

# **2016–2017 YOLO COUNTY GRAND JURY**

## **FINAL REPORT**

**A Report for the Citizens of Yolo County, California**



**June 30, 2017  
Woodland, California**

**2016 – 2017  
YOLO COUNTY GRAND JURY**

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### **Acknowledgement**

The 2016 – 2017 Grand Jury would like to thank Juror Catherine Handy for her extraordinary effort in the production of this report. Without her dedication and hard work this book would not have been possible.

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# GRAND JURY

## County of Yolo

P.O. Box 2142  
Woodland, California 95776

Hon. David W. Reed  
Judge, Superior Court of California  
1000 Main Street  
Woodland, CA 95776

Dear Judge Reed:

The 2016-17 Yolo County Grand Jury is please to present our Consolidated Final Report to you and the citizens of Yolo County.

This year, the Grand Jury received and reviewed 17 citizen complaints—an increase from the 13 received in 2015-16. Of these complaints, six were referred to Grand Jury Committees, and 11 were declined. Some complaints were received too late in the term to be investigated by this year’s Grand Jury and will be referred to the 2017-2018 Grand Jury.

The Grand Jury produced six reports from its investigations. Not all investigations resulted in a Grand Jury Report. The six reports include one report on the County Detention Facilities as mandated by the California Penal Code, one report was based on citizen complaints, one report expanded on a report produced by the 2015-2016 Grand Jury, and three reports were based on Grand Jury-initiated investigations.

The 2016-17 Yolo County Grand Jury is composed of a diverse cross-section of 19 committed and hard-working individuals from throughout the county. One of the many challenges faced by this year’s Grand Jury was a number of juror resignations during the year. I wish to express my sincere gratitude and admiration to all those who took on extra work and to all the alternate jurors who joined the Grand Jury late in the term and jumped right into the process. This Consolidated Final Report is a testament to their dedication and diligence.

The 2016-2017 Grand Jury would like to thank all the Yolo County employees and officials, as well as those in Jury Services, who provided us with outstanding support and guidance throughout the year. We could not have done this without them. It has been our honor and privilege to serve the citizens of Yolo County.

*Henry M. Rivera-Benavidez*

Henry M. Rivera-Benavidez, Foreperson  
2016-2017 Yolo County Grand Jury

**The 2016-2017  
Yolo County Grand Jury**

**Henry Rivera-Benavidez**, *Foreperson, West Sacramento*

**Jill Pascoe**, *Foreperson Pro Tem, Davis*

**Ann Birkhaus**, *Davis*

**Steve Blake**, *Woodland*

**Kenneth Bryant**, *Woodland*

**Barbara Burr**, *Davis*

**Tabatha Chavez**, *Woodland*

**John Clark**, *Davis*

**Lynn DeLapp**, *Davis*

**Thomas Evans**, *Woodland*

**Judith Givens**, *Woodland*

**Catherine Handy**, *Davis*

**Marie Kearney**, *Dunnigan*

**Scott Keilholtz**, *West Sacramento*

**Teri Krug**, *Woodland*

**Mohamed Elfatih Sidahmed**, *Davis*

**Alvin Wilder**, *Davis*

**Kenneth Wilson**, *Woodland*

**Judy Wohlfrom**, *Woodland*



## ABOUT THE GRAND JURY

The United States Constitution's Fifth Amendment and the California Constitution require that each county appoint a Grand Jury to guard the public interest by monitoring local government. Per California Penal Code Section 888, the Yolo County Superior Court appoints 19 Grand Jurors each year from a pool of volunteers. These Yolo County citizens, with diverse and varied backgrounds, serve their community as Grand Jurors from July 1st to June 30th. The Yolo County Grand Jury is an official, independent body of the court, not answerable to administrators or to the Board of Supervisors.

### FUNCTION

The California Grand Jury has three basic functions: to weigh criminal charges and determine whether indictments should be returned (Pen. Code, § 917); to weigh allegations of misconduct against public officials and determine whether to present formal accusations requesting their removal from office (Pen. Code, § 992); and to act as the public's "watchdog" by investigating and reporting on the affairs of local government (e.g., Pen. Code, §§ 919, 925 et seq.). The purposes of any Grand Jury civil investigation are to identify organizational strengths and weaknesses and to make recommendations aimed at improving the services of county and city governments, school districts, and special districts under study. Based on these assessments, the Grand Jury publishes its findings and may recommend constructive action to improve the quality and effectiveness of local government.

Recommendations from the Grand Jury are not binding on the organization investigated. The governing body of any public agency must respond to the Grand Jury findings and recommendations within 90 days. An elected county officer or agency head must respond to the Grand Jury findings and recommendations within 60 days. The following year's Grand Jury will then evaluate and report on the required responses.

The findings in this document report the conclusions reached by this year's Grand Jury. Although all the findings are based upon evidence, they are the product of the Grand Jury's independent judgment. Some findings are the opinion of the Grand Jury rather than indisputable

statements of fact. All reports included in the document have been approved by at least 12 jurors. Any juror who has a personal interest, or might be perceived to have a personal interest, in a particular investigation is recused from discussion and voting regarding that matter. All reports are reviewed by the Grand Jury's legal advisors to ensure conformance with prevailing laws.

While the Yolo County Grand Jury's primary function is civil review of government agencies, it is also called upon to participate in criminal indictments, usually based on evidence presented by the District Attorney. On its own initiative, the Grand Jury may investigate charges of malfeasance (wrongdoing), misfeasance (a lawful act performed in an unlawful manner), or nonfeasance (failure to perform required duties) by public officials.

The Grand Jury investigates complaints from private citizens, local government officials, or government employees; initiates investigations based on ideas generated from the jury; and follows California Penal Code that requires it to inspect the county's jails.

Copies of the Grand Jury's comprehensive final report, consisting of each year's individual reports on departments and agencies and responses to the prior year's report, are available in hard copy at the courthouse, in all public libraries, and on the Grand Jury's website, <http://www.yolocounty.org/grand-jury>. The report may also be obtained by contacting the Yolo County Grand Jury at 530 -406 -5088 or at P.O. Box 2142 in Woodland, CA 95776.

Grand Jurors and all witnesses are sworn to secrecy and, except in rare circumstances, records of meetings may not be subpoenaed. This  
*(continued on next page)*



## ABOUT THE GRAND JURY

Secrecy ensures that neither the identity of the complainant nor the testimony offered to the Grand Jury during its investigations will be revealed. The Grand Jury exercises its own discretion in deciding whether to conduct an investigation or report its findings on citizen complaints.

### HOW TO SUBMIT A COMPLAINT

Complaints must be submitted in writing and should include any supporting evidence available. A person can pick up a complaint form at the county courthouse, the jail, or any local library; can request a form be mailed by calling 530-406-5088 or by writing to the Grand Jury at P.O. Box 2142, Woodland, CA 95776; or by accessing the Grand Jury's website at [www.yolocounty.org/grandjury](http://www.yolocounty.org/grandjury). Complaints should be mailed to P.O. Box 2142 in Woodland or sent to the Grand Jury's e-mail address, [grandjury@sbcglobal.net](mailto:grandjury@sbcglobal.net). It is not necessary to use the printed form as long as the essential information is included in the complaint. Complaints received after February, when the Grand Jury's work is coming to a close, may be referred to the next year's Grand Jury for consideration.

### REQUIREMENTS AND SELECTION OF GRAND JURORS

To be eligible for the Grand Jury you must meet the following criteria:

- You must be a citizen of the United States.
- You must be 18 years of age or older.
- You must have been a resident of Yolo County for at least one year before selection.
- You must be in possession of your natural faculties, of ordinary intelligence, of sound judgement and fair character.
- You must possess sufficient knowledge of the English language.

- You are not currently serving as a trial juror in any court of this state during the time of your Grand Jury term.
- You have not been discharged as a Grand Juror in any court of this state within one year.
- You have not been convicted of malfeasance in office or any felony.
- You are not serving as an elected public officer
- In addition to the requirements prescribed by California law, applicants for the Grand Jury should be aware of the following requirements:
- Service on the Grand Jury requires a minimum of 25 hours per month at various times during the day, evening and weekend. During peak months, 40 hours a month is typical, with more hours for those in leadership positions.
- Jurors must maintain electronic communications to participate in meeting planning, report distribution, and other essential jury functions. Such communications can be supported by computers at local libraries or personal electronic devices.

Each spring, the Yolo County Superior Court solicits applicants for the upcoming year's Grand Jury. Anyone interested in becoming a Grand Juror can submit his or her application to the Court in the spring, usually in April. Application forms are available at the courthouse or from the Grand Jury's website at [www.yolocounty.org/grand-jury](http://www.yolocounty.org/grand-jury). Applications are managed by the Jury Services Supervisor, Yolo County Courthouse, 1000 Main Street, Woodland, CA 95695, telephone 530-406-6828. The Court evaluates written applications and, from these, identifies and interviews potential jurors to comprise the panel of nineteen citizens. Following a screening process by the Court, Grand Jurors are selected by lottery as prescribed by California law.

**INVESTIGATIONS**

**2016 – 2017  
YOLO COUNTY GRAND JURY  
FINAL REPORT**





## YOLO COUNTY ELECTIONS OFFICE INDISCRETIONS AND CULPABILITY

### SUMMARY

The 2016-2017 Yolo County Grand Jury (YCGJ) received a complaint against the Yolo County Assessor/Clerk-Recorder/Registrar of Voters, regarding operations of the Elections Office for the period of July 1, 2005 to December 31, 2015. The scope of the complaint and the fact that the subject of the complaint was an elected official (EO) were significant.

In addition, the YCGJ received a copy of a Special Review of the Elections Office covering the ten-year period from 2005 through 2015, during the tenure of the then sitting Assessor/Clerk-Recorder/Registrar of Voters, pinpointing three major areas of concern:

- Misuse of funds
- Conflict of interest
- Undue influence

The Elections Office holds a unique position within the Assessor/Clerk-Recorder/Registrar of Voters Department, because a flurry of activity happens on and near election dates, and the activities most noted in this report were occurring during those times. Operations involving misuse of funds, hiring practices that bypassed the Human Resources department, and use of payment cards for questionable purchases were prevalent. During investigative interviews, the YCGJ was informed that the EO believed elected officials are not responsible to anyone at the County level and can run their offices any way they see fit. Prior practices within this office reflected this attitude, which was passed along from the outgoing officials to newly elected officials. This attitude had been supported by the County's overbroad interpretation of a May 3, 1994, Opinion issued by California Attorney General Daniel E. Lungren, regarding an elected official's budget distribution.

During the investigation, the Grand Jury found that inadequate or no training was provided to any elected or appointed officers of the County; office staff acknowledged that they were not familiar with County policies and procedures; the County Board of Supervisors did not provide adequate supervision as directed by the State Constitution based on the 1994 Opinion from the State Attorney General; and the Elections Official fostered and perpetuated an atmosphere of entitlement and sole management authority. The Grand Jury recommends closer supervision of elected officials as well as mandatory training for those officials and their staff to ensure adherence to Federal and State laws as well as County policies and procedures.

### BACKGROUND

The complaint from the public presented a broad range of issues including:

- Misuse of public funds

## YOLO COUNTY ELECTIONS OFFICE INDISCRETIONS & CULPABILITY

- Non-compliance with County policies and procedures
- Conflicts of interest
- Poor leadership
- Nepotism: whether the EO hired a close relative to a senior management position in the Elections Office
- Cronyism: whether the EO showed undue favoritism toward those with whom the EO had friendships

As these concerns involved Public funds and possible impact to implementing appropriate and sound election results, the Grand Jury chose to investigate the complaint as cited in the California Penal Code, Section 925:

“The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex-officio capacity as officers and districts.”

## METHODOLOGY

During the investigation, the Grand Jury interviewed members of the Yolo County Elections Office managers and staff, the Yolo County Chief Financial Officer, the General Services Director and the Manager of Internal Audit, and consulted with the Yolo County District Attorney. In addition to the interviews of six witnesses, the Grand Jury reviewed and researched the following documents:

- County of Yolo Fiscal Year 2015-16 Budget Instructions
- Chart of Accounts Income Statement
- Budget Preparation Manual
- Countywide Control Self-Assessment Questionnaire
- County of Yolo Assessor/Clerk-Recorder/Registrar of Voters budget documents for the years: 2004-5, 2005-6, 2009-10, 2010-11, 2013-14, 2014-15
- Internal Audit ‘Final Elections Review Result, Findings and Recommendations Management’ letter issued April 28, 2016
- Corrective Action Plan (C.A.P.) for the current Election Division issued June 9, 2016

## YOLO COUNTY ELECTIONS OFFICE INDISCRETIONS & CULPABILITY

- Correspondence from Best, Best & Krieger Law Office regarding Statutory Authority of the County Board of Supervisors Over County Officers issued February 5, 2016
- California Constitution, Article XI Local government [Sec.1-Sec.15]
- Opinion issued May 3, 1994, by Daniel E Lungren, Attorney General, State of California:  
  
Opinion No. 93-903 by Daniel E. Lungren, Attorney General as requested by the Honorable Richard K. Rainey, member of the California Assembly to address, “Does a county board of supervisors have the legal authority to govern the actions of an elected sheriff concerning the manner in which the sheriff’s budget allotment is to be spent, including the manner in which personnel will be assigned?”

## DISCUSSION

The Grand Jury identified several areas of concern with the EO’s mismanagement activities and practices, which did not follow State law or the Yolo County Codes of Governance. The California State Government Code, Section 25303, states in part:

“The board of supervisors shall supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county, and particularly insofar as the functions and duties of such county officers and officers of all districts and subdivisions of the county relate to the assessing, collection, safekeeping, management or disbursement of public funds. It shall see that they faithfully perform their duties, direct prosecutions for delinquencies, and when necessary, requires them to renew their official bond, make reports and present their books and account for inspection.”

## Yolo County Department of Financial Services Special Review

The Department of Financial Services (DFS) conducted a special review of the Elections Office for the period of July 1, 2005 to December 31, 2015. This review was for the purpose of helping management identify areas that should be reviewed and changes that should be implemented. As a result, a corrective action plan was developed and the current EO, who was appointed to complete the term that was vacated by the previous office holder, began to implement some of the recommendations. The DFS review revealed several issues:

- Agreements were initiated with outside parties, current and prior County employees, previously elected officials and other entities regarding election activities that did not follow the County’s contract and procurement policies or were not reviewed or approved by the Board of Supervisors or County Council. These agreements included services for web development, design, and monitoring, voter outreach, research, polling, and other arrangements for services with communications and data network vendors. As a result, the EO obligated the County with various agreements that were unknown to the County that may not have been necessary, or not at the appropriate rate of payment. In addition, potential conflicts of interest were ignored.

## YOLO COUNTY ELECTIONS OFFICE INDISCRETIONS & CULPABILITY

- The EO relied on Election Code section 14100 that provides exemptions for Election Day materials and supplies. This code was referenced to avoid County procurement policies, even outside of election years. EC 14100 does not provide such exemptions for emergency services.<sup>1</sup>
- Hard drives, smart phones, iPads, iPhones and laptops were purchased with purchase cards held by staff in the office, rather than purchasing through an open county purchase order that provides for group discounts. Purchasing in this manner circumvented County inventory control.
- When staff from the Elections Office transferred to other departments, they maintained their Elections Office purchase cards and continued to use them to book unauthorized expensive travel for training that was no longer necessary to perform their duties. This included airline tickets, hotels, parking and monthly cell phone bills.
- Staff were directed (on paper only) to add layers on the organizational chart in order to evade the County's hiring policies, including hiring relatives.
- Pay rates were granted that were above the standard rate of pay for extra help positions.
- Permanent Full Time vacant positions were reallocated to at-will positions in order to hire staff who did not meet the minimum qualifications of the permanent positions.
- At-will staff were hired who were found unable to perform their duties, or work well with staff, even when they were moved or shuffled to other offices.
- Several extra help positions, that were hired due to a related party relationship, were made permanent employees, prior to the official's resignation.
- Over ninety percent of poll workers are returning poll workers. To pay the poll workers, the Elections Office entered up to 400 names, without social security or federal tax ID numbers, onto a spreadsheet and processed them through the Department of Financial Services as one time payments. The checks were sent to the Elections Office to be distributed. Because there were no social security or federal ID numbers attached once the checks leave DFS, the checks can be endorsed and deposited into anyone's bank account. This practice invited fraud and misuse of public funds.

The Department of Financial Services required immediate improvements and the development of a Corrective Action Plan (CAP) to include the finding(s), recommendations, action steps to be taken, and the expected completion dates. The DFS stated it would follow up every six months to determine whether the CAP was implemented and effective.

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<sup>1</sup> Elections Code Section 14100 states the following: The County elections official, in providing the materials required by this division, shall not be required to utilize the services of the County purchasing agent.

## YOLO COUNTY ELECTIONS OFFICE INDISCRETIONS & CULPABILITY

### Human Resource Practices

Yolo County Human Resources Department (HR) functions are to recruit, develop and retain a high-quality workforce. Its responsibilities include labor and employee relations, recruitment, classification and compensation, risk management, and training and development. While the mission of the Yolo County HR is “To provide collaborative human resource services and to preserve the integrity of the personnel system consistent with county values ...,” the Grand Jury found this mission to be inconsistent with the past HR practices in the Elections Office during the ten-year period covered in the investigation, 2005-2015. As confirmed by the Election Office staff, the Manager of Internal Audit, and Finance Department personnel, the EO routinely did not consult HR when hiring potential candidates to fill vacancies within the Elections Office or advise HR of staff movements or changes, promotions, evaluations or disciplinary actions. The EO decided these employment actions exclusively. HR acted primarily in an advisory role or on an “as requested” basis.

HR did not provide proactive oversight of County policies and procedures for personnel within the Elections Office when they became aware of new hires or staff movements within three different departments under the management of the EO. HR and other County departments practiced a “hands-off or non-interference” policy toward elected officials and their departments as explained by the Chief Financial Officer on November 21, 2016, again based on the May 3, 1994 Opinion. The harassment and ethics training related to State law and compliance are currently online course offerings which have not been revised or updated in over 10 years and do not allow for employee input or feedback.

The Grand Jury learned that Assembly Bill 1234 (AB 1234) periodically requires local officials to receive training on public service ethics laws and principals. This training was mandated in January 2006 by the State of California, Office of the Attorney General, directed by the Fair Political Practice Commission and is required for all appointed and elected officials every two years. The law requires that upon completing the training, a Proof of Participation Certificate be signed and maintained on file. Although the County HR is responsible for countywide organizational and staff training programs, there is no method to track staff training nor records of the State-mandated training for appointed and elected officials.

The Grand Jury ascertained that due to the lack of training in both County policies and procedures, the Elections Office staff was unable to properly code expenses or question contracts or salaries, as illustrated during a review of Accounts Payable documents provided by the Elections office. These practices had been followed in the previous administration, and the EO perpetuated the same atmosphere of unilateral authority causing:

- The use of nonstandard agreements and contracts for services
- Equipment and supplies purchased without accountability
- Expenses and purchases including meals, spouse’s travel, furniture, art work, children’s books and greeting cards that may not be appropriate



## YOLO COUNTY ELECTIONS OFFICE INDISCRETIONS & CULPABILITY

- Used one time claims to bypass County procurement policies and procedures
- Employees directed by EO to perform non-work-related activity on County time
- Service agreements and contracts with former employees and previously elected officials raised an issue of conflict of interest or undue influence
- Hiring and promotions circumvented County HR policies and procedures have an appearance of nepotism and/or cronyism

The Grand Jury found, through interviews with administrators and managers, that all Yolo County employees are evaluated for job performance. Elected officials within the County are not evaluated for job performance. The Assessor/Clerk/Recorder/Registrar of Voters is an elected official.

The County Administrative Officer (CAO) has a 360-degree evaluation for all appointed department heads. These evaluations encourage input and feedback from peers, constituents and members of the Board of Supervisors which would formally establish a mechanism to assist in setting goals, and would provide a useful means for improving the quality of work, and self-correction. Elected officials are excluded from these evaluations and are therefore not held accountable.

## FINDINGS

The YCGJ found acts of nepotism, favoritism, and management by intimidation, lack of or ineffective training, poor morale, and out of policy accounting practices:

- F1. Favoritism, nepotism and preferential treatment of employees have adversely affected employee morale of the Elections Office, as cited in the County's Special Review and from interviews with Elections Office staff. These practices by the EO involved hiring and promotion.
- F2. During the period reviewed, the EO created provisional or extra help positions to employ friends and relatives as cited in the County's Special Review and by interviews with Elections Office staff.
- F3. The EO failed to observe County Code Section 2-6.44 (Nepotism Policy) by hiring immediate family members and determining salaries, promotions and assignments.
- F4. During the interview with the Manager of Internal Audit, it was noted that the County Board of Supervisors had failed to monitor and audit the Elections Division compliance with Federal and State Laws and County Codes and Policies and Procedures.

### **YOLO COUNTY ELECTIONS OFFICE INDISCRETIONS & CULPABILITY**

- F5. Yolo County HR manages harassment and ethics online training courses for all employees to comply with Federal and State laws. These outdated and repetitious trainings are found to be inadequate and ineffective.
- F6. The CAO conducts a 360-degree evaluation for all appointed Department heads. This evaluation process currently excludes elected officials.
- F7. The Yolo County Board of Supervisors has not provided supervision or monitoring of elected county officials as directed by the California State Government Code Section 25303.
- F8. The Assessor/Clerk-Recorder/Registrar of Voters office has taken steps to implement a Corrective Action Plan in 2016 as directed by the County Auditor to the interim “appointed” Assessor/Clerk-Recorder/Registrar of Voters as of April 29, 2016.
- F9. The Election office staff made purchases outside the County’s policies and procedures according to the Finance Procurement staff. It was noted that the purchases were made at the direction of the EO under a general rule of “if you need it, get it.”
- F10. Electronic equipment, purchased by the Election staff, was not included in the General Service Department’s inventory. Tracking would have facilitated accountability, program updates, replacements and recyclability.

### **RECOMMENDATIONS**

Due to the retirement of the EO, a change in administrative management, the implementation of corrective actions by the new administration, and the lack of any cost-benefit to legal actions, the Grand Jury makes the following recommendations:

- R1. Elected officials must follow County policies, procedures and practices in the execution of their duties and responsibilities.
- R2. Elected officials and all employees shall be trained in appropriate use of County property and equipment, not limited to purchase cards, cell phones, computers, etc.
- R3. All authorized County purchased equipment shall be issued with an inventory tag. All electronic equipment shall be purchased through the General Services department and inventoried annually.
- R4. The CAO and HR Director shall review and revise the County’s mandated training requirements and compliance with the State of California Public Services Entities as directed by the AB 1234 timeline.

## YOLO COUNTY ELECTIONS OFFICE INDISCRETIONS & CULPABILITY

- R5. The Departments of Administration and Financial Services along with the Department of Human Resources shall create a standardized training for County Policies and Procedures to ensure all administrators, supervisors, directors, and department heads, elected or appointed, are familiarized with current Federal and State laws and County government policies and procedures. An annual review of all new policies and procedures shall be conducted for elected officials and all employees, and records ensuring compliance shall be kept.
- R6. The Department of Financial Services shall provide training to all accounting personnel in policies and procedures related to accounts payable and receivable and all department contracts.
- R7. The Department of Financial Services shall create records to ensure compliance of the employees who are required to attend training in financial practices.
- R8. The Department of Human Resources shall ensure that all job titles within the County Assessor/Clerk-Recorder/Registrar of Voters office have job descriptions and that all current and future employees have titles complete with job descriptions and responsibilities. The Elections Office, in collaboration with HR, shall review and revise the evaluation standards used for all current and future job classifications to establish a fair and objective set of guidelines.
- R9. The Department of Human Resources shall annually review hiring practices to eliminate instances of nepotism within all departments to ensure that ethical standards are maintained and that a procedural firewall exists between familial related employees. This annual review shall be presented to the Board of Supervisors with findings and recommendations no later than December 1, 2018, and each following year.
- R10. By December 1, 2018, HR shall review and update the Harassment and Ethics online training programs and implement a training program that includes classroom (in-person) training.
- R11. Prior to the 2017 evaluations, the CAO shall revise and extend the current 360-degree evaluation process to include all elected officials and department heads.

## REQUIRED RESPONSES

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

From the following elected officials or elected agency heads:

- Assessor/Clerk-Recorder/Registrar of Voters – F8, F9, F10, R1, R5 and R8,

**YOLO COUNTY ELECTIONS OFFICE INDISCRETIONS & CULPABILITY**

From the following governing bodies:

- Board of Supervisors – F4, F7, R1, R4 and R9

From the following governing bodies:

- Human Resources Director – F1, F2, F3, F5, R1, R4, R5, R7, R8, R9 and R10
- Chief Administrative Officer – F4, F8, F9, R2, R5, R6 and R7
- Chief Financial Officer – F4, F8, F9, R2, R5, R6 and R7
- General Services Director – F10, R2 and R3

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

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.
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## YOLO HABITAT CONSERVANCY PERSEVERANCE, PRESERVATION AND POSSIBILITIES

### SUMMARY

The 2015-2016 Yolo County Grand Jury investigated the Yolo Habitat Conservancy (YHC).<sup>1</sup> The YHC's goal was to develop a County plan to comply with state and federal laws protecting currently listed endangered species and their habitats or those which might be at risk in the future. Several decades of expenditures in excess of the current \$15 million have been spent to develop a long-term plan to address the Endangered Species Act in Yolo County. As no plan was ever filed, the Grand Jury questioned and investigated the Yolo County Habitat Conservancy Joint Powers Agency.<sup>2</sup>

The results of the 2015-16 investigation found the Yolo Habitat Conservancy (YHC) board to be cooperative even though the report was critical of the time and money expended without results. The Grand Jury also felt that with the overlap of managers and consultants, there existed the possible appearance of impropriety. A Grand Jury Report was issued, several recommendations were made, and responses from the various boards responsible for the YHC yielded mixed results.

Based on responses reported in the media and citizen concerns regarding the functioning of the YHC, the 2016-2017 Grand Jury decided to reopen the investigation to review lingering concerns. These concerns included budgetary documents that were not self-explanatory and appeared to suggest financial improprieties with consultants receiving both direct county salaries and contractual payments.

Development of the Conservancy Plan has historically been slow. Even after the Joint Powers Agency (JPA) was established in 2002, only 20 percent of the work on the plan had been completed. However, with a complete reorganization in 2012 and the hiring of a Contractor to oversee development of the plan, steady progress has been made.

### METHODOLOGY

The 2016-2017 Yolo County Grand Jury followed three processes in conducting this new investigation: background research, interviews, and review of pertinent documentation. The committee referenced the report from the 2015-2016 Grand Jury, and noted the responses from the cities covered by the 2015-16 report. While the West Sacramento response was positive, other Yolo County cities' responses were tepid-to-negative and seemed to ignore the problems cited by the 2015-16 Grand Jury.

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<sup>1</sup>Yolo Habitat Conservancy (YHC) was previously called the Yolo County Conservation Plan/National Community Conservation Plan (Yolo County HCP/NCCP) and Yolo Local Conservation Plan (LCP) that was an iteration of the original Yolo Natural Heritage Program.

<sup>2</sup>Reference the 2015-2016 Yolo County Grand Jury the *Yolo Habitat Conservancy: A Never-Ending Story*; copies of the report can be found at the local library or at [www.yolocounty.org/.../yolo-county-grand-jury-reports](http://www.yolocounty.org/.../yolo-county-grand-jury-reports)

**YOLO HABITAT CONSERVANCY  
PERSEVERANCE, PRESERVATION AND POSSIBILITIES**

The Grand Jury conducted interviews to further inquire into the YHC Plan. During the course of interviews, it was opined that "... the program has been an incredible waste of taxpayers' money." However, the interviews and documentation did not reveal illegal activities or malfeasance.

The Grand Jury reviewed various documents including budgets, contracts, and audit reports. Additional documents and websites reviewed by the Grand Jury are as follows:

- Yolo Habitat Conservancy <http://www.yolohabitatconservancy.org>
- California Department of Fish and Wildlife <http://www.wildlife.ca.gov>
- Department of the Interior Fish and Wildlife Services, Federal Register/Vol. 76, October 21, 2011
- United States Fish and Wildlife Services, Habitat Conservation Plan
- Newspapers including *The Sacramento Bee*, *The Davis Enterprise*, and *The Woodland Daily Democrat*
- East Contra Costa County Habitat Conservancy <http://co.contra-costa.ca.us/depart/cd/water/hcp>
- Napa County Wildlife Conservation Commission <http://www.countyofnapa.org/Wildlife>
- Independent audits conducted by Vavirinet, Trien, Day and Company, LLC- Certified Accountants and Consultants

**DISCUSSION**

In a 2013 independent audit, it was determined that the Yolo Habitat Conservation/ Natural Community Conservation Plan (HCP/NCCP) had an internal deficit of \$120,915 for the 2012 fiscal year. The Contractor explained that the deficit was due to 2012 accounting shortcomings and not recording or reporting the lag time between expenditures and incoming revenues, primarily from various grants. The YHC borrowed \$120,915 from the Yolo County Treasury to cover the deficit. The loan has been paid down and verified by similar independent audits for years 2014 and 2015 and payments of \$28,482 and \$90,666, respectively. The remaining balance of \$1,767 was scheduled to be paid off in 2016, although no evidence of this repayment was found during this investigation.

The YHC is a member of the Yolo County Treasurer's Pool (County Pool), which is an external and legal investment pool, not registered with the Securities Exchange Commission. The cash and investments from the Habitat JPA are held in this pool. The Yolo County Treasury Oversight Committee oversees this pool, and the cash deposit from the YHC is stated at fair market value.

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Based on the independent audits of 2014, 2015 and 2016, the accounting processes and procedures that caused some of the deficits have been corrected. Quoting from the 2016 independent audit:

“...the Habitat JPA adopted new accounting guidance, Governmental Accounting Standards Board (GASB) Statement No. 72, Fair Value Measurement and Application, effective July 1, 2015.”

The initial Grand Jury investigation suspected some accounting irregularities and was inclined to question if illegal payments were being made and whether the entire project had turned into a boondoggle. A September 18, 2016, article in *The Sacramento Bee* suggested that similar conclusions were warranted. However, over the course of the investigation and after reviewing the current development of the long-term conservancy plan, all concerns of the 2016-17 Grand Jury were resolved.

In reviewing three years of budgets (2014-15, 2015-16 and 2016-17), explanations of specific budgetary items were adequately clarified by the Contractor and county personnel. Once detailed information was provided, it was clear the Contractor was not a simultaneous county employee. The invoice approval process was explained and appeared to be satisfactory, and for the time the Contractor has had the contract, much progress has been made in the effort of plan completion. At the recommendation of the Grand Jury, terminology changes to the 2016-17 final budget to clarify staffing and consulting budgeting were made and are in line with expected costs to finish the development plan by the end of 2017.

As a result of the 2015-16 Grand Jury investigations, the Yolo Habitat Conservancy HCP/NCCP has implemented a Performance Measurement Matrix for 2016-17. This matrix shows Adopted Organizational Goals, Sub goals, Performance Measure, Outcome, Performance Measure Met and Pending Actions. The Contractor’s organization is under contract and is expected to terminate said contract at the end of 2017, when the plan is ready for implementation. Yolo Habitat Conservancy HCP/NCCP is using best practices found and/or implemented by other Conservancies within California to establish common practices and save on development costs.

Landowners’ and/or farmers’ purchase of permits from the Yolo Habitat Conservancy is a one-time expense. Once the plan is fully implemented, it will provide a one-stop shop for landowners/farmers to meet environmental and conservation requirements established by various local, state and federal agencies. Landowners can also sell conservation easements or establish mitigation receiving sites on their property to help fulfill the goals of the Yolo Habitat Conservancy Plan (YHCP).

Conservancy plans for various other counties have taken considerable time to formulate. Guidelines change, and federal and state authorities have often created unnecessary roadblocks to successful conclusion.

It appears that the current iteration of the plan is closing in on an end of year 2017 delivery date. Delays resulting from outside agencies and governmental departments are being monitored and questioned by the YHC to try to meet the expected completion date. Many of the administrative



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problems have been dealt with and appropriate solutions implemented, including adopting the recommendations set forth in the 2015-16 Grand Jury report.

It is important to note that as the 2016-17 Grand Jury report was readied for publication, the Yolo Habitat Conservation Plan/Natural Community Conservation Plan Draft was announced in the Federal Register<sup>3</sup> and released for public comment. Public comment will be open from June 1 through August 31, 2017. Several public meetings are scheduled. Details and schedule of public meetings can be found on the Yolo Habitat Conservancy website. Written comments may also be submitted, but must be received by August 30, 2017, to be considered.

<sup>3</sup> Federal Register/ Vol 82, No. 104/ Thursday, June 1, 2017/ Notices

**FINDINGS**

- F1. Generally, the YHCP has adopted and uses acceptable accounting practices as cited in the audit.
- F2. The loan to the YHC from the Yolo County Treasury has an outstanding balance of \$1,767.00.
- F3. At the printing of this report, the Yolo Habitat Conservation Plan/Natural Community Conservation Plan has been released for public comment.

**RECOMMENDATIONS**

- R1. By September 1, 2017, the remaining balance of the loan from the Yolo County Treasury is to be repaid to Yolo County.

**REQUIRED RESPONSES**

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:  
From the following governing bodies:

- Yolo County Habitat Conservancy Joint Powers Agency Board – F-1, F-2, F-3 and R-1
- Yolo County Board of Supervisors – F-1, F-2, F-3 and R-1

From the following individuals

- Yolo County Chief Financial Officer – F-2 and R-1
- YHC-NCCP Executive Director – F-1, F-2, F-3 and R-1

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This report is issued by the 2016-17 Yolo County Grand Jury with the exception of one juror, who was recused. This grand juror did not participate in any part of the investigation, which included interviews, deliberations, and the making and acceptance of this report.

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

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.
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## YOLO COUNTY ADULT AND YOUTH DETENTION FACILITY INSPECTION

### SUMMARY

The 2016-17 Yolo County Grand Jury (YCGJ) conducted a review of the Yolo County Sheriff's Office (YCSO) detention facilities and operations at the Monroe Detention Center (Monroe) and Walter J. Leinberger Memorial Center (Leinberger) and the Yolo County Probation Department's Juvenile Detention Facility (YCPD).

Monroe is a medium/maximum security facility rated to house adult inmates with all security classifications. During the visit of the facility, the Grand Jury members observed that the facility was aged, but orderly, and was in good repair. The facility had addressed the 2015-16 Grand Jury Report regarding maintenance of "Self-Contained Breathing Apparatus (SCBA) units," medical files, and cleanliness of medical facilities. At the time of the visit all exits were accessible and free from obstruction, which was not the case during the 2015-16 YCGJ tours.

Leinberger houses minimum-security inmates in dormitory facilities. The Leinberger facility, though currently operational, is scheduled for demolition as part of the AB109 \$36M demolition and construction/expansion project. At the time of the inspection, the facility was found to be operational and in good repair.

The YCGJ members also inspected the Juvenile Detention Facility. The facility is modern, clean, and appears to be in good operating order. The members did not make any negative observations or findings during the inspection of the facility.

### BACKGROUND

Penal Code Section 919(b) states: "the Grand Jury shall inquire into the condition and management of the public prisons within the county." To fulfill the statutory obligation, the Grand Jury chose to visit the Monroe Detention and Leinberger Memorial Centers, the principal adult detention facilities in Yolo County as well as the Yolo County Juvenile Detention Facility.

### METHODOLOGY

The YCGJ members toured the Juvenile Detention Facility on September 21, 2016. Due to legal and privacy constraints, the members were unable to interview the inmates who are minors. They did inspect the facility including a housing unit, recreational yard, classrooms, booking, visiting and medical areas. The Grand Jury Members conducted interviews with the Superintendent and facility staff about various programs, funding sources, and the current construction project.

The YCGJ members inspected the Monroe Detention Center and the Leinberger Memorial Center in Woodland, California, on January 13, 2017, and conducted a revisit to examine documents on February 3, 2017.

## YOLO COUNTY ADULT AND YOUTH DETENTION FACILITY INSPECTION

Throughout each of these tours, members of the YCGJ members were escorted by the YCSO command staff. During those visits, the Grand Jury inspected the facilities and conducted interviews with staff and randomly selected inmates on various topics including housing, treatment, and programing opportunities.

Prior to the inspections, the YCGJ members reviewed the 2015-16 Yolo County Grand Jury Final Report.

The Grand Jury visited informational websites, including the following:

- Yolo County Sheriff's Office
- Yolo County
- California Legislative Information
- *Woodland Daily Democrat*
- Board of State and Community Corrections
- *San Diego Tribune*

## DISCUSSION

The Juvenile Detention Facility:

Local Youthful Offender Rehabilitative Facilities (SB 81 2007-2008) legislation awarded the Yolo County Probation Department \$4,784,536 for expansion of its Juvenile Hall facility. In May 2016, the county broke ground for construction of a multipurpose center that includes a gymnasium for the juvenile detainees, a family reunion area, a contact visiting area, and separate rooms for therapy and counseling. The current facility does not have space available for contact visits with family. The scheduled completion date for the project is September 2017.

The Adult Jail Facilities:

Of six inmates interviewed, five had no issues and praised the programs and treatment by facility staff. One inmate complained of water damage in his cell. Upon inspection of the complaining inmate's cell and all other cells in that housing unit, there was no obvious plumbing problem or any visible standing water. The water damage appeared to be caused by another inmate housed above the complaining inmate. The Grand Jury members believe that the facility staff responded appropriately to the inmate's complaint, and the cell did not appear compromised or to present any further concerns.

The Material Safety Data Sheets (MSDS) and inmate grievances forms discussed in the 2015-16 Yolo County Grand Jury Report appeared to be complete and did not present any issues at the time of the review.

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The YCGJ members did express concern over the handling of the inspection reports for medical services. Since medical services are contracted by the County's Department of Health and Human Services (DHHS), the Sheriff's Office is not directly responsible for contract management of these services. However, the YCGJ members found that although the Sheriff's Office is provided with copies of inspection reports, they do not routinely follow up with the DHHS to ensure that corrections to any violations are made.

The Yolo County Jail is currently participating in a six-month pilot Inmate Computer Tablet Program funded by a grant in the amount of \$68,000 from the California Community Partnership. Upon expiration of the pilot program in June 2017, Yolo County Community Corrections Partnership will review program results and options for extension.

The tablet program offers orientation, education, life skills and employment curriculum to the inmates by means of an interactive individualized internet based software platform. Both the software and network have a secure design with an effective reporting system that provides an audit trail that is routinely monitored by the facility staff and technical experts. The program's goals are to increase daily activity programming opportunities and inmate participation in programming, as well as to reduce recidivism and incentivize learning. Once the inmates are released from custody, they have access to software via an internet program and may continue their learning experience. The jail staff reported that inmates have positively modified their behavior in order to maintain participation in the tablet program. On December 20, 2016, the *Woodland Daily Democrat* newspaper featured a story that included inmates' statements attesting to their increased knowledge and desire to learn as a direct result of the tablet program. Information reviewed by the YCGJ members indicates the pilot program is successful.

## FINDINGS

- F1. The Yolo County Sheriff's Office is ultimately responsible for the health and safety of all inmates in its custody; but does not follow up with the medical provider's contract manager at the Yolo County Department of Health and Human Services to ensure corrections to documented violations in the jail's medical facility and services are made.

## RECOMMENDATIONS

- R1. By January 1, 2018, the Sheriff's Office will put policies and procedures in place and in practice to ensure accountability for the remediation of violations as noticed in any letters or inspection reports pertaining to all contractors providing services within the Yolo County jail facilities, including those contractors managed by other departments within the county. The YCGJ recommends that (1) the Sheriff's Office follow up, in writing, with external departments that administer contracts executed for Sheriff's Office facilities when these departments are notified of existing violations pertaining to the operations and administration of services, and (2) keep a copy of all communications with the report/notice on file. This will demonstrate a good faith effort to ensure accountability for all issues concerning inmate health and safety

## YOLO COUNTY ADULT AND YOUTH DETENTION FACILITY INSPECTION

### REQUIRED RESPONSES

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

From the following elected official:

- Yolo County Sheriff – F-1, R-1

From the following governing body:

- Yolo County Board of Supervisors – F-1, R-1

From the following individuals:

- Detention Commander, Monroe Detention and Leinberger Memorial Centers – F-1, R-1
- Director, Health and Human Services Community Health Branch – F-1, R-1
- Chief, Yolo County Probation Department – F-1, R-1

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

### BIBLIOGRAPHY

- Yolo County Sheriff's Office website: [www.yolocountysheriff.com](http://www.yolocountysheriff.com)
- Yolo County website: [www.yolocounty.org](http://www.yolocounty.org)
- California Legislative Information website: [www.leginfo.ca.gov](http://www.leginfo.ca.gov)
- *Woodland Daily Democrat* website: [www.dailydemocrat.com](http://www.dailydemocrat.com)
- Board of State and Community Corrections website: [www.bccc.ca.gov](http://www.bccc.ca.gov)
- *San Diego Tribune* website: [www.sandiegotribune.com](http://www.sandiegotribune.com)

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## BICYCLE SAFETY

### SUMMARY

The 2016-17 Yolo County Grand Jury (YCCJ) studied whether adequate consideration is being given to promoting bicycle safety and developing biking-related facilities including bicycle parking, bus compatibility, restrooms, and air for bicycle tires throughout the county. Two biking fatalities and an accident, caused by a driver who purposely ran into a bike lane hitting three bicyclists, took place and prompted the YCGJ's concern for a bicycle safety review.

### METHODOLOGY

During the research, the YCGJ studied (1) prior reports of accidents and other bicycle-related incidents; (2) reviewed the *County of Yolo Bicycle Transportation Plan* (March 2013); and (3) interviewed the Yolo County Administrator. The statistics regarding accidents and culpability for those accidents provided evidence that the *Plan* is well thought out with specific design requirements and utilization standards that are consistent with regional governing bodies and future needs of communities.

Documents and websites reviewed and researched by the YCGJ are as follows:

- [www.thebikecampaign.com](http://www.thebikecampaign.com) – Woodland Bike Loop Plan 2002 and March 2013
- [www.cityofdavis.org/city-hall/public-works/bike-pedestrian-program](http://www.cityofdavis.org/city-hall/public-works/bike-pedestrian-program) - 2014
- [www.cityofwinters.org/PDF/January%20213%](http://www.cityofwinters.org/PDF/January%20213%20) - Sections 2, 3, 4, pages 8-33
- [www.westsacramento.org/city/depts/pw/traffic](http://www.westsacramento.org/city/depts/pw/traffic) - May 2013
- City of Woodland Bicycle Transportation Plan 2002
- [www.census.gov/quickfacts/Yolo](http://www.census.gov/quickfacts/Yolo) County, CA
- [www.pedbikeinfo.org](http://www.pedbikeinfo.org) – statistical usage data
- [www.yolocounty.org](http://www.yolocounty.org) – *County of Yolo Bicycle Transportation Plan*, March 2013

Additional resources, mainly regarding accidents came from

- THE DAVIS ENTERPRISE, *Cyclist Hit, Killed by Car During Time Trial Near Esparto*, May 7, 2015; *Davis man killed in Road 99 car-bike collision*, September 4, 2016; *Study: More bike ridership collisions along Fifth Street*, September 18, 2016; and *Car-free Davis: Pedal power is alive and well in Davis!* December 28, 2016;
- THE SACRAMENTO BEE, *Coroner identifies Davis Bicyclist killed in collision with SUV*, October 30, 2015;



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- CBS 13 News, *Cyclist Hit, Killed by Car During Time Trial Near Esparto*, September 27, 2015;
- MINUTES, from the Yolo County Board of Supervisors' March 18, 2013, meeting (Resolution 13/32), and excerpts from the *County of Yolo Bicycle Transportation Plan* (March 2013) and *Alternative Corridor Feasibility Study 2009*

## BACKGROUND

Bicycling has grown nationally from 1.7 billion persons in 2001 to 4 billion in 2009, and workforce bicycle commuting has increased 105 percent from 2000 to 2013 in bicycle friendly communities such as the University of California Davis.<sup>2</sup> According to the California Office of Traffic Safety, the number of bicyclists killed or injured in Yolo County hovered close to 90 individuals per year. In 2009, there were 92 incidents; in 2012, there were 100 incidents; and the year 2014 had 86 incidents. Considering the growth of Yolo County's population from 200,849 in 2010 to 215,802 in 2016, a particular concern is that during the period of 2001 through 2009, the County experienced 22 bicycle-related accidents with three fatalities. There were three serious incidents occurring in 2016. For the three 2016 occurrences, the incidents involving bicycles were not due to bicycle path designation, road construction, or pathway design, but rather to bicyclist or automobile operator error as reported by the police and local newspaper coverage.

Bicycle routes or pathways are designated into three classifications:

- Class I – is a pathway separated from roads or streets where cyclists can travel in either direction on the route, and vehicles are excluded. The minimum width is eight feet, but ten feet is preferred.
- Class II – is a paved edge of a wide road or street designated by white stripes. Bike lanes come in pairs, one on each side of the road, and the cyclist must travel in the same direction as motor traffic. For purposes of making turns, vehicles and agricultural implements can use bike pathways.
- Class III – is a road or street without bike lanes or paths but is designated by signs to provide continuity to the bikeway system. Cyclists share the route with motorists.<sup>3</sup>

The Yolo County Transportation Advisory Committee (YCTAC), reporting to the Yolo County Board of Supervisors, is responsible for creating, recommending and monitoring plans to promote transportation safety, ease of use, and future road and traffic development.

Yolo County is a member of the Sacramento Area Council of Governments (SACOG) that aims to coordinate compatible development among the six Sacramento Regional counties. In that capacity, the YCTAC revised the 2009 *Alternative Transportation Feasibility Study* by creating

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<sup>2</sup> League of American Bicyclists, [www.bikeleague.org](http://www.bikeleague.org)

<sup>3</sup> *County of Yolo Bicycle Transportation Plan* (2013-2035), Appendix 1

**BICYCLE SAFETY**

the *County of Yolo Bicycle Transportation Plan (Plan)* in March 2013. The plan’s life span extends to 2035.

Yolo County contains four incorporated cities, which compete for funding from the county. Each city pursues individual priorities for road development and safety that are based on revenue streams that include tax revenue and State and Federal allocations. The economic collapse in 2008 contributed to a shortage across most revenue sources. Although there are more than 700 miles of road within Yolo County, exclusive of roads within the four incorporated cities, most citizens live within the cities, leaving a population of approximately 20,000 persons outside of those areas. This population imbalance creates a funding shortfall for the unincorporated areas due to fewer tax resources and allocations and may slow or impede the full implementation of the *Plan*.

During the life span of the *Plan* (2013-2035), Yolo County and the incorporated cities are to fund the designated projects identified in the *Plan*. Additional revenue of \$1.4 billion is to be provided through the Metropolitan Transport Plan, which includes state and regional resources. The *Plan* designates five projects as high priority, ten projects with medium priority, and 11 with low priority. These designations are a key factor in determining the funding and timeline of implementation. The five top priority projects are found in the *Plan’s* Appendix 2 and include:

1.	Alternative Transportation Corridor (Davis to Woodland), (J Street and Covell Boulevard in Davis to County Road 27, County Road 101 to Spring Lake Development in Woodland)	Class I
2.	Davis-Woodland Bikeway (Davis to Woodland). Connect west side of State Route 113	Class I & II
3.	County Road 21A, Esparto	Class II
4.	County Road 98, Hutchison Drive to Russell Boulevard in Davis	Class II
5.	County Road 99, County Road 19 to Davis City Limits	Class II

All the community bicycle safety plans are based on the “Bikeway Standards” outlined in Chapter 1000 of the State of California Department of Transportation, CalTrans Highway Design Manual, and the California Streets and Highways Code, Section 890 to 894-2. Additionally, the Sacramento Area Council of Governments (SACOG), for the purpose of coordinating compatible development among the six Sacramento regional counties, reviewed the *County of Yolo Bicycle Transportation Plan*. After the review, the appropriate planning committees of the four incorporated cities, regional bicycle clubs, CalTrans, Yolo-Solano Air Quality Management District, and the Yolo County Transportation District provided additional input. Public responses and comments were also solicited and are included in the *Plan’s* Appendix 5.

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The *Plan* addresses how the public uses the various existing bike pathways such as for shopping, recreation, and commuting to and from work and school. Between the four County cities, it is estimated there are 75 work-force commutes alone. The three different route classifications, I, II, and III, developed with the help of CalTrans, the Sacramento Area Council of Governments, and Yolo County establish specifications to meet those utilization requirements.

In addition to listing current bike routes, the *Plan* proposes other routes between the four incorporated cities and along roads outside of the incorporated areas. Setting high, medium and low priorities to projects, 24 new proposed routes are included. Combined with new routes is the need for sufficient bicycle racks at key locations as well as bicycle racks on public transportation vehicles (currently limited to three bikes per bus) that should be addressed. The *Plan* notes utilization of bicycles as a percent of the population exceeds the national average in most counties. With 33,000 students, University of California Davis contributes a substantial portion to that bicycling community.

The *Plan* further cites the need for bicycle training programs regarding traffic laws, safety tips, and “rules of the road” common courtesy. The League of American Bicyclists Better Education is specifically mentioned as a potential provider of training for all County residents.

The *Plan* sets forth an ambitious number of projects while, at the same time, tries to maintain the rural nature of the County. Funding issues are noted as critical to completion of the *Plan*'s goals.

Different designated areas within the County to be serviced by the *Plan* are:

- Cities: Davis, West Sacramento, Winters, and Woodland
- Census Designated Places (CDPs): Clarksburg, Dunnigan, Esparto, Guinda, Knights Landing, Madison, Monument Hills, University of California Davis, and Yolo
- Unincorporated Communities: Arcade, Arroz, Beatrice, Brooks, Browns Corner, Cadenasso, Capay, Central, Citrona, Conaway, Coniston, Daisie, Dufour, El Macero, El Rio Villa, Fremont, Green, Greendale, Hershey, Jacobs Corner, Kiesel, King Farms, Lovdal, Lund, Merritt, Morgans Landing, Norton, Peethill, Plainfield, Riverview, Rumsey, Saxon, Sorroca, Sugarfield, Swingle, Tancred, Tyndall Landing, Valdez, Vin, Webster, Willow Point, and Zamora

The community designation (cities, CDPs and unincorporated communities) does not necessarily determine the priority status of individual projects or pathway classifications. There is only one project, State Routes 28/16, classified as a Class III project. The designation of community is more likely to identify revenue obstacles to implementing a specific project.

## DISCUSSION

The *Plan* was developed with a great deal of input from a large list of knowledgeable contributors as well as from positive responses from the public. Documentation of the responses can be found in the 2013 *County of Yolo Bicycle Transportation Plan*, Pages 79 through 83.

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Despite uneven funding which slowed the implementation of the *Plan*, progress has been made with the cities enjoying more success than the unincorporated portions of the County. The YCGJ finds the *Plan* to be well written and documented. It also provides guidelines for present and future projects to enhance bicycling safety and utilization throughout the County. During an interview with a County official, it was expressed that the lack of regular structured communication between Yolo County's transportation agencies and communities prevents coordinated efforts to overcome similar implementation hurdles, shortfall revenue, coordination of priorities and resources, and possible ballot initiatives or legislation to enhance similar goals and revenue as they relate to the *Plan*.

It should be noted that the very high bicycle accident rate in 2016 may be an anomaly or may indicate increased bicycling activity combine with poor judgment on the part of individual drivers and bicycle riders who choose to ignore their own safety as well as established "Rules of the Road." Neither the accident rate nor the individual behavior detracts from the value of the *Plan*.

## FINDINGS

- F1. The 2013 *Yolo County Bicycle Transportation Plan* is well thought out, addresses adequate safety needs, follows statewide standards, and provides a reasonable and systematic approach to upgrading and repairing existing streets and roads.
- F2. Recent bicycle-related accidents do not relate to inconsistent street/road construction/repairs or adherence to stated bicycle safety standards, but rather to individual acts or mistakes in judgment.
- F3. The economic collapse in 2008 contributed to a shortage of revenue across most local, state, and Federal revenue sources. Most citizens live within the four cities, leaving a population of approximately 20,000 persons outside of those areas. This population imbalance creates a funding shortfall for the unincorporated areas due to smaller tax resources and allocations.
- F4. The lack of regular structured communication between the County cities, CDPs, unincorporated areas, transportation agencies and districts has prevented input to pool resources and ideas and assist in a timelier completion of the *Plan*.

## RECOMMENDATIONS

A future Yolo County Grand Jury may periodically wish to review and confirm the continued execution and adherence to the *Plan*.

- R1. By January 2018, the Yolo County Transportation Advisory Committee and the Yolo County Transportation District shall host, at least twice yearly, a meeting of organizations and local governments to share implementation hurdles, ideas for funding, coordination of priorities and resources, and possible ballot initiatives or legislation to enhance similar goals and revenue as they relate to the *Plan*.

## BICYCLE SAFETY

### REQUIRED RESPONSES

Pursuant to Penal code section 933.05, the Grand Jury requests responses as follows:  
From the following elected officials or elected agency heads:

- None

From the following governing bodies:

- None

From the following individuals:

- Yolo County Transportation Advisory Committee Chairperson – F1 through F3; R2
- Yolo County Transportation District – F1 through F4; R1
- City of Davis Public Works Director – F1 through F4; R1
- City of West Sacramento Public Works Director – F1 through F4; R1
- City of Winters Public Works Director – F1 through F4; R1
- City of Woodland Public Works Director – F1 through F4; R1

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## **CALIFORNIA CONNECTIONS TO SUCCESS ACT: A BETTER BRIDGE TO ADULTHOOD FOR YOLO COUNTY’S FOSTER YOUTH**

### **SUMMARY**

Prior to 2010, when foster youth left the child welfare system at age 18, they were essentially abandoned and left to fend for themselves with little more than the clothes on their backs. A 2014 national study of these youth<sup>4</sup> reported that:

- More than one in five was homeless after age 18
- Only 58 percent graduated from high school by age 19, compared to 87 percent of all 19-year-olds
- Seventy-one percent of the young women became pregnant by the time they turned 21
- At the age of 24, only 50 percent were employed
- One in four was involved in the justice system within two years of leaving foster care

The groundbreaking federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351), implemented in California by the Fostering Connections to Success Act of 2010 (AB12), provided a safety net for these youths to ease the transition to adulthood. The acts allow transitional age foster youth to voluntarily remain in foster care until they are 21 if they are in school, working, or have a medical condition precluding education or work. They are provided with the payment formerly directed to foster parents to live independently in a secure and supervised environment, but remain dependents of the court and must report regularly to their social worker or probation officer and the court.

In 2012, Yolo County implemented the Extended Foster Care program within the Health and Human Services Agency’s new Transition Age Youth unit as well as Juvenile Probation. At the five-year mark for the Extended Foster Care program, the Yolo County Grand Jury decided to evaluate the extent to which Yolo County foster youth participate in this program, whether the program provides support to prepare the youth for adulthood, and whether educational, employment and other outcomes have improved for the youth exiting foster care.

This report describes the Yolo County Extended Foster Care program, and offers documentation and anecdotal evidence from program administrators, the court, and foster youth.

The review determined that almost all eligible foster youth in Yolo County opt to participate in the Extended Foster Care program and that dedicated social workers and juvenile probation officers

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<sup>4</sup> Jim Casey Youth Opportunities, as reported in “States Tackle “Aging Out of Foster Care” by Teresa Wiltz, March 25, 2015, /blogs/stateline/2015 <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2015/3/25/states-tackle-aging-out-of-foster-care>.

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create innovative options to help these young people prepare to live independently. Further, high school graduation rates and college enrollment are high, and youth learn how to support themselves and live independently. The Grand Jury also found that high housing costs preclude most youth from finding housing within the county, and that foster youth face serious transportation obstacles which impede finding and sustaining employment.

**METHODOLOGY**

**THE GRAND JURY:**

- Reviewed the state law and *All County Letters* from the Department of Social Services outlining policies and procedures for the Extended Foster Care program
- Gathered available Yolo County data on non-minor dependents ages 18-21 in the Child Welfare and Juvenile Probation systems
- Reviewed articles evaluating the program in California
- Attended three public workshops on Child Welfare Services in Yolo County
- Conducted 11 interviews with representatives of Child Welfare Services, Juvenile Probation, the Superior Court, the Yolo County Office of Education and Woodland Community College
- Reviewed the program’s budget

**BACKGROUND**

*How does the Extended Foster Care Program Work?*

Foster youth and probation youth who are in out-of-home placement on their 18<sup>th</sup> birthday qualify for the program if they:

- are working toward completion of high school or an equivalent program (e.g., GED), attending a two or four-year college or licensed vocational training program; or
- are employed at least 80 hours per month; or
- are participating in a program designed to assist in gaining employment; or
- have a medical condition which precludes these activities.

Youth who are married or in the military are ineligible for the program.

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Participants in the Extended Foster Care program must agree to live in an eligible, supervised foster care placement. This may include living with approved relatives or non-related extended family members, licensed family foster homes, certified foster family agency homes, homes of non-related juvenile court-established legal guardians, approved group homes, supportive transitional housing, supervised independent living programs, and Transitional Housing Placement Plus (foster care). The youth receive a state-determined monthly foster care payment of \$889 to cover housing and all other expenses<sup>5</sup>. They are also covered by Medi-Cal health insurance until they are 25 years old.

Youth participating in the Extended Foster Care program must complete a Transitional Independent Living Plan. They remain under court jurisdiction and are required to meet with their social worker or probation officer monthly. They also meet once every six months with the court to review progress on their Plan.

Significant flexibility is built into the program. A youth may leave the dependency court's jurisdiction at any time before age 21, and then elect to re-enter care. There are no limitations on the number of times a youth can re-enter care.

Native American foster children are covered by the federal Indian Child Welfare Act of 1978. Until age 18, tribes are given placement preference and may participate in placement decisions. As non-minor dependents at age 18, tribal youth may choose whether the Act will continue to apply to them.

## **DISCUSSION**

Following the state law, Yolo County implemented the Extended Foster Care program in 2012, starting with youth age 18. The age span increased annually until 2014 when all foster youth age 18-21 were eligible.

### **Child Welfare Services Implementation of Extended Foster Care**

In 2012, the Child Welfare Services Division of the Health and Human Services Agency created the Transition Age Unit to prepare foster youth age 14-21 for self-sufficient adulthood. The Transition Age Unit consists of a manager and five social workers (case managers) who stay with the youth until they "age out." A sixth social worker operates the Independent Living Skills Program. This social worker administers and frequently teaches transitional living classes, provides outreach services to engage youth in independent living services, and offers group and one-on-one financial and educational assistance, and referrals to community resources.

The Child Welfare Services managers reported that turnover within the unit is very low and that the social workers are highly committed to working with older youth and to building long-term, trusting relationships.

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<sup>5</sup> Group homes housing extended foster care youth receive higher foster care payments.



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Funding for the Extended Foster Care program is a combination of federal and county money. The budget includes two components: (1) An administrative component for eligibility determination, salaries for social workers and other staff, and other administrative functions; and (2) Assistance costs for foster care payments and other direct services to youth. In 2016-17, the Extended Foster Care administrative budget was \$667,455, and the assistance cost, which varies according to the number of youth in the program, was projected to be \$1.1 million.

The Independent Living Skills Program was separately budgeted at \$159,154, including almost \$50,000 for salaries and benefits and \$90,000 for items going directly to youth. Funding for the Independent Living Skills Program has not increased in recent years, although costs borne by the program associated with helping young people rent apartments have steadily risen.

Yolo County did not track the youth who “aged out” of foster care at age 18 before the Fostering Connections Act was implemented in 2012. Today, Yolo County data on foster youth over 18 are collected by the Child Welfare Services Case Management System, quarterly state reports, and the National Youth in Transition Survey.

Data systems and reports include:

- Child Welfare Services Case Management System collects data on placement types, high school graduation, progress in college and participation in vocational programs.
- Quarterly state reports<sup>6</sup> collect detailed county-level data on the youths’ status in the following five age categories: Youth Who Exit at Age 18 (or legally emancipate before age 18); non-minor dependents (NMDs) Age 18; NMDs Age 19; NMDs Ages 20-21 and Re-Entry NMDs Ages 18-21. Data are collected on educational progress and achievement, employment status and means of support, housing arrangements, health insurance status, and permanency. Raw county-level data are available on-line, but this information is not aggregated by either the State or Yolo County.
- Survey data on youth age 17 and older who are in foster care or exiting care are collected and reported via the National Youth in Transition Survey. Data are collected on six outcomes: financial self-sufficiency, experience with homelessness, educational attainment, positive connections with adults, high-risk behavior, and access to health insurance. The surveys collected data on approximately 44% of all 17-year-old foster youth in care in 2011, and followed up at age 19 and 21. They included youth who participated in Extended Foster Care, as well as those who were not in the program. Although statewide and regional California data are available for the initial cohort of transitional foster youth surveyed at ages 17, 19 and 21 in 2011, 2013 and 2015, no specific Yolo County data are available.

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<sup>6</sup> SOC 405X - Outcomes for Non-Minor Dependents Child Welfare Youth Exiting Foster Care Quarterly Statistical Report, <http://www.cdss.ca.gov/inforesources/Research-and-Data/Childrens-Programs-Data-Tables/SOC405X>

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While data on extended foster care youth are collected and available in raw form, there are limited resources in Yolo County to aggregate, analyze and report on this information.

Since 2012, 165 youth have participated in Extended Foster Care through Child Welfare Services. Although most California counties initially projected that few older youths would participate in the program, almost all eligible youth have enrolled statewide. Yolo County is no exception. As of January 2017, approximately 400 children from birth to age 18 were in Yolo County foster care. An additional 42 “non-minor dependents,” ages 18-21, participated in the Extended Foster Care program. Thirteen of the 42 resided in Yolo County, 27 in Sacramento County or other California counties, and two were living out of state.

In Yolo County, only an average of two youth per year have permanently opted out or been terminated for failure to meet program requirements, although in 2016, four youth were terminated from the program either by not meeting program criteria or getting married. Extended foster care youth interviewed for this report noted that the opt-in/opt-out feature provides necessary flexibility to young people struggling to find their path to adulthood.

- **Transition planning and support:** In contrast to many California counties that start transition planning at age 16, the Yolo County Transition Age Unit starts working with youth at age 14.<sup>7</sup> Child Welfare Services staff told the Grand Jury that starting transition services at age 14 results in strong relationships among the youth and their social workers and offers significantly more opportunities to address educational achievement and transitional living skills.

Social workers work one-on-one with the youth to develop Transitional Independent Living Plans as preparation for self-sufficiency. These youth-driven plans set goals and action steps for education, housing, employment, building permanent relationships, and personal growth. By 90 days prior to the youth’s 18<sup>th</sup> birthday, the Transitional Independent Living Plan must be submitted to the court for approval. When the youth turn 18, they may elect to participate in Extended Foster Care. As non-minor dependents—adults—they are legally responsible for carrying out their Transitional Independent Living Plans and maintaining eligibility for Extended Foster Care. As a condition of participating in the program, the youth must continue to meet monthly with their social workers and semi-annually with the court to review progress on their plans. Within 90 days of program exit at age 21, the youth and their social worker meet for a final time to assess progress on the Transitional Independent Living Plan.

- **Living arrangements:** As of January 2017, there was no homelessness among the 42 Yolo County youth who participated in the Extended Foster Care program; all participants had

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<sup>7</sup> Child Welfare managers informed the Grand Jury that most youth who have not reunited with their families or been adopted by age 14 are likely to stay in foster care until they “age out” at age 21.

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housing that had been inspected and approved by the county.<sup>8</sup> Thirty-eight of the 42 non-minor dependents were living in Supervised Independent Living Placements, selected by the youth. These living arrangements may include living with friends or relatives, residing in college dormitories, or renting rooms or apartments. The youth are prohibited from living with family members from whom they had been removed by the court. Social workers assist the youth in finding suitable living arrangements and must inspect and approve the housing. The Independent Living Skills Program also frequently covers initial one-time expenses necessary to rent apartments, such as first and last month rent and security deposits. Before moving in, Yolo County youth must also complete a two-day financial literacy class that discusses budgeting, spending and other practical financial issues. Because appropriate, safe, affordable housing is extremely scarce in Yolo County, many youths live outside the county.

The four youth who did not live in Supervised Independent Living Placements needed additional support due to developmental disabilities or mental health issues. They lived with foster parents or in out-of-county group homes or Transitional Housing (Foster Care) placement. Yolo County Child Welfare Services no longer supports a Transitional Housing Placement Program for foster youth under age 21 within the county.

- Education: As of January 2017, 33 of 42 Extended Foster Care youth (79%) had graduated from high school or completed their GED<sup>9</sup>, and 17 of the 33 were enrolled in two- or four-year colleges. Eight of the 42 youth were enrolled in high school or GED programs, and were considered on track to graduate before exiting Extended Foster Care. Only one youth had not graduated and was not working toward graduation. Three were enrolled in non-community college vocational programs including veterinary assistant training and Job Corps. Youth who graduate from high school or complete the GED are given \$500 by the Independent Living Skills Program. Additionally, those who enroll in college are provided with a computer and a printer.

Social workers, the Foster Care Liaison from the Yolo County Office of Education, and the Foster Kinship Coordinator from Woodland Community College all emphasize education as the basis of adult success. They provide substantial support to foster youth to help them graduate from high school and navigate college admission and financial aid applications. Tutoring for the GED is also offered. Once the youth turn 18 and graduate from high school, support from the Yolo County Office of Education ends. Continuing educational support is provided by social workers or through referrals to Educational Opportunity Programs or other support services offered by colleges. Grants and

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<sup>8</sup> The National Youth in Transition Database reported, statewide, that in 2013, 14.6% of 19-year-old former foster youth, and in 2015, 24.7% of 21-year-old youth self-reported that they had been homeless at some point within the past two years. In Northern California, these rates were higher, at 18.4% and 25.3%, respectively.

<sup>9</sup> The National Youth in Transition Database reported that statewide in 2013, 70.9% of 19-year-old former foster youth, and in 2015, 76.6% of 21-year-old youth self-reported that they had graduated from high school or received a GED. In Northern California these rates were higher, at 73.2% and 79.4%, respectively.

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scholarships earmarked for foster youth are available for students who carry at least two classes a semester, but typically must be repaid if students drop out of college.

- **Employment:** In January 2017, 24 of the 42 youth (57%) in Extended Foster Care held part- or full-time jobs.<sup>10</sup> Social workers work one-on-one with the youth to find appropriate jobs for them and refer the youth to training and employment programs such as the Career One Stop Center at the Employment Vocational Center and the nonprofit Rural Innovations in Social Economics (RISE) program. Vocational programs are also offered by community colleges. Although both youth and social workers stressed the necessity of finding jobs to meet rent and other expenses, they reported that jobs are hard to find and difficult to access. Few youths in the program have cars, and current public transportation options pose serious obstacles, particularly in rural areas.
- **Independent Living Skills.** Beginning at age 14, social workers reach out and encourage foster youth to attend Independent Living Skills Program classes offered in Woodland and West Sacramento by Yolo County. In addition to providing an opportunity for the youth to build relationships with peers, these classes offer practical, hands-on sessions on educational support, financial literacy, budgeting and living skills (i.e. finding an apartment, shopping for groceries and other necessities, basic cooking, building relationships with roommates, and using public transportation). They also cover information on personal safety and sex trafficking, and provide support for LGBTQ youth. Community partners including Woodland Community College, the California Highway Patrol, county transportation agencies and non-profits such as Pocket Change, the Yolo Food Bank, the recycling center, and Planned Parenthood all provide instructors and additional support. As an incentive to attend these classes, the Yolo County Independent Living Skills Program gives Yolo County foster youth a \$25 stipend for each class. Although youth over 18 are encouraged to attend these classes, most attendees are age 16 to 18.

Youth interviewed for this report recommended that former foster youth participate as peer instructors to share their experiences about adjusting to the challenges of adulthood. They also praised the Independent Living Skills classes and staff and noted that young people from Sacramento and other counties frequently choose to attend Yolo’s classes over those offered by their home counties. Yolo County youth living outside the county may attend similar programs offered by other counties.

In addition to offering classes, the Independent Living Skills Program’s social worker coordinates with other community partners to provide youth with basic furniture and other items needed to set up apartments and to offer one-on-one financial and practical

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<sup>10</sup> The National Youth in Transition Database indicated that in 2013, self-reported statewide data showed that 8.3% of 19-year-old former foster youth held full-time employment and 24.4% had part time employment. In 2015, these numbers rose to 22.9% of 21-year-old youth employed full time and 30.9% employed part time. In Northern California, the 2013 rates were higher, at 10.3% (FT) and 34.1% (PT) for 19-year-olds and 25.9% (FT) and increased in 2015 to 31.8% (PT) for 21-year-olds.

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assistance, as needed, for driver training, obtaining drivers licenses, preparing for job interviews, and educational assistance.

- **Mental Health Services:** Research has shown that youth transitioning to adulthood from the foster care system exhibit rates of mental health disorders that are much higher than their same-age peers.<sup>11</sup> Yolo County Child Welfare Services Division staff told the Grand Jury that many youths in their care suffer from mental health issues, stemming from the trauma of removal from negligent or abusive families. Often this trauma results in an inability to form and maintain trusting relationships. Child Welfare Services staff indicated that in the past, Extended Foster Care youth rarely sought out mental health services. Recently, with implementation of a new Continuum of Care state law,<sup>12</sup> the Yolo Health and Human Services Agency hired four mental health professionals housed within the Child Welfare Services Division to reach out and directly provide services to foster youth. Transition Age Youth social workers report that when the in-house mental health professionals accompany social workers to meet the youth at their homes, these young people are more likely to accept services and build trusting, longer term relationships.

**Juvenile Probation Implementation of Extended Foster Care**

Although the Juvenile Probation Extended Foster Care program operates under the same laws, regulations and policies as the Child Welfare Service’s program, it serves a much smaller number of youth than the latter because most juvenile offenders are not in out-of-home care on their eighteenth birthday. According to Juvenile Probation Officers, most probation youth maintain family connections and are not placed in out-of-home care.

Since 2012, only 20 youth have participated in the Juvenile Probation’s Extended Foster Care program. Of the total, six opted out of the program and then returned, and two opted out, returned to the program, and opted out again. Any youth who commit a new offense after enrolling in the Extended Foster Care program lose eligibility for the program while incarcerated, but may subsequently opt back in until they turn 21. As of January 2017, seven Yolo County Probation youth were enrolled in Extended Foster Care.

The Yolo County Juvenile Probation Unit, at the Court’s discretion, typically maintains supervision over juvenile offenders until age 21. One probation officer is responsible both for youth under age 18 who are in placement and for youth ages 18-21 who are in the Extended Foster Care program. As of January 2017, there were six youth in out-of-home placement and seven in Extended Foster Care. Probation officers meet with the youth monthly to work one-on-one on their case plans. They offer counseling, and discuss living situations, education, and job skills.

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<sup>11</sup> Havlicek, J. R., Garcia, A. R., & Smith, D. C. (2013). Mental health and substance use disorders among foster youth, transitioning to adulthood: Past research and future directions. *Children and Youth Services Review*, 35(1), 194–203. Cited in Mark E. Courtney Pajarita Charles, Mental Health and Substance Use Problems and Service Utilization by Transition-Age Foster Youth: Early Findings from CalYOUTH, Chapin Hall, University of Chicago, Findings from the California Youth Transitions to Adulthood Study. July, 2015. [www.chapinhall.org](http://www.chapinhall.org).

<sup>12</sup> Assembly Bill 403 (Chapter 773), Statutes of 2015.

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Unless youth live in Transitional Housing Programs, they rarely participate in Independent Living Skills classes.

The Juvenile Probation Unit is required to use the Child Welfare System Case Management System and make the same quarterly reports to the State of California as the Child Welfare Services Division. However, the Juvenile Probation Unit currently cannot generate statistical reports on the Extended Foster Care Program’s youth and is in the process of re-building its data systems. The information obtained for this report was gathered by a probation manager. Federal funds for the program are included in county-wide foster care allocations.

Three of the seven juvenile probation participants have Supervised Independent Living Placements, three are in Transitional Housing Plus Programs outside of Yolo County, and one is in a group home focused on methamphetamine addiction. Transitional Housing Plus Programs provide supportive programs aimed at education, employment, relationships, and independent living, while group homes also provide intensive therapeutic services. Currently, no group homes or Transitional Housing Plus Programs for youth under 21 are located within Yolo County.

Six of the seven youth have graduated from high school, and four of the six are currently enrolled in community college or vocational programs. Probation officers noted that these youths may struggle to remain in college.

Probation youth under 18 who have mental health issues or substance abuse issues may be required to receive treatment; non-minor dependents who remain under probation supervision may also be compelled to receive services if the issues are ongoing and treatment is needed.

**CONCLUSION**

Extended Foster Care smooths the pathway to adulthood for Yolo County foster youth ages 18-21. Extended Foster Care youth attend school, are employed, manage their own money, and engage in practical activities geared toward independent living. By allowing the youth to exit out of and re-enter care, these young people experience the natural consequences of choices and decisions without losing needed support. The continued time in care gives program participants breathing room to gain important decision-making skills, benefit from positive adult relationships, and increase self-sufficiency. Three years have passed since the Extended Foster Care program was expanded to age 21. The fact that almost all Yolo County foster youth have opted to stay in the system is a testament to the law and to the professionalism and dedication of the program’s social workers and probation officers.

Upon turning 18, these vulnerable young people are less likely to face futures of economic instability, educational deficits, homelessness, and mental health issues. To the question, “Has Extended Foster Care improved the outcomes for youth participating in the program?” The Yolo County Grand Jury answers, “Yes.”

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**FINDINGS**

- F1. By providing an additional three-year transition period to adulthood and support for independent living, the Extended Foster Care program has improved the lives of foster youth in Yolo County.
- F4. Almost all eligible young people who turn age 18 in Yolo County’s child welfare system or in out-of-home placement in Juvenile Probation opt to participate in the Extended Foster Care program.
- F5. Yolo County’s Child Welfare Service’s social workers and Juvenile Probation Officers who oversee and work with young people in the Extended Foster Care program are highly dedicated and committed.
- F6. Yolo County Transition Age Youth Unit’s social workers reach out to and involve foster care youth at age 14, an earlier age than many other California counties.
- F7. The Extended Foster Care program has increased the rates of high school graduation and college enrollment among foster youth.
- F8. The Child Welfare Services Division and the Juvenile Probation Unit have insufficient resources to track analyze, aggregate and report data on these youths. Inadequate data hinders data-based program and funding decision-making.
- F9. Many Extended Foster Care youth are unable to secure appropriate, safe, and affordable housing in Yolo County, limiting their ability to participate in Yolo County’s Independent Living Skills Program classes.
- F10. Current public transportation options make it difficult for foster youth to pursue education and gain employment.
- F11. Although Independent Living Skills classes are described as valuable and relevant by both Child Welfare staff and extended foster youth interviewed for this report, few youths over 18 actually attend the classes.
- F12. Extended foster care youth gain valuable real-world experience in making and sticking to a budget when they are given the responsibility for managing their monthly foster care payment.

**RECOMMENDATIONS**

- R1. The Yolo County Health and Human Services Agency and the Juvenile Probation Unit should continue to proactively promote the Extended Foster Care program and advocate for the participation of all eligible foster youth.

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- R2. The County should increase the budget for the Independent Living Skills Program to cover needed financial assistance to youth renting apartments.
- R3. Within two years, the Yolo County Health and Human Services Agency should initiate local low-cost housing options for the youth in the Extended Foster Care program.
- R4. Within one year, the County should establish sufficient systems to analyze, track, aggregate and report data to monitor progress and outcomes for Yolo County Extended Foster Care Program's youth, including those in the Child Welfare Services and in Juvenile Probation programs.
- R5. Within one year, the Health and Human Services Agency should collaborate with local transportation agencies and non-profit organizations to improve and fund transportation for foster youth attending Independent Living Skills classes, seeking employment, and pursuing higher education.
- R6. Within 18 months, the Health and Human Services Agency should evaluate the new mental health services established within the Child Welfare Services Division to determine if utilization of mental health services has increased among the foster youth.

**REQUIRED RESPONSES**

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

From the following governing body:

- Yolo County Board of Supervisors – F6 through F8, R1 through R6

From the following individuals:

- Director, Health and Human Services Agency – F1 through F11; R1-R6
- Chief Probation Officer, Yolo County Probation – F1 through F3; F5 through F8; F10; F11; R1 and R4

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

**BIBLIOGRAPHY**

In preparing this report, the Grand Jury reviewed the following documents:

- California Department of Social Services, *Extended Foster Care (AB12)*, [www.childsworld.ca.gov/PG2902.htm](http://www.childsworld.ca.gov/PG2902.htm)



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- California Department of Social Services, *All-County Letter 11-27, National Youth in Transition Database Data Implementation Requirements*, April 21, 2011
- California Department of Social Services, *All-County Letter No. 13-84, National Youth in Transition Database (NYTD) Survey: Second Cohort*, October 3, 2011
- California Department of Social Services, *Fact Sheet, After 18 Program*, Revised 06/01/15
- California Department of Social Services, Research Services Branch, Child Welfare Data Analysis Bureau, *National Youth in Transition Database: Survey Summary Brief, California 2015 Outcomes for the First NYTD Cohort of Youth Ages 17, 19 and 2*, November 26, 2016
- California Department of Social Services *SOC405X – Outcomes for Nonminor Dependents Child Welfare Youth Exiting Foster Care Quarterly Statistical Report* <http://www.cdss.ca.gov/inforesources/Research-and-Data/Childrens-Programs-Data-Tables/SOC405X>
- California – Child and Family Services, *Review System Improvement Plan (Yolo County)*, August 3, 2015 – March 3, 2020
- University of Chicago, Chapin Hall Discussion Paper, *Mental Health and Substance Use Problems and Service Utilization by Transition-Age Foster Youth: Early Findings from CalYOUTH*, Mark E. Courtney and Pajarita Charles, 2014
- University of Chicago, Chapin Hall Article, *Findings from the California Youth Transitions to Adulthood Study (CalYOUTH)*, Mark E. Courtney, et al., 2017
- University of Chicago, Chapin Hall Issue Brief, *Memo from CalYOUTH: Early Findings on Extended Foster Care and Legal Permanency*, Mark E. Courtney and Nathanael Okpych, July 2015
- The PEW Charitable Trusts, STATELINE, *States Tackle “Aging Out” of Foster Care*, Teresa Wiltz, March 25, 2015
- Yolo County Health and Human Services Agency pamphlet, *THP-Plus, Transitional Housing for Emancipated Foster/Probation Youth*, 7/01/15
- Yolo County Health and Human Services Agency pamphlet, *Independent Living Skills Program (ILSP)*, Rev. 7/01/15
- Yolo County Office of Education Report, *Count of Matched Foster Students by District of Enrollment and Grade for 2014-15*

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We also reviewed:

- THE DAVIS ENTERPRISE: *Yolo budget ok'd amid fiscal uncertainties*, September 30, 2016; *County Releases files on baby Justice Rees*, October 7, 2016; *Free workshops examine sex trafficking of foster children*, January 6, 2017; *Spotlight back on foster care*, January 19, 2017
- THE SACRAMENTO BEE: *Records: Baby in slough had meth at birth*, October 7, 2016

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



## ARE YOLO COUNTY SCHOOLS IN COMPLIANCE WITH SCHOOL SAFETY PLANS?

### SUMMARY

In the wake of several tragic and highly publicized school violence incidents, school safety and violence prevention are major national concerns. To address the issue of school safety, several states, including California, enacted legislation requiring the prioritization, development, and adoption of school safety and emergency plans. Because of this concern, the Yolo County Grand Jury (YCGJ) posed this question, “*Are Yolo County school districts in compliance with their respective safety plans?*” By means of site inspections and school district personnel interviews, the YCGJ surveyed the five school districts within Yolo County.

Of the five districts surveyed, several observations at various individual school sites raised safety concerns for the YCGJ, including:

- Open access from public parks and streets onto campuses
- Lack of required signage directing visitors to the school office
- Several access gates were unsecured during school hours
- Lack of campus safety training for staff and students
- Site safety plans in place, but not uniformly enforced
- Perimeter fencing lacking at many school sites
- At one observed site, during elementary school recess there were no identifiable adult monitors
- During site surveys, only one YCGJ group was approached by school staff and asked why they were on campus
- Students and staff opened locked doors to allow access to visitors
- District Safety Plan committees excluded input from the Fire Marshal, local law enforcement,
- Uniform Building Code officials, and the Office of Emergency Services
- The alarm annunciator does not differentiate different types of emergencies, i.e., earthquake, fire, campus intruder, etc.

## ARE YOLO COUNTY SCHOOLS IN COMPLIANCE WITH SCHOOL SAFETY PLANS?

### BACKGROUND

Due to tragic school incidents over the last 20 years, school safety is an increasingly important issue. As a result, the California legislature enacted school safety laws requiring school districts as well as individual school sites to draft and implement comprehensive school safety plans. These plans address both the educational aspects of creating environments that are conducive to learning and the physical aspects of school sites' buildings and grounds. These plans are to be reviewed yearly and must be submitted in updated form in March of each calendar year to the California State Department of Education.

The existing law requires every school district and county office of education in California to be responsible for the overall development of a comprehensive school safety plan for each of their schools. The existing law requires the comprehensive school safety plan to assess the current status of school crimes committed on school campuses and at school-related functions and to identify appropriate strategies and programs that will provide for or maintain a high level of school safety as specified.

The California Education Code outlines a specific set of guidelines that each district must follow. Additionally, each district school site must have a school site council that includes the principal, credentialed staff, certificated staff, parents, students and interested community members. The school site council is charged with reviewing the site's readiness and preparing a safety plan that encompasses the overall district plan. The plan must also include any aspects particular to the site that are necessary to address site-specific safety issues. Each site must review and revise this plan yearly and submit the site plan to the district so that it can be incorporated into the district's Safety Plan that is ultimately submitted to the State.

Every school district must follow the *California Office of Education Compliance Checklist for a Comprehensive School Safety Plan*, (attached as Appendix 1), California Education Code Sections 32280-32289 (attached as Appendix 2), *California State Board of Education Policy #01-02*, (attached as Appendix 3), Comprehensive School Safety School Self-Monitoring Tool (attached as Appendix 4).

Specifically, California Education Code section 32280 states in part:

- All California public schools must develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process.
- A Safety Plan is a developed plan of strategies that are coordinated with first responders and law enforcement agencies aimed at the prevention of, education about, and response to potential incidents involving natural disasters, crime, and violence on or near a school campus.

## ARE YOLO COUNTY SCHOOLS IN COMPLIANCE WITH SCHOOL SAFETY PLANS?

California Education Code section 32282 states in pertinent part:

- The comprehensive school safety plan shall include but is not limited to identifying appropriate strategies and programs that will provide or maintain a high level of school safety.

## METHODOLOGY

The Grand Jury reviewed California State Education Code guidelines for school safety and visited school sites within each of the five districts. Interviews were conducted with school personnel responsible for school safety within the districts. Such responsibility can include, but is not limited to, the drafting, compiling and submitting the yearly district-wide School Safety Plan to the State as required under the California Interagency School Safety Act of 1985, Article 5, School Safety Plan (Education Code sections 32280-32289). Persons charged with responsibility within each district include the district superintendent, the school safety officer, the student and family support services officer, and other personnel charged with responsibility for school safety.

Grand Jury representatives visited school sites to evaluate and document safety concerns and procedures. The purpose of the visits was to determine the safety procedures in place for unannounced visitors to campus sites. Security varied from district to district. The YCGJ made notations of observations at each site and recorded the findings which are included in this report.

From site observations and interviews, the YCGJ has made recommendations for improvements in the Safety Plan procedures followed by the five districts within Yolo County. The YCGJ site visits as well as input from at least three different district spokespersons demonstrated that securing school sites is an issue that needs attention. Additionally, this issue was noted by the independent outside safety consultants hired by two Districts.

### **Washington Unified School District**

Washington Unified School District (WUSD) contains 10 campuses. The YCGJ's overall impression was that Washington Unified School District's sites offer safe and secure environments with well-established safety guidelines prominently posted on all district locations and is an exemplar. The District has a current District Safety Plan that is in compliance with the Education Code requirements. The Fire Marshal, a Uniform Building Code official, and a County Office of Emergency Services official were included in the District's comprehensive safety planning process. A District administrator is specifically responsible for the Safety Plan, annual Plan updates, staff training that includes the substitute teachers, and regularly scheduled campus safety training updates.

The District utilizes an Emergency Guide that is in the form of an easy-to-use plastic laminated flip chart booklet. All references are clearly tabbed and labeled for specific emergency scenarios and respective responses. The flip-chart guide has removable inserts that can be updated annually without the necessity of reprinting and replacing the entire guide. The guide is prominently placed in every classroom, all administrative offices, the cafeterias and multi-purpose rooms.

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Within the District, all school sites must meet safety standards as described in the District Safety Plan and have in place school site-specific standards that address situations that are unique to the site. Each school site has a communication system consisting of an intercom, phones and portable radios.

The District sites visited by the Grand Jury were surrounded by fencing with public access only to the site's front office. Signage containing instructions directing all visitors to report to the office was visible and placed at the main entry point. All gates were secured and locked from the exterior. Panic bars are located on the interior of all gates.

Of the five districts visited, the Washington Unified School District had the largest number of secured school sites, an outstanding working safety plan, and regularly scheduled safety training exercises. This District will be used as the benchmark for this report.

### **Woodland Joint Unified School District**

Woodland Joint Unified School District (WJUSD) contains 14 campuses. The Safety Plan is updated yearly and was last updated on November 30, 2016. The staff receives safety training at the beginning of each school year.

Woodland School District engaged the services of Emergency Preparedness Group, Inc., a New York consulting firm, to evaluate the district's school safety issues and to assist in updating the school safety plan.

Each school site council received a report from the consultants containing recommendations specific to that particular school. Woodland's Safety Plan Coordinator is aware of improvements needed and is open to ideas on improving various campus sites. One step toward improved safety is that during school hours, selected personnel are issued walkie talkies for communication purposes.

Issues noted by the consulting group include the following:

- Improve signage on the campuses, not only for regulation notification but for the purpose of supporting visitors
- Better secured perimeters of campuses to minimize intruder access and improve supervision
- Increase campus supervision
- Treat visitors in a consistent manner throughout the district
- For safety reasons, District personnel reported that some district schools have already changed the school office location from the middle of the building to the front of the building

## ARE YOLO COUNTY SCHOOLS IN COMPLIANCE WITH SCHOOL SAFETY PLANS?

### *Davis Joint Unified School District*

Davis Joint Unified School District (DJUSD) contains 18 campuses. The District has an active Safety Plan that is current and is updated annually. At the beginning of each year, all District personnel receive training on emergency procedures that is conducted by the Director of Student Support Services.

In lieu of formal safety training, substitute teachers are given a folder that contains safety information. In the case of an emergency, substitutes receive back-up from the site administrative office. In addition, substitutes provide their cell numbers to receive information by text message from the administration.

With the exception of one campus, Davis Unified schools display proper signage directing visitors to the office prior to accessing the campus. Only one site approached Grand Jury visitors. During elections when schools are used as polling places, school personnel are posted onsite to ensure that voters don't stray from the designated polling station.

The City of Davis Police Department supports the Davis schools and conducts active shooter training on all DJUSD campuses when students are not present. One Staff Resource Officer (SRO) is assigned to the district by the Davis Police Department and spends most assigned time at the high school.

The district hired an outside safety consultant in 2015. The consultant group emphasized the problem of the campuses' proximity to public bicycle trails and city parks. The consultant's survey raised District awareness to necessary safety changes such as appropriate fencing that limits public accessibility during school hours. The district agrees that modifications are needed concerning public open spaces adjacent to some of its campuses. As of May 2017, the YCJG committee noted that at one site there was progress toward additional fencing to limit access from the public bike path.

### *Esparto Unified School District*

Esparto Unified School District (EUSD) contains four campuses. It has a safety plan that was updated in March 2017. Grand Jury visits to Esparto campuses noted concerns with fencing and open gates.

The District is aware of safety issues. Safety concerns expressed by Esparto District personnel include:

- State Highway 16/Yolo Avenue, which is the main street, does not have easily visible, designated crosswalks marked with proper signs
- Repeated failure by the County to maintain existing crosswalks



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- Lack of traffic signals on Highway 16/Yolo Avenue adjacent to the high school
- Increased traffic on Highway 16 and County Road 22, which fronts the driveway to Esparto Middle School
- Increased traffic safety risks resulting from students shopping at the new Dollar Store which fronts Highway 16
- Growing concerns with casino traffic traveling through Esparto
- Some of these drivers may be sleep-deprived or impaired

The District has an emergency plan that is updated annually. This plan, which was maintained in hard copy format for many years and is now also stored digitally, was updated to reflect the most recent changes in language regarding school emergencies. Even though the District conducts personnel safety training every August, the District believes it should focus on more training for newer staff. The district also discussed safety training and determined a need to implement pre- and post-safety training surveys to gain better knowledge about training effectiveness and what improvements can be made.

To limit access to the junior high school, the district would like to install a new, more secure gate at the school's entrance. The playing fields at this site are surrounded by a low (4 foot) fence. To improve safety, the district installed flashing lights at crosswalks. There are crossing guards who control traffic for the elementary school, but there are no crossing guards posted for the junior high or high schools.

**Winters Joint Unified School District**

Winters Joint Unified School District (WJUSD) contains four campuses. An updated District Comprehensive Safety Plan does not exist. The last known safety plan was compiled in 2002 and has not been revised since that time. Each school site maintains an individual site safety plan, formulated by the school's Site Council.

The district has been out of compliance with yearly updates to the Comprehensive Safety Plan (California Education Code sections 32280 through 32289) for fifteen years, which could subject the district to monetary fines. The district acknowledges issues surrounding its safety plan and is working toward completing a new comprehensive Safety Plan by the end of the 2018 school year. A Winters Joint Unified School District representative stated that the district has made updating the 2002 District Safety Plan a priority. A district ad hoc safety committee was recently formed to update the 2002 District Comprehensive Safety Plan.

A 2007 joint use agreement between the Yolo County Public Library, a non-school site, allows the use of the library by both the public and the District during school hours. This represents a safety

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issue for students using the library, since the public is given unfettered access. This situation conflicts with the State's mandate that all visitors to a school facility check in with the office prior to entering a campus. The district noted this issue should be addressed.

### FINDINGS

- F1 With the exception of Winters Joint Unified School District, all Districts are in compliance with the yearly update and reporting per the Education Code Requirements for Comprehensive School Safety Plans.
- F2 School Districts regularly conduct safety training for all school employees, usually at the beginning of the school year. Some Districts provide more comprehensive training throughout the school year.
- F3 Washington Unified School District does an exemplary job with its Comprehensive School Safety Plan and execution on all campuses.
- F4 There is a lack of regular and on-going communication among the five Yolo County School Districts regarding School Safety Plan issues that would affect all Districts. Meeting regularly and discussing shared concerns would allow ideas and solutions to be presented.
- F5 Access to many campuses within some districts is not restricted by fencing. Public walkways/bike paths run directly through some of the campuses. Gates at some campuses are not secured during school hours.
- F6 Visitors to campuses are not properly instructed to safety procedures to be followed. Check- in procedures for visitors are often not adequately clarified at some campuses.
- F7 Students are not made aware of the importance of safety plan compliance and their role in assuring a safe school environment.
- F8 Access allowed only to the office area of campuses with all other areas secured within fencing is not provided at many campuses within the districts. Campus offices are not always located at the main entrance to campuses
- F9 Appropriate signage directing visitors to the office areas is lacking at several district campuses.
- F10 Washington Unified School District utilizes an organized emergency procedures flip chart that was designed by the District Safety Committee. The flip chart features easy-to-follow safety directives as well as a format that can be modified without recreating the entire flip chart. Although costly to produce at the outset, the flip chart's versatility represents a dedication to school safety with the added bonus of long term cost savings.

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- F11 The use of the Winters Public Library by students and the general public during school hours without established safety procedures at that facility is of concern to the Grand Jury.
- F12 Current use of alternate communication devices, for example walkie talkies, for selected staff improves the safety of all campuses when other forms of communication such as phones, the internet, and intercoms are not functioning.
- F13 The Yolo County Board of Supervisors needs to address and correct traffic safety issues along Yolo Avenue in Esparto for Esparto Unified District students accessing all campuses.

**RECOMMENDATIONS**

- R1 By December 2018, all schools that do not have perimeter fencing will complete feasibility studies for the installation of appropriate fencing around school property to prevent access to the public. In compliance with California State Building Codes, gate hardware should have locked access from the entry side and unlockable (panic hardware) from the exit side.
- R2 By October 1, 2017, all schools will keep existing fencing and gates locked during school hours.
- R3 By October 1, 2017, all schools will limit access to the campus. All visitors will be required to check in at each school’s main office; all other areas are to be secured.
- R4 By October 1, 2017, all schools will display permanent signage and entry instructions at all schools that provides instruction to all visitors directing them to report to the main office to obtain a Visitor’s Badge or ID prior to entry of the campus.
- R5 By October 1, 2017, when school is in session and children are present, all sites will use identifiable adult monitors where fencing and gates are open and unsecured.
- R6 By October 1, 2017, provide training and increase safety awareness among District personnel and students.
- R7 By October 1, 2017, all Districts will comply with the California Education Code concerning school safety.
- R8 By October 1, 2017, Yolo County Districts should consider networking with each other on a regular basis to discuss and share ideas on the most effective ways to construct, initiate and utilize school safety plans.

**ARE YOLO COUNTY SCHOOLS IN COMPLIANCE WITH SCHOOL SAFETY PLANS?**

- R9 By October 1, 2017, modify, as necessary, the 2007 Memorandum of Understanding for Joint Use with Winters Joint Unified School District and the Yolo County Public Library to address the safety of students using the Winters Public Library during school hours.
- R10 By January 1, 2018, the Yolo County Board of Supervisors will establish procedures to address the Yolo Avenue safety issues confronting Esparto Unified District students.

**REQUEST FOR RESPONSES**

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

From the following elected official:

- Yolo County Superintendent of Schools – F1, F11; R8, R9

From the following governing bodies:

- Yolo County Board of Supervisors – F13, R10
- Yolo County Board of Education – F1, F11; R8, R9
- Board of Education, Davis Joint Unified School District – F1, F2, F4-F10, F12; R1-R8
- Board of Education, Esparto Unified School District – F1, F2, F4-F10, F12; R1-R8
- Board of Education, Washington Unified School District – F1-F10, F12; R1-R8
- Board of Trustees, Winters Joint Unified School District – F1, F2, F4-F12; R1-R9
- Board of Trustees, Woodland Joint Unified School District – F1, F2, F4-F10, F12; R1- R8

From the following individuals:

- District Superintendent, Davis Joint Unified School District – F1, F2, F4-F10, F12; R1-R8
- District Superintendent, Esparto Unified School District – F1, F2, F4-F10, F12; R1-R8
- District Superintendent, Washington Unified School District – F1-F10, F12; R1-R8
- District Superintendent, Winters Joint Unified School District – F1, F2, F4-F12; R1-R9
- District Superintendent, Woodland Joint Unified School District – F1, F2, F4-F10, F12; R1-R8

## **ARE YOLO COUNTY SCHOOLS IN COMPLIANCE WITH SCHOOL SAFETY PLANS?**

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

### **BIBLIOGRAPHY**

In preparing this report, the Grand Jury reviewed the following:

- California Education Code
- Yolo County School Districts' Safety Plans
- District Board of Education Minutes pertaining to Safety
- Interviews with school district personnel
- Yolo County School Districts' web-sites
- Prior Yolo County Grand Jury school reports

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.
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**Compliance Checklist for a Comprehensive School Safety Plan  
California Education Code Sections 32280–32289**

School/District: \_\_\_\_\_ Grade levels: \_\_\_\_\_ Date: \_\_\_\_\_

Required Components for a Comprehensive School Safety Plan	Mandate Met <i>(date, plan)</i>	Comments, Suggested Details <i>(resources, activities, etc.)</i>
<b>California Education Code (EC) Section 32281</b>		
(b) (1) Plan is written and developed by a School Site Council (SSC) or a Safety Planning Committee  (2) The school Safety Planning Committee is made up of principal/designee, teacher, parent of child who attends the school, classified employee, others		Include planning committee roster.
(b) (3) SSC/Safety Planning Committee consulted with a representative from a law enforcement agency in the writing and development of the comprehensive school safety plan		
<b>EC Section 32282</b>		
<b>(a) The comprehensive school safety plan includes, but is not limited to, all of the following:</b>		
(1) An assessment of the current status of school crime at the school and at school-related functions, which may be accomplished by reviewing the following types of information:  <input type="checkbox"/> Office Referrals <input type="checkbox"/> Attendance Rates/School Attendance Review Board Data <input type="checkbox"/> Suspension/Expulsion Data <input type="checkbox"/> California Healthy Kids Survey <input type="checkbox"/> School Improvement Plan <input type="checkbox"/> Local Law Enforcement Juvenile Crime Data <input type="checkbox"/> Property Damage Data <input type="checkbox"/> Other: _____		Describe the data reviewed, key analysis points, and table of findings.  Document how this information was shared with SSC/Safety Planning Committee.
(2) Identify appropriate strategies and programs that provide and maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including, but not limited to the following:		Additional items to consider:  <input type="checkbox"/> Threat Assessment <input type="checkbox"/> Student Support Teams

Required Components for a Comprehensive School Safety Plan	Mandate Met <i>(date, plan)</i>	Comments, Suggested Details <i>(resources, activities, etc.)</i>
<b>(A)</b> Child Abuse Reporting Procedures		Board policy and site-specific steps.
<b>(B)</b> Disaster procedures, routine and emergency, crisis response plan, including adaptations for pupils with disabilities and the following:		Use the Standardized Emergency Management System (SEMS) as detailed in the California Emergency Services Act Section 8607 and the supporting <i>California Code of Regulations (CCR)</i> .
<p>(i) Earthquake emergency procedures that include:</p> <p>(I) a school building disaster plan</p> <p>(II) a drop procedure (students and staff take cover) <b>dates/times of drop procedure drills held once each quarter in elementary; once each semester in secondary schools</b></p> <p>(III) protective measures to be taken before, during, and after an earthquake</p> <p>(IV) a program to ensure that pupils, and certificated and classified staff are aware of and are trained in the procedures</p>		<p>Detail response procedures:</p> <p><input type="checkbox"/> Lock Down</p> <p><input type="checkbox"/> Secure School</p> <p><input type="checkbox"/> Active shooter</p> <p>Describe information on training and exercise drills:</p> <p><input type="checkbox"/> Fire Drills: 5 CCR, Section 550</p>
(ii) Establish procedures to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during an emergency		
<b>(C)</b> Suspension/Expulsion policies and procedures		Refer to board policy, include site-specific steps, if needed.
<b>(D)</b> Teacher notification of dangerous pupils procedures		Refer to board policy, include site-specific steps, if needed.

Required Components for a Comprehensive School Safety Plan	Mandate Met (date, plan)	Comments, Suggested Details (resources, activities, etc.)
(E) Discrimination and Harassment policy, including Bullying/Cyberbullying. Include hate crime reporting procedures and policies here		Include complaint and investigation procedure.
(F) Schoolwide Dress Code, including prohibition of gang-related apparel		
(G) Procedures for safe ingress and egress of pupils, parents, and employees to and from school site		Reference campus visitor policies. Other items may include: crossing guard program, safe routes to school, pedestrian, vehicle and bicycle policies, traffic safety, etc.
(H) A safe and orderly environment conducive to learning at the school		
(I) Rules and procedures on school discipline		
(d) When practical, consult, cooperate and coordinate with other school site councils or school safety planning committees		
(e) Evaluate and amend the plan as needed and at least once each year, to ensure the plan is properly implemented. Also, keep an updated file of all non-sensitive safety-related plans and materials readily available for inspection by the public	Review, update and approve by March 1.	Demonstrate annually approved plan with board signature page.
(f) Include, to the extent resources are available, policies and procedures for bullying prevention		
<b>EC Section 32282.1</b>		
<p>Schools are encouraged to include clear guidelines for the roles and responsibilities of the positions listed below (if used by the district):</p> <ul style="list-style-type: none"> <li>• Mental health professionals, school counselors</li> <li>• Community intervention professionals</li> <li>• School resource officers, police officers on campus</li> </ul>		



Required Components for a Comprehensive School Safety Plan	Mandate Met (date, plan)	Comments, Suggested Details (resources, activities, etc.)
<i>EC Section 32284</i>		
Plan may include procedures for responding to the release of a pesticide or other toxic substance from properties located within one quarter mile of a school		
<i>EC Section 32288</i>		
(a) Submit the plan to school district office or county office of education for approval		
(b) (1) SSC/Safety Planning Committee communicated the school safety plan to the public at a public meeting at the school site	Public meeting announcements, etc.	See notification requirements in EC Section 32288(b)(2) and recommendations in EC Section 32288(b)(3).

California Department of Education, October 2016

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**EDUCATION CODE - EDC**

**TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]** ( Title 1 enacted by Stats. 1976, Ch. 1010. )

**DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]** ( Division 1 enacted by Stats. 1976, Ch. 1010. )

**PART 19. MISCELLANEOUS [32001 - 32454]** ( Part 19 enacted by Stats. 1976, Ch. 1010. )

**CHAPTER 2.5. Interagency School Safety Demonstration Act of 1985 [32260 - 32295.5]** ( Chapter 2.5 added by Stats. 1985, Ch. 1457, Sec. 1. )

**ARTICLE 5. School Safety Plans [32280 - 32289]** (.Heading of Article 5 renumbered from Article 10.3 by Stats. 2003, Ch. 828, Sec. 11. )

**32280.** It is the intent of the Legislature that all California public schools, in kindergarten, and grades 1 to 12, inclusive, operated by school districts, in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other persons who may be interested in the prevention of campus crime and violence, develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process. For the purposes of this section, law enforcement agencies include local police departments, county sheriffs' offices, school district police or security departments, probation departments, and district attorneys' offices. For purposes of this section, a "safety plan" means a plan to develop strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on the school campus.

(Added by renumbering Section 35294 by Stats. 2003, Ch. 828, Sec. 12. Effective January 1, 2004.)

**32281.** (a) Each school district and county office of education is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive.

(b) (1) Except as provided in subdivision (d) with regard to a small school district, the schoolsite council established pursuant to former Section 52012, as it existed before July 1, 2005, or Section 52852 shall write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school.

(2) The schoolsite council may delegate this responsibility to a school safety planning committee made up of the following members:

- (A) The principal or the principal's designee.
- (B) One teacher who is a representative of the recognized certificated employee organization.
- (C) One parent whose child attends the school.
- (D) One classified employee who is a representative of the recognized classified employee organization.
- (E) Other members, if desired.

(3) The schoolsite council shall consult with a representative from a law enforcement agency in the writing and development of the comprehensive school safety plan.

(4) In the absence of a schoolsite council, the members specified in paragraph (2) shall serve as the school safety planning committee.

(c) Nothing in this article shall limit or take away the authority of school boards as guaranteed under this code.

(d) (1) Subdivision (b) shall not apply to a small school district, as defined in paragraph (2), if the small school district develops a districtwide comprehensive school safety plan that is applicable to each schoolsite.

(2) As used in this article, "small school district" means a school district that has fewer than 2,501 units of average daily attendance at the beginning of each fiscal year.

**APPENDIX 2**

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(e) (1) When a principal or his or her designee verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the schoolsite of an elementary or secondary school at which he or she is the principal, the principal or the principal's designee may send to each pupil's parent or legal guardian and each school employee a written notice of the occurrence and general nature of the crime. If the principal or his or her designee chooses to send the written notice, the Legislature encourages the notice be sent no later than the end of business on the second regular work day after the verification. If, at the time of verification, local law enforcement officials determine that notification of the violent crime would hinder an ongoing investigation, the notification authorized by this subdivision shall be made within a reasonable period of time, to be determined by the local law enforcement agency and the school district. For purposes of this section, an act that is considered a "violent crime" shall meet the definition of Section 67381 and be an act for which a pupil could or would be expelled pursuant to Section 48915.

(2) Nothing in this subdivision shall create any liability in a school district or its employees for complying with paragraph (1).

(f) (1) Notwithstanding subdivision (b), a school district or county office of education may, in consultation with law enforcement officials, elect to not have its schoolsite council develop and write those portions of its comprehensive school safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury at the schoolsite. The portions of a school safety plan that include tactical responses to criminal incidents may be developed by administrators of the school district or county office of education in consultation with law enforcement officials and with a representative of an exclusive bargaining unit of employees of that school district or county office of education, if he or she chooses to participate. The school district or county office of education may elect not to disclose those portions of the comprehensive school safety plan that include tactical responses to criminal incidents.

(2) As used in this article, "tactical responses to criminal incidents" means steps taken to safeguard pupils and staff, to secure the affected school premises, and to apprehend the criminal perpetrator or perpetrators.

(3) Nothing in this subdivision precludes the governing board of a school district or county office of education from conferring in a closed session with law enforcement officials pursuant to Section 54957 of the Government Code to approve a tactical response plan developed in consultation with those officials pursuant to this subdivision. Any vote to approve the tactical response plan shall be announced in open session following the closed session.

(4) Nothing in this subdivision shall be construed to reduce or eliminate the requirements of Section 32282.

*(Amended by Stats. 2011, Ch. 438, Sec. 1. Effective January 1, 2012.)*

**32282.** (a) The comprehensive school safety plan shall include, but not be limited to, both of the following:

(1) Assessing the current status of school crime committed on school campuses and at school-related functions.

(2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, which shall include the development of all of the following:

(A) Child abuse reporting procedures consistent with Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code.

(B) Disaster procedures, routine and emergency, including adaptations for pupils with disabilities in accordance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.). The disaster procedures shall also include, but not be limited to, both of the following:

(i) Establishing an earthquake emergency procedure system in every public school building having an occupant capacity of 50 or more pupils or more than one classroom. A school district or county office of education may work with the Office of Emergency Services and the Alfred E. Alquist Seismic Safety Commission to develop and establish the earthquake emergency procedure system. The system shall include, but not be limited to, all of the following:

(I) A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of pupils and staff.

(II) A drop procedure whereby each pupil and staff member takes cover under a table or desk, dropping to his or her knees, with the head protected by the arms, and the back to the windows. A drop procedure practice shall be held at least once each school quarter in elementary schools and at least once a semester in secondary schools.

(III) Protective measures to be taken before, during, and following an earthquake.

(IV) A program to ensure that pupils and both the certificated and classified staff are aware of, and properly trained in, the earthquake emergency procedure system.

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(ii) Establishing a procedure to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The school district or county office of education shall cooperate with the public agency in furnishing and maintaining the services as the school district or county office of education may deem necessary to meet the needs of the community.

(C) Policies pursuant to subdivision (d) of Section 48915 for pupils who committed an act listed in subdivision (c) of Section 48915 and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with Section 48900) of Chapter 6 of Part 27 of Division 4 of Title 2.

(D) Procedures to notify teachers of dangerous pupils pursuant to Section 49079.

(E) A discrimination and harassment policy consistent with the prohibition against discrimination contained in Chapter 2 (commencing with Section 200) of Part 1.

(F) The provisions of any schoolwide dress code, pursuant to Section 35183, that prohibits pupils from wearing "gang-related apparel," if the school has adopted that type of a dress code. For those purposes, the comprehensive school safety plan shall define "gang-related apparel." The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. A schoolwide dress code established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school-sponsored activity by the principal of the school or the person designated by the principal. For purposes of this paragraph, "gang-related apparel" shall not be considered a protected form of speech pursuant to Section 48950.

(G) Procedures for safe ingress and egress of pupils, parents, and school employees to and from school.

(H) A safe and orderly environment conducive to learning at the school.

(I) The rules and procedures on school discipline adopted pursuant to Sections 35291 and 35291.5.

(b) It is the intent of the Legislature that schools develop comprehensive school safety plans using existing resources, including the materials and services of the partnership, pursuant to this chapter. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Partnership Program entitled "Safe Schools: A Planning Guide for Action" in conjunction with developing their plan for school safety.

(c) Each schoolsite council or school safety planning committee, in developing and updating a comprehensive school safety plan, shall, where practical, consult, cooperate, and coordinate with other schoolsite councils or school safety planning committees.

(d) The comprehensive school safety plan may be evaluated and amended, as needed, by the school safety planning committee, but shall be evaluated at least once a year, to ensure that the comprehensive school safety plan is properly implemented. An updated file of all safety-related plans and materials shall be readily available for inspection by the public.

(e) As comprehensive school safety plans are reviewed and updated, the Legislature encourages all plans, to the extent that resources are available, to include policies and procedures aimed at the prevention of bullying.

(f) The comprehensive school safety plan, as written and updated by the schoolsite council or school safety planning committee, shall be submitted for approval pursuant to subdivision (a) of Section 32288.

*(Amended by Stats. 2015, Ch. 303, Sec. 68. Effective January 1, 2016.)*

**32282.1.** (a) As comprehensive school safety plans are reviewed and updated, the Legislature encourages all plans, to the extent that resources are available, to include clear guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on school campuses, if the school district uses these people.

(b) The guidelines developed pursuant to subdivision (a) are encouraged to include both of the following:

(1) Primary strategies to create and maintain a positive school climate, promote school safety, and increase pupil achievement, and prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support.

(2) Consistent with paragraph (2) of subdivision (a) of Section 32282, protocols to address the mental health care of pupils who have witnessed a violent act at any time, including, but not limited to, any of the following:

(A) While on school grounds.

(B) While going to or coming from school.

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- (C) During a lunch period whether on or off campus.
- (D) During, or while going to or coming from, a school-sponsored activity.

*(Amended by Stats. 2014, Ch. 794, Sec. 2. Effective January 1, 2015.)*

**32282.5.** (a) The department shall electronically distribute disaster preparedness educational materials and lesson plans that are currently available to school districts and county offices of education.

(b) The department shall ensure that the disaster preparedness materials are available in at least the three most dominant primary languages spoken by English learners in California, according to the language census.

(c) The department shall coordinate with the Office of Emergency Services to make sure that all materials are reviewed and updated annually.

*(Amended by Stats. 2013, Ch. 352, Sec. 70. Effective September 26, 2013. Operative July 1, 2013, by Sec. 543 of Ch. 352.)*

**32283.** The Department of Justice and the State Department of Education, in accordance with Section 32262, shall contract with one or more professional trainers to coordinate statewide workshops for school districts, county offices of education, and schoolsite personnel, and in particular school principals, to assist them in the development of their respective school safety and crisis response plans, and provide training in the prevention of bullying as defined in subdivision (r) of Section 48900. The Department of Justice and the State Department of Education shall work in cooperation with regard to the workshops coordinated and presented pursuant to the contracts. Implementation of this section shall be contingent upon the availability of funds in the annual Budget Act.

*(Amended by Stats. 2011, Ch. 732, Sec. 4. Effective January 1, 2012. Operative July 1, 2012, by Sec. 8 of Ch. 732.)*

**32283.5.** The department shall develop an online training module to assist all school staff, school administrators, parents, pupils, and community members in increasing their knowledge of the dynamics of bullying and cyberbullying. The online training module shall include, but is not limited to, identifying an act of bullying or cyberbullying, and implementing strategies to address bullying and cyberbullying.

*(Added by Stats. 2014, Ch. 418, Sec. 1. Effective January 1, 2015.)*

**32284.** The comprehensive school safety plan may also include, at local discretion of the governing board of the school district and using local funds, procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of a school. No funds received from the state may be used for this purpose.

*(Added by renumbering Section 35294.4 by Stats. 2003, Ch. 828, Sec. 16. Effective January 1, 2004.)*

**32286.** (a) Each school shall adopt its comprehensive school safety plan by March 1, 2000, and shall review and update its plan by March 1, every year thereafter. A new school campus that begins offering classes to pupils after March 1, 2001, shall adopt a comprehensive school safety plan within one year of initiating operation, and shall review and update its plan by March 1, every year thereafter.

(b) Commencing in July 2000, and every July thereafter, each school shall report on the status of its school safety plan, including a description of its key elements in the annual school accountability report card prepared pursuant to Sections 33126 and 35256.

*(Added by renumbering Section 35294.6 by Stats. 2003, Ch. 828, Sec. 18. Effective January 1, 2004.)*

**32287.** If the Superintendent of Public Instruction determines that there has been a willful failure to make any report required by this article, the superintendent shall do both of the following:

(a) Notify the school district or the county office of education in which the willful failure has occurred.

(b) Make an assessment of not more than two thousand dollars (\$2,000) against that school district or county office of education. This may be accomplished by deducting an amount equal to the amount of the assessment from the school district's or county office of education's future apportionment.

*(Added by renumbering Section 35294.7 by Stats. 2003, Ch. 828, Sec. 19.5. Effective January 1, 2004.)*

**32288.** (a) In order to ensure compliance with this article, each school shall forward its comprehensive school safety plan to the school district or county office of education for approval.

(b) (1) Before adopting its comprehensive school safety plan, the schoolsite council or school safety planning committee shall hold a public meeting at the schoolsite in order to allow members of the public the opportunity to

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express an opinion about the school safety plan.

(2) The schoolsite council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:

(A) The local mayor.

(B) A representative of the local school employee organization.

(C) A representative of each parent organization at the schoolsite, including the parent teacher association and parent teacher clubs.

(D) A representative of each teacher organization at the schoolsite.

(E) A representative of the student body government.

(F) All persons who have indicated they want to be notified.

(3) The schoolsite council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:

(A) A representative of the local churches.

(B) Local civic leaders.

(C) Local business organizations.

(c) In order to ensure compliance with this article, each school district or county office of education shall annually notify the State Department of Education by October 15 of any schools that have not complied with Section 32281.

*(Added by renumbering Section 35294.8 by Stats. 2003, Ch. 828, Sec. 20. Effective January 1, 2004.)*

**32289.** A complaint of noncompliance with the school safety planning requirements of Title IV of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 7114 (d)(7)) may be filed with the department under the Uniform Complaint Procedures as set forth in Chapter 5.1 (commencing with Section 4600) of Title 5 of the California Code of Regulations.

*(Amended (as added by Stats. 2004, Ch. 896, Sec. 29) by Stats. 2015, Ch. 303, Sec. 70. Effective January 1, 2016.)*



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## California State Board of Education Policy #01-02

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### DATE

March 2001

### SUBJECT

School Safety, Discipline, and Attendance

### REFERENCES

Integrated in text.

### HISTORICAL NOTES

This policy supersedes a policy on the same subject originally adopted in October 1983 and revised in September 1993.

It is the policy of the State Board of Education (State Board) that all students enrolled in public schools in California have the right to safe schools.<sup>1</sup> The State Board believes that students cannot benefit fully from an educational program unless they attend school regularly in an environment that is free from physical and psychological harm. The State Board also believes that the leadership in providing safe schools, establishing behavior standards, and improving student attendance must come primarily from local education agency (LEA) boards, superintendents and their staff, and site-level administrators. The leadership must be continuous in order to support comprehensive efforts at each school site to assist students in becoming selfdirected and responsible for their own behavior.

It is further the policy of the State Board (supported by reference in statute<sup>2</sup>) that the substantial benefit students will derive from regular attendance in a safe and orderly school environment justifies a high priority and commitment of personnel and fiscal resources by the Legislature, Governor, and California Department of Education, and by LEAs.

In accordance with California *Education Code* Section 35294.1 et seq., the State Board recognizes that a beginning step toward safer schools is the development of a comprehensive plan for school safety by every public school and district in the state. The plan should be developed and integrated into the ongoing school planning efforts that currently exist. *Education Code* Section 35294.6(a) requires that the plan be reviewed and updated annually by March 1 .

Also, *Education Code* Section 35294.6(b) requires each school to report in July on the status of its school safety plan (including a description of the plan's key elements) in the annual school accountability report card prepared pursuant to *Education Code* Sections 33126 et seq. and 35256 et seq. There should be a district-wide statement of philosophy, an enabling policy, and guidelines that serve as a foundation for safe school plans created by individual schools.<sup>3</sup> The statement should provide a clear sense of purpose and exemplify district

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support for the entire planning process. The State Board acknowledges that a student's academic achievement is a great deterrent to school violence; hence, a comprehensive plan should include a focus on high expectations of student performance and behavior in all aspects of the school experience.

Effective safe school plans are developed cooperatively by parents (guardians), students,

teachers, administrators, counselors, and community agencies, including local law enforcement, and approved by the local governing board. The State Board also strongly encourages all LEAs to establish working and collaborative relationships with law enforcement agencies, service agencies, parents (guardians), and community members in order to provide safe and orderly schools, improve attendance, and expand services to students and parents (guardians).

The State Board believes that in order for a comprehensive program for school safety to have long-lasting effects, it should include a planned sequence of strategies and activities appropriate for all students and should be based on specific needs identified by a broad-based safe school committee.<sup>4</sup> The program should have a major focus that is preventive in nature and supports the development of youths' assets.<sup>5</sup> In addition, it should include provisions to deal with critical issues, such as truancy; racial conflict; bullying; gang activities on campus; violent behaviors; weapons possession on campus; drug, alcohol, and other substance abuse; and natural disasters.

The plan should also incorporate after-school programs and extracurricular and co-curricular activities that address individual student needs to belong and to be respected and appreciated.

Finally, the plan should include procedures for accommodating children and youth with disabilities.

The State Board believes that comprehensive safe school plans and programs should focus attention on the strengths and experiences that students, teachers, administrators, and other school personnel bring to the school campus; the physical setting and conditions in which education takes place; the organizational and interpersonal processes that occur in and around school; and the general atmosphere or spirit of the school.

**Comprehensive plans and programs will provide a positive learning environment through the implementation of:**

- Appropriate rules, regulations, and discipline policies that are well publicized, consistently enforced, and nondiscriminatory, and that take into consideration the due process all students are entitled to receive.
- Appropriate professional development that emphasizes the importance of treating students, parents (guardians), and coworkers respectfully.
- A rigorous curriculum that establishes high expectations for achievement by all students in every subject area, academic and non-academic.
- Effective counseling and guidance services that include personal counseling, peer programs, educational counseling, career planning, and training in job-seeking skills and work-related social skills.
- Supplemental and alternative instructional strategies and learning programs, including extracurricular and co-curricular activities, independent study, work experience, and alternative schools, all of which are designed to empower students to complete high school and to transition successfully to employment or postsecondary education.
- Student handbooks that explain codes of conduct, including information on such topics as student rights and responsibilities, unacceptable behavior, and procedures for due process and appeals.
- Plans for dealing with potential disruptive conflict situations, including procedures for referrals to law enforcement agencies for serious offenses.

<http://www.cde.ca.gov/be/ms/po/policy01-02-mar2001.asp>

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- Processes for continually examining the factors in school life that influence behavior and modifying those factors to bring about desired behavior.
- Programs and strategies that develop a student's sense of family and school connectedness, self-esteem, personal and social responsibility, character, and ability to resolve conflict in a positive, constructive way.
- Appropriate professional development activities that include safe school strategies, current laws affecting school safety, and crisis response.
- Collaboration and cooperation among community agencies, law enforcement agencies, neighborhoods, parents (guardians), and schools that lead to increased school safety.
- A system of referrals to appropriate agencies for services that students need and that schools are unable to provide.

**Local plans for safe schools should be based on and/or include the following elements:**

1. Collaborative relationships among community agencies, parents (guardians), local law enforcement agencies, and the school that lead to a common vision of a safe school and commitment to programmatic goals developed by a broadly based safe schools committee.
2. A district-wide statement of philosophy, an enabling policy, and guidelines that serve as a foundation for safe school plans created by individual schools, provide a clear sense of purpose, and exemplify district support for the entire planning process.
3. An assessment of the incidence of campus violence and vandalism, student behavior referrals resulting in suspensions or expulsions, student behaviors resulting in automatic expulsion, and students' attendance patterns including actual attendance, number of excused and unexcused absences, and reasons for nonattendance and tardiness.
4. Identification of appropriate and comprehensive strategies and programs that will provide or maintain a high level of school safety.
5. A discipline policy that clearly defines expected behavior, provides consequences for deviations from the expected behavior, and distinguishes discipline problems from law enforcement problems. A discipline policy should provide details on the following:
  - Rights and responsibilities of students;
  - Student code of conduct;
  - Description of specific disruptive behaviors that interfere with the classroom learning environment (such as antisocial behaviors, gang-related attire and conduct, tardiness, and excessive absences) and logical consequences for those disruptive behaviors;
  - Provisions for due process (e.g., appeals, hearings, and grievances); and
  - Processes for reviewing the individualized education programs of individuals with exceptional needs, as defined in Section 56026 of the *Education Code*, or other children with disabilities that have a Section 504 plan, before punitive action for socially-inappropriate behavior is initiated.
6. Objectives and strategies to improve school safety, attendance, student behavior, and disciplinary practices, and thereby reduce campus violence and foster a positive learning environment.
7. An evaluation of the effectiveness of the designated strategies in reaching the desired attendance, behavior, and school environment goals.
8. A description of the roles and responsibilities of faculty and staff in developing cooperative working relationships with law enforcement agencies, service agencies, parents (guardians), and students to assure the implementation and continuing progress of the comprehensive plan.
9. A description of the identified fiscal and personnel resources for the plan's implementation.
10. Strategies for recognizing situations that may potentially result in conflict (or otherwise be disruptive of education) and implementing appropriate interventions.

<http://www.cde.ca.gov/be/ms/po/policy01-02-mar2001.asp>

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**2016 - 2017 YOLO COUNTY GRAND JURY FINAL REPORT APPENDIX: RESPONSES TO THE 2016 -2017 FINAL REPORT**

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- <sup>1</sup> Constitution of the State of California, Article 1, Section 28(c), Right to Safe Schools.
- <sup>2</sup> The Carl Washington School Safety and Violence Prevention Act, *Education Code* Section 32228 et seq.
- <sup>3</sup> California Department of Education, *Safe Schools: A Planning Guide for Action* (1995 Edition)
- <sup>4</sup> Pursuant to Education Code Sections 35294.1 and 35294.2, the school site council is responsible for developing the school site safety plan or for delegating the responsibility to a school safety planning committee. The site council shall consult with law enforcement in the writing and development of the plan, as well as consult, cooperate, and coordinate with other school site councils and safety committees, where practical.
- <sup>5</sup> Resnic, Michael and Richard Udry. Protecting adolescents from harm: Findings from the National Longitudinal Study on Adolescent Health. *JAMA* 278 (10). September 10, 1997.

[PDF Version Policy #01-02 - School Safety, Discipline, and Attendance](#) (PDF; 102KB; 4pp.)

**Questions: State Board of Education | 916-319-0827**

Last Reviewed: Thursday, July 21, 2016

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California Department of Education – January 2014

**Comprehensive School Safety Plan  
Self-Monitoring Tool**  
California *Education Code* Sections 32280–32289

Requirements for a Comprehensive School Safety Plan	Requirement Met	Comments
<p><b>1. Plan is written and developed by a school site council (SSC) or a safety planning committee.</b> The School Safety Planning Committee is comprised of: principal/designee, teacher, parent of child who attends the school, classified employee, and others. The SSC may delegate this responsibility to a school safety planning committee.</p>		
<p><b>2. SSC/Planning Committee consulted with a representative from a law enforcement agency in the writing and development of the Comprehensive School Safety Plan.</b></p>		
<p><b>3. The Comprehensive School Safety Plan includes, but is not limited to:</b></p> <p><b>a. An assessment of the current status of school crime committed on the school campus and at school-related functions. You may accomplish this by reviewing the following types of information:</b></p> <ul style="list-style-type: none"> <li>• Local law enforcement crime data</li> <li>• Suspension/Expulsion data found in the California Longitudinal Pupil Achievement Data System</li> <li>• Behavior Referrals</li> <li>• Attendance rates/School Attendance Review Board data</li> <li>• California Healthy Kids Survey data</li> <li>• School Improvement Plan</li> <li>• Property Damage data</li> </ul> <p><b>b. An identification of appropriate strategies and programs that provide/maintain a high level of school safety.</b></p>		
<p><b>4. The SSC/Planning Committee reviewed and addressed, as needed, the school's procedures for complying with existing laws related to school safety.</b></p>		
<p><b>5. The Comprehensive School Safety Plan must include all of the following:</b></p>		
<ul style="list-style-type: none"> <li>• Child Abuse Reporting procedures</li> </ul>		
<ul style="list-style-type: none"> <li>• Disaster procedures, routine and emergency, including adaptations for pupils with disabilities.</li> </ul>		<p align="right">APPENDIX 4</p>

<ul style="list-style-type: none"> <li>• Earthquake emergency procedures that include:             <ol style="list-style-type: none"> <li>1. A school building disaster plan</li> <li>2. A drop procedure</li> <li>3. Dates/times of drop procedure drills held once each quarter in elementary; once each semester in secondary schools</li> <li>4. Protective measures to be taken before, during, and after an earthquake</li> <li>5. A program to ensure that pupils and both certificated and classified staff are aware of and are trained in the earthquake emergency procedure system</li> </ol> </li> </ul>		
<ul style="list-style-type: none"> <li>• Procedures to allow a public agency to use school buildings, grounds, and equipment for mass care and welfare shelters during an emergency which affects public health or welfare.</li> </ul>		
<ul style="list-style-type: none"> <li>• Policies and procedures which lead to suspension and/or expulsion.</li> </ul>		
<ul style="list-style-type: none"> <li>• Procedures to notify teachers of dangerous pupils.</li> </ul>		
<ul style="list-style-type: none"> <li>• Policy prohibiting discrimination, harassment, intimidation, and bullying.</li> </ul>		
<ul style="list-style-type: none"> <li>• Provisions of any school site dress code, including prohibition of "gang-related" apparel.</li> </ul>		
<ul style="list-style-type: none"> <li>• Procedures for safe ingress and egress of pupils, parents, and employees from school site; including access to the school campus.</li> </ul>		
<ul style="list-style-type: none"> <li>• Procedures that create a safe and orderly environment conducive to learning at the school.</li> </ul>		
<ul style="list-style-type: none"> <li>• Access to the school campus (visitors).</li> </ul>		
<ul style="list-style-type: none"> <li>• The rules and procedures on school discipline.</li> </ul>		
<ul style="list-style-type: none"> <li>• Crisis Response Plan.</li> </ul>		
<ul style="list-style-type: none"> <li>• Hate crime reporting procedures and policies.</li> </ul>		
<p>6. The plan may include clear guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on campus.</p>		
<p>7. The plan may include procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of a school.</p>		
<p>8. The plan should include verification that the school safety plan was evaluated at least once a year, and revised by March 1 every year.</p>		
<p>9. The plan should include documentation that school safety plan was submitted for approval to either the district office or county office of education. Evidence of approval at the district or county level should be included.</p>		
<p>10. The plan should include verification that the SSC/Planning Committee communicated the school safety plan to the public at a public meeting at the school site.</p>		



## **CONTINUITY REPORT FOR THE 2015-16 YOLO COUNTY GRAND JURY**

### **SUMMARY**

The Yolo County Grand Jury (YCGJ) is dedicated to fostering useful, positive change in County and local government. To that end, the *2015-2016 Yolo County Grand Jury Final Report* concluded four investigations resulting in 21 findings, supporting 18 recommendations. Actions on a number of Grand Jury Recommendations were implemented or remain in progress by various Yolo County agencies.

An important finding in this report is that agency and individual responses were timely and thorough in their comments and responses. While responses to Grand Jury reports are historically posted on the Yolo County Grand Jury web site, they are not posted along with the related reports. This practice may be confusing for those seeking information on a specific report and its responses.

### **BACKGROUND**

Grand Juries have existed since the adoption of California's original Constitution in 1849-50. Article I, Section 23 of the State Constitution requires that a grand jury "be drawn and summoned at least once a year in each county." This Constitutional mandate is supported by Penal Code sections 888 through 939.91, which relate to the selection and impaneling of grand jurors and their watchdog and indictment functions. Government Code sections 3060 through 3075 cover the Grand Jury's accusation process.

The Grand Jury investigates the functions of city and county governments, tax supported agencies and districts, and any agencies or districts created by State Law.

Although the YCGJ functions as an "arm of the court," it is a wholly independent judicial body composed of 19 residents of Yolo County. The Grand Jury's term begins on July 1 and ends on June 30. The Grand Jury's primary responsibility to Yolo County's citizens is its "watchdog" function which is to review and investigate citizens' complaints and other civil matters. In this capacity, at the end of its term, the Grand Jury publishes Findings and Recommendations based on the results of its investigations. These Findings and Recommendations are incorporated into Grand Jury reports that are submitted to the Yolo County Superior Court. The reports are available on the Grand Jury's website at <http://www.yolocounty.org/business/community/grand-jury/yolo-county-grand-jury-reports>.

Not all Grand Jury investigations result in negative findings. Regardless of the positive or negative nature of the findings, certain individuals and agencies investigated by the Grand Jury are required to comment on the final reports, if requested to do so by the Grand Jury. California Penal code section 933(c) sets forth the time framework for comments. This requirement informs the Grand Jury and the public of the scope and timeframe for specific actions. Governing agencies such as boards and councils are required to comment within 90 days of the issuance of the Grand

## CONTINUITY REPORT FOR THE 2015-16 YOLO COUNTY GRAND JURY

Jury's final report. Elected officials or elected agency heads are required to comment within 60 days of the final report.

### DISCUSSION

Penal Code section 933.05 sets forth the required responses to Grand Jury Findings and Recommendations. For Findings, the responding person or entity (respondent) must indicate whether there is agreement with the Finding or disagreement, wholly or partially, with the Finding. If the respondent disagrees wholly or partially with the Finding, the respondent is required to specify the portion of the Finding that is disputed and include an explanation of the reasons for the dispute.

It should be noted that the Yolo County 2015-2016 Grand Jury Final Report did not request respondent comments about the Findings of the Grand Jury. It did, however, request comments concerning Grand Jury Recommendations.

For Recommendations, the respondent is required to state one of the following:

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

There are a number of reasons an agency may not implement an otherwise valid Recommendation. Most commonly, an agency may view a Grand Jury Recommendation as "not warranted." A Recommendation may be "not warranted" if the agency already implemented a program that addressed the underlying goal of the Recommendation; the Recommendation duplicates a function or activity of another County agency; or the agency is aware of information not available to, or not considered by, the Grand Jury, leading the agency to believe that the Recommendation will not achieve the intended purpose. Regardless of other actions, the best measure of a Grand Jury's success in fostering useful, positive change in government practices is that agencies willingly commit to implementing Recommendations at the outset.

The 2015-2016 Grand Jury conducted and published four investigative reports. Each 2015-2016 report will be addressed separately. The 2015-16 report subjects are:

## CONTINUITY REPORT FOR THE 2015-16 YOLO COUNTY GRAND JURY

- “The Yolo County Health and Human Services Department: Personnel Practices”
- “Wild Wing Service Area: Management and Service Concerns”
- “Yolo County Sheriff’s Office Detention Facility Review”
- “Yolo Habitat Conservancy: A Never-Ending Story”

### *The Yolo County Health and Human Services Department*

#### **2015-2016 Investigation Synopsis**

The report describes the Grand Jury’s investigation of employee complaints concerning the personnel practices of the Yolo County Health and Human Services Department (YCHHSD), particularly the Emergency and Intensive Services managers and supervisors, pertaining to hiring, promotion, employee transfers, civility, favoritism, retaliation, grievance procedures, and allegations of the misuse of county funds for persons receiving aid. The Grand Jury determined that the July 2015 reorganization of the YCHHSD failed to address these complaints and that there were substantial internal personnel and management problems within the Department as documented by the number of similar complaints.

The YCGJ listed four Findings and two Recommendations. The Findings addressed management practices that did not foster a culture of open communication in addressing personnel complaints as well as non-adherence to established County personnel practices dealing with awarding permanent employment status to probationary employees, conducting timely performance evaluations, and hiring procedures for hiring internal applicants versus external applicants. The Recommendations including requiring additional training for supervisors and managers to promote open communication and resolution of personnel issues as well as conducting all employee evaluations in a timely manner.

#### **Recommendation Implementation**

Yolo County and the YCHHSD commented on the two Grand Jury Recommendations. Grand Jury Recommendation R1 proposed that Health and Human Services Agency supervisory and management staff be provided with additional training to promote open communication and resolution of personnel issues. The respondents stated that R1 had been implemented prior to the YCHHSD’s knowledge of the Grand Jury investigation and that a manager received management development training through UC Davis and that a supervisor received effective supervisory practices training through the International City/County Management Association. Additionally, agency managers, supervisors and staff receive ongoing training that is offered countywide. R2 proposed a timeline for bringing all probationary and permanent employee evaluations up to date. The respondents agreed to implement R2 within the timeline suggested by the Grand Jury.



## CONTINUITY REPORT FOR THE 2015-16 YOLO COUNTY GRAND JURY

### Wild Wings County Service Area

#### **2015-16 Investigation Synopsis**

The report describes the Grand Jury's investigation of citizens' complaints concerning the Wild Wings County Service Area (CSA). The complaints included allegations of financial mismanagement, lack of transparency with regard to public documents, lack of responsiveness on the part of Wild Wings CSA management, concerns about Wild Wings Golf Course operations, and water quality. The Grand Jury identified several policies and procedures that should be improved to provide greater transparency, increased access to public documents, improved communication, increased financial oversight, and development and funding of a long-term capital improvement plan.

The YCGJ identified eight Findings and seven Recommendations based on those Findings. The Findings focused on the lack of transparency and accessibility of information regarding the Wild Wings CSA including KemperSports, the golf course management company's failure to post monthly updates on the Wild Wings Golf Club web page. The YCGJ discussed the failure of the CSA to fully fund reserve accounts for three years and its borrowing from capital improvement, sewer, and water reserve accounts to cover general expenses. The YCGJ Findings also noted that the CSA's public meetings were set at inconvenient times for working families, that the meeting agendas and minutes were not posted online in a timely manner, and that the CSA management was frequently unresponsive or gave incomplete responses to requests for information. Finally, the YCGJ found that the Yolo County website is not user-friendly, is difficult to navigate, and information is not updated on a regular basis. The Recommendations addressed improving public accessibility to CSA meetings such as setting a regular date and time for meetings, specific timelines for posting meeting agendas and minutes, timely acknowledgement of and response to citizen complaints and concerns, and improved fiscal accountability regarding water and sewer rates. The YCGJ also recommended that Yolo County improve its maintenance of the Wild Wings CSA's website and that KemperSports' monthly updates be posted not later than the end of the month to the Yolo County Wild Wings Golf Club web page.

#### **Recommendation Implementation**

Responses to the seven Recommendations in this report were provided by the Office of the County Administrator. There was agreement with R1, R2 and R7 asking that minutes of the Wild Wings CSA meetings be posted online within 10 working days of the meeting, that CSA meetings be scheduled and held on a consistent basis, and that timely responses be made to complaints and concerns. These Recommendations will be implemented. R3 proposed that the CSA meeting start time be no earlier than 7:00 p.m. to allow for greater resident participation. The respondent stated that implementation of this recommendation will require further analysis. R4 asked that by September 1, 2016, KemperSports' monthly updates be posted within 30 days of the end of the month to the Yolo County Wild Wings Golf Club web page. The respondent agreed to this recommendation; however, the implementation date was extended to November 1, 2016, with the

## CONTINUITY REPORT FOR THE 2015-16 YOLO COUNTY GRAND JURY

caveat that the updates will not be posted on the golf club web page as this is a marketing tool, but instead will be posted on the Wild Wings CSA residents' web page. R5 proposed that Yolo County maintain a regularly updated and easy-to-navigate website for Wild Wings CSA. The respondent agreed to implement the Recommendation within the timeline suggested by the Grand Jury. R6 proposed that water and sewer rates be adjusted on a yearly basis to fund reserve accounts. The respondent stated that this Recommendation will not be implemented because it requires further analysis to determine whether it is warranted.

### Yolo County Sheriff's Office Detention Facility Review

#### **2015-2016 Investigation Synopsis**

Inspecting County detention facilities is an annual statutory requirement of the Grand Jury, though not all facilities need to be inspected each year. Penal Code section 919(b) states that "the Grand Jury shall inquire into the condition and management of the public prisons within the county." The Grand Jury chose to visit the Monroe Detention and Leinberger Memorial Centers to fulfill the statutory obligation. Areas of concern included \$36 million facilities renovation grant expenditures, confidentiality of medical information, sanitary conditions, inmate grievance procedures, and maintenance of "Self-Contained Breathing Apparatus units" (SCBA).

YCGJ identified six Findings and seven Recommendations based on those Findings. The Grand Jury found unlabeled chemical containers in and poor housekeeping of dental/medical equipment and exam rooms as well as improper maintenance of SCBA units. Hazards were identified regarding emergency egress practices. Findings also noted that there is no onsite person charged with overseeing the health and safety of the Detention Facility, and that discrepancies in the Inmate Grievance procedure demonstrated a lack of serious attention to resolving inmate grievances on the part of the Detention staff. The Recommendations set timelines for instructing Detention staff that emergency exits must be free from impediments at all times, for properly securing all medical records, for removing or replacing defective or inoperable SCBA units, for cleaning and sanitizing medical equipment and offices to industry standards, and for securing and properly labeling all chemicals along with maintaining proper Safety Data Sheets. Further Recommendations included establishing policies, updating the inmate handbook, and staff training to ensure that proper attention is given to inmate grievances. The Grand Jury also recommended that the Sheriff's Office employ a qualified health and safety officer/industrial hygienist to ensure a comprehensive health and safety program.

#### **Recommendation Implementation**

Yolo County and the Sheriff's Office committed to implementing three of the Grand Jury detention facility Recommendations, designated "R1," R2," and "R5." R1 recommended that all emergency exits must be free from impediments at all times, and Yolo County and the Sheriff's Office agreed to place signage at each emergency exit stating that the door shall not be blocked. R2 made recommendations concerning the SCBA units. Yolo County and the Sheriff's Office will continue to inspect the SCBAs on a regular basis and will remove inoperable units. The Sheriff's

## CONTINUITY REPORT FOR THE 2015-16 YOLO COUNTY GRAND JURY

Office will continue to educate and train staff on the proper use and inspection of SCBAs. The Sheriff's Office noted that one SCBA unit is designated "for training use only." This unit will be clearly marked as such. R5 recommended the hiring or designation of a qualified health and safety officer/industrial hygienist to be responsible for the operation, equipment, and training of personnel, to ensure a comprehensive health and safety program. The Sheriff's Office stated that Yolo County, Probation, and the Sheriff's Office were in contract negotiations with the California Forensic Medical Group to provide medical/mental health services. A component of this contract is to hire a qualified health and safety officer.

Yolo County and the Sheriff's Office implemented R4 which asked for proper chemical storage, labeling and Safety Data Sheets and agreed with R7 which asked for medical records to be properly secured in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The County contracts with California Forensic Medical Group to provide medical/mental healthcare to inmates and will see that the contractor is held to strict HIPAA compliance.

Yolo County and the Sheriff's Office disagreed with two Recommendations, R3 and R6, stating that the Yolo County Detention's dental facilities are routinely inspected and found to be in compliance with industry standards and that a June 24, 2016, Board of State and Community Corrections inspection found the Inmate Grievance policy and procedure to be in compliance. The respondents stated that these Recommendations are not warranted.

### *Yolo Habitat Conservancy*

#### **2015-2016 Synopsis**

This report described the Grand Jury's inspection of the Yolo Habitat Conservancy's (YHC) 25-year-long effort to create a Habitat Conservancy Plan and the Natural Community Conservation Plan (HCP/NCCP or *the plan*). *The plan* is meant to accommodate continuing development within Yolo County while protecting the habitats of designated species. The YHC is an outgrowth of the Yolo Natural Heritage Program and, as of 2002, is a Joint Powers Authority (JPA) consisting of voting members from the County of Yolo and the cities of Davis, West Sacramento, Winters, and Woodland. The University of California Davis occupies a non-voting YHC board position. Estimated expenditures incurred toward development of a conservation plan are in the millions of dollars; however, to date, several draft plans have been prepared, but no plan has been finalized or adopted. During its investigation, the Grand Jury identified operational and fiscal inconsistencies negatively affecting the YHC.

As a result of the investigation, the Grand Jury identified three Findings and two Recommendations. The Findings addressed the lack of an approved HCP/NCCP plan and that the YHC performance over the past 25 years does not justify the time and money spent. The Recommendations set timelines for submitting the HCP/NCCP plan for approval and asked for annual performance audits of the YHC to measure progress.

## CONTINUITY REPORT FOR THE 2015-16 YOLO COUNTY GRAND JURY

### Recommendation Implementation

Yolo County, the YHC, and four of the five voting JPA members responded to the two Grand Jury Recommendations, designated “R1” and “R2.” Grand Jury Recommendation R1 asked the YHC to submit the HCP/NCCP plan for approval by April 30, 2017. R2 asked the YHC to institute a program of annual performance audits by September 1, 2016. The YHC Board of Directors and Executive Director agreed to implement R1, but stated that R2 will not be implemented. Yolo County, speaking for The Board of Supervisors, agreed with R1 and stated that R2 will not be implemented. The City of Davis agreed, with reservations, to R1 and stated that R2 was not warranted. West Sacramento agreed with R1 and stated that R2 needed further analysis. The City of Winters did not respond to the Grand Jury’s Recommendations. The City of Woodland agreed with R1 and stated that R2 needed further analysis.

### CONCLUSION

In response to the Findings and Recommendations published in the 2015-2016 Grand Jury Final Report, this summary of responses documents the comments received and the measures taken by the investigated parties and governing bodies. Agency and individual comments were timely and thorough in observance of statutory requirements and were in the spirit of cooperation with the Grand Jury. Of the 18 Recommendations contained within the 2015-2016 Report, 11 will be implemented, two were already implemented, two will not be implemented, two were deemed not to be warranted, and one required further analysis. The negative responses stated the underlying reason(s) for the agency’s or individual’s non-implementation of the Recommendation.

The potential benefit of the implemented recommendations demonstrates that the Yolo County Grand Jury continues to serve as a useful agent for positive change.

### BIBLIOGRAPHY

*2015-2016 Yolo County Grand Jury Final Report*, June 30, 2015:

<http://www.yolocounty.org/business/community/grand-jury/yolo-county-grand-jury-reports>

Responses to 2015-2016 Yolo County Grand Jury Reports (also posted on the web page above)

- Yolo County Response to “The Yolo County Health and Human Services Department: Personnel Practices”
- Yolo County Response to “Wild Wings County Service Area: Management and Service Concerns”
- Yolo County Response to “Yolo County Sheriff’s Office Detention Facility Review”

**CONTINUITY REPORT FOR THE 2015-16 YOLO COUNTY GRAND JURY**

- Office of the Yolo County Sheriff Response to “Yolo County Sheriff’s Office Detention Facility Review”
- Yolo County Response to “Yolo Habitat Conservancy: A Never-Ending Story”
- Yolo Habitat Conservancy Response to “Yolo Habitat Conservancy: A Never- Ending Story”
- City of Davis Response to “Yolo Habitat Conservancy: A Never-Ending Story”
- City of West Sacramento Response to “Yolo Habitat Conservancy: A Never-Ending Story”
- City of Woodland Response to “Yolo Habitat Conservancy: A Never-Ending Story”

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

APPENDIX RESPONSES TO THE 2016 - 2017 FINAL REPORT

**APPENDIX**

**RESPONSES TO THE  
2016 – 2017  
YOLO COUNTY GRAND JURY  
FINAL REPORT**



Responses to 2016 – 2017 Grand Jury reports had not been received as of June 20, 2017. Responses will be posted as they are received at <http://www.yolocounty.org/residents/yolo-county-grand-jury>



APPENDIX RESPONSES TO THE 2015 - 2016 FINAL REPORT

**APPENDIX**

**RESPONSES TO THE  
2015 – 2016  
YOLO COUNTY GRAND JURY  
FINAL REPORT**







The Yolo County Health and Human Services department: Personnel Practices



## COUNTY OF YOLO

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July 25, 2016

To: Yolo County Grand Jury  
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via e-mail: [grand-jury@sbcglobal.net](mailto:grand-jury@sbcglobal.net)

RE: 2015-2016 Yolo County Grand Jury Report – The Yolo County Health and Human Services Department: Personnel Practices

Honorable Judge Richardson:

The following is the response to the findings and recommendations in the 2015-2016 Yolo County Grand Jury Report titled, “The Yolo County Health and Human Services Department: Personnel Practices” from Yolo County Administrator Patrick Blacklock, Health & Human Services Agency Director Karen Larsen and Human Resources Director Gina Rowland (formerly Health & Human Services Agency Human Resources Director). For purposes of readability, we have included the Grand Jury’s recommendations in **bold**.

---

**F1 The Grand Jury found the Yolo County Health and Human Services Department, Emergency and Intensive Services supervisors and manager do not foster a culture of open communication in addressing personnel complaints.**

Response: The respondents partially disagree with the finding. This Grand Jury report focuses on a work unit that comprises less than 5% of the Health & Human Services Agency. There is one manager and four supervisors in the Employment & Intensive Services work unit. It is not accurate to say that all five individuals do not foster a culture of open communication in addressing personnel complaints.

**F2 The Yolo County Health and Human Services Department has awarded permanent employment status to some probationary employees without proper performance evaluations.**

Response: The respondents disagree partially with the finding. There was no evidence or examples provided by the Grand Jury to assist the Health & Human Services Agency

## The Yolo County Health and Human Services department: Personnel Practices

in substantiating or quantifying this finding. Agency staff reviewed all current performance evaluation due dates. Of the 530 current employees, there was only one incident in which a person passed their probationary period without a performance evaluation being performed. Given that this is less than 0.19%, this was likely an unfortunate oversight or anomaly, and does not reflect standard practices within the Agency.

**F3 The Yolo County Health and Human Services Department does not consistently conduct timely annual performance evaluations for permanent staff.**

Response: The respondents disagree partially with this finding. Timely performance evaluations were identified by the Health & Human Services Agency as an issue in July 2015, and thus prioritized and included in the Agency's 2015-16 goals. The Agency has made good progress in this area; in December 2015, 65% of employee performance evaluations were completed on time; by late May 2016, the timely completion of employee evaluations increased to 85%. This is an area that will continue to be a priority for the Agency.

**F4 The Grand Jury found many front line staff do not understand the procedure for hiring internal applicants versus external applicants as it applies to hiring preferences.**

Response: The respondents agree with the finding

**R1 By September 1, 2016, the Yolo County Health and Human Services Department will provide additional training for supervisors and managers to promote open communication and resolution of personnel issues.**

Response: This recommendation was implemented prior to the Health & Human Services Agency's knowledge of the Grand Jury investigation and subsequent report. The manager of this unit attended the UC Davis Management Development Program in late 2015 and early 2016. One supervisor in this unit attended the ICMA Effective Supervisory Practices training from January through June 2016. Both training programs emphasize open communication and resolution of personnel issues. In addition, ongoing training for supervisors and managers is offered countywide, including Agency staff.

**R2 By January 2, 2017, all probationary and permanent employee evaluations are to be up to date, and the Department will conduct all evaluations in a timely manner.**

Response: This recommendation will be implemented by January 2, 2017.

**Wild Wings Service Area: Management and Service Concerns**



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RE: 2015-2016 Yolo County Grand Jury Report – Wild Wings County Service Area:  
Management and Service Concerns

Honorable Judge Richardson:

The following is the response to the findings and recommendations in the 2015-2016 Yolo County Grand Jury Report titled, “Wild Wings County Service Area: Management and Service Concerns” from the Wild Wings County Service Area Board of Directors, Yolo County Director of Community Services (formerly Planning, Public Works & Environmental Services) Taro Echiburu, County Administrator Patrick Blacklock (currently overseeing Community Service Area management) and Chief Financial Officer Howard Newens. For purposes of readability, we have included the Grand Jury’s recommendations in **bold**.

---

**F1 There is a lack of transparency and accessibility of information regarding the operations of the Wild Wings CSA.**

Response: The respondents disagree partially with the finding. While there may have been instances of break-downs in communication or occasions where information was not readily available, generally, information regarding the operations of the Wild Wings CSA is posted online and/or obtainable from County staff.

**F2 The Wild Wings CSA meeting times are inconvenient for working families. Meeting dates are not always consistent.**

Response: The respondents disagree partially with the finding. The meeting times and dates are set by the Advisory Committee, who are members of the community and working individuals. The general Advisory Committee meets at 6:00 p.m. and the Golf

### Wild Wings Service Area: Management and Service Concerns

Course Subcommittee meets at 5:00 p.m. The meetings are generally held every other month on a Wednesday and are also set by the Advisory Committee.

**F3 Wild Wings CSA meeting agendas and minutes are not posted online in a timely manner.**

Response: The respondents disagree partially with the finding. Meeting agendas are posted online prior to the meeting date and in compliance with the Brown Act. Meeting minutes are typically posted in a timely manner when provided by the Wild Wings CSA Advisory Committee.

**F4 KemperSports' monthly updates are not regularly posted to the Yolo County Wild Wings Golf Club web page.**

Response: The respondents agree with the finding.

**F5 The Yolo County website is not user-friendly and is difficult to navigate. Information is not updated on a regular basis.**

Response: The respondents disagree partially with the finding. While there are sections of the Yolo County website that could be improved upon, the website generally is user-friendly, easy to navigate and updated on a regular basis.

**F6 The Wild Wings CSA failed to fully fund reserve accounts (capital improvement, sewer, and water) during the years 2011, 2013, and 2014.**

Response: The respondents disagree wholly with the finding. Amounts were transferred to fund the reserve accounts for the years 2011, 2013 and 2014.

**F7 The Wild Wings CSA borrowed from restricted funds to cover general expenses.**

Response: The respondents agree with the finding. Though funds might be restricted for various purposes, occasionally circumstances could warrant a loan to another fund when the governing board determines that such a transaction advances the goal of the organization and serves the best interest of the organization in the long term. In such cases, the governing board could authorize an inter-fund loan with certain conditions that guarantee timely and full repayment, and hold the lending fund harmless. The loan for the purchase of the golf course was properly authorized and repaid in full.

### Wild Wings Service Area: Management and Service Concerns

- F8 Wild Wings CSA management is frequently unresponsive or gives incomplete responses to requests for information.**

Response: The respondents disagree partially with the finding. Staff endeavors to provide all information requested to the extent that the information is available. In some cases however, there has been a break-down in communication, resulting in the provision of incomplete information. In other cases, time is required to gather information or the information does not exist.

- R1 Beginning with the next meeting following the publication of this report and for all ensuing meetings, the draft minutes from Wild Wings CSA meetings should be posted online within 10 working days of the meeting date.**

Response: This recommendation will be implemented.

- R2 By September 1, 2016, Wild Wings CSA public meeting dates should be scheduled and held on a consistent basis, for example, the second Tuesday of every other month.**

Response: This recommendation will be implemented by before 2017.

- R3 By September 1, 2016, Wild Wings CSA meeting start time should be no earlier than 7:00 p.m. to allow for greater resident participation.**

Response: This recommendation requires further analysis. As stated above, meetings times have been set by the Advisory Committee. However, before 2017, staff will survey CSA members to determine the best meeting start time for CSA residents and will agendaize reconsideration of meeting start times.

- R4 By September 1, 2016, KemperSports' monthly updates should be posted by CSA management or staff within 30 days of the end of the month to the Yolo County Wild Wings Golf Club web page.**

Response: This recommendation will be implemented by November 1, 2016. However, as the Wild Wings Golf Club webpage is meant as a marketing tool to provide non-CSA residents information about the golf course, KemperSports' monthly updates will instead be posted on a webpage dedicated for CSA residents.

**Wild Wings Service Area: Management and Service Concerns**

- R5 By January 2, 2017, Yolo County will maintain a regularly updated and easy-to-navigate website related to the Wild Wings CSA.**

Response: This recommendation will be implemented by January 2, 2017.

- R6 Water and sewer rates should be adjusted on a yearly basis to fund reserve accounts (capital improvement, sewer, and water) as recommended by the most current Engineer's Report.**

Response: This recommendation will not be implemented because it requires further analysis to determine whether it is warranted. Annually, CSA staff and fiscal teams will evaluate the amounts needed to fund reserve accounts as recommended by the most current Engineer's Report, and adjustments will be made as appropriate and in a timely manner.

- R7 By September 1, 2016, Wild Wings CSA staff should acknowledge complaints and concerns in writing within ten calendar days of receipt and then issue a response within 30 calendar days.**

Response: This recommendation will be implemented by September 1, 2016.

## Yolo County Sheriff's Office Detention Facility Review



# COUNTY OF YOLO

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RE: 2015-2016 Yolo County Grand Jury Report – Yolo County Sheriff's Office Detention Facility Review

Honorable Judge Richardson:

The following is the response to the findings and recommendations in the 2015-2016 Yolo County Grand Jury Report titled, "Yolo County Sheriff's Office Detention Facility Review" from the Yolo County Board of Supervisors and Health & Human Services Community Branch Director Jan Babb. Response from the Yolo County Sheriff Ed Prieto, on behalf of his office and the Detention Commander Carter Vaughn, came under separate cover on June 30, 2016. For purposes of readability, we have included the Grand Jury's recommendations in **bold**.

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### Correction to the Report:

The \$36 million referenced in page 2 of the report is an AB 900 Phase 2 grant being utilized for improvements to the Monroe Detention Center which include expanded and modernized health and mental health care facilities. Replacement of the Leinberger facility with enhanced program space is being funded by \$30 million in SB 863 funds.

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**F1 The Grand Jury found hazards regarding emergency egress practices.**

**R1 By September 1, 2016, instruct all staff in writing that all emergency exits must be free from impediments at all times.**

Response: See Sheriff Office's response below.



## Yolo County Sheriff's Office Detention Facility Review

Yolo County Sheriff & Detention Commander response under separate cover:

By September 1, 2016, the Sheriff's Office will place signage at each emergency exit stating that the door shall not be blocked.

**F2 Self Contained Breathing Apparatus (SCBA) are not properly maintained.**

**R2 By September 1, 2016, all SCBAs must be fully operational. Defective or inoperable SCBA units shall be removed and replaced. Staff must be educated and trained as necessary to ensure SCBAs are operable and secure.**

Response: See Sheriff Office's response below.

Yolo County Sheriff & Detention Commander response under separate cover:

The Sheriff's Office will continue to inspect the SCBAs on a regular basis and will remove from service those that are inoperable. Staff have been and will continue to be educated and trained on the proper use and inspection of the SCBAs. One SCBA had been designated "for training use only" and is located in the Booking Area. The training SCBA is used to train Correctional Staff in the proper donning and doffing of a SCBA, additionally it is used to train Correctional Staff in the proper inspection procedures. This SCBA will be clearly marked "For Training Use Only."

**F3 The Grand Jury found poor housekeeping of dental/medical exam rooms and equipment.**

**R3 By September 1, 2016, all medical equipment and offices must be cleaned and sanitized to regulated industry standards. Procedures shall be put into place to ensure maintenance and cleanliness is sustained.**

Response: The respondents disagree wholly with the finding and the recommendation will not be implemented because it is not warranted. The most recent Local Detention Facility Health Inspection Report (inspection on 12/3/15) found all components for Facility Sanitation, Safety and Maintenance were passed, which include:

- There are policies and procedures for the maintenance of an acceptable level of cleanliness, repair and safety throughout the facility.
- The plan provides for a regular schedule of housekeeping tasks and inspections to identify and correct unsanitary or unsafe conditions or work practices.
- Medical care housing as described in Title 24, Part 2, § 470A.2.14 is cleaned and sanitized according to policies and procedures established by the health authority.

### Yolo County Sheriff's Office Detention Facility Review

Additionally, upon June 2016 visits from the County Health Officer and the Community Health Branch Director, housekeeping in the dental rooms appeared to be adequate for provision of quality dental services.

Yolo County Sheriff & Detention Commander response under separate cover:

The Jail is inspected annually by trained and certified employees of the Yolo County Health Department. No notation of such violation has been made in the past. In addition, since this Grand Jury Report was published, the Sheriff's Office asked Dr. Ronald Chapman, the Yolo County Health Officer, to inspect the Dental Office to ensure that it is in compliance with industry standards. His observations were that the staining that was observed by the Grand Jury was cosmetic in nature and would not have an impact on the quality of care.

**F4 Unlabeled chemical containers were improperly stored in the dental exam room.**

**R4 By September 1, 2016, all chemicals must be safely secured, labeled, and with the proper Safety Data Sheets on file. Safety Data Sheets must be accessible to staff.**

Response: The respondents disagree partially with the finding. During a June 2016 visit from the Community Health Branch Director, unlabeled chemical containers were not noted, however, it was noted that the organization of the room would benefit by having the chemicals stored in a cupboard. See Sheriff Office's response below concerning the recommendation.

Yolo County Sheriff & Detention Commander response under separate cover:

The Sheriff's Office has placed Material Safety Data Sheets (MSDS) on file and they are available to all staff. All chemicals have been secured.

**F5 There is no onsite person charged with overseeing the health and safety of the entire facility.**

**R5 By January 1, 2017, YCSO should employ or designate a qualified health and safety officer/industrial hygienist to be responsible for the operation, equipment, and training of personnel, to ensure a comprehensive health and safety program.**

Response: This recommendation will be implemented in part in that the County will assist the Sheriff's Office in assessing the needs and identifying resources necessary to ensure a comprehensive health and safety program by January 1, 2017.

Yolo County Sheriff & Detention Commander response under separate cover:

## Yolo County Sheriff's Office Detention Facility Review

The County of Yolo, Probation and the Sheriff's Office are currently in contract negotiations with California Forensic Medical Group (CFMG) to provide medical/mental health services. A component of the contract is to employ a qualified health and safety officer.

**F6 Discrepancies in the Inmate Grievance procedure demonstrate a lack of serious attention to resolving inmate grievances by the Detention staff.**

**R6 By January 1, 2017, a comprehensive policy, including staff training and an updated inmate handbook, shall be in place to ensure that complete processing and proper attention is given to inmate grievances. This shall include a form that matches both staff and inmate procedures.**

Response: See Sheriff Office's response below.

Yolo County Sheriff & Detention Commander response under separate cover:

The Jail is inspected biennially by the Board of State and Community Corrections (BSCC) per Penal Code Section 6031. This inspection is conducted to confirm compliance with California Code of Regulations (CCR) Titles 15 and 24. This is an in depth process that includes a desk audit of facility policies and procedures manual, reconciling policy content against relevant Title 15 regulations and best practices, a site visit to inspect the physical plant and a review of documentation to verify that practices follow written procedures as well as Title 15. The last inspection prior to this Grand Jury Report was concluded on July 10, 2014 with the Inmate Grievance policy and procedure being in compliance. The latest BSCC inspection occurred on June 24, 2016. Although the inspection report has not been finalized, the inspector advised that we continue to be in compliance.

**R7 By September 1, 2017, properly secure all medical records. All medical staff and practitioners shall receive training on the security of HIPAA information. All medical file cabinets must be equipped with an operable lock.**

Response: See Sheriff Office's response below.

Yolo County Sheriff & Detention Commander response under separate cover:

The County contracts with California Forensic Medical Group (CFMG) to provide medical/mental healthcare to the inmates confined within the Jail. As part of the contract, the contractor is responsible for the custody of all medical records and shall comply with, and shall ensure that its officers, agents, employees, participants and volunteers comply with the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations. The contractor will be held to these terms of the contract.

Yolo County Sheriff's Office Detention Facility Review



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INMATE EDUCATION  
INMATE PROGRAMS  
INMATE TRAINING

MEMORANDUM

To: The Honorable Paul Richardson,  
Superior Court Judge

From: E.G. Prieto, Sheriff ~ Coroner

Subject: Response to the 2015 – 2016 Grand Jury Report

Date: June 30, 2016

Background:

The Sheriff of Yolo County is responsible for the care and custody of adult inmates that are housed within the County's Jail System. Members of the Yolo County Grand Jury met with the Yolo County Sheriff's Office as part of the Grand Jury's annual oversight function.

Yolo County Sheriff's Office  
Detention Facility Review

Findings of the Grand Jury:

F1 The Grand Jury found hazards regarding emergency egress practices.

Recommendations of the Grand Jury:

R1 By September 1, 2016, instruct all staff in writing that all emergency exits must be free from impediments at all times.

Response from the Sheriff:

By September 1, 2016, the Sheriff's Office will place signage at each emergency exit stating that the door shall not be blocked.

Findings of the Grand Jury:

F2 Self Contained Breathing Apparatus (SCBA) are not properly maintained.

Recommendation of the Grand Jury:

R2 By September 1, 2016, all SCBAs must be fully operational. Defective or inoperable SCBA units shall be removed and replaced. Staff must be educated and trained as necessary to ensure SCBAs are operable and secure.

*"Service Without Limitations"*

## Yolo County Sheriff's Office Detention Facility Review

**Response from the Sheriff:**

The Sheriff's Office will continue to inspect the SCBAs on a regular basis and will remove from service those that are inoperable. Staff have been and will continue to be educated and trained on the proper use and inspection of the SCBAs. One SCBA had been designated "for training use only" and is located in the Booking Area. The training SCBA is used to train Correctional Staff in the proper donning and doffing of a SCBA, additionally it is used to train Correctional Staff in the proper inspection procedures. This SCBA will be clearly marked "For Training Use Only."

**Findings of the Grand Jury:**

- F3 The Grand Jury found poor housekeeping of dental/medical exam rooms and equipment.

**Recommendation of the Grand Jury:**

- R3 By September 1, 2016, all medical equipment and offices must be cleaned and sanitized to regulated industry standards. Procedures shall be put into place to ensure maintenance and cleanliness is sustained.

**Response from the Sheriff:**

The Jail is inspected annually by trained and certified employees of the Yolo County Health Department. No notation of such violation has been made in the past. In addition, since this Grand Jury Report was published, the Sheriff's Office asked Dr. Ronald Chapman, the Yolo County Health Officer, to inspect the Dental Office to ensure that it is in compliance with industry standards. His observations were that the staining that was observed by the Grand Jury was cosmetic in nature and would not have an impact on the quality of care.

**Findings of the Grand Jury:**

- F4 Unlabeled chemical containers were improperly stored in the dental exam room.

**Recommendation of the Grand Jury:**

- R4 By September 1, 2016, all chemicals must be safely secured, labeled, and with the proper Safety Data Sheets on file. Safety Data Sheets must be accessible to staff.

**Response from the Sheriff:**

The Sheriff's Office has placed Material Safety Data Sheets (MSDS) on file and they are available to all staff. All chemicals have been secured.

## Yolo County Sheriff's Office Detention Facility Review

### Findings of the Grand Jury:

- F5 There is no onsite person charged with overseeing the health and safety of the entire facility.

### Recommendation of the Grand Jury:

- R5 By January 1, 2017, YCSO should employ or designate a qualified health and safety officer/industrial hygienist to be responsible for the operation, equipment, and training of personnel, to ensure a comprehensive health and safety program.

### Response from the Sheriff:

The County of Yolo, Probation and the Sheriff's Office are currently in contract negotiations with California Forensic Medical Group (CFMG) to provide medical/mental health services. A component of the contract is to employ a qualified health and safety officer.

### Findings of the Grand Jury:

- F6 Discrepancies in the Inmate Grievance procedure demonstrate a lack of serious attention to resolving inmate grievances by the Detention staff.

### Recommendation of the Grand Jury:

- R6 By January 1, 2017, a comprehensive policy, including staff training and an updated inmate handbook, shall be in place to ensure that complete processing and proper attention is given to inmate grievances. This shall include a form that matches both staff and inmate procedures.

### Response from the Sheriff:

The Jail is inspected biennially by the Board of State and Community Corrections (BSCC) per Penal Code Section 6031. This inspection is conducted to confirm compliance with California Code of Regulations (CCR) Titles 15 and 24. This is an in depth process that includes a desk audit of facility policies and procedures manual, reconciling policy content against relevant Title 15 regulations and best practices, a site visit to inspect the physical plant and a review of documentation to verify that practices follow written procedures as well as Title 15. The last inspection prior to this Grand Jury Report was concluded on July 10, 2014 with the Inmate Grievance policy and procedure being in compliance. The latest BSCC inspection occurred on June 24, 2016. Although the inspection report has not been finalized, the inspector advised that we continue to be in compliance.

## Yolo County Sheriff's Office Detention Facility Review

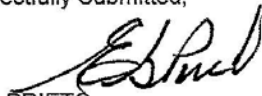
Recommendation of the Grand Jury:

- R7 By September 1, 2017, properly secure all medical records. All medical staff and practitioners shall receive training on the security of HIPAA information. All medical file cabinets must be equipped with an operable lock.

Response from the Sheriff:

The County contracts with California Forensic Medical Group (CFMG) to provide medical/mental healthcare to the inmates confined within the Jail. As part of the contract, the contractor is responsible for the custody of all medical records and shall comply with, and shall ensure that its officers, agents, employees, participants and volunteers comply with the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations. The contractor will be held to these terms of the contract.

Respectfully Submitted,

  
E. G. PRIETO  
SHERIFF ~ CORONER

## Yolo Habitat Conservancy: A Never-Ending Story



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To: Honorable Judge Paul Richardson  
Superior Court of California, County of Yolo  
1000 Main Street  
Woodland, CA 95695  
September 13, 2016

To: Yolo County Grand Jury  
P.O. Box 2142  
Woodland, CA 95776  
via e-mail: [grand-jury@sbcglobal.net](mailto:grand-jury@sbcglobal.net)

RE: 2015-2016 Yolo County Grand Jury Report – Yolo Habitat Conservancy: A Never Ending Story

Dear Judge Richardson:

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### Yolo Habitat Conservancy: A Never-Ending Story

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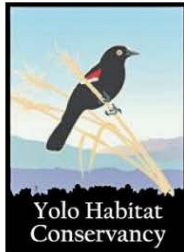
Attachment:

July 18, 2016 response by the Yolo Habitat Conservancy

**Yolo Habitat Conservancy: A Never-Ending Story**

**ATTACHMENT**

## Yolo Habitat Conservancy: A Never-Ending Story



# Yolo Habitat Conservancy

County of Yolo • City of Davis • City of Winters • City of West Sacramento  
City of Woodland • University of California, Davis

July 18, 2016

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## Yolo Habitat Conservancy: A Never-Ending Story

July 18, 2016  
Page 2

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- The past 20 years is not the relevant timeframe for evaluating the Conservancy's performance. The Conservancy did not exist prior to 2002, and virtually all of its work on the HCP/NCCP occurred over the past decade;
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## Yolo Habitat Conservancy: A Never-Ending Story

July 18, 2016  
Page 3

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## Yolo Habitat Conservancy: A Never-Ending Story



# COUNTY OF YOLO

Office of the County Administrator

*Patrick S. Blacklock*  
County Administrator

625 Court Street, Room 202 Woodland, CA 95695  
(530) 666-8150 FAX (530) 668-4029  
www.yolocounty.org

To: Honorable Judge Paul Richardson  
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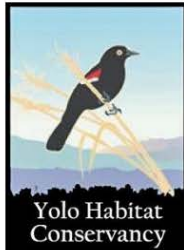
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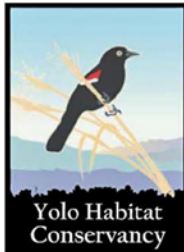
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## Yolo Habitat Conservancy: A Never-Ending Story



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July 18, 2016

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## Yolo Habitat Conservancy: A Never-Ending Story

CITY MANAGER'S OFFICE

23 Russell Boulevard – Davis, California 95616  
530/757-5602 – FAX: 530/758-0204 – TDD: 530/757-5666



September 20, 2016

Honorable Judge Paul Richardson  
Superior Court of California, County of Yolo  
1000 Main Street  
Woodland, CA 95695

Yolo County Grand Jury  
P.O. Box 2142  
Woodland, CA 95776  
(via e-mail: [grand-jury@sbcglobal.net](mailto:grand-jury@sbcglobal.net))

Re: Davis City Council Response to Grand Jury Report Entitled *Yolo Habitat Conservancy: A Never Ending Story*

Dear Judge Richardson,

On behalf of the Davis City Council, this letter responds to the findings and recommendations in the 2015-2016 Yolo County Grand Jury Report entitled "Yolo Habitat Conservancy: A Never Ending Story" dated June 23, 2016. The report makes three findings (F1, F2 and F3) and two recommendations (R1 and R2). Pursuant to Penal Code Section 933.05, the Grand Jury requested that the Davis City Council respond to Findings F2 and F3 and Recommendations R1 and R2. The City of Davis's responses are below, along with the required response form, which is attached to this letter as Exhibit 1:

### GRAND JURY FINDINGS

*F2. Since its inception, the YHC has yet to produce an approved HCP/NCCP plan.*

The Davis City Council agrees with this finding. However, the City Council would like to note that part of this delay is due to the fact that initial efforts to produce a Habitat Conservation Plan were abandoned in favor of producing a Habitat Conservation Plan/Natural Communities Conservation Plan ("HCP/NCCP"), a far more ambitious effort.

The City Council also notes that since the restructuring in 2012, the Yolo Habitat Conservancy ("YHC") has made significant progress towards a final HCP/NCCP. Each draft of the plan since then has resulted in necessary refinements at the request of the wildlife agencies, member agencies and advisory committee members to ensure a feasible plan. The public review draft of the HCP/NCCP was submitted to the wildlife agencies for review on August 30, 2016.

## Yolo Habitat Conservancy: A Never-Ending Story

*Letter to Judge Paul Richardson – Grand Jury Report – Yolo Habitat Conservancy  
Page 2 of 2*

*F3. The YHC performance over the last 20 years does not justify the time and money spent.*

The Davis City Council disagrees with this finding for the reasons stated in the YHC's response to Finding #3 (the "YHC Response"), which is incorporated herein by reference (Exhibit 2).

### GRAND JURY RECOMMENDATIONS

*R1. By April 30, 2017 the YHC shall submit the HCP/NCCP final plan for approval.*

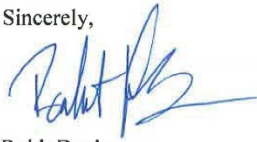
The Davis City Council agrees with this recommendation for the reasons stated in the YHC Response to Recommendation #1, which is incorporated herein by reference (Exhibit 2). The City Council would also like to note that the YHC delivered the public review draft of the HCP/NCCP to the wildlife agencies on August 30, 2016, as planned. Comments from the agencies were requested by September 21, 2016. In addition, all member agencies approved all permit applications. On July 19, 2016, the Davis City Council took the steps necessary to complete and execute the U.S. Fish and Wildlife Service ("USFWS") HCP Permit Application for submission by August 1, 2016, as required by USFWS for each member agency participating in the plan. The YHC delivered copies of these permits applications to the wildlife agencies.

In addition, the YHC has created monthly liaison meetings with the wildlife agencies in an effort to ensure continued timely completion of work on the Yolo HCP/NCCP and create a forum through which high-level issues can be resolved.

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The Davis City Council defers to and supports the YHC's determination that this recommendation should not be implemented because it is not presently warranted for reasons stated in the YHC Response to Recommendation #2, which is incorporated herein by reference (Exhibit 2).

Sincerely,



Robb Davis  
Mayor

Exhibit 1: City of Davis Completed Response Form  
Exhibit 2: YHC Response to Grand Jury Report



**Yolo Habitat Conservancy: A Never-Ending Story**

Exhibit 1

AGENCY'S RESPONSE PROCEDURE

RESPONSE TO GRAND JURY REPORT

The governance of responses to the Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within sixty (60) days, governing bodies (for example, the Board of Supervisors) must respond within ninety (90) days. Please submit all responses in writing and digital format to the Presiding Judge and the Grand Jury Foreperson.

Report Title: Yolo Habitat Conservancy: A Never Ending Story

Report Date: June 23, 2016

Response by: City Council, City of Davis Title: *Mayor*

FINDINGS

I (we) agree with the findings numbered:

*F2*

I (we) disagree wholly or partially with the findings numbered:

*F3*

RECOMMENDATIONS

Recommendations numbered: *R1*  
have been implemented (attach a summary describing the implemented actions).

Recommendations numbered:  
require further analysis (attach an explanation of the analysis or study, and the time frame for the matter to be prepared by the officer or director of the agency or department being investigated or reviewed; including the governing body where applicable. The time frame shall not exceed six (6) months from the date of the Grand Jury Report).

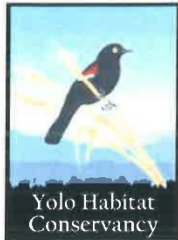
Recommendations numbered: *R2*  
will not be implemented because they are not warranted and/or are not reasonable (attach an explanation).

Date: *9/20/2016* Signed: *Rahit*

Total number of pages attached *6*

## Yolo Habitat Conservancy: A Never-Ending Story

Exhibit 2



# Yolo Habitat Conservancy

County of Yolo • City of Davis • City of Winters • City of West Sacramento  
City of Woodland • University of California, Davis

July 18, 2016

TO: Honorable Judge Paul Richardson  
Superior Court of California, County of Yolo  
1000 Main Street Street  
Woodland, CA 95695

TO: Yolo County Grand Jury  
P.O. Box 2142  
Woodland, CA 95776  
via e-mail: [grand-jury@sbcglobal.net](mailto:grand-jury@sbcglobal.net)

Re: *2015-2016 Yolo County Grand Jury Report – Yolo Habitat Conservancy: A Never Ending Story*

Dear Judge Richardson:

This letter responds to the findings and recommendations in the 2015-2016 Yolo County Grand Jury Report entitled “Yolo Habitat Conservancy: A Never Ending Story,” as well as provides some corrections to the report. This response is provided by the Board of Directors of the Yolo Habitat Conservancy and its Executive Director. For purposes of readability, we have included the Grand Jury’s recommendations in **bold**.

### Corrections to the Report:

On Page 1, Paragraph 1, there was no JPA prior to 2002 and therefore no Yolo Natural Heritage Program. The previous Board of Directors rebranded the Yolo County HCP/NCCP Joint Powers Agency to the “Yolo Natural Heritage Program” in about 2007. The Board of Directors dropped the Yolo Natural Heritage Program name in 2014 in favor of the “Yolo Habitat Conservancy.” In addition, the efforts in the early 1990s focused only on developing an HCP, not an NCCP (which is significantly more ambitious and guided by the Natural Communities Conservation Planning Act, a state law). After the City of Davis did not adopt the HCP in the late 1990s, the effort was on hiatus until formation of the JPA in 2002. At this time, the JPA elected to pursue an HCP/NCCP.

On Page 1, Paragraph 2, \$6.53 million is the exact amount of expenditures between 2002 and 2012. It was not well in excess of this amount, as the Conservancy has clear records from the financial system and it is documented in audits.

611 North Street, Woodland, CA 95695 • Phone: 530-723-5504 • [www.yolohabitatconservancy.org](http://www.yolohabitatconservancy.org)

## Yolo Habitat Conservancy: A Never-Ending Story

July 18, 2016  
Page 2

On Page 3, Paragraph 6, the statement referring to a decision maker of the YHC is inaccurate for two reasons: 1) although the Executive Director and the Project Manager both own consulting firms, they are not decision makers, as all decisions are brought to the Board of Directors; 2) the Chair approves the invoices of the Project Manager and Executive Director through a formal process approved by the Board of Directors.

On Page 4, Paragraph 2, the statement that invoices are frequently submitted in an untimely manner is inaccurate. Contractors rarely miss a deadline to submit by the 7<sup>th</sup> of the month.

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**F2. Since its inception, the YHC has yet to produce an approved HCP/NCCP plan.**

Response: The respondents agree with this finding.

**F3. The YHC performance over the last 20 years does not justify the time and money spent.**

Response: The respondents disagree with this finding. Initially, the respondents note the finding is not supported by any evidence relevant to the value of a completed HCP/NCCP or other elements of the Conservancy's performance since its formation in 2002. The finding thus does not meet the requirements of Penal Code § 916, which states in part: "Each grand jury shall choose its officers, except the foreman, and shall determine its rules of proceeding. . . . Rules of procedure shall include guidelines for that grand jury to ensure that all findings included in its final reports are supported by documented evidence[.]" The finding expresses the Grand Jury's policy judgment, rather than a factual conclusion, and is difficult to address as a consequence.

Nonetheless, there are many reasons why the Board and Executive Director disagree with the finding, including:

- The past 20 years is not the relevant timeframe for evaluating the Conservancy's performance. The Conservancy did not exist prior to 2002, and virtually all of its work on the HCP/NCCP occurred over the past decade;
- The total cost from 2002-2017 to complete the plan is estimated to be \$10.3 million. This is similar in cost and duration to other HCP/NCCP planning efforts, including the Placer County HCP/NCCP (same stage of development; under development for 15 years at a cost of \$10.5 million to date);
- The Conservancy is now a year away from completing the final HCP/NCCP and submitting it to the California Department of Fish and Wildlife and the United States Fish and Wildlife Service for approval; and
- The Conservancy's Board of Directors and Executive Director anticipate that implementation of the final plan will benefit public agencies and private entities by reducing the cost and uncertainty of project-by-project species permitting issues, and that the twelve species covered by the HCP/NCCP will also benefit from additional, coordinated conservation of habitat.

**R1. By April 30, 2017, the YHC shall submit the HCP/NCCP final plan for approval.**



## Yolo Habitat Conservancy: A Never-Ending Story

Exhibit 2

July 18, 2016

Page 3

This recommendation will be implemented, as it is already included in the Board's adopted timeframe for completing the planning effort. The respondents note that good faith cooperation from other agencies is required on numerous remaining tasks, including the United States Fish and Wildlife and the California Department of Fish and Wildlife to assure submission of the completed plan by April 30, 2017. This cooperation is expected but is not within the Conservancy's control, and it depends upon the allocation of staff resources and other factors within the purview of the federal and state agencies.

**R2. By September 1, 2016, the YCH shall obtain annual performance audits to measure progress.**

This recommendation will not be implemented because it is not presently warranted. The Conservancy's performance is measured by the Board of Directors based on organizational and budget goals established every year as part of the regular budget process, including a detailed schedule for deliverables related to the Yolo HCP/NCCP. As discussed below, however, the Board of Directors and Executive Director intend to implement one or more alternative methods of enhancing Conservancy oversight and accountability to achieve the underlying purpose the Grand Jury's recommendation.

- The Yolo Habitat Conservancy will consider regular performance audits or reviews of similar intent during the implementation phase of the Yolo HCP/NCCP, which will commence in 2018 after issuance of permits in 2017.
- In coordination with Yolo County's internal auditor, the Yolo Habitat Conservancy will develop performance measures around the organizational and budget goals adopted by the Board of Directors. Yolo County's internal auditor will review these performance measures every six months.



## Yolo Habitat Conservancy: A Never-Ending Story



**CITY HALL**  
1110 West Capitol Avenue  
West Sacramento, CA 95691

**City Council**  
(916) 617-4500

**City Manager's Office**  
City Clerk  
Early Learning Services  
Information Technology  
(916) 617-4500  
Economic Development  
(916) 617-4535

**Community Development**  
Planning/Development Engineering  
(916) 617-4645  
Housing & Community Investment  
(916) 617-4555  
Building  
(916) 617-4983  
Code Enforcement  
(916) 617-4925

**Public Works**  
Administration  
Transportation  
Engineering  
Flood Protection  
(916) 617-4850  
Environmental Services  
(916) 617-4590  
Utility Billing  
(916) 617-4589

**Administrative Services**  
Finance  
(916) 617-4575  
Human Resources  
(916) 617-4567

**Parks & Recreation**  
Administration  
(916) 617-4620  
Recreation Center  
2801 Jefferson Boulevard  
West Sacramento, CA 95691  
(916) 617-4770  
Community Center  
1075 West Capitol Avenue  
West Sacramento, CA 95691  
(916) 617-5320

**FIRE**  
2040 Lake Washington Boulevard  
West Sacramento, CA 95691  
(916) 617-4800  
Fax (916) 371-5017

**POLICE**  
550 Jefferson Boulevard  
West Sacramento, CA 95605  
(916) 617-4900

**PUBLIC WORKS**  
Operations  
1951 South River Road  
West Sacramento, CA 95691  
(916) 617-4850

[www.cityofwestsacramento.org](http://www.cityofwestsacramento.org)

July 20, 2016

Honorable Paul Richardson  
PO Box 2142  
Woodland, CA 95776

Re: West Sacramento City Council Response to Grand Jury Report—  
Yolo Habitat Conservancy: A Never Ending Story

Dear Judge Richardson,

The City Council is in receipt of the Grand Jury's report on the Yolo Habitat Conservancy dated June 23, 2016. The report makes three findings (F1, F2 and F3) and two recommendations (R1 and R2). Pursuant to Penal Code Section 933.05, the Grand Jury requested the City Council respond to Findings F2 and F3 and Recommendations R1 and R2. As requested, the City Council has completed the response form provided by the Grand Jury (see attached), and provides additional support for such responses below.

### GRAND JURY FINDINGS

*F2. Since its inception, the YHC has yet to produce an approved HCP/NCCP plan.*

The City Council disagrees partially with Grand Jury Finding F2. The City Council concurs with the Grand Jury's finding that the YHC has yet to produce an approved HCP/NCCP plan, but notes that since the restructuring in 2012, the YHC has made significant progress towards a final plan. Each draft of the plan since then has resulted in necessary refinements at the request of the wildlife agencies, member agencies and advisory committee members to ensure a feasible plan.

*F3. The YHC performance over the last 20 years does not justify the time and money spent.*

The City Council disagrees partially with Grand Jury Finding F3. The City of West Sacramento, as a member agency, was concerned about the performance of YHC leading up to 2012 and actually pushed for the restructuring. Many of the transparency and accountability measures that were put in place post-2012 were under the guidance and leadership of our Councilmember Chris Ledesma, who sat as chairperson of the YHC Board from August 2013-April 2015.

## Yolo Habitat Conservancy: A Never-Ending Story

Honorable Paul Richardson  
West Sacramento City Council Response to Grand Jury Report on YHC  
Page 2 of 2

### GRAND JURY RECOMMENDATIONS


*R1. By April 30, 2017 the YHC shall submit the HCP/NCCP final plan for approval.*

The City Council has taken action to implement Recommendation R1. On June 15, 2016, the City Council took the steps necessary to complete and execute the USFWS HCP Permit Application for submission by August 1, 2016, as required by USFWS for each member agency participating in the plan.

*R2. By September 1, 2016, the YHC shall obtain annual performance audits to measure progress.*

Recommendation R2 requires further analysis. The City Council concurs with the Grand Jury's recommendation and will work with other member agencies on the implementation.

Sincerely,



Christopher Cabaldon  
Mayor

Enclosure

cc: Yolo County Grand Jury Foreperson (via email only)

**Yolo Habitat Conservancy: A Never-Ending Story**

AGENCY'S RESPONSE PROCEDURE

RESPONSE TO GRAND JURY REPORT

The governance of responses to the Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within sixty (60) days, governing bodies (for example, the Board of Supervisors) must respond within ninety (90) days. Please submit all responses in writing and digital format to the Presiding Judge and the Grand Jury Foreperson.

Report Title: Yolo Habitat Conservancy: A Never Ending Story

Report Date: June 23, 2016

Response by: City Council, City of West Sacramento Title: Mayor

FINDINGS

I (we) agree with the findings numbered:

I (we) disagree wholly or partially with the findings numbered:

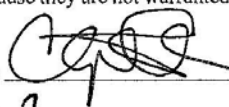
F2, F3

RECOMMENDATIONS

Recommendations numbered: R1  
have been implemented (attach a summary describing the implemented actions).

Recommendations numbered: R2  
require further analysis (attach an explanation of the analysis or study, and the time frame for the matter to be prepared by the officer or director of the agency or department being investigated or reviewed; including the governing body where applicable. The time frame shall not exceed six (6) months from the date of the Grand Jury Report).

Recommendations numbered: \_\_\_\_\_  
will not be implemented because they are not warranted and/or are not reasonable (attach an explanation).

Date: 7-20-16 Signed: 

Total number of pages attached 2

## Yolo Habitat Conservancy: A Never-Ending Story



October 4, 2016

Honorable Paul Richardson  
PO Box 2142  
Woodland, CA 95776

Re: Woodland City Council Response to Grand Jury Report – Yolo Habitat Conservancy: A  
Never Ending Story

Dear Judge Richardson,

The City Council has received and reviewed the Grand Jury's report on the Yolo Habitat Conservancy dated June 23, 2016. As requested, the City Council has completed the response form provided by the Grand Jury (see attached), and provides additional support for such responses below.

### Grand Jury Findings

*F2. Since its inception, the YHC has yet to produce an approved HCP/NCCP plan.*

It is true that the YHC has yet to complete the HCP/NCCP plan. However, the City Council finds partial disagreement with this finding as it falls short of recognizing the significant progress that has been made since the restructuring in 2012 and acknowledgement of the Draft Plan that has been prepared and circulated for comment.

*F3. The YHC performance over the last 20 years does not justify the time and money spent.*

The City Council disagrees in part with this finding. The time and money invested in the plan is significant. Since restructuring of the Habitat JPA 4 years ago however, the performance and accountability of the YHC has been measurable as evidenced by the continued achievement of plan milestones and the current draft HCP/NCCP that is scheduled for adoption in 2017 upon completion of the environmental impact analysis. The YHC's ability to navigating the complex set of stakeholder issues including federal and state agency reviews, local agency fiscal realities, and diverse community interests has been nothing short of heroic.



## Yolo Habitat Conservancy: A Never-Ending Story

Honorable Paul Richardson  
Woodland City Council Response to Grand Jury Report on YHC  
Page 2 of 2

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### Grand Jury Recommendations


*R1. By April 30, 2017 the YHC shall submit the HCP/NCCP final plan for approval.*

The City Council along with the other member agencies have taken action to implement Recommendation R1. On July 15, 2016 the Woodland City Council took steps necessary to complete and execute the USFWS HCP Permit Application for submission by August 1, 2016, as required by the USFWS for each member agency participating in the plan.

*R2. By September 1, 2016, the YHC shall obtain annual performance audits to measure progress.*

The City Council agrees that progress towards completion of the HCP/NCCP, as well as implementation of the plan upon adoption, shall be measured. Further analysis is required to determine the appropriate timing and metrics within the YHC's control. The City of Woodland will continue to actively partner with the other member agencies to appropriately track the YHC's performance.

Sincerely,



Jim Hilliard  
Mayor

Enclosure

cc: Yolo County Grand Jury Foreperson (via email copy)

Continuity Report for the 2015 -2016 Yolo County Grand Jury: Fostering Positive Change



## COUNTY OF YOLO

Office of the County Administrator

*Patrick S. Blacklock*  
County Administrator

625 Court Street, Room 202 Woodland, CA 95695  
(530) 666-8150 FAX (530) 668-4029  
www.yolocounty.org

To: Honorable Judge Paul Richardson  
Superior Court of California, County of Yolo  
1000 Main Street  
Woodland, CA 95695

July 26, 2016

To: Yolo County Grand Jury  
P.O. Box 2142  
Woodland, CA 95776

via e-mail: [grand-jury@sbcglobal.net](mailto:grand-jury@sbcglobal.net)

RE: 2015-2016 Yolo County Grand Jury Report – Continuity Report for the 2014-2015 Yolo County Grand Jury: Fostering Positive Change

Honorable Judge Richardson:

The following is the response to the findings and recommendations in the 2015-2016 Yolo County Grand Jury Report titled, “Continuity Report for the 2014-2015 Yolo County Grand Jury: Fostering Positive Change” from the Yolo County Board of Supervisors, County Administrator Pat Blacklock and Community Services (formerly Planning, Public Works & Environmental Services) Director Taro Echiburru. For purposes of readability, we have included the Grand Jury’s recommendations in **bold**.

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**F1 Respondents’ comments contained in the 2014-15 Grand Jury Final Report were timely and comprehensive in addressing both findings and recommendations.**

Response: The respondents agree with the finding.

**F2 The Planning, Public Works and Environmental Services respondents indicated an assessment plan addressing the possibility of utilizing solar panels on the Yolo County Central Landfill property would be implemented in the future but did not provide a time frame for completing the action as required by Penal Code Section 933.05(b)(2).**

Response: The respondents disagree partially with the finding. While the department did not provide a specific time frame for completing the action, they did provide the following response as explanation:

## Continuity Report for the 2015 -2016 Yolo County Grand Jury: Fostering Positive Change

This recommendation will be implemented, however, due to budget and staffing limitations, will likely not be implemented by July 1, 2016.

The division previously looked into the possibility of using solar panels on the landfill property to produce electricity. It was determined at the time that moving forward with a solar project was not economically feasible, especially as the landfill is regulated by many different local, state and federal agencies which apply additional and costly requirements that do not apply to other sites. A fresh look into this issue may result in a more feasible and economical approach, which the landfill would welcome.

- F3 The County maintains a *Grand Jury Reports Response and Follow-up Schedule* tracking implementation of Grand Jury recommendations, which contains important information of significant interest to the Grand Jury and the general public.**

Response: The respondents disagree partially with the finding. The response and follow-up schedule is an internal tracking tool and does not “contain important information of significant interest.” The public was made aware of the tracking tool via the “2014-2015 Yolo County Grand Jury Report – Closing the Loop: How Yolo County Implements Its Responses to the Grand Jury” and the County’s subsequent response. With the exception of the Grand Jury, the County has not received any requests for the document or the information contained within.

- F4 The Grand Jury found that, while the *Grand Jury Reports Response and Follow-up Schedule* can be obtained by request, it is not currently released to the general public on a scheduled basis or conveniently available through internet access or other electronic means.**

Response: The respondents agree with the finding.

- R1 The Yolo County Administrator shall post an updated version of the *Grand Jury Reports Response and Follow-up Schedule*, quarterly, on the publically accessible web page currently used for the Yolo County Grand Jury Final Reports and Responses to Final Reports.**

Response: This recommendation will not be implemented because it is not warranted and not reasonable. There has been no interest from the public in viewing the response and follow-up schedule and the County does not believe it would be a meaningful resource for the general public in its current format. As an internal tracking tool, it is compiled in an abbreviated format. Typically the County invests extra staff time in preparing documents meant to be shared publicly so that they can be easily understood by those unfamiliar with local government. That process takes time and is not seen as a good investment of limited resources where there is no public interest. The County, however, is pleased to provide the document to the grand jury whenever requested, as well as the public.

