of Understanding

In 2005, EGCSD, replaced by CCSD the following year, filed a lawsuit against the City of Elk Grove. EGCSD accused the City of usurping the District’s authority to design, build and maintain parks and trails, as well as to collect fees and accept land dedications for park use. Elk Grove countersued, claiming it was acting within its authority. Two years later, the lawsuits were settled and a Memorandum of Understanding (MOU) between CCSD and Elk Grove was executed in 2007, with others executed in 2011, 2012 and 2015. In 2019, these earlier MOUs were incorporated into one master agreement touching on development, maintenance, funding and naming rights.

Funding for Elk Grove Parks

A variety of revenue sources are used to build, maintain, and operate parks in Elk Grove. Quimby Act fees and Park Impact fees are the principal sources used to build parks. Landscape and Lighting (L&L) district fees and Mello-Roos Community Funding District (CFD) taxes are used to fund park maintenance costs. There are 13 L&L benefit zones and six L&L overlay districts in Elk Grove. Each must be budgeted and managed independently of each other. Moreover, shortages in L&L revenue to meet the costs of maintaining, repairing and restoring parks can only be addressed through public votes within each individual assessment area.

A *benefit zone* (BZ) is an area established by CCSD in which a specified assessment fee is collected to fund park maintenance within that area. An *overlay district* is an area within one or more benefit zones in which voters have approved a supplemental assessment for park maintenance within that area. For administrative purposes, CCSD numbers all benefit zones and overlay districts consecutively, using the common designation of BZ. The 13 benefit zones are numbered BZ1 through BZ13; the six overlay districts are numbered BZ14 through BZ20, with the exception of BZ17, which is a placeholder to track expenditures for parks in the Laguna Ridge area which are funded by the City of Elk Grove using Mello-Roos CDF funds and does not involve any L&L funds.



METHODOLOGY

The Grand Jury conducted interviews, attended community meetings and reviewed documents during the course of this investigation.

Interviews:

Eight individuals, including elected officials and senior administrators, were interviewed from the following entities:

- Cosumnes Community Services District (CCSD)
- City of Elk Grove

Note: Three of these individuals also responded to written inquiries after their interviews.

Meetings attended:

- Two CCSD community outreach meetings
- Park Maintenance 101 workshop

CCSD documents reviewed:

- “Benefit Zone 3 Elk Grove/West Vineyard Park and Landscape Fact Sheet” (2019)
- Staff report on “Benefit Zones 3 and 6 Funding Plan” (December 21, 2016)
- Staff report on “Local Funding Plan for Benefit Zones 3 and 6 Update” (February 21, 2018)
- Staff report on “Landscape and Lighting Funding Sustainability” (August 7, 2019)
- Staff report for “Public hearing – Proposed Camden Pointe and Camden Estates Improvement District, Tabulation of Ballots, and (if measure passes), Resolution Ordering the Levy of Assessments for Fiscal Year 2019-2020” (June 19, 2019)
- Staff report for “Public hearing – Proposed Perry Ranch Improvement District, Tabulation of Ballots, and (if measure passes), Resolution Ordering the Levy of Assessments for Fiscal Year 20198-2020” (June 19, 2019)
- Staff report for “Public hearing – Resolutions Levying Annual Assessment, Approval of the Final Engineer’s Reports for Fiscal Year 2019-2020” (July 17, 2019)
- Engineer’s Reports for District-wide L&L assessments for Fiscal Years 1994-1995, 2000-2001, 2019-2020
- 2019-2020 Landscape and Lighting budget
- 2016-2017 Park Maintenance Master Plan (PMMP) and 2019-2020 update of the PMMP
- 2018 Plan for Play – Parks, Recreation and Facilities Master Plan
- 2019-2020 Parks and Recreation Strategic Plan
- “Landscape Maintenance Funding 101” publication
- Original and amended complaints cross complaints and settlement agreement, *Elk Grove Community Services District v. City of Elk Grove (Sacramento County Superior Court case number 05AS00612)*
- Memorandum of Understanding between CCSD and the City of Elk Grove (2007)
- Memorandum of Understanding between CCSD and the City of Elk Grove Concerning Development of Parks and Recreation Facilities (2019)

- 2019 Park and Landscape Surveys for seven parks in Benefit Zone 3 (Elk Grove/West Vineyard) and accompanying fact sheets
- Internal report of 2019 Elk Grove/West Vineyard Park and Landscape Survey results

City of Elk Grove documents reviewed:

- Staff report on resolution adopting Supplemental Park Fee for Laguna Ridge Specific Plan Area
- City of Elk Grove Southeast Policy Area, Park and Trails Impact Fees Nexus Study (February 13, 2019)
- City of Elk Grove General Plan (adopted February 27, 2019)

Other documents reviewed:

- “Funding shortages put repairs at Elk Grove parks on hold,” KCRA 3, September 21, 2018. <https://www.kcra.com/article/funding-shortages-put-repairs-at-elk-grove-parks-on-hold/23052074#>
- “Services Cut at 10 Elk Grove Parks Due to Lack of Funding,” Elk Grove Tribune, October 29, 2018. <https://elkgrovetribune.com/services-cut-10-elk-grove-parks-due-lack-funding/>
- California Tax Data flier, “What is a 1972 Landscape and Lighting District?”
- Mello-Roos Community Facilities Act of 1982, California Legislative Information website
- Proposition 218 Guide to Special Districts, published by California Special Districts Association
- “Hume asks for CCSD merger proposal be dropped from two-year initiatives”, ElkGroveNews.Net, March 12, 2015. <http://www.elkgrovenews.net/2015/03/elk-grove-city-council-drops-merger.html>
- “Hume suggests city take over parks from CCSD,” Elk Grove Citizen, March 13, 2015. http://www.egcitizen.com/news/hume-suggests-city-take-over-parks-from-csd/article_e43c3c13-e58a-5da3-9c03-dcbb051a5cd5.html
- “City seeks agreement with CCSD”, Elk Grove Citizen, March 24, 2015. http://www.egcitizen.com/news/city-seeks-agreement-with-csd/article_2a53bfff-10ca-5400-8acd-43b000da55c3.html
- “Remembering Jennie McConnell”, Elk Grove Citizen, November 13, 2015. http://www.egcitizen.com/lifestyle/remembering-jennie-mcconnell/article_af76519b-10fb-554d-8287-851b4cd4b906.html
- “Is it time for City of Elk Grove to take over parks?”, Elk Grove Laguna News, December 19, 2018. <https://elkgrovelagunanews.com/2018/12/19/editorial-is-it-time-for-the-city-of-elk-grove-to-take-over-parks/>

DISCUSSION

CCSD is a special district, as was its predecessor, EGCSO. Pursuant to California Government Code Section 56036a, a special district is an agency of the State, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries. According to the California Special Districts Association, California has over 4,000 special districts, of which 13 percent are community service districts. CCSD provides not

only park and recreation services to the City of Elk Grove, but also fire protection services to Elk Grove, the City of Galt, and unincorporated areas in southern Sacramento County.

Funding for Parks

In keeping with Elk Grove's population growth, outdoor image and lifestyle, the park program in Elk Grove was able to expand rapidly over the past quarter century, increasing nearly four-fold from 25 parks in 1994 to 98 parks today. This expansion relied on Quimby fees and Park Impact fees to pay the capital costs of these parks. But once built, CCSD relied upon the Landscape and Lighting (L&L) district mechanism to fund on-going maintenance costs while the City preferred to use Mello-Roos taxes. These activities include watering and mowing lawns, trimming hedges, controlling weeds, aerating and fertilizing the soil, repaving asphalt, repairing broken equipment, revitalizing playgrounds, replacing aging structures, and adding amenities such as park benches.

Quimby fees - These fees were authorized in 1975 by the Quimby Act. They are collected from developers in lieu of land dedication for developing or rehabilitating neighborhood or community parks or recreation facilities to serve the subdivision. They must be committed within five years of payment or issuance of building permits on half of the lots in the subdivision. There is no time limit for expending committed funds.

Park Impact fees – These fees were authorized in 1987 by the Mitigation Fee Act (AB 1600). They are considered a development impact fee and are collected from developers when building permits are issued. Funds are restricted for use in a Specific Plan Area where the fees are paid and for identified facilities. In Elk Grove, there are six Specific Plan Areas. The fees are collected by the City and passed through to CCSD.

L&L assessment fees – These fees were authorized in 1972 by the Landscape and Lighting Act. They can be levied by cities, counties, or special districts to acquire land for parks and open space. They can also be used to install and maintain landscaping, statues, fountains, general lighting, traffic lights, recreational and playground courts and equipment and public bathrooms. Bonds can be issued against L&L revenues to build community centers, auditoriums and halls. Proposed L&L districts and assessments must be approved by a majority of property owners who live within the district. Assessments cannot be based on land value but rather on benefits received as determined by an Engineer's Report. Funds collected in a benefit zone or overlay district must be spent in that area, and cannot be used in another benefit zone or overlay district area. Once approved, assessments are paid annually via property tax bills.

Mello-Roos Community Facilities District (CFD) taxes – These taxes were authorized in 1982 by the Mello-Roos Community Facilities Act. Cities, counties, school and special districts and joint power authorities can create a Mello-Roos (CFD) district to finance public improvements and services, such as parks, cultural facilities, streets, and sewer systems. CFDs must be approved by two-thirds of the property owners in the proposed district. Once approved, a tax lien is placed on each parcel. Taxes are not based on valuation, but rather use, structure and lot size.

In Elk Grove, L&L fees and Mello-Roos taxes are primarily used to fund maintenance costs. There are 19 separate L&L assessment districts in Elk Grove. Each must be budgeted and managed independently of all the others. Furthermore, shortages in L&L revenue to meet the costs of maintaining, repairing and restoring parks can only be addressed through public votes within each individual benefit zone.

Elk Grove’s Landscape and Lighting District

While the legislation authorizing L&L districts was enacted in 1972, EGCS&D did not implement such a district until 1994. That year, EGCS&D initiated the required Engineer’s Report. That Report called for eight benefit zones (BZ). It stated that assessment fees in each BZ would go toward the “cost of maintaining the landscaped corridors, medians, parkways and mini-parks” within each zone, with a portion of each BZ’s revenue going to district-wide amenities.

In the Engineer’s Report, properties were assigned a weighted value, the Equivalent Dwelling Unit (EDU) with the single-family home given the highest value, 1.0 EDU, with other structures, such as mobile homes, counted at 0.75 EDU. Multi-family buildings were assigned 1.0 EDU per unit. Mapped commercial and industrial each received 1.5 EDU per acre. The L&L assessment fee would vary, as it was based on the costs of improvements and the number of EDUs in a specific benefit zone. Annual fee increases are pegged to the Consumer Price Index (CPI). Once approved, assessments are listed separately on the property tax bill.

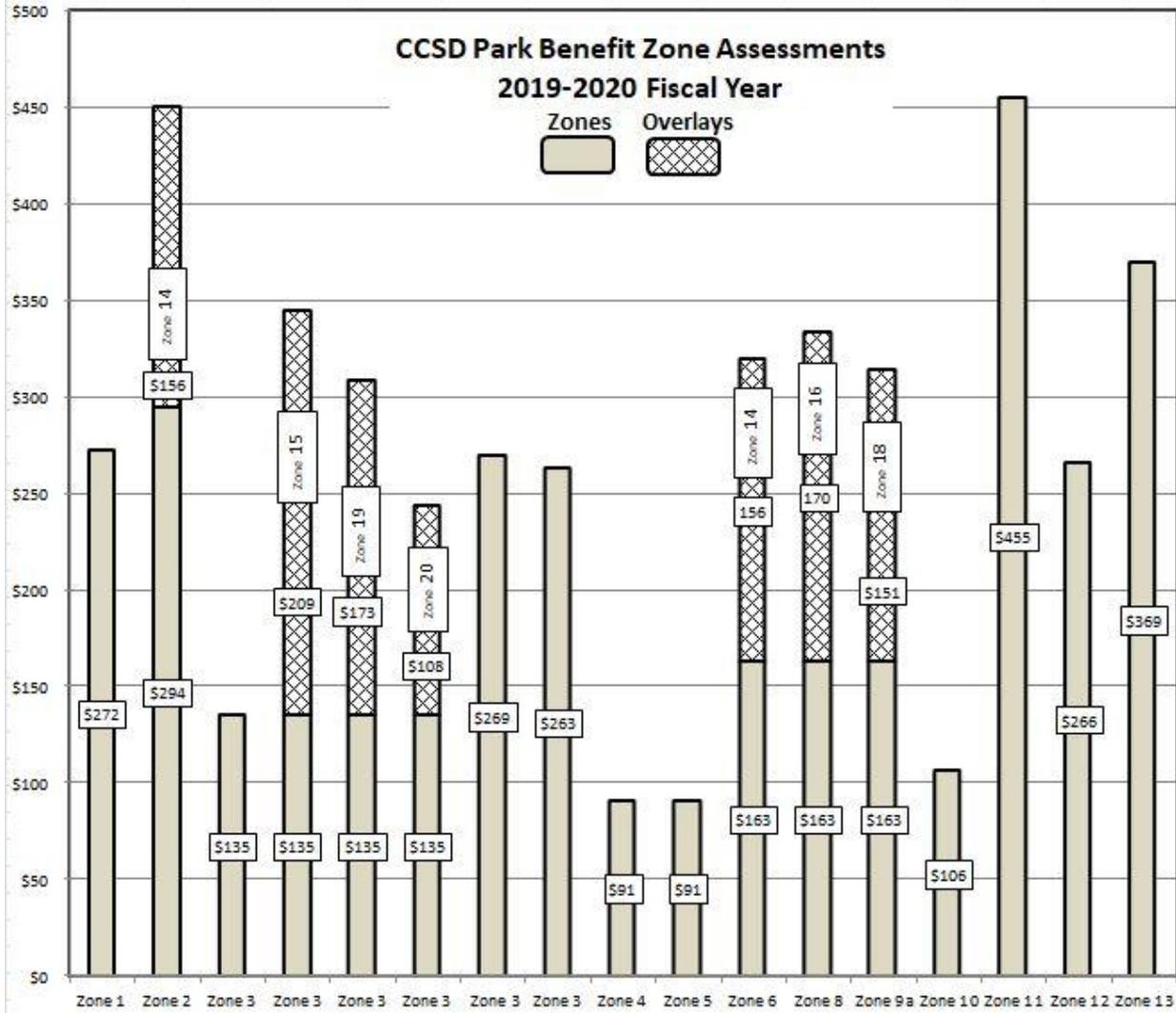
The assessment rates called for in the 1994 Engineer’s Report varied widely. For example:

- \$0.00 in BZ7 (Southern Agriculture, with no amenities or EDUs)
- \$0.00 in BZ8 (‘other rural’, with 2,396 EDUs)
- \$96.60 in BZ3* (Elk Grove/West Vineyard, with 4,301 EDUs, requiring \$85,882 for its many mini-parks and \$32,731 for corridors and medians)
- \$178.42 in BZ4** (West Laguna, with 2,096 EDUs, requiring \$18,000 for mini-parks and \$124,791 for corridors and medians)
- \$258.12 in BZ2 (Camden, with 592 EDUs)
 - *-experiencing deferred maintenance since 2018
 - **-facing funding shortfall in 2022-2023

In total, the 1994 Engineer’s Report projected total L&L assessment revenues of \$3,848,102 with the largest share, \$1,564,043, going to district-wide costs, and \$1,510,034 for combined maintenance costs within all BZs, leaving \$774,095 in reserve.

Today, CCSD’s L&L district has evolved into a complex array of 13 benefit zones and six overlay districts, each separately budgeted and managed, and each with widely differing assessment rates. The number of parks maintained by CCSD has grown to 98, distributed among these 19 areas, with half concentrated in just three benefit zones: BZ1, BZ3, and BZ13. L&L assessment rates vary from a low of \$91 (BZ6 and BZ8) to a high of \$455 (BZ11). Each overlay district has its

own assessment fee, from a low of \$108 (BZ20) to a high of \$209 (BZ15). Residents in overlay districts must pay dual fees, for both the overlay district and the underlying benefit zone, with the combined rates ranging from \$243 (BZ3/20) to \$450 (BZ2/14.) Several benefit zones (BZ3 and BZ4) are facing deferred maintenance, repair or restoration due to revenue shortages and are facing elaborate electoral procedures to increase revenue. In short, CCSD’s L&L district is a complex inefficient mechanism for the maintenance of parks in Elk Grove.



Source: Cosumnes Community Services District

Proposition 218 – The Right to Vote on Taxes Act (1996)

Two years after what was then EGCS D’s initial use of an L&L district, California voters approved Proposition 218 in November 1996. That initiative was a follow-up to Proposition 13 (1978) which restricted California’s property taxation system. According to the California Special Districts Association, Proposition 218 was meant to curb local government attempts to circumvent Proposition 13 by charging additional taxes, assessments and fees.

Under Proposition 218, increases to benefit-based assessments, such as L&L fees, are limited by a CPI. Unless increases with a higher CPI were already approved by property owners when the fee was assessed, greater increases in the future would require voter approval following a very detailed specified process:

- An Engineer's Report would be required to determine the amount that each property owner would pay. The amount of benefit must be calculated by a set formula and not be less than the cost of providing the benefit or service to the property owner.
- A public hearing would be required so property owners could protest the assessment.
- A ballot must be sent out with a 45-day notice. That ballot must contain specific information about the rates, the use of the revenue, and the duration of the tax.
- A simple majority would be required to approve an assessment increase; a two-thirds majority would be required to approve a tax increase.

Early attempts to raise L&L fees after passage of Proposition 218

In 2009, CCSD embarked on an aggressive campaign to educate Elk Grove residents as to the constraints of the existing L&L assessment fees and the need for additional revenue, especially in two neighborhoods: BZ3 (Elk Grove/West Vineyard) and BZ6 (Central Elk Grove). CCSD held approximately four dozen community meetings with community groups and commercial property owners; made extensive use of local newspapers, TV and radio stations; distributed signs, newsletters, and activity guides; mailed postcards to all property owners; and utilized the CCSD website to further educate. Despite this concerted effort, property owners in both benefit zones voted down the proposed zone-wide increases by large margins of 2 to 1 and 3 to 1, respectively.

Nevertheless, there were some successes. Property owners in BZ2 (Camden) and what was then in Part A of BZ9 (Waterman Park/Village) approved an increase for a new overlay district, BZ14 (Camden Park). Revenues collected in an overlay district can only be used toward maintaining a specific park or amenity. In the case of BZ14, the overlay provided maintenance for the Camden Creek Greenbelt, as well as Mix and Underwood parks. One advantage of establishing overlay districts is that they do not have to contribute to district-wide costs. Another is that a higher CPI could be used to calculate future annual increases. In 2019, CCSD used the San Francisco Bay Area CPI of 3.526 percent for the overlay districts, instead of the Pacific West Cities CPI of 2.295 percent for the other L&L assessment zones.

Later in 2009, some property owners in BZ3 near Jordan Park approved an increase for another new overlay zone, BZ15 (Vista Creek). That same year, property owners near Van Doren and Hill parks, spanning BZ2 and Part B of BZ9, approved an increase for yet another new overlay zone, BZ16 (Fallbrook/Park Lane/Britschigi). Then seven years later, in 2016, another group of property owners in BZ9 approved an additional overlay district BZ18 (Hampton Village).

Even with these successes, the creation of every new benefit zone and overlay district carries the requirement for an additional separate budget and separate program to manage. Today,

there are 19 separate assessment areas with 19 separate budgets and maintenance programs. In BZ3 alone, there are four assessment areas: the benefit zone itself and three overlay districts. This has fragmented Elk Grove's parks into a parcel-based and neighborhood-based program, further restricting how and where available revenue can be used, and posing added administrative costs for budgeting and management of each zone, educating and surveying the community and conducting the prescribed election process.

2016 Park Maintenance Master Plan (PMMP)

In 2014, CCSD created a Park Maintenance Master Plan (PMMP) to help budget and plan what would need to be done to ensure the longevity of park assets as well as protecting the people who use those assets. The initial PMMP took two years to complete. It confirmed that L&L funding in BZ3 and BZ6 was not sustainable because projected costs increased at a greater rate than the allowable increases in revenue. By the time that the PMMP was released in 2016, CCSD had 13 benefit zones and four overlay zones and was managing 94 parks totaling 703 acres, as well as streetscapes with 340 acres.

The 2016 PMMP included a 10-year Asset Life Cycle Plan (ALCP) that identified which assets needed to be repaired or replaced by a certain date, and how much each would cost. The ALCP showed that the greatest cost was for playgrounds, at an estimated \$365,000 for its design, construction management, and the purchase and installation of equipment. The ALCP further stated that while most playgrounds are built to last 25 years, as they approach the end of that period, they are considered unplayable and should be retired. The current estimated cost to revitalize a playground is \$401,000 per park.

Trouble Spots

The Grand Jury looked more closely at the following fiscally challenged benefit zones: BZ3, BZ6, and BZ4. They provided important insight and understanding into the causes of problems that might eventually spill over into other benefit zones in CCSD.

Parks in BZ3

In 2016, the L&L assessment rate for BZ3 was \$63, generating \$885,550 per year; but it faced \$88,244 in ALCP costs and \$6,167,164 in capital improvement projects (CIP) planned between 2016 and 2021. At the time, BZ3 had 11 parks and 29 high use assets like baseball diamonds, multi-use fields, and sports courts. Moreover, it had 12 high-cost playgrounds. CCSD staff estimated BZ3 was facing a five-year outlay of \$6,255,408 just to replace worn assets. They projected BZ3's reserves would be depleted by 2021, leaving it in the red by \$120,713. Part of the reason for the shortfall in BZ3 is that maintenance costs quickly outstripped revenue. Annual increases in the L&L assessments were pegged to the CPI. According to a CCSD fact sheet on BZ3, the annual CPI adjustment has averaged 2.5 percent since 1997. The number of parks also jumped from two to 10 since then. The cost of maintaining those parks has increased dramatically. Between 2008 and 2018, the cost of concrete paving increased by 112

percent per square foot, and the price of water increased by 55 percent. But the L&L assessment fee only increased by 20 percent during that same time period.

Due to BZ3's funding shortfall, three planned parks were never completed: Phase II of MacDonald Park, Arcadian Village and Sheldon Place. Although Quimby fees and Park Impact fees were collected to build all three, there was no funding to maintain them. The delay of the completion of MacDonald Park's Phase II was the subject of a Sacramento County Grand Jury investigation in 2018-2019. This project requires \$752,557 for its completion. Sheldon Place and Arcadian Village require \$1,137,401 and \$3,939,702, respectively. All three projects were pushed back by CCSD to 2022-2023 at the earliest.

In November 2017, CCSD initiated a survey to determine support for new overlay zones and assessment rate increases within BZ3 and BZ6. Unfortunately, the survey results showed little support for an increase. So, in February 2018, CCSD suspended any move toward a vote and instead directed staff to concentrate on public education and community outreach. Despite this setback, pockets of support for revenue increases existed within BZ3 around MacDonald Park and Perry Park. These property owners organized and secured elections last year to establish overlay zones and rate increases. Both votes passed overwhelmingly: 84.1 percent to establish BZ19 (Camden Estates and Camden Pointe) and 72.2 percent to establish BZ20 (Perry Ranch).

CCSD updates the 10-year PMMP annually. The 2019-2020 PMMP showed that even with the establishment of two new overlay zones (BZ19 and BZ20) in 2019, BZ3 would still be underfunded by 2022-2023. Around this time, CCSD removed Rau Community Park from BZ3, and reclassified it as a district-wide amenity. CCSD justified shifting Rau Park from BZ3 to a district-wide asset because it is a sports-programmed park, removed from any neighborhoods, and used more by baseball and soccer leagues than by local residents. Nevertheless, since its reclassification, Rau Park has had its turf renovated, its basketball court resurfaced, a vandalized basketball hoop replaced, along with the acquisition of some metal benches and trash cans. Moreover, its parking lot is being swept for the first time in over 10 years. This is an example of park maintenance inequity.

Last year, seven parks in BZ3 remained without the added financial support of an overlay zone or reclassification as a district-wide facility. Accordingly, CCSD initiated another concerted outreach effort with the hope that greater community understanding would lead to the necessary support for additional revenue. Several underfunded parks (Jones, Karamanos, and Lombardi) enjoyed support from "community champions" who could lead the way in support of L&L fee increases. CCSD conducted community outreach meetings at the under-maintained parks as well as at the sites of the two as-yet unbuilt parks, Arcadian Village and Sheldon Place. Building upon these meetings, in November 2019, CCSD initiated a six-week survey process to see if BZ3 property owners would be more receptive to another ballot measure. The surveys were to be returned by December 16, 2019; but the rate of return and support for revenue increases were mixed at best, leaving CCSD staff uncertain how to proceed.

Parks in BZ6

In the 2016 PMMP, BZ6 (Central Elk Grove) was projected to have a deficit of \$17,125 by this fiscal year (2019-2020). That was primarily due to an expected increase of \$42,258 in operating costs, wiping out its reserve of \$25,133 from 2018-2019. This deficit occurred despite the fact that BZ6 has a district-wide amenity, Elk Grove Regional Park, within its borders, requiring all the other benefit zones to contribute to its upkeep. The projected 2019-2020 operating costs were \$667,158.

But in the 2019-2020 update of the PMMP, operating costs for BZ6 (Central Elk Grove) were reduced almost by one-half, to \$310,422. Even with \$8,852 in ALCP expenses this year, BZ6 was able to put money back into its reserves. Although the PMMP now shows that it is on track to be funded sustainably in the near future, it is only because CCSD is giving BZ6 time to build up its reserves so that it can pay for revitalization projects. The current L&L budget shows that Central Elk Grove still has \$2.1 million in unfunded PMMP projects, so only ALCP projects that are related to health and safety would be undertaken for the next few years.

Parks in BZ4

In the 2019-2020 update of the 10-year PMMP, there was a projection that BZ4 (West Laguna) would be in financial trouble by 2022-2023, despite the fact that it has one of the higher L&L assessment rates, at \$263. Within its borders, BZ4 also has a district-wide facility, Bartholomew Sports Park, which pulls revenue from other benefit zones. The PMMP shows that BZ4 will face a \$509,051 ALCP expense in 2022-2023, a 10-fold increase from the \$56,617 expense the year before. In 2022-2023, BZ4 will face another \$70,117 in ALCP expenses, leaving BZ4 even further in arrears (-\$404,170).

CCSD staff has started to prepare BZ4 residents and property owners for the pending funding shortfalls and educate them on the need to increase the L&L assessment fee. A series of community outreach meetings was initiated in March 2020, but most had to be deferred due to COVID-19 restrictions on public meetings.

District-wide Parks

As of 2019, CCSD has four district-wide parks: Elk Grove Regional Park, Camden Creek Greenbelt, Bartholomew Sports Park and Rau Community Park. As noted, these district-wide parks represent a funding outlay obligation for all benefit zones. When EGCSO formed an L&L district in 1994, one of the requirements was that each benefit zone would contribute assessment fee revenues to maintain district-wide amenities. The amount that each benefit zone would contribute was based on a formula that involved the number of EDUs and the amount of acreage of parks and trails maintained within each zone. Overlay zones do not contribute to district-wide facilities because property owners in these overlays already contribute through their underlying benefit zones.

CCSD maintains a separate budget for district-wide parks. In 2018-2019, the cost of maintaining three of these parks, prior to Rau Park's reclassification into a district-wide facility, was \$4,609,805. For 2019-2020, the budget for all four parks has dropped to \$3,920,331. The main reason for the drop is that the turf replacement project in Bartholomew Sports Park was completed last year.

Even if a benefit zone does not have sufficient funds to maintain its own parks, such as BZ3 in 2018, it still has an obligation to contribute toward the maintenance costs of district-wide parks. CCSD's rationale for this practice was that because all Elk Grove residents enjoy the benefits of district-wide parks, everyone should pay for their upkeep.

In 2018-2019, BZ3 contributed \$410,617 to district-wide expenses, with that amount dropping to \$303,139 in 2019-2020, due to a reduction in district-wide projects this year. BZ4 and BZ6 both experienced similar declines from \$334,633 and \$125,253, respectively, in 2018-2019 to \$308,689 and \$97,065, respectively, in 2019-2020. Nevertheless, even with reductions in district-wide expenditures, significant funding is diverted each year to district-wide parks, from benefit zones including those that are contending with their own funding shortfalls.

Lessons Learned

The above history of attempts to fund park maintenance in BZ3 and BZ6 sets forth the challenges of providing adequate revenue in a timely way to assure that these public assets are protected, preserved and fully available for public use. The administrative costs of annual Engineer's Reports, annual updates of the 10-year PMMP, the budgeting and management of 19 individual benefit zones and overlay districts, the extensive investment in public education of the program's detailed complexities, and the costs of surveying and conducting recurring localized elections all add to the difficulty and inflexibility of managing and preserving Elk Grove's parks.

The Balance in Authority over Parks Between CCSD and the City of Elk Grove

Despite LAFCO's stipulation regarding park services when it approved the incorporation of the City of Elk Grove in 2000, the legal challenges between CCSD and Elk Grove during 2005-2007, and the recurring renewal and expansion of MOUs between these two entities, there have been occasional suggestions that the City of Elk Grove should assume responsibility for Elk Grove's park and recreation functions.

As recently as December 19, 2018, while residents were still considering why CCSD had cut back on park services in BZ3, the Elk Grove Laguna News ran an editorial entitled "Is it time for the City of Elk Grove to take over parks?" The author noted that since the CCSD board had decided to hold by-district instead of at-large elections, the CCSD board would need to have one person represent Galt, since CCSD also provides fire protection services there. However, that would mean that there would be one board member who would not be elected by Elk Grove residents but would be making decisions exclusively affecting Elk Grove.

The editorial writer suggested that if that were the case, he would rather have the City take over the parks program, since all Elk Grove City Council members are elected by Elk Grove residents. The writer also criticized CCSD for not working with residents to ensure that parks were adequately maintained. The author also stated that administrative costs would be reduced because there were redundancies in staff between the City and CCSD.

According to several news reports, during a March 4, 2015 Elk Grove City Council retreat meeting, the then Vice-Mayor suggested that the City take over the parks and recreation functions from CCSD. At the time, the focus was on governance, and the Vice-Mayor observed there was overlap between the City and CCSD in providing services.

He also noted that since all the parks managed by CCSD were within the city limits, it would be easier for the City to take over that function and leave the fire protection services, which extended beyond Elk Grove into Galt, to CCSD. At that time, the City was actively engaged in park development by pursuing an aquatics complex at the proposed civic center site, and a softball complex at a 100-acre parcel near the City's eastern border. CCSD quickly responded that they were not interested in relinquishing its responsibilities to the City and defended CCSD's stewardship.

Three weeks later, this concept appears to have been set aside as the City Council was considering an MOU with CCSD that dealt with park development, an update from the 2011 MOU. Currently, seven of the parks managed by CCSD are funded by the City. CCSD tracks the expenses of these parks under the BZ17 designation, even though no L&L fees are involved. The MOU states that Elk Grove uses Mello-Roos taxes, or CFDs, to pay CCSD for services. Mello-Roos taxes are more flexible in that any increases are not subject to the restrictions imposed by Proposition 218. The creation of the Mello-Roos CFD must be approved by two-thirds majority of the people who will be paying the taxes. Elk Grove currently has three CFDs for funding park development.

FINDINGS

F1. The current multiple funding mechanisms are neither effective nor sustainable for managing Elk Grove's parks.

F2. Public confusion and misunderstanding are evidenced by the need for extensive and repeated community outreach meetings and the mixed success in securing timely voter approval for needed revenue increases. Contributing to this confusion are: the division in roles for Elk Grove's parks between the City of Elk Grove and Cosumnes Community Services District (CCSD); priorities among neighborhood and district-wide facilities; and the challenge of managing and understanding the park system as an integrated program.

F3. The 19 different Landscape and Lighting (L&L) district assessment rates, varying by as much as a factor of four, cause significant inequities for Elk Grove residents in terms of payments they make and benefits they derive from Elk Grove parks.

F4. The practice of contributing revenue from individual benefit zones to district-wide facilities as a priority ahead of funding parks within each benefit zone compounds the revenue shortages experienced by certain benefit zones.

F5. The requirement in Proposition 218 to secure a public vote in order to increase funding in excess of a Consumer Price Index (CPI) index is an unwieldy restraint that impedes adequate funding to maintain, repair and restore Elk Grove parks.

F6. The existing L&L assessment rates are insufficient to sustain maintenance, repair, and restoration for parks indefinitely. Specifically, in the short term, revenue from L&L assessment rates in BZ3 and BZ4 is insufficient to maintain, repair, and restore all parks in those benefit zones.

F7. The emphasis on individual benefit zones and overlay districts creates a complex and costly administrative burden requiring fragmented budgeting and management, and voter approvals to generate adequate revenue.

F8. The baseline budget for park maintenance, repair and restoration does not take into account, nor is it adequate to fund future park modifications or maintenance associated with new parks and programs.

F9. CCSD's practice of attempting to increase voter understanding and acceptance of financial responsibility for the parks program through various outreach efforts has had uneven results in terms of gaining greater voter participation and potentially influencing additional funding for this program.

F10. The City of Elk Grove and CCSD have not collaborated effectively to reform and restructure the system.

RECOMMENDATIONS

R1. CCSD and the City of Elk Grove, with the support of Sacramento County, should establish a Regional Task Force to examine the feasibility of replacing the existing system of funding park maintenance. The Regional Task Force membership should include all public officials whose constituents are directly affected. Observers may include representatives of all other related and interested agencies and constituencies such as Sacramento Local Agency Formation Commission (LAFCO), public and private advocates, etc. This recommendation should be completed by December 31, 2020.

R2. This task force should identify all relevant laws, ordinances, regulations, policies and procedures that might need to be amended, revised or abolished to replace the existing system with a more simplified, streamlined, equitable and sustainable funding mechanism, such as an annual assessment on all real property in the area based on the assessed value of each parcel. This recommendation should be implemented by June 30, 2021.

R3. CCSD and the City of Elk Grove together should evaluate and report to the Regional Task Force on the effect of reversing the existing practice of first transferring new revenues to district-wide and regional facilities, before budgeting for local park maintenance. This recommendation should be implemented by June 30, 2021.

R4. CCSD and the City of Elk Grove together should analyze and report to the Regional Task Force on the added short-term and long-term costs of the additional staffing and consultant services required for the practice of budgeting and managing 19 individual benefit zones and overlay districts in comparison with budgeting and managing these zones on an integrated basis. That analysis should include an examination of the additional costs for any new parks and zones created over the next decade. That analysis should also examine the costs of conducting educational sessions, surveys and elections, as well as preparing Engineer’s Reports to authorize L&L assessment fee increases. This recommendation should be implemented by June 30, 2021.

R5. CCSD and the City of Elk Grove together should conduct and report to the Regional Task Force an integrated analysis of all current revenue and projected revenue over 10 years to be collected for park maintenance, repair and restoration over the same period. Such an assessment will help gauge the adequacy of current and projected revenue without regard to the fragmentation of those resources under the current management structure. This recommendation should be implemented by June 30, 2021.

R6. CCSD and the City of Elk Grove together should analyze and report to the Regional Task Force on the 10-year growth of revenue permitted under the CPI growth factor, compared with a 10-year forecast of costs associated with park maintenance, repair and restoration. This recommendation should be implemented by June 30, 2021.

R7. CCSD and the City of Elk Grove should adopt the plan developed by the Regional Task Force for implementation of a new system including relevant MOUs to enable agencies responsible for collecting appropriate tax revenues sufficient to provide park services and maintenance within all neighborhoods. This recommendation should be completed by June 30, 2021.

GLOSSARY

ALCP	Asset Life Cycle Plan
Benefits Received	The basis for establishing assessment rates within a benefit zone or an overlay district as determined by the Engineer’s Report.
BZ	Benefit Zone: an area established by CCSD in which a specified assessment fee is collected to fund park maintenance in that area.
CCSD	Cosumnes Community Service District – A special district under California Code Section 56036a -- A special district is an agency of the State, formed pursuant to general law or special act, for the local performance of government or proprietary functions within boundaries. A special district

	may cross city boundaries and county boundaries.
CFD	Community Facilities Districts, also known as Mello-Roos
CIP	Capital Improvement Projects
CPI	Consumer Price Index
EDU	Equivalent Dwelling Unit: a value based on type of use - single-family home is 1.0 EDU, mobile home is 0.75 EDU
EGCSD	Elk Grove Community Services District
LAFCO	Local Agency Formation Commission
LRSP	Laguna Ridge Specific Plan
L&L	Landscape and Lighting (District)
MOU	Memorandum of Understanding
Overlay District	An area within one or more benefit zones in which voters have approved a supplemental assessment for park maintenance within that area.
PMMP	Park Maintenance Master Plan
Proposition 218	California Proposition 218 Ballot Initiative - A California Constitutional Amendment that redefined local and regional government finance in California. Effective November 6, 1996.
Quimby fees	The Quimby Act, within the Subdivision Map Act, authorizes the legislative body of a city or county to require the dedication of land or the imposition of fees for park or recreational purposes as a condition of the approval of a tentative or parcel subdivision map.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the 2019-2020 Sacramento County Grand Jury requests responses from the following elected officials within 60 days:

- Mayor Steve Ly
City of Elk Grove
8401 Laguna Palms Way
Elk Grove, CA 95758
- Orlando Fuentes
President
Cosumnes Community Services District, Board of Directors
8820 Elk Grove Boulevard
Elk Grove, CA 95624

Pursuant to Penal Code sections 933 and 933.05, the 2019-2020 Sacramento County Grand Jury requests responses from the following entities within 90 days:

- City of Elk Grove, City Council
8401 Laguna Palms Way
Elk Grove, CA 95758
- Cosumnes Community Service District, Board of Directors
8820 Elk Grove Blvd.
Elk Grove, CA 95624

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

- Paul Thorn
Jury Commissioner
ThornP@saccourt.ca.gov
- Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

INVITED RESPONSES

- Phil Serna
Chairman
Sacramento County Board of Supervisors
700 H Street, Suite 2450
Sacramento, CA 95814
- Jason Behrmann
City Manager
City of Elk Grove
8401 Laguna Palms Way
Elk Grove, CA 95758

- Joshua Green, CCSD General Manager
Cosumnes Community Services District
8820 Elk Grove Boulevard
Elk Grove, CA 95624

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
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Please email a copy of this response to:

- Paul Thorn
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- Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

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

**IMPACT OF GENTRIFICATION AND NEIGHBORHOOD REVITALIZATION
ON THE DISPLACEMENT OF RESIDENTS**



The Capitol Park Hotel was once a Single Room Only (SRO) complex that is now serving as a temporary shelter for the homeless. It still houses a number of SRO residents. Mercy Housing plans to convert the building into 134 permanent supportive housing units after the temporary shelter closes.

IMPACT OF GENTRIFICATION AND NEIGHBORHOOD REVITALIZATION ON THE DISPLACEMENT OF RESIDENTS

SUMMARY

This investigation, by the 2019-20 Sacramento County Grand Jury, centers on examining the effects of revitalization of former Single Room Occupancy (SRO) properties in Downtown Sacramento on its current and previous residents - those of low income, seniors, and the disabled. Although revitalization of Downtown Sacramento is core to the city's economic development, the Grand Jury is concerned about its effect on these residents.

Through its investigation, the Grand Jury discovered a lack of transparency in regard to these displaced residents. The Grand Jury was unable to determine if, how and where all of the former residents were relocated. Have their situations improved or are they presently homeless? The Sacramento Housing and Redevelopment Agency (SHRA) is responsible for ensuring these residents find another residence and are compensated. The only report showing statistics of displaced residents is the weekly update report of the Capitol Park Hotel residents on SHRA's website. Reports should be further developed to provide information on the placement status of all dislocated SRO residents.

Interviews with stakeholders, city and county officials, as well as SHRA, which partners with Sacramento Steps Forward (SSF) and other non-profit agencies, revealed a current lack of coordination and clear lines of responsibility among the agencies. We did not interview residents because of privacy issues. The current Grand Jury looked specifically at SRO displaced residents but was unable to determine if they were presently in stable long-term housing or have migrated to homelessness.

There is evidence of progress through the recent development of the Sacramento Homeless Policy Council. This Council will bring together representatives of the county, all of the cities within the County, itself and SHRA. Sacramento Steps Forward, as a primary convener, will provide administrative support to the SHPC as funding permits. This is a promising new alliance that may improve collaboration and provide procedures to prevent possible displacement issues. SSF also currently partners with Kaiser Permanente, the University of California, Davis, Sutter Medical Centers, Dignity Health and local business associations.

BACKGROUND

Sacramento is revitalizing and/or replacing older residential hotels, many of which are designated as historic buildings and were once classified as SROs, especially in Downtown

Sacramento. A residential hotel is defined as any building containing six or more rooms intended to be occupied and rented for sleeping purposes by tenants.

This revitalization could exacerbate the shortage of decent, safe, sanitary and affordable rental housing for very low-income, senior and disabled residents. One of these revitalized or replaced buildings is the Hotel Berry, which is now the Studios at the Berry on 8th and K Street. This revitalization required at least a temporary relocation of those residents. Another is the Capitol Park Hotel at 9th and L, which is temporarily being repurposed as a homeless shelter and will later be further renovated again as an SRO. The Marshall Hotel on 7th Street between K & L Streets has been demolished except for the historic façade and will become a Hyatt Centric Hotel. These are just a few examples where SROs provided housing for very low income, disabled and senior residents in the past.

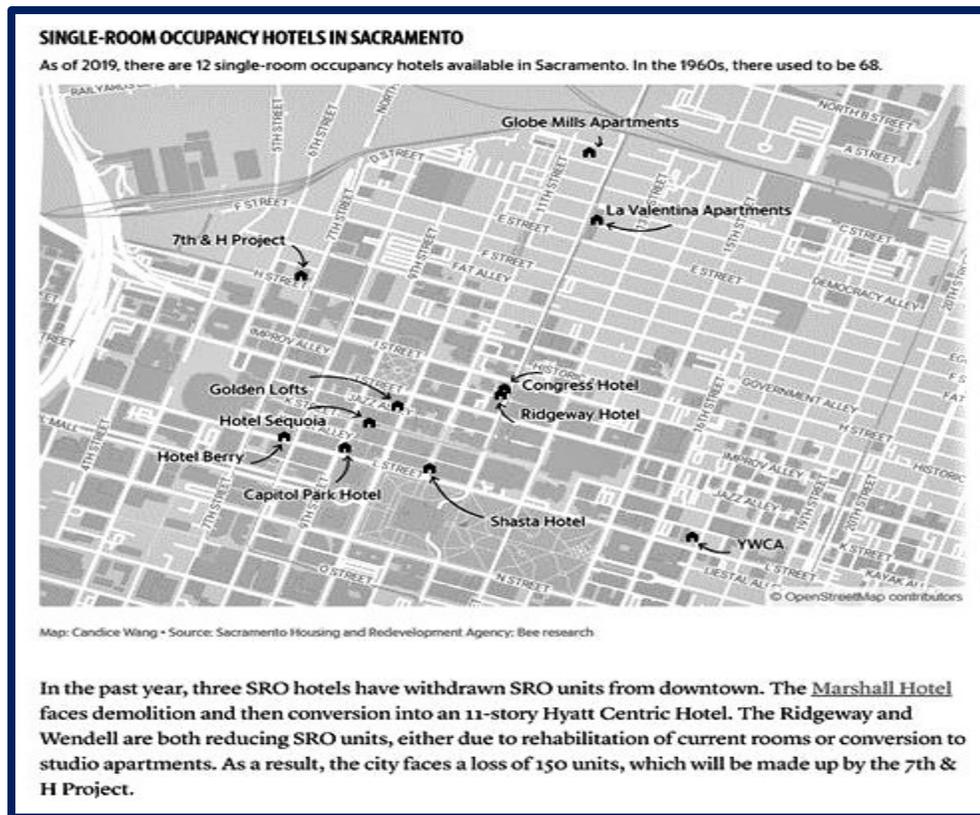
Where are the previous residents of these SROs? Have they been relocated or dislocated? Have their home situations improved or deteriorated? Do they have access to needed services such as grocery stores, mental and physical health providers, drug stores and transportation? Was their relocation assistance adequate? Did they receive assistance to find a location that meets their needs? What are the responsibilities of government, non-profit organizations or developers to meet the needs of these displaced residents? Interviews revealed that many of them are disabled and/or senior citizens with mobility issues which complicates the relocation process. These are the questions the Grand Jury set out to answer but was not able to get the information needed. That led the Grand Jury to the question – how transparent is the process?

History

In 1961 there were approximately 78 hotels in the downtown area. Sixty-eight of those have been demolished or repurposed for commercial use. These hotels provided 3,558 SRO housing units. By 1986, there were only 1,013 SRO units left and by 2006 the number was only 712 units distributed among 10 residential hotels. That represents an 80 percent reduction in housing, which is no longer available for these very low income, senior and disabled residents. Is 712 enough to address the needs of a vulnerable population?

As of 2019, there were 13 residential complexes totaling 762 SRO units. Capitol Park is counted in these numbers. The others include Congress, Sequoia, Golden Lofts, 7th and H Project, The Suites at the Berry, Ridgeway, Shasta, YWCA, Cannery Place, Globe Mills, La Valentina and The Warehouse Artist Lofts (WAL). The map shown in Figure 1 does not include WAL or Cannery Place which are outside the borders of this map.

Figure 1. Map showing locations of SRO complexes in Sacramento



Source: Sacramento Housing and Redevelopment Agency

Interviews of elected officials, City and County employees and non-profit organizations indicated there has been mounting pressure to demolish or convert some of these remaining residential hotels. Since revitalization of Downtown Sacramento continues to be at the core of economic development, the Grand Jury is concerned about the people who are being adversely affected by the loss of these SROs. Without relocation assistance to help them find comparable accommodations within the same general area, they would be unable to continue using services, transportation and social opportunities familiar to them.

The Uniform Relocation Assistance and Real Property Acquisition Act (URA) was passed by the federal government in 1970. It was intended to ensure fair compensation and assistance for those whose property was compulsorily acquired for public use under "eminent domain" law. This law applies to residents who are dislocated and is in compliance with Sacramento City Code 18.20.060 and California Government Code Sections 7260-7277. These provisions are used for all SHRA projects but are particularly applicable to the SRO relocations. We could not determine if they take advantage of it.

The City of Sacramento adopted Title 18 – the SRO ordinance in 2006 that mandates a minimum 712 SRO units must remain available for these residents. Under this City Code, a resident of the SRO hotel slated for destruction or renovation is entitled to relocation services. The relocation plan is a written document that sets forth the owner’s commitment to the residents to help them relocate to a comparable unit and/or receive assistance for relocation. The tenant can choose to be: (a) relocated, (b) relocated with supplemental funding for up to 5 years, or (c) provided with funds without relocation by SHRA. Residents may also walk away without any plan and make their own arrangements. Some residents opt to live with family or friends. SROs traditionally provided affordable housing for single individuals with extremely low incomes. The disabled and seniors have been saved from homelessness by available SROs. The formerly incarcerated, including convicted felons, have also been accommodated.

On November 1, 2016, The Sacramento City Council amended the Residential Hotel Unit Withdrawal, Conversion, and Demolition Ordinance (City Code 18.20) removing seven of the 11 rehabilitated, regulated or replaced SROs and requiring the remaining four un-rehabilitated SROs to remain on the list. The four SRO Residence Hotels still subject to the ordinance are Capitol Park, Congress, Golden and Sequoia.

Financial assistance is available to displaced residents through fixed payments or actual reasonable moving expense payments. Residents may be entitled to a Replacement Housing Payment not to exceed \$7,200 for down payment on another unit. The residents may also be entitled to up to 42 months of supplemental payments where the new housing costs exceed the current housing rate the resident is entitled to pay. A displaced household has up to one year to qualify for benefits and six additional months to provide substantiating documentation. Relocation is not considered complete until all households qualifying for relocation have been relocated to comparable, decent, safe, and sanitary units.

SHRA

The Sacramento Housing and Redevelopment Agency (SHRA) was created as a Joint Powers Authority (JPA) in 1981 by the Sacramento City Council and Sacramento County Board of Supervisors. SHRA brings together financial resources and staff expertise to revitalize lower-income communities, create affordable housing opportunities, and serve public housing residents in Sacramento. The members of the JPA are the City of Sacramento, the County of Sacramento, the Housing Authority of the City of Sacramento, and the Housing Authority of the County of Sacramento. SHRA is the lead agency for the Sacramento City and County Consolidated 5-year Plan for allocating federal housing and community development block grants provided by the U.S. Department of Housing and Urban Development (HUD). SHRA administers the Community Development Block Grant (CDBG), Housing Opportunities for Persons with AIDS (HOPWA), HOME Investment Partnership Program (HOME) and Emergency Solutions Grant (ESG) funds on behalf of the City and County.

SHRA is the central coordinating organization for relocating displaced individuals. The agency is a partner with the City and County of Sacramento on community redevelopment projects and development of affordable housing units. According to the SHRA website, the Sacramento Housing and Redevelopment Agency was created to ensure the ongoing development of affordable housing and to continuously fuel community redevelopment projects in the city and county of Sacramento. SHRA publishes an Annual Report detailing its plans for coming years and listing activities and accomplishments. The SHRA Annual Report for 2018 reported a \$198 million budget. The SHRA Annual Budget for 2020 is \$211.9 million.

Although this Grand Jury concentrated on Downtown Sacramento, it is important to note, SHRA is responsible for all areas of the County of Sacramento. This includes the redevelopment work taking place on 65th Street, Alkali Flat, Army Depot, Del Paso Heights, North Sacramento and the Oak Park project areas. SHRA also oversees the City/County shared areas of Auburn Boulevard, Franklin Boulevard and Stockton Boulevard project areas. The City manages the Merged Downtown and Richards/Railyards project areas.

Sacramento Steps Forward

Sacramento Steps Forward (SSF) is a 501(c) (3) nonprofit organization, formed in 2011, committed to ending homelessness in our region through collaboration, innovation and connecting people to services. SSF works with homeless individuals, advocates, service providers, non-profits, faith-based communities, policymakers, elected officials, citizens, public agencies and businesses. SSF coordinates with a broad-spectrum of public, private and non-profit organizations in order to find housing for the unsheltered or people at risk of losing their housing.

The Grand Jury of 2018-2019 addressed the issue of homelessness with recommendations for action that included better coordination between entities. The Grand Jury of 2019-2020 is attempting to determine if gentrification and revitalization lead to an increase in displacement of SRO residents. These SRO residents are a vulnerable population in need of an organizational model to successfully monitor results. There needs to be a higher level of transparency to monitor activities and ensure successful and permanent placement. The Sacramento Homeless Policy Council (SHPC) was just established to address coordination and transparency.

METHODOLOGY

The 2019-2020 Grand Jury conducted research using the following news and information sources:

Internet, The Sacramento Bee and Sacramento News and Review articles:

- “After the Hotel Uncertainty, Will Downtown Homeless Shelter Project Lead to Different People Being Homeless,” Sacramento News & Review, October 3, 2019

- City of Sacramento, Housing Authority/City Council Report, “(City Council/Housing Authority) Commitment to Housing Authority/Sacramento Housing and Redevelopment Agency Focused Meetings,” February 11, 2020
http://sacramento.granicus.com/ViewPublisher.php?view_id=22
- Sacramento City Council Report, “SHRA Proposed Homeless Services Five-Point Plan,” October 22, 2019
https://sacramento.granicus.com/MetaViewer.php?view_id=21&event_id=3558&meta_id=567773
- Sacramento City Code, Title 18, Chapter 18.20 “Relocation Benefits Pertaining to Residential Hotel Unit Conversion or Demolition,”
<https://www.qcode.us/codes/sacramento/>
- County of Sacramento “Background and Overview of the Joint Powers Authority of the Sacramento Housing and Redevelopment Agency,” January 31, 2017
http://sacramento.granicus.com/MetaViewer.php?view_id=22&clip_id=3935&meta_id=490578
- HUD User Website
 - Home Page: <https://www.huduser.gov/portal/home.html>
 - Data page: <https://www.huduser.gov/portal/datasets/il.html#2020>
- Sacramento Housing and Redevelopment Agency website
 - SHRA: <https://www.shra.org/>
 - Meetings; <https://www.shra.org/transparency/board-agenda/>
- Current and planned relocation project plans such as SHRA’s “Book of Projects,”
<https://www.shra.org/book-of-projects/>
 - SHRA’s “Book of Projects – Community Development” contains three sections:
 - Completed Projects (30 completed projects)
 - Projects Under Constructions (four projects)
 - Completed Projects (seven projects)
- Sacramento 2019 Point-in-Time Report, “Homelessness in Sacramento County,” prepared and published by California State University, Sacramento for Sacramento Steps Forward, <https://sacramentostepsforward.org/wp-content/uploads/2019/06/2019-Final-PIT-Report-1.pdf>
- Sacramento Grand Jury Reports, <https://www.saccourt.ca.gov/grand-jury/reports.aspx>
 - Sacramento Grand Jury Annual Report_2018-2019, “Addressing Homelessness in Sacramento County: An Extraordinary Community Challenge”
 - Sacramento Grand Jury Annual Report 2016-2017, “Homeless Crisis Continues”
 - Sacramento Grand Jury Annual Report 2015-2016, “Homelessness: A State of Emergency”

Reviewed available documentation of major stakeholders:

- City of Sacramento; “Anti-Displacement/Gentrification Study, Sacramento Central City Specific Plan,” May 24, 2018, http://www.cityofsacramento.org//media/Corporate/Files/CDD/Planning/Long-Range/Gentrification-Displacement-Whitepaper_5_24_18_.pdf
- City of Sacramento project resources, <http://www.cityofsacramento.org/Community-Development/Planning/Major-Projects/Central-City-Specific-Plan/Resources>
- County of Sacramento website, <https://www.saccounty.net/Pages/default.aspx>
 - Planning and Environmental Review <https://planning.saccounty.net/Pages/default.aspx>
- County Board of Supervisor Meeting Minutes, “Background and Overview of the Joint Powers Authority of the Sacramento Housing and Redevelopment Agency,” March 31, 2017
- SHRA’s proposed 2020 Public Housing Agency (PHA) Five Year Plan, as presented to the Sacramento Board of Supervisors, September 4, 2019
- Sacramento Housing and Redevelopment Commission meeting (SHRA presentation), Sept. 18, 2019
- SHRA’s 2020 Approved Budget, <https://www.shra.org/wpcontent/uploads/2020/01/SHRA-2020-Approved-Budget.pdf>
- Downtown Sacramento Partnership Mission and Vision <https://www.downtownsac.org/services/safe-streets/homeless-outreach/>
- Sacramento Steps Forward Mission and Vision, <https://sacramentostepsforward.org/> Housing First Statistics, <https://sacramentostepsforward.wordpress.com/tag/housing-first/>
- National Alliance to End Homelessness publication, “What is Housing First?” <https://endhomelessness.org/resource/housing-first/> April 20, 2016
- “Kaiser Permanente Donating 32 Million for Housing and Homelessness in Sacramento,” Sacramento Business Journal, February 20, 2020 <https://www.bizjournals.com/sacramento/news/2020/02/20/kaiser-permanente-donating-32-million-to-fight.html>
- “Fighting Gentrification and Displacement – Emerging Best Practices,” The Next System Project, a Project of the Democracy Collaborative, February 19, 2020 <https://thenextsystem.org/fighting-gentrification-best-practices>,

Interviews with:

- Elected officials and staff representatives from the Sacramento City Council
- Elected officials from the Sacramento County Board of Supervisors
- Senior staff from SHRA, City and County housing related offices

- Senior staff from Sacramento Steps Forward
- Senior staff with Downtown Sacramento Partnership

DISCUSSION

The purpose of this report is to determine if and how revitalization and gentrification are leading to an increase in the number of displaced residents. The Grand Jury concentrated on the relocation of former residents of the Downtown Sacramento SRO hotels and hoped to learn the total number affected, where they have gone and the length of the relocation process. The Grand Jury also wanted to understand timelines for other SRO properties that are planned for renovation or conversion and the number of individuals who might be affected by property revitalization and gentrification. This information was not provided to the Grand Jury.

The Grand Jury sought to determine how the plans were developed for housing affected individuals, what resources are committed to relocation and how these individuals are tracked to ensure they have adequate housing choices. It is a complex issue to find appropriate housing and to convince those at risk of displacement to leave the familiar and move to the unknown. It is also challenging to find locations for difficult-to-place tenants, for example those with criminal records, mental health issues and special needs.

The investigation began by reviewing the impact on residents of the renovations to the Berry Hotel, the Shasta Hotel and the Capitol Park Hotel - all three of which were SROs that had been or were in the process of being converted. The Grand Jury found that the conversions of all three facilities appear to have been well-planned and, when completed, will meet the intent of the law and the needs of the community.

The Berry Hotel

The Berry Hotel at 8th and L Streets was built in the 1920's and was once considered one of Sacramento's finer hotels. Over time, it became one of many older structures in Downtown Sacramento housing mostly older, male and low-income residents.

After repeated and failed attempts by other developers, The Jamboree Company partnered with SHRA to bring the structure up to code – including a seismic retrofit – and to update what had become a blighted eyesore in deplorable condition. The renovation, completed in 2012, included a retention of all historic marquees, signage and roof details on a historically-significant building. It is now known as The Studios at Hotel Berry and is comprised of 105 affordable studios for individuals, veterans and those with special needs. All studios are filled and residents benefit from onsite programs that focus on job skills, health and wellness and community building. This project was the 2018 winner of the Housing Innovation Award, Sacramento Regional Affordable Housing Summit by the Sacramento Housing Alliance.

Shasta Hotel

Another revitalized SRO is the Shasta Hotel at 1017 10th Street, an 80-unit SRO hotel. The building is composed of two historic structures, the former Argus Hotel, and the Shasta Hotel (formerly known as the Inverness Building, which housed medical offices). In 1989, the buildings were declared unsafe to occupy and sat vacant until remodeled in 1994 with funding from SHRA, California Housing Rehabilitation Program, and National Equity Fund, Inc.

This development will preserve 78 homes for special needs and homeless individuals and greatly expand tenant community spaces. LifeSTEPS, a Sacramento based social services firm, will be providing life training skills, education, financial literacy, and health services to all residents. Shasta Hotel is in a walkable and service rich location within downtown Sacramento. Residents will continue to have excellent access to grocery, medical, and transportation. This is a low-income housing community with rent and income restrictions based on the AMI (Area Median Income).

7th & H

Mercy Housing's 7th & H complex is a mixed-use affordable housing development, constructed in 2012, that provides 150 studios and one-bedroom apartments in an eight-story building. 7th & H presently has no vacancies. The mixed-use aspect includes extensive community space, comprehensive resident services, a health clinic and ground floor commercial retail spaces. This new building incorporates many environmentally sustainable features. The 7th & H complex has been used to house residents temporarily displaced during the conversion of SRO residences, including the Berry, Shasta Hotel and Capitol Park Hotel. Some of the previous residents of The Marshall Hotel, which is being converted into an 11-story Hyatt Centric Hotel, as well as other renovated properties such as The Ridgeway and The Wendell, which were converted to apartments, have been relocated to the 7th & H complex.

Capitol Park Hotel

The City of Sacramento entered into an Administrative Services Agreement with SHRA to operate a temporary shelter at the Capitol Park Hotel in downtown Sacramento to house 100-180 homeless people through October 2020. SHRA is partnering with Volunteers of America (VOA) to oversee the onsite shelter operations, SSF to refer homeless persons to be sheltered, and John Stewart Company (JSCo) as the property manager for the homeless shelter. Entry to the Capitol Park Hotel Temporary Shelter is through a closed referral process.

After the end of the homeless shelter operation, Mercy Housing anticipates construction to begin to renovate the building and convert the hotel into 134 units of permanent supportive SRO housing.

The Capitol Park Hotel is presently housing both homeless and previous SRO residents. The Grand Jury was unable to determine from our review of the documentation and reports

provided by SHRA if the homeless and SRO residents are co-located or are housed in separate areas.

According to the SHRA website (www.shra.org), as of April 24, 2020, the Capitol Park Hotel Temporary Shelter was housing 72 guests in its 180-unit facility - 44 males, and 28 female guests. Eight are between the ages of 18-24; 52 guests are between the ages of 25-61; and 12 guests are over age 62. In addition to the temporary guests, 20 of the original residents still remain in the facility. Forty-nine residents have received relocation benefits and moved to their new homes. Eleven residents moved out without assistance from SHRA. Residents have the option of moving with or without assistance. Some chose to stay until an option is available to maintain their independence and/or stay close to the neighbors they have bonded with throughout the years. This is the only report the Grand Jury was able to obtain after multiple Presently, there are onsite providers in some of the SROs that provide assistance to residents and guests. These include, but are not limited to Veteran Affairs physicians, American River College, California State University, Sacramento, Sacramento Self Help Housing, Volunteers of America, WellSpace, Sacramento County Mental Health and Alcoholic Anonymous.

Book of Projects

In 2019, SHRA published a “Book of Projects for Community Development in Sacramento County.” In the “Book of Projects,” there is an extensive listing of housing projects completed, projects in progress and projects planned in future years. SHRA also outlined its mission, its vision and its goals in the document.

Within the County of Sacramento, there are 24 projects completed, three projects under construction and eight projects planned in the near future. The projects currently under construction are the 700 Block of K Street, the Bing Kong Tong Building, and the El Paso Nuevo V. The approved projects include Village Park, St Francis Terrace, Bel Vue Apartments, Southwind Court Apartments, Victory Townhomes, Dixieanne Apartments, Norwood Annex, and Imperial Tower Apartments. These are not classified as SROs but they do represent low-income housing which will become available to SRO tenants if they are displaced. This allows SHRA more options for placements.

In each of our interviews, the Grand Jury questioned whether the provisions of Title 18 are being met and how well SHRA and other members of the JPA are collaborating and working well together. In other words, to determine whether the JPA, SHRA and SSF are accomplishing their mandates in an effective way.

Figure 2 –Screenshot of SHRA’s Capitol Park Hotel Temporary Shelter weekly report



Capitol Park Hotel Temporary Shelter

Update at a Glance: Week of April 24, 2020

Capitol Park Hotel Temporary Shelter (CP) Status	Gender	Age	Guests	Services
Current Week	44 Males	8 18-24	72 Guests	1,033 Meals
72 CP guests stayed this week	28 Females	52 25-61	Guests are being referred by Sacramento Steps Forward once again	521 Bed nights
	0 Other	12 62+		
Project Year to Date (PYTD)	230 Males	36 18-24		29,320 Meals
353 CP guests were enrolled total	122 Females	277 25-61		19,392 Bed nights
	1 Trans Female	40 62+		

Guest Services



At this time we are taking COVID preventive measures and postponing all on-site visits of our outside partners

On-Site Providers

Guests’ Success– PYTD

Housed

- 100 guests have moved into Permanent Housing (*Primarily in Sacramento County*)
- 3 guests staying with friends and family on a temporary basis
- 1 guest moved into transitional housing

Gained Employment

- 11 guests

Building Condition



- Café space replaced damaged ceiling tiles and addressed plumbing issues in preparation for shelter guest use.

Relocation of Residents



- 49 residents received relocation benefits and moved to their new homes:
 - * Sacramento County: 33
 - * Out of State: 1
 - * Yolo County: 12
 - * Other County in CA: 3
- 11 moved out without assistance
- 20 residents remain

The 2018-19 Grand Jury addressed these same questions within its report which included how SHRA, SSF and the JPA worked to address homelessness. When individuals were interviewed during 2019-20, it was difficult to determine if the coordination among the agencies had improved. City and County representatives stated they do talk regularly and they meet weekly. The JPA meets monthly. The general consensus among those interviewed by the 2019-2020 Grand Jury was that coordination had not improved and duplication of effort and inconsistent messaging is problematic.

The response received from the City of Sacramento relating to the 2018-19 Grand Jury recommendations described a plan to hire a consultant to address collaboration and coordination among members of the JPA. Sacramento Homeless Policy Council (SHPC) is a newly appointed council of primarily elected officials representing Sacramento County, and the cities of Citrus Heights, Elk Grove, Galt, Isleton, Folsom, Rancho Cordova, and Sacramento. Its stated mission is to provide broad-based, collaborative, and strategic leadership on Sacramento's regional response to the crisis of homelessness. This Council will be staffed by SSF. SHPC is scheduled to begin meeting in May 2020.

The SHPC objectives include:

- providing strategic leadership and consensus policy direction on solutions to address the homelessness crisis and resolve the primary factors contributing to housing instability and literal homelessness;
- championing and promoting alignment of policies and approaches that, when aligned, result in improved outcomes for persons and families experiencing homelessness;
- providing review and support implementation of the Sacramento County Homeless Plan adopted in December 2018; and
- providing a public forum for sharing information and best practices for addressing homelessness in Sacramento.

Kaiser Permanente has committed \$32 million to help the Sacramento area address homelessness and housing insecurity. "Housing insecurity has a negative impact on health and will require an all-hands-on-deck approach to solving this problem," said Greg Adams, Chairman and CEO of Kaiser Permanente. "Our mission to improve the health of our members and their communities demand that Kaiser Permanente continues to lead, support, and catalyze others to address the public health issue of homelessness and housing insecurity." SRO residents are examples those facing housing insecurity. Efforts should be made to ensure these residents don't fall into homelessness. Working in collaboration with Sacramento Mayor Darrell Steinberg, county leaders, and other key stakeholders, Kaiser Permanente is implementing a strategic approach to:

- Invest up to \$25 million to preserve and create affordable and supportive housing. The first installment of these funds will preserve 172 affordable housing units in three Section 8 properties in Sacramento and Rancho Cordova

- Invest up to \$25 million to preserve and create affordable and supportive housing. The first installment of these funds will preserve 172 affordable housing units in three Section 8 properties in Sacramento and Rancho Cordova
- Commit \$2 million to leverage Kaiser Permanente’s national partnership with Community Solutions and its Built for Zero initiative to support systems change working with cities, counties, and other key stakeholders
- Invest \$5 million in operating costs to expand emergency shelter capacity in Sacramento. This is in addition to the \$6 million previously given to address immediate needs of people experiencing homelessness in Sacramento

The consulting firm, Community Solutions, began meeting, under this Kaiser grant, the first week of March 2020. There have not been any reports or minutes published to date. Perhaps with the help of these new organizations and funding, Sacramento can further research best practices from other cities. Cities throughout the nation have looked for solutions to the impact of economic development and gentrification on those residents who have long relied on very inexpensive housing options to prevent them from living on the streets. What has worked well? Which options has Sacramento researched? For a number of years, the Sacramento economic development community, including the Chambers of Commerce, has arranged visits to other cities to research best practices. A publication entitled “Fighting Gentrification and Displacement – Emerging Best Practices,” a Project of the Democracy Collaborative, shares results from a broad array of cities. How might these projects inform Sacramento?

FINDINGS

F1. Clear lines of responsibility regarding relocation of Single Room Occupancy (SRO) clients have been difficult to determine. Opinions from interviewees indicate the agencies were not always working collaboratively, sharing information and consistently messaging.

F2. The Grand Jury found no evidence that a study of best practices from other cities has been performed or communicated.

F3. The Grand Jury found that the conversions of The Berry, The Capitol Park and the Shasta facilities appear to have been well-planned and meet the intent of the law and the needs of the community.

F4. Sacramento Housing and Redevelopment Agency (SHRA) did not provide the Grand Jury information on reporting or tracking individual residents of SROs who were displaced. Therefore, it could not be determined whether those occupants who may have been compensated have relocated, whether the relocation was successful or, worst case, if the resident spent the money and may now be homeless.

F5. The Grand Jury Report for 2018-2019 recommended seeking assistance to look at the actions and coordination of the stakeholders. As a result of those recommendations, The Sacramento Homeless Policy Council (SHPC) was formed which will impact future relocated tenants.

F6. Kaiser Permanente is funding support to help SHPC develop oversight, stronger collaboration and a coordinated plan.

F7. While SHRA has the legal mandate for housing individuals displaced by gentrification, several initiatives and/or agencies including Sacramento Steps Forward (SSF), Volunteers of America, and Continuum of Care are involved in various aspects. It is not clear which entity makes the final decision, which initiates policy and which manages implementation regarding development of plans and re-housing those impacted by gentrification.

F8. The Joint Powers Agency (JPA) members - Sacramento City, Sacramento County and SHRA - are making efforts to work more collaboratively along with Sacramento Steps Forward and the newly formed Sacramento Homeless Policy Council along with Community Solutions.

F9. Sacramento City Code mandates a minimum of 712 SRO rooms must remain available at all times. As of July 3, 2019, the City had 762 rooms including those at the new complex at 7th & H which indicates they are maintaining the mandated levels. The question remains whether that is an adequate number today.

RECOMMENDATIONS

R1. The Joint Powers Authority along with Sacramento Steps Forward and Sacramento Homeless Policy Council should collaboratively develop a single uniform plan relating to SRO displacement that would improve transparency, coordination, accountability and reduce duplication of efforts between the stakeholders by June 30, 2021.

R2. The Joint Powers Authority and Sacramento Steps Forward should develop a task force, utilizing the Sacramento Homeless Policy Council, to include representatives of all agencies involved in plans for gentrification throughout the County of Sacramento and especially Downtown Sacramento. This task force should research best practices of other jurisdictions to learn how they manage their efforts to protect residents of housing slated for gentrification and issue a report of findings by June 30, 2021.

R3. The current mandate of maintaining 712 SRO units may not be an adequate number. SHPC should study the number of SRO units needed in 2020 and beyond and provide a report of findings by March 31, 2021.

R4. Placements for residents of all SROs being repurposed or revitalized need to be monitored and publicly reported. To facilitate greater understanding and ensure improved transparency of the placement process, the SHRA website could be utilized to contain reports similar to the Capitol Park Hotel Resident Relocation Report for all SRO property renovations. SHRA should provide the elements and timeline of these reports by March 31, 2021.

GLOSSARY

AMI—Area Median Income is the midpoint of a region’s income distribution. For housing policy, income thresholds set relative to the area median income identify households eligible to live in income-restricted housing units and the affordability of housing units to low-income households.

AOD—Alcohol and Other Drugs

APS—Adult Protective Services

CADA –Capitol Area Development Authority is a public agency charged with creating urban infill housing; managing residential and commercial properties owned by the state; and enhancing the State Capitol environment. CADA functions much like a private property management and development company.

CoC—Continuum of Care is a program designed to promote communitywide commitment to the goal of ending homelessness; provide funding for efforts by nonprofit providers, and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness; promote access to and effect utilization of mainstream programs by homeless individuals and families; and optimize self-sufficiency among individuals and families experiencing homelessness.

Gentrification – Gentrification is a process of changing a neighborhood through the influx of more affluent residents and businesses.

HCD—California Department of Housing and Community Development

HEAP—Home Energy Assistance Program

HHAP—Homeless Housing, Assistance and Prevention

Housing First—Their stated approach is to offer permanent, affordable housing as quickly as possible for individuals and families experiencing homelessness, and then to provide the supportive services and connections to the community-based supports to retain

their housing and avoid returning to homelessness. A concept adopted by multiple jurisdictions that promotes homes over sheltering.

HUD—U.S. Department of Housing and Urban Development

JPA— Joint Powers Authority - permitted under Section 6502 of the State Government Code

Mercy Housing—A national nonprofit organization and one of the nation’s largest affordable housing organizations.

MHSA—Mental Health Services Act - also known as Proposition 63, was enacted by voters in November 2004.

Residential Hotel—Any building containing six or more rooms intended or designed to be used, or which are used, as the primary residence for tenants. Also, known as Single Room Occupancy (SRO) hotels.

SHPC—Sacramento Homeless Policy Council

SHRA—Sacramento Housing and Redevelopment Agency

SRCEH—Sacramento Regional Coalition to End Homelessness

SRO--Single Room Occupancy

SSF—Sacramento Steps Forward.

SSH -- Sacramento Self-Help Housing.

Title 18 Chapter 18.2—Sacramento City Code Title 1—Additional Development Requirements. Chapter 18.20 – Relocation Benefits Pertaining to Residential Hotel Unit Conversion or Demolition.

URA—The Uniform Relocation Assistance and Real Property Acquisition Act (URA), is a federal law that establishes minimum standards for federally funded programs and projects that require the acquisition of real property (real estate) or displace persons from their homes, businesses, or farms. This law covers requirements that apply to all HUD projects.

VASH—Veterans Affairs Supportive Housing

Vouchers—The housing choice voucher program (formerly known as Section 8 housing) is the federal government’s major program for assisting very low-income families, senior citizens and the disabled to afford decent, safe and sanitary housing in the private market.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests responses as follows:

From the following elected officials within 60 days:

- Mayor Darrell Steinberg
City of Sacramento
915 I Street, 5th Floor
Sacramento, California 95814
- Sacramento City Council Members
City of Sacramento
915 I Street, 5th Floor
Sacramento, California 95814
- Sacramento County Board of Supervisor Members
County of Sacramento
700 H Street, Suite 1450
Sacramento, California 95814

From the following individuals within 90 days:

- LaShelle Dozier
Executive Director
Sacramento Housing and Redevelopment Agency
801 12th Street
Sacramento, CA 95814

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to

- Paul Thorn
Jury Commissioner
ThornP@saccourt.ca.gov

- Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

INVITED RESPONSES

- Lisa Bates
Executive Director
Sacramento Steps Forward
1331 Garden Hwy. Suite 100
Sacramento, CA 95833
- Michael Ault
Executive Director
Downtown Sacramento Partnership
980 9th Street, Suite 200
Sacramento, CA 95814

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
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Please email a copy of this responses to:

- Paul Thorn
Jury Commissioner
ThornP@saccourt.ca.gov
- Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

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

HIGH SCHOOL DROPOUTS:



**How are Districts in
Sacramento County Doing
and What are the Best
Practices for Improvements?**

HIGH SCHOOL DROPOUTS: HOW ARE DISTRICTS IN SACRAMENTO COUNTY DOING AND WHAT ARE THE BEST PRACTICES FOR IMPROVEMENTS?

SUMMARY

Like a thermometer reading an increase in body temperature, rising dropout and absentee rates register that something is not working properly inside a school district. The Sacramento County Grand Jury (SCGJ) determined that an investigation to discover strategies and best practices that help lower dropout rates and that can be replicated in all Sacramento County school districts would provide a guide for higher student graduation percentages and healthier school districts.

Additional government funding for public education seems unlikely. Proposition 13 (1978) limits the amount of property tax used for education, the percentage of state lottery funding is around 1% and Proposition 13 (2020) authorizing bonds for facility repair, construction and modernization at public schools was defeated in the March 3, 2020 election. The COVID-19 pandemic is another negative unknown factor for education funding. The financial difficulty that the Sacramento City Unified School District is experiencing demonstrates that all stakeholders must work together if the dropout rate in Sacramento County is going to continue to decrease.

The SCGJ interviewed district superintendents from two of the districts with lower dropout rates, two of the districts with higher dropout rates, and the Sacramento County Superintendent of Schools. The SCGJ discovered that most school districts in the County were doing a good job of graduating their students in four years but could improve if they instituted the recommendations of preparing for budget cuts into 2021 and beyond, be proactive in developing community partnerships and implementing activities that encourage students to stay in school.

BACKGROUND

In both the United States and California, public high school dropout rates are declining. According to a 2018 National Center for Education Statistics report, the number of students entering ninth grade and graduating with a traditional diploma after four years increased from 79 percent in 2010–2011 to 85 percent in 2016–2017.

According to an Ohio Department of Education study, best practices have played an important role in achieving these gains. The following practices, organized under six categories, are based on the State Board of Education's Parent and Family Involvement Policy, the National PTA's

National Standards for Family-School Partnerships and Joyce L. Epstein's Framework of Six Types of (Parent) Involvement.

- Create a welcoming school climate.
- Provide family information related to child development and creating supportive learning environments.
- Establish effective school-to-home and home-to-school communication.
- Strengthen families' knowledge and skills to support and extend their children's learning at home and in the community.
- Engage families in school planning, leadership and meaningful volunteer opportunities.
- Connect students and families to community resources that strengthen and support students' learning and well-being.

The California Department of Education mandates that public school districts offer programs that enable students to graduate within four years. The Sacramento County Office of Education ensures that Sacramento County's public high school students can meet graduation goals while receiving quality education services in the following ways:

- Ensure that students are prepared for success in college, career and community,
- Provide educational leadership to the diverse groups that are served,
- Work creatively and collaboratively with partners, and
- Give educators and support staff the training and tools needed for success.

Public education is one of the great hallmarks of modern democracy. Yet every year over 1.2 million students drop out of high school in the United States, or about 3,300 every day. Fifteen percent of freshmen fail to graduate within four years. There are nine public school districts in Sacramento County with high schools (grades 9-12). These districts serve 245,811 students as of September 2019. The Sacramento County high school dropout rate is 16 percent, according to the California Department of Education School Dashboard in 2018, and overall, the California high school dropout rate is 17 percent, according to the United States Department of Education.

Decreases in funding, higher expectations for a more professional core of highly trained teachers and meeting modern expectations for better-prepared graduates are just a few of the changes in education. A critical component for students transitioning to more advanced, and often, more rewarding opportunities is a high school diploma. These opportunities can include higher education, career or technical training, entering the job market or national service. Individuals and communities alike benefit significantly from students who are better educated and have job skills. Self-esteem, health, relationships and leisure time are contributing factors to a person's well-being, all of which are usually associated with a more successful lifestyle. The February 4, 2020 edition of U.S. News & World Report Best Jobs rankings, lists 25 careers that offer nice work-life balance and strong job growth while only requiring a high

school diploma. According to a study by NPR in 2015, about 84 percent of people in prison have never graduated from high school.

The Grand Jury investigated Sacramento County public schools to determine factors that influence dropout rates. Recognizing the importance of a high school diploma necessary to further personal and social goals, the Grand Jury decided to examine both school districts with higher dropout rates and those with lower dropout rates to determine best practices. School districts with higher dropout rates cannot be dismissed as doing a poor job of getting students to graduate but may be better understood and consequently learned from by examining what factual obstacles are inhibiting the districts from achieving lower dropout rates.

What constitutes a public high school graduate must be identified and defined. The Sacramento County Office of Education was instrumental in assisting the Grand Jury in better understanding the increasingly complex world of public instruction data. The Sacramento County Superintendent of Schools provided the Grand Jury with documents that define the Adjusted Cohort Graduation Rate (ACGR) as the percentage of students who enter the ninth grade and graduate within four years. The dropout rate is the percentage of students who do not graduate within four years minus a percentage of students that fall into a category with extenuating circumstances such as foster students, special education students and English as Second Language students. Decreasing the dropout rate has a direct correlation to increasing the ACGR.

METHODOLOGY

The Grand Jury conducted significant research into areas related to dropout rates. The following sources provided research material for this investigation:

- American Psychological Association
- B Street Theatre
- California Department of Education
- First Tee of Greater Sacramento
- Homesnacks.net
- Institute of Education Sciences
- Kidsdata.org
- National Education Association
- Point West Rotary Foundation
- Public Policy Institute of California
- Raleys.com/about/giving/extra-credit-grants
- Sacramento County Office of Education
- The National Mentoring Partnership

The Grand Jury also conducted the following interviews:

- Sacramento County Superintendent of Schools
- Superintendent of Elk Grove Unified School District
- Superintendent of Natomas Unified School District
- Superintendent of San Juan Unified School District
- Superintendent of Twin Rivers Unified School District

DISCUSSION

Public education in California is organized into three tiers of responsibility. At the state level, a State Superintendent of Education is elected for a four-year term by popular vote. The second tier in California education is county school districts made up of county school board members elected in a general election by county residents every four years. These boards hire a County Superintendent. The third tier in California Education is local school districts within each county that are made up of board members elected from in-district residents every four years. These boards select and hire a district superintendent, negotiate labor contracts and develop financial budgets.

The State Superintendent of Education coordinates current and new laws and codes relevant to education with county superintendents within the State. Additionally, the State Superintendent of Education is responsible for developing state academic standards and coordinating State and Federal funding of California public schools. Individual county school superintendents are responsible for supervising and occasionally, managing the fiduciary health of local school districts. County Superintendents also coordinate a variety of academic tasks not generally covered by any local school district such as severe special education services, home and hospital education services, juvenile detention education services, and vocational education. Local school districts are responsible for providing a comprehensive K-12 education within their respective district boundaries.

All three tiers of California public education need to collaborate to deliver the best educational experiences possible, which includes education funding constraints, integrating current and emerging education laws and meeting the needs of a diverse student population. Successful public education depends on each party of educators from the State level, to County level and finally to individual districts to provide for and serve California student stakeholders. Administrators, employee unions, parents and teachers must work together to decrease dropout rates, while staying fiscally sound. All stakeholders should have a seat at the table where decisions are made.

Students learn at different rates. They must be proficient in a subject before they advance; necessitating that class availability is scheduled by need. It is much more cost-efficient and effective to have a student retake a class than to be held back a year. Summer school, senior

extension programs, credit recovery and intersessions also help get students back on a graduation track.

After high school, not every student is going on to higher education. Natomas Unified School District uses a “Road Map” system. The technique relies on establishing individual milestones and career paths for each student as well as at set intervals charting their incremental progress toward accomplishing those goals.

Mentoring has significant positive effects on two early warning indicators that a student may be falling off-track:

- High levels of absenteeism
 - Students who meet regularly with their mentors are 52 percent less likely than their peers to skip a day of school and 37 percent less likely to skip a class.¹
- Recurring behavior problems
 - Young adults who face an opportunity gap but have a mentor are 55 percent more likely to be enrolled in college than those who did not have a mentor.²
 - In addition to better school attendance and a better chance of going on to higher education, mentored youth maintain better attitudes toward school.³

Community partnerships with service organizations like Rotary and Optimist can help provide funding, mentors and volunteers. In the past fiscal year, the Point West Rotary Foundation provided over \$35,000 in grants and hundreds of volunteer hours to Sacramento County school districts.

Area organizations can provide activities that keep students in school. The First Tee of Greater Sacramento works with area schools to help youth ages 7 to 17 learn the game of golf. Eighty-eight elementary schools in our community are teeing off thanks to The First Tees Nine Core Values and Nine Healthy Habits. No one is turned down because of financial constraints. The mission of the B Street School Tour has been to provide entertainment to youth while instilling in them a love for the theatre and a specific appreciation for the art of playwriting. B Street Theatre performs 12 times per week, 38 weeks per year in schools, reaching approximately 200,000 youth annually. The performances are a great way to introduce youth to live theatre by expressing the art of telling stories on stage.

Often local businesses offer grants for schools. For example, Raley’s has a grant program called “Extra Credit Grants.” Accredited K-12 academic institutions (public, charter and private) are invited to apply for funding once per school year. Grant amounts are determined by the size

¹ Public/Private Ventures Study of Big Brother, Big Sister

² “The Mentoring Effect,” 2014

³ “The Role of Risk,” 2013

and scope of the proposed project—there is no minimum or maximum funding request required.

FINDINGS

F1. Public education in California is organized into three tiers of responsibility: State, County and District. The lines of communication are top-down and new responsibilities are added at each level. School districts are governed by a locally elected school board of directors that are responsible for hiring a district superintendent, labor contracts, and budgeting. It is imperative that all levels work together to decrease dropouts.

F2. Government funding is not going to keep pace with the needs of public education. If the goal of decreasing dropout rates is going to be met, then schools and school districts must be proactive in finding new sources of revenue and program support. The impact of the COVID-19 crises on education funding is difficult to quantify currently, but it is going to have a negative effect in 2020-21 and beyond.

F3. Protocols to identify at-risk students are essential to have resources in place when needed. Student connectivity with mentors (coaches, educational staff, and extracurricular staff) is a deterrent to dropping out of school.

F4. Art, music, sports, and technical classes help keep students engaged in school.

F5. Career and technical education provide alternative graduation pathways for students who may not be able or interested in pursuing a college degree. The “Road Map” system used by the Natomas school district needs to be instituted Countywide.

F6. Teamwork for common goals by all invested parties is essential for lowering dropout and raising graduation rates. Simply stated, if the local community wants better schools, then the local community needs to be positively involved.

RECOMMENDATIONS

The goal of the Grand Jury investigation was to discover strategies and best practices that help lower dropout rates, improve graduation rates, and can be replicated in all Sacramento County school districts:

R1. The Sacramento County Office of Education should facilitate the identification and use of best practices to reduce dropout rates by serving as a clearinghouse for such efforts by different schools and school districts, utilizing its website and other media to share this information, and possibly convening periodic meetings and standing committees focused on this outcome. The County Office of Education should advance such efforts during 2020-2021.

R2. District school boards and employee unions should recognize that because education funding can vary widely from year to year, contracts for wages and benefits should be fair to all invested parties while keeping the district financially healthy. Because of the uncertainty of COVID-19 on individual district education budgets this needs to be addressed for the 2020-21 school year at the earliest possible time.

R3. School districts and school administrators should be proactive in developing community partnerships with service clubs, area 501 (c) (3) s and local businesses. District Superintendents need to look for community grants and develop outreach programs in every school during the 2020-2021 school year.

R4. Sacramento County district school boards should budget for providing a broad array of services for at-risk students, such as promoting volunteers for tutoring and mentoring; hiring more social service professionals, including social workers, psychologists, and counselors; and programs such as summer school, intercession and remediation to help students get back on a four-year graduation track. Schools should further such efforts during 2020-2021.

R5. Sacramento County district school boards should mandate that each school establish at least one new student club, one new sports program, and one other activity that engages students and keeps them in school. Schools should implement this recommendation by June 30, 2021.

GLOSSARY

ACGR (Adjusted Cohort Graduation Rate) -- Percentage of students who enter ninth grade and graduate within four years.

Dashboard (California Department of Education School Dashboard) -- An online tool designed to help communities access information about K-12 schools and districts.

High School Dropout -- A student who does not graduate within four years, excluding foster students, Juvenile Hall students, special education students and English as Second Language (ESL) students.

High School Graduate -- A student who completes graduation requirements within four years based on the Adjusted Cohort Graduation Rate.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the 2019-2020 Sacramento County Grand jury requests a response from the following officials within 90 days:

- David W. Gordon
County Superintendent of Schools
Sacramento County Office of Education
10474 Mather Boulevard
P.O. Box 269003
Sacramento, CA 95826-9003
- Christopher R. Hoffman
District Superintendent
Elk Grove Unified School District (K-12)
9510 Elk Grove-Florin Road
Elk Grove, CA 95624
- Chris Evans
District Superintendent
Natomas Unified School District (K-12)
1901 Arena Blvd.
Sacramento, CA 95834
- Kent Kern
Superintendent
San Juan Unified School District (K-12)
3738 Walnut Avenue
P.O. Box 477
Carmichael, CA 95609-0477
- Steve Martinez, Ed.D.
District Superintendent
Twin Rivers Unified School District (K-12)
3222 Winona Way
North Highlands, CA 95660

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
Sacramento County Superior Court
720 9th St.
Sacramento, CA 95814

Please email a copy of this response to:

- Paul Thorn
Jury Commissioner
ThornP@saccourt.ca.gov
- Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

INVITED RESPONSES

- Beth Albiani
Board President
Elk Grove Unified School District
9510 Elk Grove-Florin Road
Elk Grove, CA 95624
- Lisa Kaplan, Board President
Natomas Unified School District
1901 Arena Blvd. |
Sacramento, CA 95834
- Paula Villescuz, Board President
San Juan Unified School District
3738 Walnut Avenue
Carmichael, CA 95608
- Michelle Rivas, Board President
Twin Rivers Unified School District
5115 Dudley Blvd
McClellan Park, CA 95652

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

911 – THE SACRAMENTO POLICE DEPARTMENT VACANCY CRISIS



Until the vacancy crisis within the Sacramento Police Department is solved, police will have increasingly less time to devote to building the kinds of relationships with the community necessary to establish the trust shown in the picture above.

**Pictures in this report courtesy
of the Sacramento Police Department**

911: THE SACRAMENTO POLICE DEPARTMENT STAFFING CRISIS



Recruitment ad for Sacramento Police Department

SUMMARY

The mission of the Sacramento Police Department is to work in partnership with the community to protect life and property, solve neighborhood problems and enhance the quality of life in our city, as noted in the FY2019/20 Proposed Budget for the Sacramento Police Department. In recent years the number of police officers in the Sacramento Police Department has remained significantly lower than authorized, with the number of new officers offset by retirements and transfers. Despite the Department's efforts to fill the vacancy gap through increased recruiting efforts, a substantially greater investment in recruitment is needed. At the same time, increased use of Community Service Officers (CSO) and development of other alternative support resources will help the Department meet the law enforcement needs of the community.

BACKGROUND

Starting in 2008, the recession forced the City of Sacramento to lay off police officers and civilians within the Sacramento Police Department. The cuts included 372 officers between 2008 and 2011. Not only was the number of sworn officers reduced, the Department has been unable to even fill the reduced number of authorized positions and is currently 65 below the

level authorized. Chief Daniel Hahn has called the recruitment situation a “crisis”, as have other City and Department officials, based on public reports.¹



Sacramento Police helicopter, K-9 vehicle

The Federal Bureau of Investigation Crime Data Explorer shows the national average number of police officers per population is two sworn officers per 1,000 people. Given that metric, Sacramento should have a minimum of 1,000 sworn police officers, although the Department’s current ratio is 1.34 officers per 1,000 people. By contrast, Long Beach and Fresno (two cities close in size to Sacramento) have much larger sworn officer counts (See Figure 1).

Figure 1: City Police Departments Comparison Chart 2018-2019

City	Population	Sworn Officers	Civilian Staff	Total Staff	Budget
Sacramento	501,344	747	323	1,070	\$147,251,730
Fresno	538,311	845	272	1,117	\$201,764,000
Long Beach	470,139	822	420	1,242	\$220,077,449

Source: 2018-2019 Fresno PD, Long Beach PD and Sacramento PD budgets

Police officers are the backbone of the Department and its greatest asset. Yet it is the officer patrol division that has been most negatively impacted by the staffing shortage and its inability to fill the vacancies. City and Departmental representatives reported having proactive policing with the citizens is of paramount importance. Proactive policing involves building relationships and everyday human contact within the communities the officers serve. Unfortunately, due to

¹ An October 7, 2017 Sacramento Bee article stated the Sacramento Police force is one of the nation’s most understaffed for a city of its size. <https://www.sacbee.com/news/local/article177482341.html>

staffing shortages, this is now a rarity as officers spend much of their time going from call to call, thereby limiting the amount of officer time available for the community. The lack of reporting resources in patrol cars and the limited number of substations where reports can be filed compounds the problem.

Sacramento has continued to grow away from the city center towards Natomas to the north and to south Sacramento. In order for the officers patrolling these areas and other high growth areas to connect with the communities and file administrative reports, more substations need to be added. At the time of this report there are four substations with personnel assigned to them for deployment purposes: one North on Marysville Blvd, one South on Franklin Blvd/ Fruitridge Rd., one Central on Richards Blvd and one at Headquarters where the Police Department also houses the Investigations Division and some administrative personnel at the Public Safety building on Freeport Blvd. There are just four substations for a 100 square mile city. Another two or three substations in strategic areas would be beneficial. The possibility of renting vacant storefronts could avoid a large capital outlay.

On a normal weekly schedule, officers work four 10-hour shifts. The shortage of patrol officers has contributed to increasing overtime hours for those officers on call and to rising overtime costs for the police department budget. Most of the Department’s nearly one million dollar per year overtime expenses are funded from the budget line item for unfilled vacancies. In addition, the Department’s overtime budget covers only about 15 percent of the Department’s actual overtime expenses. Figure 2 below indicates overtime is a significant expense to the overall operating budget with 2019 being the largest of the five-year view at 8.7 percent. 2020 figures are estimates at the time of this report.

Figure 2: Sacramento Police Dept Budget

Description	2016	2017	2018	2019	2020*
Overtime Total Expense	\$7,385,777	\$7,301,435	\$9,605,625	\$12,800,284	\$7,841,831
Approved Operating Budget	\$125,278,517	\$132,238,944	\$131,666,351	\$147,251,730	\$150,318,120
Percent of Total Budget	5.9%	5.5%	7.3%	8.7%	5.2%

The strain of overtime and the pressure of moving from call to call have led to burnout. In some cases, burnout results in either early retirement or leaving the Police Department for another agency. Figure 3 shows the reasons officers give for leaving the department that are not related to retirement. It is interesting to note that the number one reason for leaving the Sacramento Police Department is resignation to another agency.

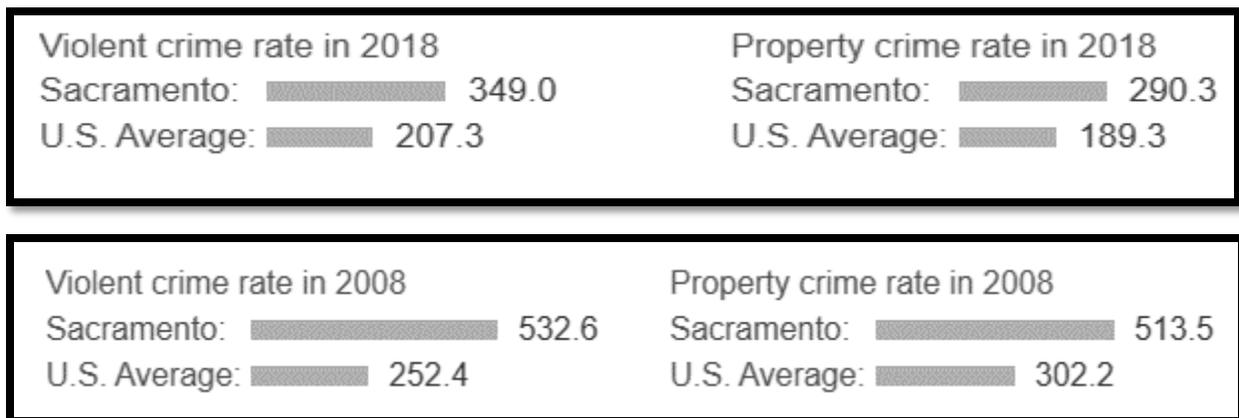
According to one Departmental report, the high number of vacancies in the Department has led dispatchers to triage calls by prioritizing the most extreme or violent crimes, which can result in delays in responding to some minor crimes as well as underreporting more serious crimes.

Figure 3: Sworn Classification Only

	INDUSTRIAL DISABILITY RETIREMENT	RETIREMENT	RESIGNATION TO OTHER AGENCY	RELEASED FROM FIELD TRAINING OR PROBATION	TERMINATION	DEATH	Total	Comments
2015	4	4	15	2	1	0	26	
2016	8	4	14	6	0	0	32	
2017	5	8	37	1	1	0	52	5 FTEs who resigned returned.
2018	4	7	12	5	2	0	30	1 FTE termination returned.
2019	6	3	12	0	0	1	22	2 FTEs who resigned returned.

Despite the reduction in police staffing, crime rates have declined during this period. However, the ways in which crimes are reported has also changed significantly so there is no direct correlation between staffing and crimes reported. The crime rate is a function of the number of crimes reported by law enforcement as well as the definition of reportable crimes. Over the past 10 years, changes in laws have changed the way the Department handles its priorities. Fewer serious crimes have been reported by police and offenses previously classified as felonies are now classified as misdemeanors, lowering the statistical reporting of serious crime. However, even with the classification changes and at 2018 rates, the Sacramento crime rate exceeds the U.S. average for both violent and property crimes.² (See Figure 4)

Figure 4: Sacramento Crime Rate



² www.usa.com

With increasing population, more downtown and Sacramento County homelessness³, increasing numbers of citizens with mental health challenges on the streets and increased numbers of released inmates, one would certainly expect an increase in the crime rate. Has the shortage of patrol officers made it difficult for the Police Department to keep up with crime in the city?

The FY2019-2020 Proposed Budget for the Sacramento Police Department states the measure of crime is an indication of the overall safety in a community. Safe neighborhoods and safe public spaces create a sense of well-being to citizens and visitors. As a result of the recession layoffs, important units dealing with issues such as gang violence, vice/sex trafficking and boating violations as well as the Crime Scene Investigation Unit (CSI) were disbanded and have yet to be reinstated.

The Department has reinstated the use of sworn Community Service Officers (CSO). The CSO program was one of the casualties of the recession budget cuts. In 2007 before the CSO position was eliminated, the response time to low level crimes was 20 to 26 minutes. After the position was eliminated, the response time to the same calls went up to 50 minutes, only to fall back to 38 minutes once the position was reintroduced. The program now has approximately 20 officers, with an additional 20 or so CSO positions budgeted for hire in 2020. They are categorized as either CSO 1: Entry Level, or CSO 2: A CSO currently in the Academy.

The CSO position is a limited term entry level position designed to help prepare those interested in a career as a police officer. It is a support position for patrol officers. The CSOs work in the field to assist patrol officers with a variety of tasks, such as investigating burglaries, vehicle thefts and missing persons as well as assisting with processing and photographing scenes, establishing scene protection, crowd control and traffic enforcement. The use of CSOs relieves some of the more routine task pressures from the patrol officers.⁴

METHODOLOGY

In order to understand the reasons for the vacancy gap in the Police Department, the Grand Jury interviewed police and city officials, reviewed Departmental and City documentation, electronic news reports and conducted onsite reviews of Department facilities.

Onsite Visits

- Sacramento Police Academy
- Sacramento Police Headquarters

³ In January 2019, the Point in Time (PIT) Count was 5,770 people experiencing homelessness on any given night. *Sacramento Steps Forward*.

⁴ City of Sacramento Police Department position description on the City's website: www.cityofsacramento.org

Interviews

- Sacramento City Manager
- Sacramento Chief of Police
- Sacramento Police Officer Association Representative
- Director of Human Resources for the City of Sacramento
- Captain of the Sacramento Police Academy

Documentation

- FBI Data Explorer (online)
- Fresno, Long Beach and Sacramento Police Department budgets, 2018-2019
- 2016-2020 Sacramento Police Department budgets
- 2010 Pew Research Center Survey on Millennial Tattoos
- "We have a national crisis': Police relax old standards to fill positions fewer want," The Sacramento Bee, November 14, 2016
- Officers.Com (online magazine)
- USA.com (online city data)
- In Public Service (online magazine)
- "Investigation on police and city management strained relationship," Fox 40 News (online), June 9, 2017
- "Are Elected Officials Helping or Hurting Police?" National Police Support Fund, January 14, 2020. www.supportfund.com
- "Nationally there were 1,000 incidents of fatal police shootings of civilians in 2015," Washington Post, December 26, 2015
- City of Sacramento website: www.cityofsacramento.org

DISCUSSION

In order to understand the reasons for the vacancy gap in the Police Department, the Grand Jury reviewed Departmental application requirements, salary and benefits, morale, community support and application time.

Salaries and Benefits

While the Grand Jury found that salary and benefits of Sacramento Police Department are lower than other local law enforcement agencies with whom they compete for recruits, we also determined anecdotally that slightly lower salaries and benefits are not the most critical factors in potential applicants' assessments of the desirability of seeking employment in law enforcement. Rather, it has been the Grand Jury's impression, based on our interviews, that for most officers, the reason some prospective candidates chose the Sacramento Police Department over the Highway Patrol or the Sheriff's Department was due to the desire to be

part of an agency tasked with law enforcement responsibilities in a more kinetic, urban environment. The salary range under the latest union contract of between \$85,000 and \$127,000 is comparable to the salary ranges of other law enforcement agencies in the area, including the California Highway Patrol. Salary Incentives available to Sacramento police officers include the following:

- Earning a Bachelor’s Degree (5 percent increase)
- Earning an Intermediate POST Certificate (5 percent increase)
- Earning an Advanced POST Certificate (8 percent increase)
- Serving 17 years on the force (3 percent increase)
- Becoming a Training officer (9.5 percent increase)
- Becoming a Detective (9.5 percent increase)

Morale and Community Support

The staffing crisis is not limited to the Sacramento area. It is a nation-wide issue. The perception of the police, and as a result policing as a career, appears to be at an all-time low. The occurrence of high-profile incidents of police officer shootings both nation-wide and locally have tainted the profession of policing.⁵ Recruitment applications in Sacramento have dropped 50 percent over the past decade.

The public’s perception of law enforcement is a critical factor affecting recruiting. Potential recruits may be concerned that the profession is no longer held in high esteem. In Sacramento, after the Stephon Clarke shooting in February 2018, there was widespread community criticism of the Police Department as well as citizen allegations of racial animus. According to an online police magazine entitled In Public Safety, “Recruiting and retaining qualified police officers is one of the greatest challenges facing law enforcement leaders. Low pay, antiquated hiring practices, negative public perception, high attrition rates, exposure to chronic stress and trauma, and increasing responsibilities all contribute to the downturn in the number of police applicants.”⁶

Community distrust of the police undermines morale within the Police Department which, in turn, affects the retention of good officers (See Figure 3) that most attrition is attributable to transfers to other agencies. In a 2017 Fox 40 news special entitled “Sacramento Officers Speak on Strained Relationship with Department, City Leadership”⁷ officers spoke about the poor relationship between the Mayor and the then Chief Brian Louie. Three unnamed police officers alleged that the Mayor was not "pro-police" and the then current Chief Louie did not "have

⁵ Nationally, there were 1,000 incidents of fatal police shootings of civilians in 2015. Washington Post. https://www.washingtonpost.com/sf/investigative/2015/12/26/a-year-of-reckoning-police-fatally-shoot-nearly-1000/?utm_term=.7c1810e651af

⁶ In Public Safety, January 14, 2019.

⁷ <https://fox40.com/news/local-news/sacramento-officers-speak-on-strained-relationship-with-department-city-leadership/>

their backs" in defending the Department against alleged criticism of the Department by the Mayor.

Since that time, the City has hired Daniel Hahn as the new Police Chief. Despite the appointment of a new Chief, the community's distrust of the police was severely tested during the aftermath of the tragic shooting of Stephon Clarke. Under these circumstances, people may be less likely to consider careers in law enforcement and parents may discourage their children from seeking careers in law enforcement.

Efforts by the Department to improve police/community relations and to strengthen community respect for the law enforcement profession include the following:

- Expanded community engagement training for recruits in the Academy
- Sacramento Police Department boot camp program to help future police officers train for the physical demands of the policing profession
- The "Walk in My Shoes" Program which promotes stronger relationships and fosters a better understanding between officers and community members



Community member greeting Sacramento police officers at recruiting booth

- The evaluation of the Body Worn Camera (BWC) program
- The Start Smart Driver's Education Program focusing on common causes of collisions
- The Links for Law Enforcement partnering with local Community Based Organizations
- The implementation of the Crisis Intervention Training (CIT) program
- Redeployment of the Problem Oriented Policing Program (POP) teams throughout the city

Outreach between the Department and the community leaders appears to have been sporadic and semi-annual open forum town hall style meetings with police officers, moderated by the Mayor, City Manager, Police Chief and the Police Union Representative would give officers and management an opportunity to address areas of concern and interest within the department.

Recruitment

Attrition continues to outpace the Police Department's ability to hire new staff. The Sacramento City government is amenable to hiring more police officers but only once current officer vacancies are filled.

There is no line item in the 2020-21 police budget specifically for recruiting and the recruitment is carried out in-house by officers who rotate through the assignment continuously. This process provides no plan and/or consistency for the hiring process. Officers are not routinely consulted by senior management regarding strengthening of recruitment policies, nor are professional recruitment advisors engaged to help develop and implement a more aggressive recruitment strategy. The Grand Jury found it is a good idea to engage all officers in the recruitment process, although there should be some continuity and consistency with the recruiting position. The Grand Jury also found that having a full-time professional recruiter who understands the target candidates, at this point Gen Y most often referred to as millennials, would be beneficial. The professional recruiter's staff would continue to be augmented with police officers assigned to the task who have an interest in recruiting and who would be trained to specialize in recruiting. In addition, the Department could establish a committee or forum of younger officers to provide input on the type of "incentives" or programs that are geared to the younger professional lifestyle in order to attract new officers.

While strengthening recruitment efforts is a goal of the Department, allocation of resources in support of recruitment of potential candidates has been a relatively low priority. The recruitment positions do not include police officers who wish to be trained to specialize in recruitment. To secure more recruits for the candidate pipeline, the Police Department has increased its outreach with rap videos and freeway signage and has initiated several changes to requirements placed on candidates which previously were potential deterrents.⁸

First, the Police Department is beginning to relax the tattoo requirements that have been in place for years.⁹ Previously tattoos were only allowed if fully covered. The new, relaxed policy

⁸ "We have a national crisis: Police Relax old Standards to fill fewer positions nobody wants," The Sacramento Bee, November 14, 2012. <https://www.sacbee.com/news/nation-world/national/article114717463.html>.

⁹ A 2010 Pew Research Center Survey found 40 percent of millennials (Gen Y people born between 1980 and 2000) have tattoos.

will possibly enable police officers to more readily relate to a segment of the people they are sworn to protect. In addition, the Police Department is reviewing policies on below the collar pony tails and body piercings.

Secondly, the Police Department has relaxed the education requirement (currently A.A. Degree or 60 hours of college credit) for ex-military personnel who bring a level of paramilitary experience to the Department, although the potential impact on recruiting may be minimal.¹⁰ The education requirements for lateral police officer transfers are more restrictive than for ex-military personnel. Currently lateral transfers, regardless of service in good standing, cannot enter the transfer process to Sacramento unless they meet the current education requirements, whereas a military veteran with no law enforcement experience has those same requirements waived.

A principal factor that impacts recruitment efforts is the Department's physical and academic qualifications that applicants must meet before even being allowed to apply for Police Department employment. The Department has criteria for job performance and success that could be used to evaluate candidates' potential for success as police officers. However, the current practice of screening out candidates for technical reasons before the Department has had the opportunity to evaluate how the candidates' life skills and abilities measure up to the Department's criteria for success may unnecessarily limit the pool of candidates before they can be evaluated (see below, Figure 5).

Figure 5. Candidates entering the Hiring Process

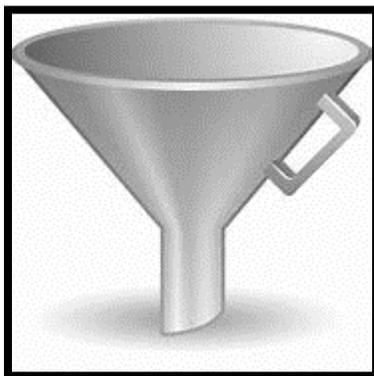


The current process is restricting the number of candidates who enter the pipeline whereas if you turn the funnel to its proper position (See figure 6), the number of candidates entering the

¹⁰ The Pew survey (above, n 9) found that only two percent of millennials are ex-military so it is unsure how much this will help the applicant pool.

hiring process and ultimately the Academy increases exponentially, which is the preference of the Academy Captain.

Figure 6: Candidates entering the Hiring Process



Qualified Recruits Graduating the Police Academy

According to the Academy Captain, the Academy and assigned staff members may be better able to determine a potential officer's suitability than a process that screens out candidates before they have been interviewed. Instead of eliminating so many potential candidates prior to entering the hiring process, the Sacramento Police Department should consider accepting those of good character and an interest in a career in law enforcement. New officers would then be added to the force upon the successful completion of their Academy program.

Application Process

Another factor impacting recruitment is the amount of time it takes for a candidate to complete the application process. Departmental representatives estimate the recruitment process can take up to 18 months from application to admission and includes a written exam, physical ability test, oral interview, background investigation, and medical and psychological evaluations. Although the candidate's delay in providing required documentation can be a significant factor in delaying the process, Departmental representatives believe the process time could be reduced to a maximum of six months.

With a shortened process, fewer potential candidates would get discouraged or find other law enforcement opportunities. Shortening the hiring process keeps potential recruits in the hiring pipeline until they enter the Academy.

An additional factor impacting recruitment is the "washout" rate (the percent of trainees who do not complete Academy training). The number one reason a candidate washes out is due to

a recruit resigning from the Academy (11.49 percent). Two other factors are failure to meet POST firearms and/or driving requirements (3.44 percent)¹¹. In most of those instances, candidates are encouraged to enroll in the Pre-Academy to improve their skills in these areas before re-enrolling in the Academy. The Department is working with POST officials to adjust the requirements.

The Police Academy is now sending all candidates through the Pre-Academy program with the hope of reducing the dropout rate. The Pre-Academy prepares the candidates for the rigors of the full Academy as well as focusing on driving and firearms training in order to reduce washout rates. This has increased the percentage of those graduating and is beginning to lower the number of recruits washing out or leaving the Academy.



Sacramento Police Academy graduation ceremony

Candidates who are not successful in passing the Academy program are sent back to the Department to serve as a CSO 2 until the next Academy begins. This practice helps retain the recruit with pay and benefits until they are ready to enter the Academy again. At the time of this report there were 29 Sacramento Police Department candidates in the Academy and after 28 weeks no candidates had washed out.

As a Non-Affiliated Police Academy, the Sacramento Police Academy serves not just the Sacramento Police Department but other police departments throughout the State. At the time of this report, the Academy class has 29 Sacramento Police Department recruits along with 22 recruits from other cities and counties. The combined group had a graduation rate of 72 percent.

Sacramento is the capital of the State of California and is a vibrant area with a growing population. The city needs and deserves a police force which can protect its people and

¹¹ Sacramento Police Department Academy Release List 2019

property, thereby enhancing the overall quality of life. The Grand Jury noted our elected officials must place high priority on providing resources required to return the Police Department to full staffing levels.

ADDENDUM: At the time of writing this report there is discussion underway regarding the release of hundreds of inmates from the Sacramento main jail into Sacramento County to help curb the spread of the COVID 19 virus outbreak. If this action is carried out there could be additional pressure placed on an already understaffed Police Department.

FINDINGS

- F1.** For several years Sacramento PD has lagged behind the national standard for number of officers based on population. This was caused by budget reductions during the 2008 recession resulting in staff reductions that, in spite of significant recruitment efforts, have never been fully restored.
- F2.** While recruitment seems to be a high priority within the Department, there is no line item budget for recruiting police officers and there is no continuity in police officer recruitment staffing.
- F3.** Unlike other Northern California law enforcement agencies, the Sacramento Police Department requires a potential recruit or transfer from another agency to have an A.A. Degree or 60 hours of college instruction. While the Department believes the requirement helps to assure higher quality policing, it may also unnecessarily preclude the Department's ability to consider otherwise highly qualified candidates. This requirement makes Sacramento PD less competitive for attracting recruits.
- F4.** Differences in law enforcement agency responsibilities and job functions appear to be determining factors in recruitment more than salary and benefits.
- F5.** Public officials support for the Department is a critical factor in improving departmental morale and in responding to community criticism of the Police Department. Community criticism of the Department has a negative impact in the recruitment of new officers and the morale of existing officers.
- F6.** Rapid growth in population away from the city center not only supports the need for additional police officers for patrol duties but also limits the amount of time available for officers to complete required administrative tasks and do community outreach.
- F7.** Due to the current demands of the job, officers are not able to spend as much time as would be desirable developing relationships within the communities they serve.
- F8.** The Grand Jury recognizes the Department has taken steps in reviewing policies specifically related to tattoos.

- F9.** The main target groups for recruitment are millennials or Gen Y individuals whose career needs and concerns vary from veteran officers.
- F10.** The resources allocated to public relations to enhance the image of the Police Department are inadequate. It must be noted that the Police Department is making some positive changes in public relations with rap videos and freeway signage etc.
- F11.** The current hiring process is antiquated and too long which may discourage potential recruits. The Grand Jury notes that the Police Department is reviewing how the process might be updated and shortened.
- F12.** POST training requirements for driving and marksmanship contribute significantly to candidate washout/failure at the Police Academy.
- F13.** The Community Service Officer program has made a positive contribution to both the Sacramento PD and the citizens it serves. Not only has it enabled the PD to reduce call response times even as the population has grown but it has provided a good pool of candidates to fill full time police officer positions.

RECOMMENDATIONS

- R1.** The Sacramento City Council and the Sacramento Police Department should work together to include the positions and budget authority necessary to permanently establish an on-going recruitment function in the Department. The position and budget authority should be included in the 2021-2022 Sacramento PD budget proposal considered for approval by the City Council.
- R2.** The Sacramento Police Department should review potentially eliminating the A.A. degree and 60-unit requirement to attract new recruits. The review should consider waiving those requirements for potential recruits with professional training and expertise that could be equally relevant (Military, Lateral Police Transfers). This review should begin immediately with an implementation of its recommendations during FY 2020-2021.
- R3.** The Grand Jury recommends that elected officials support and highlight the positive accomplishments of the Police Department and the vital mission/services provided by law enforcement, which in turn would encourage recruitment and retention of officers and would improve the morale of the Department. The Grand Jury recommends this becomes a priority immediately.
- R4.** The Sacramento City Council and the Sacramento Police Department should work together to include the positions and budget authority necessary to permanently establish an on-going recruitment function in the Department. The position and budget

authority should be included in the 2021-2022 Sacramento PD budget proposal considered for approval by the City Council.

- R5.** In an effort to improve public perception, the City should consider using a professional public relations firm and/or seek pro bono assistance of an ad agency to create a multi-faceted advertising campaign with the goals of building a collaborative relationship between the community and citizens and highlighting law enforcement as a career. The City's Public Information Office should present a public relations plan to the City Council and the PD for their consideration by the end of calendar 2020.
- R6.** The Department should explore ways to shorten the entire recruitment hiring process. This process should begin immediately with a completion date within the next 12 months.
- R7.** The Grand Jury recommends the Police Chief continue to work with POST officials to update or change cadet marksmanship and driving standards and to give candidates the attention needed to better prepare them for those requirements. The Goal for completion would be within the next 12 months.
- R8.** The Grand Jury recommends the Sacramento City Council and the Police Department continue to expand and make permanent the CSO Program and provide a strategy for the utilization of the CSO position by December of 2021.
- R9.** The Grand Jury recommends that bi-annual open forum style town hall meetings with the police officers moderated by the Mayor, City Manager, Police Chief and the Police Union Representative be conducted that would give officers and management an opportunity to discuss areas of concern and interest with the goal of bolstering support between police officers and community leaders. The Grand Jury recommends this meeting begin within the next six months.
- R10.** The Grand Jury recommends the Police Department establish a committee or forum of younger officers to provide input on the type of "incentives" or programs that are geared to the younger professional lifestyle in order to attract new officers. The goal would be to drive changes in the Police Department that will attract new candidates including lateral transfers and also assist in retaining current officers. The Grand Jury recommends this should be done within the next six months.
- R11.** The Grand Jury compliments the City and Sacramento Police Department for reviewing and relaxing restrictions on tattoos, and encourages them to take similar actions on body piercings and below the collar ponytails. The Police Department should reflect not only the diversity of the community but also what is now more prevalent and acceptable in order to increase the recruitment pool and better relate to the public they serve. The Grand Jury recommends this work begin immediately.

GLOSSARY

COMMUNITY POLICING -- Officers spending time to be proactive within the community, building relationships and having everyday human contact with the citizens they serve.

CSI -- Crime Scene Investigator

CSO -- Community Service Office

FTE -- Full Time Employee

GJ -- Grand Jury

NON-AFFILIATED POLICE ACADEMY -- The non-affiliated academy is for individuals who are interested in a career in law enforcement, but who have not been hired or sponsored to by a police agency or sent by a police agency from elsewhere in the state.

PIT --Point in Time Homeless Count

POP -- Problem Oriented Policing

POST --Peace Officer Standards and Training

PRE-ACADEMY --A shortened version of the full academy that focuses instruction on driving, weapons and the rigors of the academy which is held prior to the full academy in hopes of reducing recruit washout.

SPOA --Sacramento Police Officers Association



Child greeting a K-9 officer

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests responses as follows:

From the following elected city officials within 60 days:

- Mayor Darrell Steinberg
City of Sacramento
915 I Street, 5th Floor
Sacramento, CA 95814
- City Council of Sacramento
City of Sacramento
915 I Street, 5th Floor
Sacramento, CA 95814

From the following governing bodies within 90 days:

- Howard Chan
City Manager
City of Sacramento
915 I Street, 5th Floor
Sacramento, CA 95814
- Daniel Hahn
Police Chief
City of Sacramento
5770 Freeport Blvd
Sacramento CA 95822

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

- Paul Thorn
Jury Commissioner
ThornP@saccourt.ca.gov
- Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

INVITED RESPONSES:

- Shelly Banks-Robinson
HR Director
City of Sacramento
915 I Street, 1st Floor
Sacramento, CA 95814
- Captain David Risley
Sacramento Police Academy
2409 Dean Street
North Highlands, CA 95652
- Tim Davis
Police Union Representative
City of Sacramento
5770 Freeport Blvd.
Sacramento CA 95822

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

- Paul Thorn
Jury Commissioner
ThornP@saccourt.ca.gov
- Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

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

Election Security in Sacramento County



ELECTION SECURITY IN SACRAMENTO COUNTY

Election Results

The date and time of the results are noted on the page.

Our first election night report includes absentee and mail ballots. All subsequent reports for election night reporting include results as they are processed.

3/24/2020 5:28 PM

Summary for: All Contests, All Districts, All Tabulators, All Counting Groups

Sacramento County

2020 Presidential Primary Election

March 3, 2020

FINAL

Elector Group	Counting Group	Cards Cast	Voters Cast	Registered Voters	Turnout
Democrat					
	Election Day	34,311	17,128		4.71%
	Vote by Mail	373,693	188,963		51.93%
	Canvass	17,762	8,911		2.45%
	Total	425,766	215,002	363,895	59.08%
Republican					
	Election Day	10,712	5,349		2.54%
	Vote by Mail	221,894	111,428		53.00%
	Canvass	4,709	2,364		1.12%
	Total	237,315	119,141	210,222	56.67%
Independent					
Non-Partisan	Election Day	1,282	641		2.28%
Green	Vote by Mail	19,455	9,753		34.75%
Libertarian	Canvass	446	223		0.79%
Peace Freedom	Total	150,325	75,208	164,766	37.83%
	Total	813,406	409,351	409,351	49.99%

Source: Election Results Sacramento County Website

SUMMARY

In 2010, hackers hijacked San Mateo’s Registrar of Voters Election website and in 2016 cyberthieves successfully breached several employee email accounts using phishing techniques. A 2018-19 San Mateo County Grand Jury (SMCGJ) report, “Security of Election Announcements,” focused on the vulnerabilities of their county’s email and online communication platforms to hijacking and propagating disinformation in the guise of election instructions and/or announcements, and included a series of recommendations which proposed short-term fixes to address the immediate risk to upcoming elections and longer-term changes to assess the broader cybersecurity threats to election information.

In 2019, the Sacramento County Grand Jury (SCGJ) received a citizen inquiry regarding whether Sacramento's Voter Registration System could benefit from the recommendations adopted in San Mateo. The SCGJ forwarded this report to the Sacramento County Registrar of Voters (SCRV) to ask if these recommendations applied to Sacramento and, if so, whether they were being implemented. The SCGJ found that most of the San Mateo recommendations had either been adopted by or were in the process of being adopted by the Sacramento County Department of Technology (DTech) and the Voter Registration and Elections Department (VRE). However, the SCGJ also determined that DTech was not regularly performing vulnerability scans and penetration testing of Sacramento County information technology systems. We, therefore, recommend that DTech develop a plan to perform regular vulnerability scans and penetration testing.

BACKGROUND

In 2008 after a \$1 million comprehensive review of the voting system, the Secretary of State of California decided that several of California's electronic voting machines were faulty and required that all electronic voting machines must leave a paper trail. VRE uses a state-of-the-art paper ballot system and an air gap computer system to tally results. Air gapping is a network security measure employed on one or more computers to ensure that a secure computer network is physically isolated from unsecured networks, such as the public Internet or an unsecured local area network.

The 2016 Voter's Choice Act dramatically changed the voting process in California. The 2020 Primary Election is the second time the new process has been used in Sacramento County and the first time for most of the other counties in California, giving Sacramento County a lead role in implementation both in the U.S. and statewide. The Department of Homeland Security's (DHS) website notes, "A secure and resilient electoral process is a vital national interest and one of our highest priorities." A 2018-19 SMCGJ report focused on the vulnerabilities of its county's email and online communication platforms to hijacking and propagating disinformation in the guise of election instructions and/or announcements and issued a series of recommendations to strengthen the security of its Voter Registration system. The report concluded with findings and recommendations which represented short-term fixes to address the immediate risk to upcoming elections and longer-term changes to assess the broader cybersecurity threats to election information.

In 2019, the SCGJ received an inquiry regarding the Sacramento Voter Registration System and whether it had or needed to adopt the same kinds of recommendations that were presented to San Mateo County. SCRIV was provided a copy of the report and was requested to provide an assessment and determination regarding the applicability of the San Mateo County recommendations to Sacramento and, if appropriate, plans for remediation.

VRE invited DTech to conduct a series of meetings to assess the recommendations, and if necessary, the plans for remediation. VRE collated their joint recommendations and provided the summary of actions taken or contemplated to the SCGJ. That comparative summary is included in the "Discussion" section.

METHODOLOGY

The SCGJ interviewed both senior and line staff of the VRE, the SCR, DTech and CyberDefenses. It also reviewed system documentation, including the system's assessment of recommendations and actions, and conducted onsite reviews of the VRE and their onsite information technology system. VRE and DTech currently have a contract with CyberDefenses, Inc. to evaluate information technology security throughout Sacramento County. SCGJ had a team onsite at the VRE offices during the March 3, 2020, primary election during which time a question and answer session was held with the SCR, two employees of DTech and the managing director of CyberDefenses, Inc.

DISCUSSION

In response to the Grand Jury's inquiry, the SCR, in cooperation with DTech conducted a series of meetings in 2019 to determine how Sacramento County's Voter System measured up to the standards as documented in the SMCGJ 2018-2019 Report "Security of Election Announcements."

The SCGJ reviewed the recommendations adopted by and actions taken by the VRE and DTech to determine the security of the current system and to determine if further recommendations or actions were required. The Grand Jury found that most of the San Mateo County recommendations had either been adopted by or were in the process of being adopted by the DTech and the VRE.

The SCGJ's decision to initiate this investigation may have helped bring the deficiency of multi-factor authentication forward as a threat to the current election cycle. A series of meetings with the department heads of DTech and VRE to address all the concerns of the SMCGJ report was undertaken. The implementation of Domain-based Message Authentication Reporting and Conformance (DMARC) may also have been accelerated because of the inquiry. DMARC limits the ability of hackers to use phishing techniques to steal passwords and other personal information to breach computing systems. The SCGJ was unable to determine when the last external audit was done to evaluate the security of Sacramento County Election systems or what entity had done the penetration testing.

SMCGJ's proposed security measures outlined in the table below are technical in nature. They were divided by the Sacramento County Grand Jury into categories for ease of presentation.

- Security measures 1, 2: Address the need to update the County’s election security policies and to publish the revised results.
- Security measure 3: Addresses DMARC, (Domain-based Message Authentication, Reporting and Conformance) an email authentication, policy, and reporting protocol. It verifies linkage to the author ("From") domain name to ensure that the sender is properly identified and helps improve and monitor the protection of the domain from fraudulent email.
- Security measures 4 - 9: Address the management of account passwords and the enforcement of the County of Sacramento supported multi-factor authentication methods. Cell phones are specifically excluded as the SIM cards can be switched between phones.
- Security measures 10, 11, 12: The Election Security Working Group identifies and addresses security concerns for all aspects of the election system. A cyber hygiene awareness program is being implemented this year to educate and train new hires as well as existing staff in safe online practices.

SMCGJ Report

Proposed Security Measures

VRE and DTech Responses

<p>1: Incorporate Communications into Election Security Definition: VRE should adopt a policy that defines election security to include the security of the VRE website, VRE staff email accounts, social media accounts used for VRE announcements, and other platforms VRE uses for publishing election announcements.</p>	<p>Policy adjustments are in progress to specifically call out security controls for election systems that deal with communications, registration, vote casting and results from the tabulation. Estimated completion June 30, 2020.</p>
<p>2: Publish Updated Security Policy: VRE should update the VRE website's written</p>	<p>Written descriptions of election security for VRE websites are in development.</p>

<p>descriptions of the election security to incorporate the policy resulting from R1 on the security of election communications in addition to the current focus on the security of (a) registration, (b) vote casting, and (c) election results.</p>	<p>These descriptions will call out security controls for election systems that deal with communications, registration, vote casting and results from tabulation in an appropriate format for external dissemination. Estimated completion by March 15, 2020.</p>
<p>3: Prevent Spoofing with DMARC. DTech, the Communication and Media Office (CMO), and VRE should improve email security for employees involved in election announcements by configuring and enabling DMARC for at least the smcvre.org and smcgov.org domains.</p>	<p>DMARC is now fully implemented in all Sacramento County email domains.</p>
<p>4: Combat VRE Email Account Phishing with FIDO Keys: VRE should provide FIDO physical security keys to each of its permanent elections employees and require the use of those FIDO keys as part of their multi-factor authentication for accessing their County email accounts.</p>	<p>The County of Sacramento has begun a county-wide employee and contractor initiative to implement Duo to provide Multi-Factor Authentication for systems and applications. FIDO tokens are an available option but are not enforced as the only authentication method. The County of Sacramento will support the following: Duo multi-factor authentication types Duo Push, U2F (FIDO) and tokens (limited to Duo application and organizational desk phones). Cell phone texting and call verification methods are blocked to prevent SIM swapping. This project is currently in a limited pilot and is being rolled out in segments over 16 months, with critical infrastructure and</p>

	<p>departments like VRE deploying first.</p>
<p>5: Fast Identity Combat Other Email Account Phishing with FIDO keys: VRE should identify County employees outside of VRE that have a role in election announcements (e.g., Chief Communications Officer, senior DTech employees, etc.) and ask that the departments of the identified employees provide FIDO physical security keys to each of the identified employees and require the use of those FIDO keys as part of their multi-factor authentication for accessing their County email accounts.</p>	<p>The County of Sacramento has begun a county-wide employee and contractor initiative to implement Duo to provide Multi-Factor Authentication for systems and applications. FIDO tokens are an available option but are not enforced as the only authentication method. The County of Sacramento will support the following: Duo multi-factor authentication types Duo Push, U2F FIDO and tokens (limited to Duo application and organizational desk phones). This project is currently in a limited pilot and is being rolled out in segments over 16 months, with critical infrastructure and departments like VRE deploying first. VRE should complete this recommendation by December 31, 2020</p>
<p>6: Combat Island Hopping with FIDO key Vendor Requirement: VRE and DTech should require employees and contractors of any vendor that hosts the VRE website to use FIDO physical security keys as part of their multi-factor authentication.</p>	<p>The County of Sacramento has begun a county-wide employee and contractor initiative to implement Duo to provide Multi-Factor Authentication for systems and applications. FIDO tokens are an available option but are not enforced as the only authentication method. The County of Sacramento will support the following: Duo multi-factor authentication types Duo Push, U2F FIDO and tokens (limited to Duo application and organizational desk phones). This project is currently in a limited pilot and is being rolled out in segments over 16</p>

	<p>months, with critical infrastructure and departments like VRE deploying first.</p>
<p>7: Stop Sharing Social Media Account Passwords: VRE and Communication and Media Office (CMO) should implement procedures whereby communications staff manage official County social media accounts with multi-user administration, and no employees share social media account passwords.</p>	<p>Social Media Accounts are managed by the CMO and adhere to the County of Sacramento Social Media Policy. This policy is currently under review to address the management of account passwords and the enforcement of the County of Sacramento supported multi-factor authentication methods. The estimated completion date of January 15, 2021.</p>
<p>8: Request FIDO key Feature If Not Available: VRE and CMO should jointly draft and send a FIDO key feature request citing this report to the social media companies used by the County to broadcast election announcements, but that do not currently offer FIDO account security protections—especially Instagram and Nextdoor.</p>	<p>Social Media Accounts are managed by the CMO and adhere to the County of Sacramento Social Media Policy. This policy is currently under review to address the management of account passwords and the enforcement of the County of Sacramento authentication methods. The estimated completion date is June 30, 2020. Additionally, due to the limitations and diversity of Social Media Accounts authentications, a review of Social Media Management software will be conducted. The estimated completion date is January 15, 2021</p>
<p>9: Combat VRE Social Media Account Phishing with FIDO Keys: VRE should require any employee social media accounts capable of administering the official VRE social media pages listed in</p>	<p>Social Media Accounts are managed by the CMO and adhere to the County of Sacramento Social Media Policy. This policy is currently under review to address the management of account</p>

<p>Table 1 to use FIDO physical security keys as part of their multifactor authentication.</p>	<p>passwords and the enforcement of the County of Sacramento supported multi-factor authentication methods. The estimated completion date is June 30, 2020. Additionally, due to the limitations and diversity of Social Media Accounts authentications, a review of Social Media Management software will be conducted. The estimated completion date is January 15, 2021</p>
<p>10: Coordinate Election Security with Interdepartmental Working Group: VRE and DTech should create an election security working group that meets periodically and is responsible for evaluating and improving the security of elections (a) registration, (b) vote casting, (c) results from tabulation, and (d) communication within San Mateo County.</p>	<p>The County of Sacramento holds monthly meetings between the VRE department, infrastructure support teams and information security teams. This Election Security Working Group identifies and addresses security concerns for all aspects of the election system. Additionally, this group leverages independent security consultants to audit security control effectiveness and recommend improvements.</p>
<p>11: Evaluate Free DHS Elections Security Assistance Programs: VRE and DTech election security working group should evaluate the benefits of having all members of the election security working group participate in any of the free DHS elections security assistance programs listed in Table 2.</p>	<p>A vendor is scheduled to audit the next election from a people process and technology standpoint. A DHS assessment is in the roadmap after another organizational segment completes its audit. Report back by September 30, 2020</p>

<p>12: Offer Behavioral Cyber Hygiene Audits: DTech and the County Controller’s Office should develop a behavioral auditing program consisting of sampling the day-to-day routines and security practices of employees, contractors, and/or vendors and offer to audit each department within the County periodically to (1) evaluate compliance with existing cyber hygiene policies and (2) provide proactive advice on cyber hygiene improvements that could inform new policies.</p>	<p>In support of the County's focus on cybersecurity, a new cyber awareness program is being rolled out this year to educate, evaluate, and enhance its security posture. This program includes activities like new hire training, annual computer-based training, site visits, promotional poster and email distributions, and cyber hygiene audits. Report back by September 30, 2020</p>
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FINDINGS

F1. Sacramento County Department of Technology (DTech) is not currently practicing regular, consistent vulnerability scans and penetration testing. Vulnerability scanning and penetration testing are often confused. The two security procedures are quite different and are used for different purposes. At the most basic level, vulnerability scanning aims to identify any systems that are subject to known vulnerabilities while a penetration test aims to identify weaknesses in specific system configurations and organizational processes and practices that can be exploited to compromise security.

F2. Voter Registration and Elections Department (VRE) considers election security a major concern and has given it a very high priority. The Sacramento County Registrar of Voters (SCRV) and her staff were very cooperative and began almost immediately to implement changes and corrective measures for identified shortcomings.

F3. Media policy is currently under review to address the management of account passwords and the enforcement of the County of Sacramento supported multi-factor authentication methods. The estimated completion date is June 30, 2020. Social Media Accounts are managed by the Communication and Media Office (CMO) and adhere to the County of Sacramento Social Media Policy.

Due to the limitations and diversity of Social Media account authentications, a review of Social Media Management software will be conducted by the Sacramento County Department of Technology (DTech). The estimated completion date is January 15, 2021.

F4. Sacramento County Department of Technology (DTech) has begun a 16-month county-wide initiative to implement multi-factor authentication. Multi-factor authentication is one of the best deterrents to keep unauthorized users from hacking into computer networks. Voter Registration and Elections Department (VRE) will be one of the first departments to deploy this methodology.

RECOMMENDATIONS

R1. Sacramento County Grand Jury (SCGJ) recommends the Sacramento County Department of Technology (DTech) institute frequent penetration testing performed by a third party twice per year at a minimum. SCGJ further recommends DTech perform vulnerability scans each time the following occurs within the IT ecosystem.

- Security patches are applied,
- Significant changes are made to the infrastructure or network,
- New infrastructure or web applications are added,
- An office location changes, or an office is added to the network.

R2. Sacramento County Grand Jury (SCGJ) recommends the Communication and Media Office (CMO) adjust its election security policy to include security of the Voter Registration and Elections Department (VRE) website, communication, registration, voting and results from tabulation by June 30, 2020 in preparation for the November 2020 general election.

R3. Sacramento County Grand Jury (SCGJ) recommends that the Sacramento County Department of Technology (DTech) and Voter Registration and Elections Department (VRE) need to implement multi-factor authentication procedures before the November 2020 general election.

R4. Sacramento County Grand Jury (SCGJ) requests that the Sacramento County Department of Technology (DTech) report back to the SCGJ the results of the CyberDefenses, Inc. review and the U.S. Department of Homeland Security (DHS) audit of the election security by September 30, 2020.

GLOSSARY

CMO:	Communication and Media Office
DHS	U.S. Department of Homeland Security
DMARC	Domain-based Message Authentication Reporting and Conformance
Duo	Multi-factor authentication and device trust security platform
DTech	Sacramento County Department of Technology
FIDO	Fast Identity Online Alliance
Multi-factor Authentication	Proof of identity at login using a combination of unique identifiers
Phishing	The fraudulent practice of sending emails purporting to be from reputable companies to induce individuals to reveal personal information, such as passwords and credit card numbers.
SCGJ	Sacramento County Grand Jury
SCRV	Sacramento County Registrar of Voters
VRE	Voter Registration and Elections Department

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05 the grand jury requests responses as follows:
Responses from the following Sacramento County officials within 60 days:

- Courtney Bailey-Kanelos
Registrar of Voters
Voter Registration and Elections
7000 65th Street, Suite A
Sacramento, CA 95823
- Rami Zakaria,
Chief Information Officer
Department of Technology
799 G Street
Sacramento, CA 95814

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

- Paul Thorn
Jury Commissioners
ThornP@saccourt.ca.gov
- Ms. Erendira Tapier-Bouthillier
Grand jury
TapiaE@saccourt.ca.gov

INVITED RESPONSES

- Janna Haynes
County Communication and Media Office
c/o Voter Registration and Elections
7000 65th Street, Suite A
Sacramento, CA 95823

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

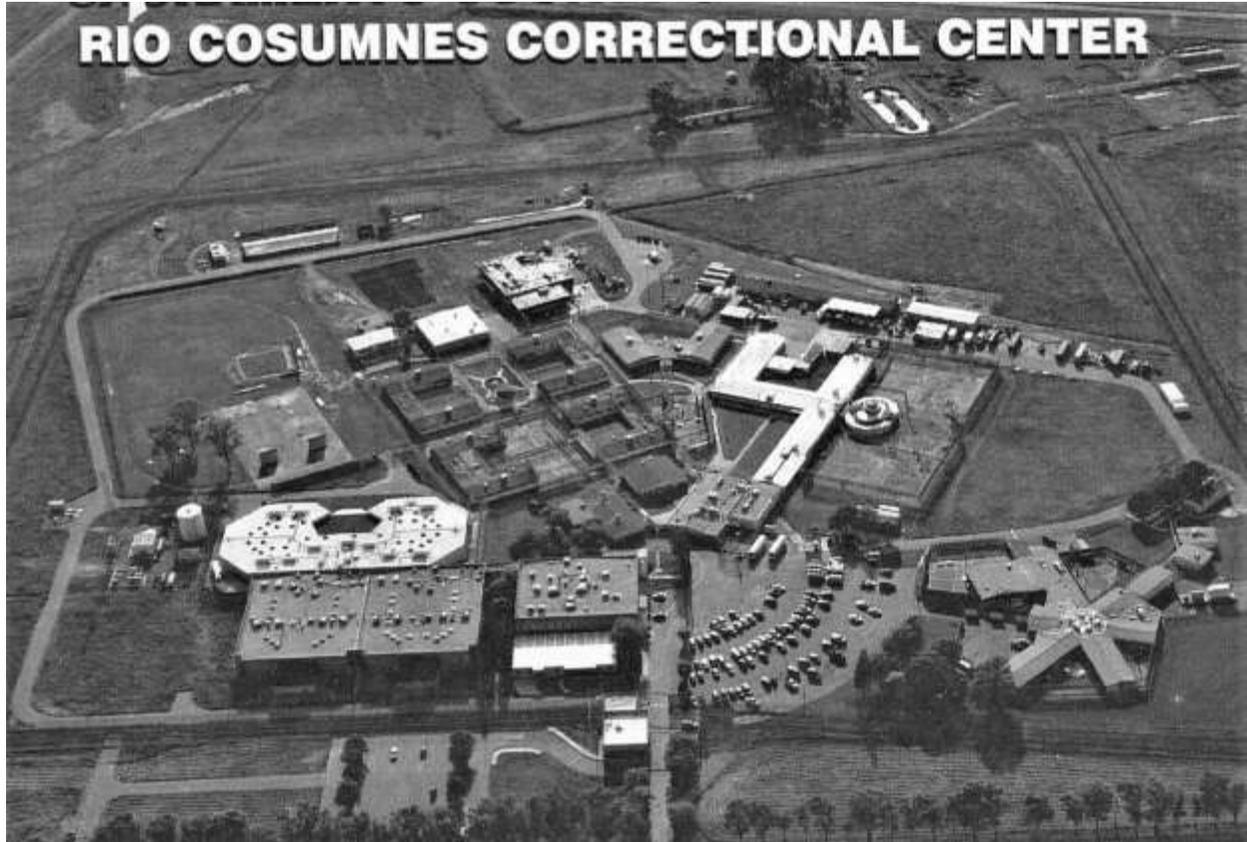
- Paul Thorn
Jury Commissioner
ThornP@saccourt.ca.gov
- Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

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

DISCLAIMER

One Grand Juror was recused from participating in all aspects of the investigation, including interviews, deliberations, and the writing and the approval of this report due to that Grand Juror's service as an election clerk in Sacramento County.

California Senate Bill 1022: A Gift Too Good to Ignore



CALIFORNIA SENATE BILL 1022: A GIFT TOO GOOD TO IGNORE

SUMMARY

The 2019-2020 Sacramento County Grand Jury (SCGJ) initiated an investigation into the County of Sacramento's hesitancy to accept \$80 million in state funds authorized by Senate Bill 1022, the Adult Local Criminal Justice Facilities Construction Program (SB 1022). The intent of SB 1022 is to promote the implementation of Assembly Bill 109, the California Public Safety Realignment Act (AB 109), a law that requires minor felony level defendants be incarcerated locally rather than in overcrowded state prisons. The Board of State and Community Corrections (BSCC) oversees and assists the counties in making the modifications necessary to house, educate and provide medical and mental health services to long term inmates.

In 2013-2014 Sacramento County received authorization for \$80 million to make the necessary to existing local facilities. If the County agrees to accept the funds it must agree to pay the staffing costs and operate the facility until the lease revenue bonds which raise the necessary monies are fully paid. The Sacramento County Office of Budget and Debt Management estimated the approximate yearly increased staffing and operating costs would be between \$6-\$8 million per year for the next 30 years, the term of the lease revenue bonds.

In 2014, the Sacramento County Sheriff's Department began developing a plan for the use of the \$80 million to expand the programs and services needed for long-term inmates housed at Rio Cosumnes Correctional Center (RCCC) and the Sacramento County Main Jail (SCMJ). That plan included construction of a medical and mental health services center capable of housing up to 26 inmates, and the upgrade of reception and cafeteria facilities, as well as the expansion of educational and vocational training programs.

The County issued Requests for Proposals (RFPs) from contractors in 2015, 2017 and 2019. The scope of the successive RFPs was reduced each time, but the bids continued to exceed the engineers' estimates.

At the same time the RCCC expansion plans were undergoing reviews and revisions, Sacramento County was also defending a lawsuit in the United States District Court, Eastern District CA, Sacramento Division concerning the conditions in the SCMJ and RCCC. The litigation, *Mays v. County of Sacramento*¹ resulted in a Consent Decree approved by the court on January 13, 2020 between the County and the plaintiffs. The Consent Decree obligated

¹ *Lorenzo Mays et al., Plaintiffs, v. County of Sacramento, Defendant*, United States District Court, E.D. California, No. 2:18-cv-02081-TLN-KJN (PC), January 8, 2020)

Sacramento County to extensively upgrade medical and mental health facilities, as well as provide accommodations to inmates required by the Americans with Disabilities Act (ADA).

The Grand Jury found that the County will need to expend considerable funds to adequately accommodate the needs of its increased number of inmates due to realignment and compliance with the requirements of the *Mays Consent Decree*; and that acceptance of the \$80 million in state funds available through SB 1022 will substantially offset anticipated funding requirements. Failing that, County funds should be allocated for infrastructure improvements to support the expansion of medical and mental health services, as well as the education and vocational training opportunities for all inmates.

BACKGROUND

On November 8, 1994, the California voters approved Proposition 184, Three Strikes Sentencing Initiative, also known as “Three Strikes and You’re Out.” The essence of the Three Strikes law was to mandate a lengthy prison sentence for habitual offenders. The law was codified in California Penal Code section 667.

Once implemented, the California prison population exploded and new prison construction couldn’t keep up with the growth. The population reached a high of approximately 173,000 inmates by 2007 up from about 125,600 inmates in 1994 when the “Three Strikes and You’re Out” sentencing law was passed.

In 2009 the US Supreme Court mandated that the State of California reduce the prison population to no more than 115,000 inmates, or 137.5 percent of its design capacity, within two years. By the year 2011 the state prison population continued to rise and reached 143,493 inmates or 180 per cent of design capacity. On April 4, 2011, the state legislature passed AB 109, to reduce the state prison population. This bill immediately shifted the responsibility for housing certain new offenders, specifically persons convicted of non-violent, non-serious, non-sex offenses and parole violations, from State Corrections to the County Sheriff and the responsibility for parole supervision from State Parole to County Probation.

As a result, since 2011 Sacramento County has become responsible for housing and supervising over 8,000 new offenders and state parole violators that otherwise would have been incarcerated in the state prisons or placed on state parole. The state appropriated funding to assist each County with the implementation of AB 109. Sacramento County has, through 2019, received approximately \$287 million in supplemental funding to support realignment.

On June 27, 2012, SB 1022 became law. The California Legislature adopted SB 1022 to help the counties fund the construction costs associated with AB 109. Up to \$500 million was authorized in lease revenue bond financing for the acquisition, design, and construction of adult local criminal justice facilities.

The State of California has allocated up to \$80 million to Sacramento County to replace, renovate and expand the medical, mental health and rehabilitation facilities at the Sacramento County jails. On November 5, 2019, at the Sacramento County Board of Supervisors (BOS) meeting, the Director of the Department of General Services (DGS) and the Chief Fiscal Officer of Sacramento County presented a proposal recommending that the County reject the latest bids received in August 2019, and instead, reduce the scope of the RCCC's expansion and infrastructure project, and authorize the distribution of RFPs (Request for Proposals) reflecting those reductions.²

Approving the Project requires that the County commit to provide staffing and operate the facility until the lease revenue bonds are fully paid. The Sacramento County Office of Budget and Debt Management estimated the approximate yearly staffing and operating costs would be between \$6-\$8 million each year for the next 30 years or until the bond is repaid. The Agenda noted that the lowest construction bid was \$15 million higher than the County's estimated cost. The bid was reviewed by representatives of the Sacramento Sheriff's Office, the DGS, the Sacramento County Counsel and the County's architectural/engineering consultant. Their review resulted in a recommendation to reduce the Project's scope and send out new RFPs.

Decarcerate of Sacramento (DS), criminal justice reform activists who advocate for community-based rehabilitation programs in lieu of incarceration, opposed going forward with the Project. DS contends that modifications to RCCC will increase inmate capacity and therefore the County should turn down the SB 1022 funds.

The BOS ultimately failed to adopt the Proposal by a vote of 2-2. One supervisor commented that the projected \$6-\$8 million a year cost to the County for the Project's additional personnel was a concern.³

² Jeffrey A. Gasaway and Britt E. Ferguson, eds. Agenda of November 5, 2019, Contract No. 4347, "Rio Cosumnes Correctional Center Expansion and Infrastructure Improvements Project," *Reject All Bids, Reduce Project Scope, And Authorize to Re-Advertise.*)

³ Gasaway and Ferguson, page 2.

METHODOLOGY

The 2019-2020 Grand Jury conducted:

Interviews with individuals from the following agencies:

- Sacramento County Board of Supervisors
- Sacramento County Sheriff's Department
- Sacramento County Office of Budget and Debt Management
- Board of State and Community Corrections
- Rio Cosumnes Correctional Center Staff, October 17, 2019
- Decarcerate of Sacramento

Extensive research and review of the following:

- California Assembly Bill 109
- California Senate Bill 1022
- California Proposition 184
- California PC Section 667
- Sacramento County Sheriff's Office Reentry Services Unit Program Guide. n.d.
- Sacramento County Board of Supervisors Broadcasted Meeting, Agenda and Associated Documents, November 5, 2019
- California State Legislative Analyst's Office
- Media reports on issues relevant to Senate Bill 1022 and AB 109
- Sacramento County Sheriff's Office, Rio Cosumnes Correctional Center Facility Guide, n.d.
- *Lorenzo Mays, et al., Plaintiffs, v. County of Sacramento, Defendant*, United States District Court, E.D. California, No. 2:18-cv-02081-TLN-KJN (PC), January 8, 2020.

Confinement facility tours:

- Sacramento County Main Jail, August 9, 2019
- Rio Cosumnes Correctional Center, October 17, 2019

DISCUSSION

The Elk Grove RCCC was established in 1960, in a structure originally built to house military personnel during World War II. It was designed to serve as an overflow facility for the Sacramento County Main Jail (SCMJ). It had the capacity to house, provide medical and mental health treatment, educational and vocational training services to 750 inmates with a maximum sentence of one year. Since the passage of AB 109 in 2011, Sacramento County has received an

additional 8,000 inmates. RCCC now houses offenders serving sentences averaging 5 years or more. At the time of this report the inmate population at RCCC was approximately 1,725 inmates, with a maximum capacity to house 2,262 inmates. The population at the SCMJ was 2,116 inmates with a maximum capacity to house 2,993 inmates.

The state appropriated funding through AB 109 to assist the counties with the implementation of realignment. This funding was divided between SCMJ, RCCC and County Probation (CP). According to published accounts, Sacramento County has received approximately \$287 million in supplemental funding to support realignment since 2011. RCCC was provided \$29 million each year of AB 109 realignment funds, making its annual budget a total of \$95 million.

The California State Legislature adopted SB 1022 in 2012 to assist the counties in funding the capital costs associated with realignment. Under the administration of the BSCC, each County is allocated SB 1022 funds, to help finance capital expenditures.

Sacramento County was initially authorized \$56 million in SB 1022 funds for construction in 2013. That allocation was increased to \$80 million when \$24 million previously allocated to other counties was not accepted and became transferrable to Sacramento County.

RCCC currently conducts a broad range of programs to facilitate inmates' re-entry to society, although the facilities are inadequate to serve all the needs of all of the inmates. As outlined in the Sacramento County Sheriff's Reentry Services Unit Program Guide, the programs include 10 Cognitive Behavior Therapy Treatment Programs, six Educational Programs, seven Vocational Programs and 13 Treatment Programs/Classes. However, when the 2019-2020 SCGJ toured RCCC on October 17, 2019, only 575 of the 1,725 total inmates housed at RCCC were participating in any type of programing, such as a work assignment, vocational training or an educational program.

There are currently 218 female inmates housed at RCCC. Male and female inmates are unable to participate in programs together, thus restricting the access for female inmates to participate in the majority of rehabilitative or vocational programs. The only rehabilitative trades offered to female inmates are Culinary Arts and a Janitorial Service vocational program. Additionally, they have access to two classroom programs, Thinking for Change and Cognitive Behavior Treatment.

At the time of this report RCCC can only provide re-entry training and education services to one-third of the inmates. For both females and males, the lack of programs for each inmate is due to RCCC's current lack of classroom facilities. Additional reasons include: short-term inmates are ineligible to participate because the amount of time to complete the class exceeds

the inmate's length of sentence; and serious offenders are not permitted to participate in some classes. Recidivism data shows that inmates who successfully complete RCCC re-entry programs have a 20 percent recidivism rate vs the 80 percent recidivism rate of inmates who leave prisons without skills or training.⁴

Furthermore, the perimeter fence, dorms and the trailers for classrooms are in need of repair, and there is limited space for medical and mental health treatment. Reports in the 1997-1998, 2009-2010 and 2018-2019 Sacramento County Grand Jury Report recorded similar deficiencies. The County will eventually have to provide funds for infrastructure improvements and the expansion of the medical and mental health services as well as the educational and vocational training opportunities for all inmates.

On June 20, 2019, a settlement in *Mays v. County of Sacramento*, was reached, which requires improvements in the Sacramento County jails. Specifically, the jails must reduce the use of solitary confinement, take additional measures to prevent suicide, expand program activities, treat mental illness and provide accommodations to inmates with disabilities. The federal court and the Prison Law Office will monitor all aspects of the *Mays Consent Decree* and the implementation of the remedial plans.

In light of the above, the 2019-2020 Grand Jury opened this investigation to understand why Sacramento County has not accepted funds from the State of California to improve the jails and inmate programs in the eight years since the passage of SB 1022.

It is our understanding that as of the date of this Report, no formal notification has been submitted by the Sacramento County to BSCC informing it that it does not plan to apply for these funds. Representatives of the Department of General Services, the County Executive, the Sheriff's Department and County Probation met with BSCC in January 2020. The plan is to report back to BSCC within six months as to if and how Sacramento County plans to seek SB 1022 funds for the RCCC expansion.

FINDINGS

F1. Due to realignment and the *Mays* Consent Decree the Sacramento County jails must provide additional educational and vocational training, medical and mental health services, and brings the facilities into compliance with ADA.

⁴ Sacramento County Sheriff's Reentry Services Unit Program Guide, pp. 12-14.

F2. The Grand Jury is aware, based on its interviews and research, that there are those who believe that acceptance of any funds would be an endorsement of a policy of increased incarceration. The Grand Jury believes proponents of the project should emphasize the importance of increased services and programs to ultimately reduce recidivism and improve the post incarceration lives of the inmates and their families.

F3. Accepting the SB 1022 funds will commit the County to spending between \$6-8 million each year for 30 years or until the bonds are repaid for staffing and operating costs.

F4. If the County does not accept the SB 1022 funds, the structural improvements identified by the Sheriff, DGS and the County Executive as essential to meet the housing, educational and medical and mental health service needs of long term inmates at RCCC will require county funds to be accomplished.

F5. Whether or not Sacramento County accepts the SB 1022 funds, the County will still be responsible to fund all the changes required by the *Mays* Consent Decree.

RECOMMENDATIONS

R1. By December 31, 2020, the Board of Supervisors should accept the \$80 million made available to Sacramento County through SB1022.

R2. By June 1, 2021, the Sheriff's Department should develop and begin implementation of the most cost-effective plan to achieve the objectives of the RCCC expansion and infrastructure improvement project.

R3. By June 20, 2021, the Board of Supervisors in co-operation with the Sheriff's Department should include in implementation plans the flexibility to reduce operating expenditures to the extent required by reductions in jail population.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the 2019-2020 Sacramento County Grand Jury requests responses from the following elected officials within 60 days:

- Sacramento County Board of Supervisors
700 H Street, Suite 1450
Sacramento, CA 95814

- Sheriff Scott R. Jones
711 G Street
Sacramento, CA 95814

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

- Paul Thorn
Jury Commissioner
ThornP@saccourt.ca.gov
- Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

INVITED RESPONSES

- Navdeep S. Gill
County Executive
700 H Street
Sacramento, CA 95814
- Jeffrey J. Gassaway
Director
County of Sacramento
Department of General Services
9660 Ecology Lane
Sacramento, CA 95827
- Captain Jim Barnes
Commander
Rio Cosumnes Correctional Center
12500 Bruceville Rd.
Elk Grove, CA 95757

Mail or deliver a hard copy response to:

- Hon. Russell Hom
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

- Paul Thorn
Jury Commissioner
ThornP@saccourt.ca.gov
- Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

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

Public Confinement Review



F o l s o m S t a t e P r i s o n
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PUBLIC CONFINEMENT REVIEW

BACKGROUND

The Sacramento County Grand Jury is mandated each year by California Penal Code 919 (b) to inquire into the conditions and management of public confinement facilities in Sacramento County. In fulfillment of this obligation, the 2019-2020 Sacramento Grand Jury toured all six confinement facilities within its jurisdiction, as well as the Sacramento County Sheriff's Work Release Division.

METHODOLOGY

The Grand Jury members met and spoke with officials from the respective confinement facilities prior to and during the scheduled tours. Questionnaires were provided to the officials, outlining areas of interest to be included in the inspections. Upon completion of each tour, the findings were documented for the Public Confinement Review.

Facilities Visited:

California State Prison-Sacramento (New Folsom)

Folsom State Prison

Folsom Women's Facility

Sacramento County Main Jail

Sacramento County Rio Cosumnes Correctional Center

Sacramento County Work Release Division

Sacramento County Youth Detention Facility

Sacramento County Main Jail Tour, August 9, 2019

With its maximum capacity for 2,432 inmates, the Sacramento County Main Jail's average daily population as of June of 2019 amounted to 1,924 inmates. The population was comprised of 1,398 non-sentenced males, 174 non-sentenced females, 280 sentenced males and 72 sentenced females.

The Main Jail staff consists of 254 sworn officers and 136 civilian employees, including plumbers, electricians, contracted vendors, state employees, nurses, doctors, and psychiatric staff. As of June 23, 2019 there were 45 vacancies within the ranks of staff. Sworn staff is

required to receive 24 hours of Standards and Training for Corrections (STC) each fiscal year. Civilian staff attends mandatory yearly training in policy and computer-related areas. Medical Standards and Training for Corrections (STC) each fiscal year. Civilian staff attends mandatory yearly training in policy and computer-related areas. Medical personnel receive training in jail safety as well as adherence to mandated Medical Board of California requirements.

The Booking area includes three stations staffed by doctors, registered nurses, and vocational licensed nurses. New arrestees are screened when first booked to determine if they are fit for incarceration, have pre-existing medical conditions, or exhibit signs of being suicidal. If required, pharmacy records of arrestees are obtained and noted. The jail has access to the California DNA database and a DNA sample is taken from each person booked for a felony.

The jail has access to the California DNA database and a DNA sample is taken from each person booked for a felony. California Penal Code (PC) Section 295 mandates that a DNA sample is taken from those booked for felony and misdemeanor offenses outlined in PC Sections 290 and 296 (a). Those offenses include: sex offender crimes; voluntary manslaughter or murder; or attempts to commit murder or voluntary manslaughter.

Inmates receive a comprehensive evaluation by the Main Jail's Classification Unit, generally within 24 hours of booking. The Unit is comprised of eight full-time deputies, two part-time deputies and one sergeant. Inmates are evaluated for criminal history, the nature of their offense, mental condition, and other criteria. The information gathered is entered into a database and the software assigns a classification rating of high, medium or low supervision required.

The Main Jail's Correctional Health Services (CHS) provides medical care to inmates 24 hours a day, 365 days a year. Its team is staffed by doctors, nurse practitioners, nurses, medical assistants and administrative staff. Medical services made available to inmates include radiology, dialysis, ophthalmology, OB/GYN and orthopedic services, and dentists staff the fully equipped dental office. Prescriptions for patients are provided by pharmacists and pharmacy technicians from the in-house pharmacy.

Psychiatric care is available 24-hours a day in the Psychiatric Services Acute-Inpatient Unit. Patients are examined seven days a week in the 18-bed unit by psychiatrists who are on call for night visits as well. The Unit is also staffed by registered nurses, psychiatric social workers and licensed vocational nurses. The Intensive Outpatient Psych (IOP) Program, carried out by five Jail Psych Services (JPS) staff members, provides classes and group sessions on coping skills and daily living challenges. The visiting rules for pretrial inmates at the Main Jail are two visits per week on any two days, excepting Fridays due to "operational restrictions." (https://www.sacsheriff.com/Pages/Organization/Main_Jail/InmateVisitation.aspx.)

With the goal of reducing recidivism, programs are offered to encourage inmates to use their time in the Main Jail productively through classes on Self Esteem, Interpersonal Communication, and Job Readiness. The Inmate Programs Manager, in partnership with the

Sacramento County Social Services and the Elk Grove Education and Recreation staff, provides classes on Adult Basic Education, General Education Diploma (GED) Test Preparation and testing, as well as English as a Second Language (ESL). Classes on Parenting, Recovery Life Skills, Impulse Control, as well as sessions on accountability, non-violence and communications skills are also available for inmates.

Folsom State Prison Tour, August 19, 2019

Folsom State Prison, the second oldest prison in California, is a campus surrounded by three walls, with the American River as the fourth barrier. While there is no electrical wiring atop the walls, there are 10 guard towers that are staffed by Correctional Officers on a 24/7 basis. There are also 44 homes on the grounds for prison staff.

The Folsom Prison Warden met with the Grand Jury members in his office. He noted that at the time of the visit there were 1,100 staff members, 600 of whom were custody staff. He opined that current staffing levels were adequate to manage and monitor inmates.

The prison adheres to California State standards and annual audits and inspections for fire, medical, mental, pharmacy, environmental and nutritional purposes are routine. For any area inspected which receives a marked deficiency, an appropriate corrective action plan is developed per the Warden.

The prison population consists of 3,458 inmates, including 248 outside the main walls (eight at the firehouse and 240 at a minimum-security facility) and 491 at the Folsom Women's Facility. According to the Warden, this facility is slightly overcrowded but the inmate populations are generally well within the federal mandate of 137.85 percent occupancy per cell. However, Building I, the largest housing unit, places 965 inmates in 632 cells (1.53 percent occupancy) which does not meet the federal mandate for occupancy.

The oldest building on the campus, Building V, is still run on a lock and key basis, and has 160 cells. A majority of inmates are on minimum (Level I) and medium (Level II) security, while 584 inmates are on medium (Level III) security, and 128 inmates are on maximum (Level IV) security watch. Both Level III and Level IV require more staff and armed tower guards.

Folsom State Prison has programs for auto mechanics, computer coding, building framing, plumbing and welding, in addition to jobs making license plates. While inmates may opt not to participate, a majority of inmates take part.

There are also educational opportunities, enabling inmates to earn GEDs, take courses through Folsom Lake Community College and online courses through Lassen College.

Daily life in the prison is regimented, but inmates are out of their cells an average of 14 hours a day. Inmate recreation is scheduled three times daily. Each session is from 2¼ hours to 3¼ hours per day in one large recreational yard. Maximum security prisoners are allowed 12

hours per week in a smaller yard, which is separate from the general prison population. Inmates are not allowed weights. There is a canteen in the yard where inmates can purchase items and take them back to their cells.

Two hot meals and a box lunch are served each day. Meal times are for 15 minutes. The main dining area has seating of four to a table, filled on a first-come, first-seated basis. As with their yard times, inmates will time their arrival so they can be with their preferred associates. The food is prepared at California State Prison and is brought to Folsom State Prison, where it is then re-heated and served to the inmates. Members of the Executive Men's Advisory Council said the food is the inmates' most frequent complaint. While there has been some improvement, they would like to have more heart-healthy choices, including more fresh fruit and produce.

Greystone Chapel is on campus and opens for prayer and church services daily. There is a full-time chaplain and services are held for all denominations and faiths/beliefs.

Visits with families occur every Saturday and Sunday from 7 a.m. to 2 p.m. for two-hour periods. Inmates whose families travel more than 250 miles may have all-day visitations. Inmate phone calls are routinely monitored and mail is inspected. The California Department of Corrections and Rehabilitation (CDCR) specifies that "All prisoners are eligible to receive visits unless they have temporarily lost that privilege due to disciplinary action." The loss-of-privilege guidelines are itemized on the CDCR's website at <https://www.cdcr.ca.gov/visitors/inmate-visiting-guidelines/>.

Folsom Women's Facility Tour, August 19, 2019

Located a short distance from Folsom State Prison is a smaller facility, which was converted into the Folsom Women's Facility in 2013. It is under the purview of the Warden of Folsom State Prison. The Women's Facility currently houses 491 inmates in the 520-bed facility. Staffing levels include 15–20 guards per shift. Unlike the male inmates who are housed two to a single cell, female inmates live in open dorm settings. The dorms include a washer and dryer, which may be used on a sign-up basis. There is no hospital on the premises, so the women inmates must be transported to the men's prison for their medical needs.

Training programs for the women include computer coding, construction labor, and a culinary arts program. A recent releasee and graduate of the culinary arts program obtained a position at *The Kitchen* restaurant in Sacramento, which recently received a prestigious Michelin Star. There is also a successful and sought-after Puppy Program, with six inmates selected to train dogs to be service animals.

Fourteen female inmates serve on the Women's Advisory Council, which holds monthly meetings to address inmate concerns and share them with prison officials. One Council member said the prison administration has been very receptive to concerns expressed by

members of the Council. The same Council member mentioned the food is not bad and they are now being offered more fresh vegetables and fruit. One of the biggest concerns for the women is the overhead lighting in the dorms, which goes on at 5 a.m. and off at 9 p.m. The complaint is the brightness of the lights in the early morning. Another complaint from an inmate is that the mail delivery is very slow and can take up to one month instead of the expected seven days. The visitation guidelines for the Folsom Women's Facility inmates are the same as those established by the CDCR for male inmates at the Folsom State Prison.

California State Prison – Sacramento Tour, September 20, 2019

California State Prison - Sacramento (CSP) was called New Folsom Prison until 1992. It was built adjacent to Folsom State Prison and houses maximum security prisoners. Built in 1986, it has two guard towers and is surrounded by a lethal electrified fence.

The prison is primarily a Level IV-High Security Institution with a capacity of 2,993 inmates. The current population is 2,116, including one death row inmate who was transferred to CSP for medical reasons. There are no female inmates. There are 955 correctional officers - 829 male and 126 female.

By the time an inmate reaches CSP, his classification has been fully reviewed. Receiving CSP staff does not conduct an extensive reclassification review. Instead, they review each inmate's individual requirements before placing him in an appropriate housing unit.

The institution has three separate self-contained Level IV (high security) housing areas, designated as Facility A, B and C. Each facility has eight housing buildings arranged in a 180-degree half-circle layout, which is considered the most secure in prison design. The Level I Minimum Support Facility (MSF) contains the lower level inmates and consists of two open-dorm units that house approximately 90 inmates in each unit. If there is an escape, it is usually from this group and is considered a "walk-away" more than an escape. The Short-Term Restricted Housing Unit is the administrative segregation building that houses inmates who are at extreme risk to themselves, staff or other inmates. Administrative segregation inmates are isolated from the general population and receive services and activities apart from other inmates.

A total of 359 medical and 215 mental health and dental staff members serve in two medical units (Buildings M50 and M56). M50 is a medical clinic. M56 is a 28,100 square-foot facility that provides medical, optical, specialty services and mental health treatments. It includes a Crisis Treatment Center for inmates undergoing a severe mental crisis and requires inpatient care. An inmate on suicide watch is monitored 24/7. Inmates in this unit must carry identification at all times because medication is not dispensed without confirmation of the inmate picture and identification.

Due to the level of prisoner offenses and their varying mental states, violence can be an everyday occurrence. The staff works with the constant threat of physical assault and is trained to be vigilant and prepared to quickly stop violence. There were 539 reported "use of force" incidents during 2018. There have already been 384 such incidents as of July 31, 2019. To minimize potential violence, the staff works to create a positive interaction between themselves and inmates.

Inmates are allowed 5-minute showers. There is no cable TV (other than the prison channel). Inmates are all issued the same clothes and any personal clothing items can only be white, black or blue. An inmate in the MSF facility mentioned that a washing machine was not working and indicated there was a leak in the ceiling. The Grand Jury was unable to tour the main medical area or the kitchen facilities.

There are as many as 370 programs available to inmates and their length of prison term does not determine the programs they may choose. The Reentry Programs include: substance abuse, anger management, criminal thinking and family relationships. Long Term Offender Programs include all of the Reentry Programs as well as Denial Management and Victim Impact. Academic opportunities include Adult Basic Education (ABE), General Education Development (GED), and Adult High School (AHS).

Food tends to be a primary source of complaint and food allergies as well as diet restrictions have led to many lawsuits. There is a statewide-standardized menu for all California prisons, but the actual location of the prison can sometimes dictate the availability of certain foods. To meet the requirements of a large population, food has to be made "bland." CSP is required to have a three-day supply of food in case of an emergency. Meals are flash frozen and served three days later. Some inmates compensate for the blandness by storing hot sauce and spices in their cells.

CSP has a canteen where food and toiletry items can be purchased. The exception is the Short-Term Restricted Housing inmates who may only purchase toiletry items at the canteen. Inmates get a minimum of 10 hours a week yard time. Mail is delivered every day and is inspected and censored for content when necessary. Senders of inappropriate mail are offered the choice of the mail being destroyed or returned.

The Warden met with the touring Grand Jury members and offered many insights into prison operations. He said his current primary concerns are the morale and safety of staff, keeping medical staff from leaving, and the nationwide shortage of psychiatric health care workers. He noted that CSP is subject to many inspections from outside sources, generally legal and watchdog agencies.

Rio Cosumnes Correctional Center (RCCC) Tour, October 17, 2019

Rio Cosumnes Correctional Center (RCCC) is a correctional facility located in and operated by Sacramento County. It has a capacity of housing 2,262 inmates. At the time of the Grand Jury's visit, 1,728 inmates (1,503 males and 225 females) were housed in the facility. The principal function of RCCC to house inmates for up to one year in a county jail was expanded in 2011 by Assembly Bill 109 (AB109) to reduce state prison overcrowding. AB109 requirements are carried out by sentencing felons who are convicted of certain non-violent offenses to serve their sentences in local county jail facilities.

One of the most significant implications of AB109 has been the need for RCCC to develop vocational and educational re-entry programs. RCCC currently provides inmates with a series of educational and training programs to facilitate inmate re-entry into the community. The programs are conducted in cooperation with Los Rios Community College District, providing college credit for completion of specified courses, including computer skills. The re-entry program component includes the Culinary Arts Program for females, directed by Chef Bui.

Programs for male inmates are printing/engraving, welding/construction, horse training and auto repair. Females are currently ineligible for certain vocational programs, e.g., welding, due to regulations which bar combining genders in some programs.

Vocational training for males provides viable career tracks for inmates, resulting in significant reductions in recidivism of program enrollees. RCCC statistics reviewed during the Grand Jury tour indicated a 20 percent recidivism rate for vocational program graduates. Inmates who successfully complete welding, construction and printing/engraving programs may earn professional certification and are assisted by RCCC staff to obtain employment with local companies. The Wild Horse Training Program teaches male inmates to work with and train mustangs. The horses are auctioned to the public two or three times a year with prices ranging between \$700 and \$3,800 per horse. All proceeds from the auctions go to the Bureau of Land Management.

The 2018-2019 Grand Jury report of the RCCC tour noted that "deficiencies in the antiquated facilities were pointed out to the Grand Jury and were described as: decaying perimeter fence area; limited mental health space; limited space for vocational training; and the use of a trailer building for training." Grand Jury members observed the same conditions during their October 17, 2019, tour as well.

On June 27, 2012, the Adult Local Criminal Justice Facilities Construction Program, also known and referred to as SB1022 (Senate Bill 1022), became law. The bill authorized up to \$500 million in lease revenue bonding financing for the acquisition, design and construction of adult local criminal justice facilities.

The most recent proposal to apply for SB 1022 funds to improve facilities and programs at RCCC, submitted by the County Executive and Department of General Services to the Board of

Supervisors on November 5, 2019 was not adopted, and stakeholders are currently in the process of exploring possible alternatives.

Sacramento County Youth Detention Facility (YDF) Tour, October 21, 2019

The Sacramento County Grand Jury toured the Sacramento County Youth Detention Facility (YDF) on October 21, 2019 to review conditions and management of the facility.

Sacramento County Probation is responsible for the operation and management of the YDF, also known as Juvenile Hall. When a minor between the ages of 12 and 18 is suspected of a criminal act, the youth may be issued a citation and released to the custody of a parent/guardian or may be booked into the YDF. A youth under age 12 is released to the custody of a parent/guardian. A youth brought to the YDF is searched for contraband, has personal items removed and stored, and is fingerprinted and photographed. The youth then meets with an Intake Officer who does a risk assessment to determine if the youth can be released to a parent/guardian or should be detained. The youth is allowed telephone calls to a parent/guardian, a lawyer and an employer.

If the youth is detained, he or she completes in-processing and is assigned a security classification and housing. The law requires that charges be filed within 48 hours and also requires a detention hearing within two court days.

YDF is divided into 20 "housing" units. Each unit is a self-contained facility providing YDF services. Some units are living units where the detainees sleep (in a single occupant locked cell) and a common area where they eat. Male and female detainees are assigned to separate housing units. Young detainees (ages 12-14) are housed apart from older detainees.

Detainees over 18 are housed in a separate unit. Other units are used for YDF services such as educational programs, medical and recreational services such as Boys and Girls Club. Other units are currently unused or used for storage.

It was emphasized during the tour that the Sacramento County Probation Department is totally separate from the Sacramento County Sheriff's Department and the Sacramento County jail. However, a juvenile YDF detainee may be temporarily housed in the county jail during extended court proceedings. On the day of the Grand Jury's visit, the YDF had 120 detainees (106 male, 14 female). The facility has a maximum capacity of 418.

The Grand Jury was shown various programs provided by the YDF. These included the library, the Boys and Girls Club, and educational facilities. Grand Jury members had opportunities to talk with staff members in the Vocational Unit and the Boys and Girls Club Unit. The Vocational Unit is the location of the Culinary Arts Program, which was described by staff as the most popular program offered by the YDF. The Grand Jury had an opportunity to talk with a 17-year-old male detainee enrolled in this program.

During the visit, Grand Jury members discussed drug and alcohol counseling programs with staff. While counseling is available, the YDF does not have a permanent counseling staff. Outside counselors provide this service.

The Grand Jury was permitted to see the locked cell sleeping quarters of a female detainee who was not present during the tour. The sleeping quarters appear to be brightly lit and comfortable. Detainees are allowed to have limited personal items but cannot decorate the walls with posters or other items leading to an overall “stark” ambiance.

At the end of the visit, members of the Grand Jury talked to the guides about working conditions in the facility. Current staffing includes 146 full time staff, 100 part-time/on-call staff, and approximately 200 volunteers. Four-year college degrees are required for YDF full-time staff. Staff members who spoke with the Grand Jury were generally satisfied with the work environment but wished more resources were available. Some of the guides reported that in many cases burnout can become an issue and retention of senior staff is a problem.

Sacramento County Work Release Division (WRD), November 4, 2019

The mission of the Work Release Division (WRD) is to provide quality alternative correctional programs for Sacramento County by working in partnership with government agencies, the citizens of the community and local public organizations. During the tour it was stressed that their primary goal is to “keep people out of jail.” The WRD is administrative and does not contain detention facilities.

The three primary programs of the WRD are the Alternative Sentencing Program (ASP), the Sheriff’s Work Program (WP) and the Home Detention Program (HD). The WRD program budgets are funded, in part, by the individuals that participate. There is an application fee of \$80 and a participant can pay up to maximum per day of \$40 for the WP, \$30 for ASP and \$47 for HD. These fees are assessed subject to an ability to pay. All fees collected go to the General Fund.

Alternative Sentencing Program

If recommended by the sentencing judge, individuals are allowed to participate in community service. This usually includes park districts, churches and other non-profit organizations that serve the community. Participants are supervised by a work site administrator and this service is considered non-custodial. Currently there are about 1,000 participants.

Sheriff’s Work Project

As recommended by the sentencing judge, certain inmates are assigned to a work crew supervised by a Deputy Sheriff. The community benefits from the inmate labor and participation commutes the inmate’s sentence. Any disciplinary violation by an inmate will extend the inmate’s release date. Currently there are about 1,200 participants.

Home Detention (HD) Program

Each participant is fitted with an ankle transmitter. The goal of this program is to allow inmates who are employed, attending school or have certain medical conditions the ability to continue their activities. There are weekly required drug tests. Medical marijuana and other types of mood-altering medications are not allowed while participating. HD participants require much more staff time and resources, so the number of participants is generally fewer than 300. The average population is about 220.

Power Program

Education and assistance in re-entry into the community is provided by the Power Program.

The Power Program provides pre-employment training, resume writing, job search assistance and workshops to increase self-esteem in a non-custodial setting.

During the tour, staff stated that each unit could use at least one more staff person. Each position generally needs a vehicle or technical equipment which makes the position more costly and harder to budget. Although the staff work with a demanding caseload, they acknowledge that overtime is not the answer.

Staff members report that they are working hard to prevent staff “burnout.” Other budget concerns include the outdated office equipment, such as computers, and the need to update the office administrative spaces.



Responses to 2018 -2019 Grand Jury

REVIEW OF RESPONSES TO THE 2018-2019 GRAND JURY REPORTS

The 2018-2019 Sacramento County Grand Jury Final Report contained seven investigative reports that required responses from various governing boards and elected officials in Sacramento County. The 2019-2020 Sacramento County Grand Jury reviewed the responses to these reports submitted by the identified government entities for compliance with the requirements in Penal Code (PC) Sections 933 and 933.05.

The “Reason for Investigation,” “Findings” and “Recommendations” commentaries are quoted directly from each investigative report in the 2018-2019 Sacramento County Grand Jury Final Report. The submitted responses can be found at the Sacramento County Grand Jury website: <https://www.saccourt.ca.gov/grand-jury/grand-jury.aspx>.

1. Addressing Homelessness in Sacramento County: An Extraordinary Community Challenge.

REASON FOR INVESTIGATION

In 2018-2019, the Sacramento Grand Jury investigation focused on the challenges a community of organizations in Sacramento County is confronting in their efforts to most effectively address the many issues presented by homelessness.

2018-2019 FINDINGS

- F1.** There is no formal organization model used by the community of organizations that will ensure the most effective use of the critical resources available to address homelessness in Sacramento County.
- F2.** The leaders and workers in the community of organizations actively working to address the challenges presented by homelessness in Sacramento County have demonstrated an impressive level of both dedication and competence in assisting and supporting the County’s homeless population.
- F3.** A County of Sacramento Homeless Plan to secure NPLH funds was recently developed by the County and adopted by the Board of Supervisors. The plan presents a significant initial strategic direction for addressing homelessness in Sacramento County and many of the organizations providing services and programs for the homeless collaborated with the County on the plan’s development and support its direction and implementation.

2018-2019 RECOMMENDATIONS

- R1.** The community of organizations working to address homelessness in Sacramento County should initiate a process during Fiscal Year 2019-2020 to identify an organizational model that will be responsive to needs expressed by the community. This

process should be coordinated by the five primary organizations providing resources to the homelessness effort. They are:

- County of Sacramento
- City of Sacramento
- Continuum of Care Advisory Board
- Sacramento Steps Forward
- Sacramento Housing and Redevelopment Agency

2018-2019 RESPONSES

The City of Sacramento provided required responses to the findings and recommendations noted on November 5, 2019 and in compliance with PC Section 933 and PC Section 933.05.

R1. The City of Sacramento is committed to identifying an organizational model within six months.

The County of Sacramento has provided required responses to the findings and recommendations noted on November 5, 2019 and is in compliance with PC Section 933 and PC Section 933.05.

R1. The County of Sacramento advises that this recommendation requires further analysis.

The Sacramento Housing and Redevelopment Agency provided a response to R1 on December 10, 2019, that was outside the 90-day deadline and is therefore not in compliance with PC Section 933. However, its response to R1 is in compliance with PC 933.05.

R1. The Sacramento Housing and Redevelopment Agency agrees with this recommendation and has developed a 5-Point Homeless Plan.

2. Cosumnes Community Services District: Why Is McDonald Park Still Unfinished?

REASON FOR INVESTIGATION

Based on a citizen's complaint, the 2018-2019 Sacramento County Grand Jury reviewed the Cosumnes Community Service District's (CCSD) usage of developer's fees and land dedications. CCSD received the fees and land dedications for the construction of a neighborhood park in the Camden Pointe/Camden Estates subdivisions. The park in question, MacDonald Park, was partially completed; approximately half of the park has lain undeveloped for many years.

At issue is whether that undeveloped portion constituted a breach of legal responsibility to use funds obtained under the provisions of the Quimby Act in a timely manner. As we will explore in the discussion below, CCSD's legal responsibility is to commit the funds, within a certain

period of time, to the building of the park. It is under no legal obligation to spend those funds within any given period of time.

Also, at issue was an inability for residents and others to obtain specific information on Quimby Act fees and dedications, and their usage, as there were three governmental entities involved: CCSD (formerly the Elk Grove Community Services District), the City of Elk Grove, and Sacramento County.

2018-2019 FINDINGS

- F1.** CCSD timely complied with the law that it commits the Camden Pointe Quimby fees within five years of their payment. It spent all of those fees for the construction of Phase 1 of MacDonald Park, and possibly for some other parks which would serve the Camden Pointe subdivision. CCSD has fulfilled its legal obligations with regard to those fees.
- F2.** CCSD timely complied with the law that it commits the Sheldon Estates II Quimby fees within five years of their collection. There is no time limit by which CCSD must spend the Sheldon Estates II Quimby fees to construct Phase 2 of McDonald Park.
- F3.** CCSD residents are understandably frustrated that sixteen years after collecting the Sheldon Estates II Quimby fees, and thirteen years after committing to spend those fees to construct Phase 2 of MacDonald Park, CCSD still retains those fees. Residents do not have a clear understanding of the retention and use of those funds.
- F4.** CCSD makes a good faith effort to comply with the California Public Records Act.
- F5.** CCSD makes a good faith effort to keep adequate and appropriate District records to fulfill legal requirements.
- F6.** CCSD's records retention policy requires its records be safeguarded and adequately protected.

2018-2019 RECOMMENDATIONS

- R1.** CCSD should educate the district's residents about the requirements and discretions it has with regard to the Quimby fees which it collects. CCSD should have open discussions about Quimby fees and dedications with its constituents by June 30, 2020.
- R2.** CCSD should inform the district's residents what CCSD intends to do with the Sheldon Estates II Quimby fees if the vote on the overlay district fails, at the first Board meeting following the vote.
- R3.** CCSD should establish an accounting system which specifically tracks each Quimby fee collected from a developer and how that money is spent. This should be completed by June 30, 2020.

- R4.** CCSD should make a good faith and thorough effort, by June 30, 2020, to identify and recreate the records of collected but unspent Quimby Act funds that were lost due to the 2015 fire and inform its constituents of that effort.

2018-2019 RESPONSES

The Cosumnes Community Services District provided responses to the findings and recommendations on September 19, 2019, in compliance with PC Section 933 and PC Section 933.05.

- R1. This recommendation has not yet been implemented but will be implemented by June 30, 2020.*
- R2. This recommendation will not be implemented because it is not warranted.*
- R3. This recommendation has not yet been implemented but will be implemented by June 30, 2020.*
- R4. This recommendation has been partially implemented and will be completed by June 30, 2020.*

3. Does the Sacramento County Board of Supervisors Have Effective Oversight of Elective Officers?

REASON FOR INVESTIGATION

Due to multiple local media outlets stories and public debates, the 2018-2019 Sacramento County Grand Jury initiated an investigation regarding the nature of oversight by the Sacramento County Board of Supervisors regarding all three County Elected Officers: Assessor, District Attorney (DA) and Sheriff.

2018-2019 FINDINGS

- F1.** Sacramento County based oversight of the DA and Sheriff is inadequate given the potential impact their policies and action could have on the communities they serve. Opportunities exist to improve understanding, tolerance and trust between all parties.
- F2.** Prior BOS Inspector General contractual provisions have provided limited success in addressing the issue of oversight, resulting in a lack of accountability and transparency.

2018-2019 RECOMMENDATIONS

- R1.** The BOS should initiate action to create a Sacramento County oversight commission with responsibilities pertaining to the DA and Sheriff. This recommendation should be accomplished by December 31, 2019.

- R2.** The BOS should complete action to reinstitute the IG function and office with accompanying Memorandum of Understanding (contract with the DA and Sheriff) mandating all work with the commission. This recommendation should be accomplished by December 31, 2019.

2018-2019 RESPONSES

The Sacramento County Board of Supervisors (BOS) provided responses to the findings and the recommendations R1 and R2 in compliance with PC Section 933. The BOS responses were not in compliance of PC Section 933.05. R1 does not explain the reason the recommendation will not be implemented and R2 does not specify a time frame for reinstating the Inspector General's (IG) role.

- R1. This recommendation will not be implemented.*

- R2. The oversight recommendation will not be implemented, but reinstating the IG function will be implemented.*

4. Levee Maintenance-Is Anybody Watching the Store?

REASON FOR INVESTIGATION

The 2018-2019 Sacramento County Grand Jury investigated flood protection measures in place to protect the Sacramento region during high water events, due to an unacceptable rating by one of the Local Maintaining Agencies. The investigation focused on 1) levee maintenance and its relationship to flood protection, and 2) whether it is reasonable for residents of Sacramento County and the City of Sacramento to assume that there are standards, policies and guidance in place to assure that levees will provide the expected protection when needed.

2018-2019 FINDINGS

- F1.** There is a well-defined set of checks and balances within the hierarchy of federal, State and local agencies to assure that the levees in the region will provide their expected level of protection during high water events.

- F2.** LMAs act timely and responsibly to coordinate maintenance within the hierarchy of authority and assure proactive preventive measures are in place until deficiencies can be corrected through permanent measures, such as the Urban Level of Flood Protection plans.

2018-2019 RESPONSES

Sacramento City Manager provided responses to findings on September 25, 2019, in accordance with PC Section 933 and PC Section 933.05. There were no Grand Jury recommendations in regard to the investigation.

F1. The Sacramento City Manager is in agreement with this finding.

F2. The Sacramento City Manager is in agreement with this finding.

5. Los Rios Community College School District’s Student Achievement Challenge: The Premise and the Promise

REASON FOR INVESTIGATION

Perhaps the most important challenge facing the California Community College system generally, and the Los Rios Community College District specifically, is that most community college students never achieve a defined end goal. At last count, only 48 percent of students who entered a California Community College (CCC) left with a degree, certificate, or transferred *after six years*. Even this rate is overstated: CCC students earning less than 6 units or students who did not attempt a Math or English course within three years are not counted in this calculation. Los Rios Community College District (LRCCD) overall and its four separate campuses approximate the state’s 48 percent average, with the following achievement rates through 2017-2018, forming the premise for our report:

- Folsom Lake College - 50%
- Sacramento City College - 48%
- American River College - 42.5%
- Cosumnes River College - 41.5%

2018-2019 FINDINGS

- F1.** LRCCD administration and faculty are committed to improving student achievement rates and related goals encompassed within State Legislation, California’s Community College *Vision for Success*, and State Chancellor’s directives.

- F2.** LRCCD's Guided Pathways module does not by itself allow for students to seamlessly transfer between Academic and Career Technical Education (CTE) programs.
- F3.** The success of Guided Pathways is dependent upon adequate counseling services and perhaps a change in the counseling model.
- F4.** LRCCD lacks a formal survey process for students at entrance and exit in order to better understand student achievement issues.
- F5.** LRCCD's financial flexibility to adjust existing or new programs and services to meet student achievement goals is constrained by the fiscal requirements between the Fifty Percent Law and the collective bargaining agreements.
- F6.** The quantity and scope of Online classes are insufficient to meet the work/life issues of two large cohorts of LRCCD's students: those 25 or older, which comprise nearly 40 percent of students overall and part-time students that represent approximately 70 percent of students.
- F7.** CTE programs take an estimated six years to develop and produce the first graduates. This is too long to reach the fast-changing demands in the labor market.

2018-2019 RECOMMENDATIONS

- R1.** The LRCCD Administration and Faculty should be commended this year by the Board of Trustees for their commitment for improving student achievement rates.
- R2.** The LRCCD Chancellor should ensure, as part of its implementation that Guided Pathways includes a seamless administrative system for students to switch between Academic and CTE programs.
- R3.** The LRCCD Board of Trustees should budget sufficient resources for case management/student advisor services to augment existing counseling services as needed to ensure the success of Guided Pathways.
- R4.** The LRCCD Chancellor should ensure within the next 12 months that a survey process that includes entrance and exit interviews is developed to ascertain whether further actions are needed to address student achievement issues.
- R5.** The LRCCD Board of Trustees should reconsider its 80 percent funding agreement as part of its collective bargaining negotiation with the goal of providing more financial flexibility to meet current and future student achievement rate challenges.
- R6.** The LRCCD Board of Trustees and Chancellor should work with the academic senate and faculty to enhance the number and scope of online classes offered.

- R7.** The LRCCD Chancellor should streamline the process to establish CTE programs to reduce the number of years it takes to develop these types of programs over the next 12 months.

2018-2019 RESPONSES

The LRCCD Chancellor responded to the findings and recommendations on October 8, 2019, in compliance with PC Section 933. LRCCD replied that R1 has been implemented and explained their disagreement with R5, both in compliance with PC Section 933.05. R2, R3, and R4 are not addressed in their responses and are therefore not in compliance with PC Section 933.05. LRCCD will implement R6 but not in the time frame recommended, and while in agreement with R7, but provides no plan for its implementation, neither in compliance with PC Section 933.05.

- R1. This recommendation has been implemented.*
- R5. This recommendation will not be implemented because this fiscal approach has led to extraordinary fiscal stability for Los Rios in even the most volatile of economic times.*
- R6. This recommendation will not be implemented until FY2020-21.*
- R7. The Board agrees that this is a positive recommendation.*

6. Recreational Marijuana: Growing Health Crisis for Sacramento Youth?

REASON FOR INVESTIGATION

The 2018-2019 Sacramento County Grand Jury investigated Sacramento County's response to the legalization of marijuana with respect to youth and youth services. This report examined the marijuana education and prevention strategies of the Sacramento County Department of Health Services (SCDHS), the Sacramento County Office of Education (SCOE), and Sacramento County's School Districts.

2018-2019 FINDINGS

- F1.** Legalization, increased availability, and easy access have led to misconceptions regarding marijuana use, particularly with youth.
- F2.** There are significant toxicity and health concerns for youth that can lead to diminished academic performance, regressed socialization, and numerous physical and health issues.
- F3.** Although many prevention programs and partnerships have been developed to date, additional needs for youth services continue to be identified.

- F4.** Although there are some data from the Healthy Kids Survey (CHKS), consolidated data from multiple sources would paint a broader picture and help identify focus areas and funding needs for youth services.
- F5.** While Sacramento County has been admirably proactive in obtaining grant funding for youth prevention, additional funding would allow for more community-based programs and for more direct support to youth in the County's middle and high schools.
- F6.** Since results from the Healthy Kids Survey (CHKS) are used for requesting funds and developing prevention programs, improved participation by school districts would benefit county youth and their families.
- F7.** To increase awareness, provide a consistent message, and reach a larger audience, schools and other community organizations that serve youth would benefit from presentation materials related to marijuana.
- F8.** Since each school district in the County runs its own programs related to alcohol and other drugs, there is a significant variation in the resources available to students and their families throughout Sacramento County.

2018-2019 RECOMMENDATIONS

- R1.** The Sacramento County Department of Health Services (SCDHS) and the Sacramento County Office of Education (SCOE) should maintain current youth prevention programs as well as spearhead new initiatives for county youth and their families.
- R2.** SCDHS and SCOE should continue their highly successful collaborations with partners, such as the Sacramento County Coalition for Youth (SCCY) and the Coalition for a Safe and Healthy Arden Arcade (CSHAA). Over the next budget cycle, SCDHS and SCOE should proactively expand partnerships with entities such as school districts, parent-teacher associations, city governments, public health officials, Child Protective Services, and law enforcement.
- R3.** SCDHS, SCOE, and their partners should collect and measure trend data from multiple sources, using whatever means are possible. Possible data include youth usage, treatment data, suspensions, expulsions, arrests, DUIs, and ER visits.
- R4.** Over the next budget cycle, SCDHS, SCOE, and school districts should vigorously pursue sustainable funding for education and prevention programs for youth and their families from multiple sources such as: Prop 64, Federal and State grants, and private organizations.
- R5.** With support from SCOE, school districts should take measures to improve participation in the California Healthy Kids Survey (CHKS) during the next survey cycle, with a focus on middle, high, and non-traditional schools. The survey should include the "alcohol and other drugs" module.

- R6.** In partnership with service providers and others, SCOE should continuously update and expand upon “ready-to-go” informational packages and effective campaigns specific to marijuana that can be shared with school districts or other community-based organizations that serve youth.
- R7.** School districts should create on-line resources for teachers, youth, and their families.
- R8.** School districts should establish Youth Program Specialists or similar positions to administer programs related to alcohol and drug prevention in the next budget cycle.

2018-2019 RESPONSES

The Sacramento County Office of Education and the 13 District Superintendents responded to findings and recommendations on August 15, 2019, in compliance with PC Section 933 and PC Section 933.05.

- R1. The recommendations have been implemented.*
- R2. The recommendations have been implemented.*
- R3. The recommendation has been implemented.*
- R4. The recommendation has been implemented.*
- R5. The recommendation cannot be implemented because it is not consistent with state law.*
- R6. Components of this recommendation have been implemented.*
- R7. The recommendation has been implemented.*
- R8. The recommendation will not be implemented as state funding for districts varies greatly and not all districts can afford staff dedicated to these purposes.*

The Sacramento County Department of Health Services responded to findings and recommendations on September 24, 2019, in compliance with PC Section 933 and PC Section 933.05.

- R1. The recommendations have been implemented.*
- R2. The recommendations have been implemented.*
- R3. The recommendation has been implemented.*
- R4. The recommendation has been implemented.*

The City of Sacramento City Manager responded to the findings and a recommendation on September 24, 2019, in compliance with PC Section 933 and PC Section 933.05.

- R2. The recommendation has been implemented.*

7. The Florin Resource Conservation District: A Case of Mistaken Identity

REASON FOR INVESTIGATION

The 2018-2019 Sacramento County Grand Jury received complaints regarding the Florin Resource Conservation District (FRCD) and its subsidiary, the Elk Grove Water District (EGWD). These complaints alleged issues with a recent water rate increase (improper and misleading notices, procedural errors), problems with the composition of the Board of Directors, and a general lack of oversight by the Board of Directors. Given the serious nature of the complaints, the Sacramento County Grand Jury undertook a thorough and comprehensive investigation of the FRCD, covering many aspects of its operations.

2018-2019 FINDINGS

- F1.** The FRCD Board decided to alter its basic mission, without benefit of an outside review or other investigation, relying solely on a staff report. The three options did not consider the legal differences between Resource Conservation Districts and Water Districts.
- F2.** Because Board Members are elected at large from the entire area of the FRCD and not from within the smaller boundary of the EGWD, equitable representation of rate-payers may be denied.
- F3.** The FRCD complied with all legal requirements with its decision to adopt a rate increase at the July 18, 2018, Board meeting.
- F4.** The FRCD erred in setting the protest deadline at July 2, 2018, as Prop 218 mandates that written protests be accepted until and at the public rate hearing (scheduled to be July 18, 2018).
- F5.** FRCD is actively working to reduce its debt, debt service and bond retirement payments, while maintaining an adequate debt service coverage ratio.
- F6.** The FRCD did not follow its own policy when extending the current Legal Counsel's contract, which led to the creation of an unfair hiring practice.
- F7.** Because the FRCD policy manual is silent on interim contracts, the potential exists for extending interim contracts in lieu of soliciting proposals for professional services.
- F8.** FRCD is unable to monitor leaks and pressure losses in a timely manner. This is a public safety issue and a potential liability for FRCD.
- F9.** After voting to award health benefits to Board members, no further action was taken, no policies were created, and no health insurance benefits were awarded to Board

members. The Board could institute health benefits for themselves with no further public discussion.

- F10.** The practice of conducting closed sessions after open sessions at the Board meeting may lead to an uninformed public and forestalls knowledge or comments. This practice does not encourage public engagement.
- F11.** Candidate pools for Board Member seats are so low that elections are sometimes not required. As a consequence, Board members are appointed by the County Board of Supervisors, denying a voice to the public in selection of those who represent them.
- F12.** The lack of adequate Board member awareness of regulations, operations, and institutional history can lead to poor decisions on the part of the Board and leads to an over-reliance on the General Manager and staff.
- F13.** There is a pronounced lack of public oversight of the FRCD, as shown by poorly attended meetings and few Board candidates.

2018-2019 RECOMMENDATIONS

- R1.** The FRCD Board should review its decision, by December 31, 2019, to alter its basic mission. This action should be taken with an expanded view educating both the Board and the general public about the differences between Resource Conservation Districts and Water Districts. This review should include the use of outside consultants and expanded public participation and engagement.
- R2.** The FRCD Board of Directors should complete its updated Strategic Plan by June 30, 2020. The new Strategic Plan should include a discussion of its long-term vision and its long-range mission. This discussion should include a comprehensive review of the mission of the FRCD, whether it should continue as an independent district (either as an RCD or water district) or consolidate with another area water provider (such as SCWA Zone 40).
- R3.** FRCD should consider, by June 30, 2020, a plan to ensure that only those people living within the EGWD boundary are eligible to become Board members. Board members should be elected from within EGWD boundaries to ensure equitable representation of the population served.
- R4.** FRCD should review its actions during the most recent water rate study and rate increase mandated under Proposition 218. Action should be taken to review and amend Board policies to ensure that future rate studies and proposals for rate increases conform to the procedures outlined in Proposition 218.
- R5.** FRCD should review and amend, by December 31, 2019, contracting policies for professional and consultant services to address time limits, types of professional services and other requirements.

- R6.** FRCD should develop, by December 31, 2019, new policies relative to interim contracting for professional services for board approval. Minimize the use of interim contracts and maximize the use of standard contracts using a competitive process for professional services.
- R7.** FRCD should begin, by December 31, 2019, the process of planning and installing flowmeters in its main water transmission lines to monitor for breaks, pressure losses, etc. These monitoring devices should also be connected to an automatic alert system for on-call emergency employees.
- R8.** FRCD should rescind its vote approving health benefits for Board members, by September 30 2019, since no action has ever been taken to implement them.
- R9.** FRCD should conduct its closed sessions before general Board meetings to ensure the public is notified timely of any actions resulting from those closed sessions. Board bylaws should be updated by December 31, 2019, to address timing of closed sessions.
- R10.** FRCD should establish policy, by December 31 2019, to ensure a programmatic on-boarding process for new Board Members that includes both policy and operations. In addition, FRCD should establish, by December 31, 2019, a web-page with Board policies for public review.
- R11.** FRCD should, on an ongoing basis expand its outreach to its ratepayers, in order to increase their engagement with the business and activities of the district. This could include, but is not limited to, increased inserts with ratepayer's monthly bills, enhanced web interaction, media outreach, such as a periodic column in the Elk Grove Citizen or other avenues, and practical workshops for ratepayers. FRCD should also engage with both the California Special Districts Association and the Institute for Local Government to learn about any other outreach efforts that are possible.

2018-2019 RESPONSES

The Chairperson of the Florin Resource Conservation District (FRCD) provided the required responses to the findings and the recommendations on August 22, 2019, in compliance with PC Section 933 and PC Section 933.05.

- R1. This recommendation will not be implemented because it is not warranted and is unreasonable.*
- R2. This recommendation has not yet been implemented but will be by the June 30, 2020 deadline as specified by the Grand Jury.*

- R3. *This recommendation will not be implemented because it is not warranted and is unreasonable.*
- R4. *This recommendation requires further analysis.*
- R5. *This recommendation has not yet been implemented but will be by the December 31, 2019, deadline as specified by the Grand Jury.*
- R6. *This recommendation has not yet been implemented but will be by the December 31, 2019, deadline as specified by the Grand Jury.*
- R7. *This recommendation requires further analysis.*
- R8. *This recommendation requires further analysis.*
- R9. *This recommendation will not be implemented because it is not warranted and is unreasonable.*
- R10. *This recommendation has not yet been implemented but will be by the December 31, 2019, deadline as specified by the Grand Jury.*
- R11. *This recommendation as not yet been implemented but will be as suggested by the Grand Jury.*

SACRAMENTO COUNTY GRAND JURY CITIZEN COMPLAINTS

General Information

A major function of the Grand Jury is to examine local county/city government, special districts, school districts, and any joint powers agency located in the county to ensure their duties are being carried out lawfully.

As part of this “watchdog” function, the Grand Jury receives and investigates citizen complaints regarding the accusation of misconduct in office of agencies and public officials within its jurisdiction.

In this role, the Grand Jury may:

- Review and evaluate procedures used by these entities to determine whether more efficient and economical methods might be employed.
- Inspect and audit the books, records and financial expenditures of these entities to ensure that public funds are properly accounted for and legally spent.

Any citizen may ask the Grand Jury to investigate an issue within its jurisdiction. The decision to formally investigate a complaint is at the Grand Jury’s discretion, and may be affected by workload, resource limitations, or legal restrictions.

Citizen Complaint Process

- Present your complaint as soon as possible. The Grand Jury’s term of service begins July 1st and ends June 30th of the following year.
- Identify your specific concern and describe the circumstances as clearly and concisely as possible.
- Document your complaint with copies of pertinent information and evidence in your possession.

A copy of the Grand Jury Complaint Form may be found at:

<https://www.saccourt.ca.gov/grand-jury/docs/complaint.Pdf>

Mail or deliver your complaint in a sealed envelope to

Sacramento County Grand Jury
720 9th Street, Room 611
Sacramento, CA 95814

By law, the proceedings of the Grand Jury are confidential. Complaints submitted to the Grand Jury will be treated confidentially whenever possible. However, it may be impossible to conduct an investigation without revealing the complainant’s name.

The findings and recommendations of citizen complaints the Grand Jury investigates are published in its final report. The entities that are the subject of investigation are required to respond in writing to these findings and recommendations.

GRAND JURY COMPLAINT FORM

GRAND JURY USE ONLY:

Date Received: _____

Number: _____

Subject: _____

PERSON OR AGENCY ABOUT WHICH COMPLAINT IS MADE

NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

NATURE OF COMPLAINT (Describe events in the order they occurred as clearly and concisely as possible. Also indicate what resolution you are seeking. Use extra sheets if necessary and attach copies of any correspondence you feel is pertinent. Documentation becomes the property of the Grand Jury and will not be returned. *Please note: The Sacramento County Grand Jury has no jurisdiction over state or federal agencies, the courts, judicial officers, private companies or most organizations.*)

WHAT PERSONS OR AGENCIES HAVE YOU CONTACTED ABOUT YOUR COMPLAINT?

Person or Agency	Address	Date of Contact	Result

WHO SHOULD THE GRAND JURY CONTACT ABOUT THIS MATTER?

Person or Agency	Address	Telephone No.

YOUR NAME: _____

DRIVER'S LICENSE NO.: _____

ADDRESS: _____

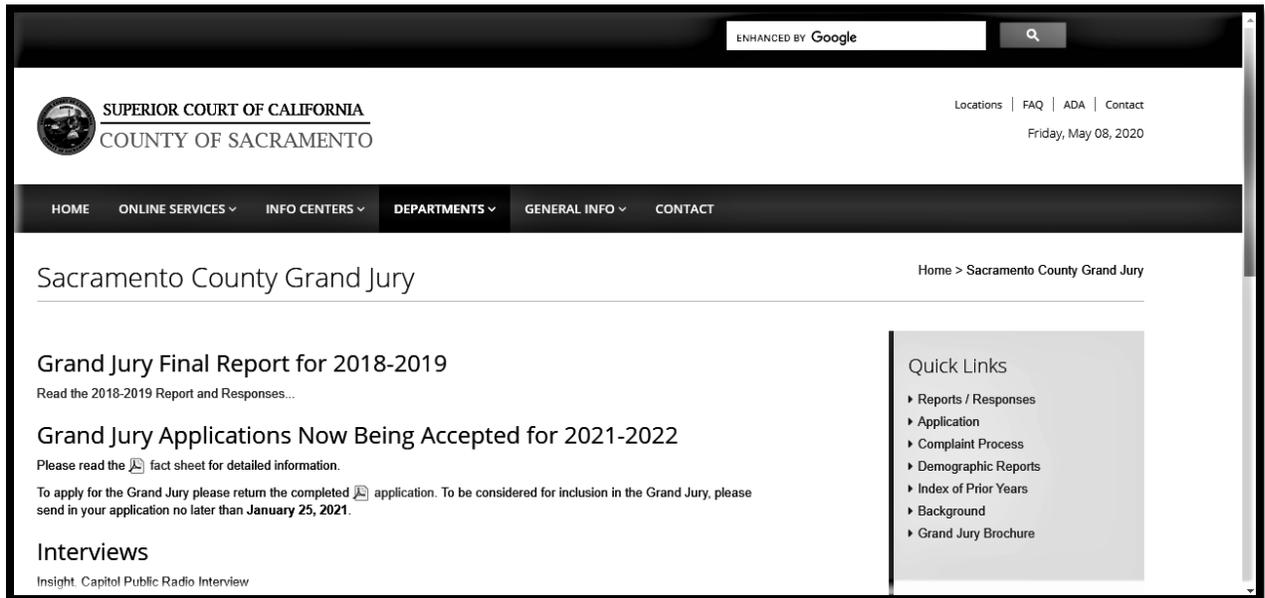
TELEPHONE NO.: _____

The information I have submitted on this form is true, correct and complete to the best of my knowledge.

 Complainant's Signature

 Date

SACRAMENTO COUNTY GRAND JURY WEB PAGE



Screenshot of home page of Sacramento County Grand Jury web page

The direct link to the Sacramento County Grand Jury web page is:

<https://www.saccourt.ca.gov/grand-jur/grand-jury.aspx>.

The Sacramento County Grand Jury web page provides the latest news about the Grand Jury, information about the history of the Grand Jury, how to apply to serve as a Grand Juror and how to file a Citizen’s Complaint. The application and complaint forms can be downloaded from the web page.

The web page also provides links to Final Reports released each year (2001-present), individual reports, government agency responses to Grand Jury findings and recommendations, and an index of all investigative reports produced by Grand Juries since 1991.

For those who would like to learn more about serving on the Sacramento County Grand Jury, or filing a Citizen Complaint, there is a brochure that can be downloaded from the web page. There is also a “Demographics Reports’ link that tracks age, gender, ethnicity, and occupation of past Sacramento County Grand Jury candidates as far back as 2011.



Sacramento County Grand Jury Web Page

<https://www.saccourt.ca.gov/grand-jury/grand-jury.aspx>