

SAN JOAQUIN COUNTY GRAND JURY



FINAL REPORT 2015-2016

<http://www.stocktoncourt.org/grandjury>

Contents

Section I: Introduction 1

Section II: Investigations 10

Section III: Law and Justice 69

Section IV: Follow-Up 88

Section V: Tours and Presentations 134

Section VI: Grand Jury Process and Organization 136

Table of Contents

Section I

Letter from Hon. George J. Abdallah, Jr.1

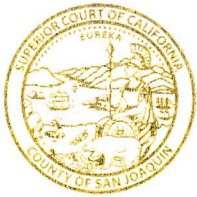
Letter from Grand Jury Foreperson2

Roster of Grand Jurors3

Photograph of Grand Jurors4

Grand Juror Quotes5

Introduction



Superior Court of California, County of San Joaquin

222 E. Weber Avenue, Room 303

P.O. Box 201022

Stockton, CA 95201

Telephone: (209) 992-5695

*Hon. George J. Abdallah, Jr.
Judge of the Superior Court*

June 1, 2016

The Superior Court of California, County of San Joaquin thanks and commends the 2015-2016 Grand Jurors for their conscientious efforts on behalf of all San Joaquin County citizens. The Grand Jurors undertook and completed their duties with great industry, intelligence and care.

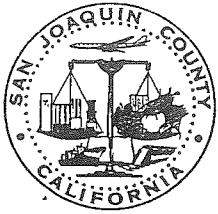
The Grand Jury is composed of qualified individuals who applied for membership, those drawn from the community and individuals nominated by community leaders. The chosen citizens serve as an independent body under the court's authority. The 2015-2016 San Joaquin County Grand Jury now takes its place in a long history of citizen involvement in civic life which was born in the English Common Law of 1166, adopted during the American Colonial period and codified in California in the 1880's. The 2015-2016 Grand Jurors' thoughtful and constructive recommendations will help ensure the highest quality civic life to which all citizens are entitled.

As the Grand Jury Advisor and Supervisor, it has been my privilege to review the work of the 2015-2016 Grand Jury. The Grand Jurors also received well considered advice from their highly experienced Advisors, County Counsel Mr. Mark Myles, the Assistant District Attorney Mr. Scott Fichtner and the invaluable assistance of the Superior Court administrator, Ms. Trisa Martinez. The Grand Jury undertook consideration of topics having a broad impact upon San Joaquin County citizens. The Grand Jurors also made careful efforts to follow through on the work of their predecessors thereby assuring our community that the San Joaquin County Grand Jury as an institution maintains a sustained role. The Grand Jury Final Report educates the public through well written accounts of the work, findings and recommendations of these devoted citizens. The Grand Jurors' recommendations are deserving of careful consideration by government officials and the citizenry.

The efforts, commitment, collective wisdom and experience of these dedicated individuals will continue to better the civic life of all San Joaquin County residents. To each member of the 2015-2016 San Joaquin County Grand Jury, for your many accomplishments the Superior Court extends its gratitude and congratulations.

A handwritten signature in black ink that reads "George J. Abdallah, Jr." The signature is written in a cursive style.

Hon. George J. Abdallah, Jr.
Judge of the Superior Court
Supervising Judge of the San Joaquin County Grand Jury



Grand Jury
County of San Joaquin
Courthouse
222 East Weber Avenue-Room 303
Stockton, California 95202
(209)468-3855

June 1, 2016

Honorable José L. Alva
Presiding Judge
San Joaquin County Superior Court
P. O. Box 201022
Stockton, Ca 95201

Honorable George J. Abdallah Jr.
Judge of the Superior Court and San Joaquin County
Advisor to the San Joaquin County Grand Juries
P. O. Box 201022
Stockton, CA 95201

Dear Judge Alva and Judge Abdallah:

As the Foreperson of the 2015-2016 San Joaquin County Civil Grand Jury, I am pleased to provide to each of you and the citizens of this county the Jury's Final Report.

The members of the Grand Jury, appointed by this Court, have dedicated themselves during the past 12 months to conduct investigations on certain subjects considered of importance to the proper functioning of government, attributable to specified governmental agencies within this county. These investigations, some of which were initiated as a result of forty eight citizen complaints, consisted of an extensive review and analysis of documents, interviews of a large number of witnesses, site visits and tours, attending meetings and spending an extensive amount of time to write a report on each investigation conducted. Some complaints were beyond the jurisdiction of the Grand Jury or were subjects that the Grand Jury decided not to investigate.

The work of this Grand Jury resulted in completed reports which are contained in this Final Report. Each report identifies the facts ascertained, the conclusions reached and the Grand Jury's recommendations. The Grand Jury anticipates that each investigated agency will take the report seriously and, implement the recommendations that were made.

In addition to those new investigations, the Grand Jury followed-up on the findings and recommendations that were made by the prior Grand Jury and issued its reports on each of those reports. As part of those reviews the Grand Jury reviewed available documents, conducted interviews and some site visits to determine if the recommendations of the prior Grand Jury has been implemented. The importance of this follow-up is to let the residents of this county know the extent to which each of those agencies did what they said they would.

The Grand Jury, as part of its responsibilities, did inspect all mandated detention facilities, as well as the California State Prison Hospital located in this County. Some members also observed the work of police and fire personnel throughout the county as well as the Sherriff's Office. Some of its observations are also included in this report.

The overall work of this Grand Jury resulted in an appreciation of the agencies investigated and its staff. On behalf of the members, I want to extend our appreciation for the information received and the manner in which staff responded, and exhibited a willingness to provide requested information to the members.

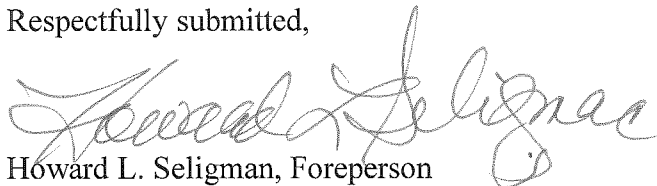
The Grand Jury could not have done its work appropriately without the assistance of our advisors, Judge Abdallah, Assistant District Attorney Scott Fichtner, County Counsel Mark Myles and our excellent staff secretary, Trisa Martinez.

I personally want to congratulate the work of each Grand Juror. They each spent a significant amount of time to implement their respective obligations and duties to produce quality reports. Essentially, with differences of opinion, they were able to work as a cohesive and unified body. The grand jury is the vehicle to insure government is working in the best interests of the county and its residents. It was a pleasure to be able to provide each of the jurors with my thoughts and recommendations. While there was not agreement on everything, each member acted professionally and made decisions based on what the jurors concluded would best serve each investigated agency and the affected constituents.

The ultimate goal of the Grand Jury is to make a positive difference in the lives of the citizens of this county and the government agencies who provide services to them. The grand jury is the "watch dog" for the county residents to attempt to insure good government and to make all governmental agencies accountable for their actions and decisions.. I believe that goal has been achieved. San Joaquin County and its citizens are being well served for the work performed by this Grand Jury.

Lastly I want to personally thank Judge Abdallah for appointing me as the Jury foreperson. I have learned a great deal and hope that my efforts were well received.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Howard L. Seligman".

Howard L. Seligman, Foreperson
2015-2016 San Joaquin County Civil Grand Jury

Roster of 2015-2016 Grand Jurors

Executive Committee

Howard Seligman*	Stockton	Semi-retired attorney
Foreperson		
Eric Grunder*	Stockton	Retired newspaper reporter/editor
Vice foreperson		
Connie Stephens	Stockton	Retired bookkeeper
Secretary		

Bert Brown	Manteca	Retired lab technician
Kathryn Brown	French Camp	Retired professor/counselor
Carla Cole	Lodi	Retired law enforcement
Sanford Dietzen	Stockton	Retired psychologist
Corliss Eastwood, CGCS	Stockton	Retired golf course superintendent
Robert Fredricksen	Stockton	Retired federal government
Charlene Gray	Stockton	Retired courtroom clerk, Superior Court
Stanley Hall	Ripon	Retired -refrigeration engineer
Betty Hollars*	Tracy	Accounting manager
William (Bill) Long	Ripon	Retired district service manager
John Lujan	Stockton	Retired U.S.P.S. manager
Richard Rogers	Stockton	Retired school superintendent
Bruce Rubly	Lodi	Retired educator and salesperson
Jane Shuldberg	Stockton	Retired employment case manager
Denise Sullivan	Stockton	Retired financial advisor

*Continuing members from 2014-2015 Grand Jury



Back row: (from left to right) Howard Seligman, Eric Grunder, John Lujan, Corey Eastwood, Stan Hall, Richard Rogers, Sanford Dietzen,
Middle row: (left to right) Carla Cole, Jane Shuldberg, Charlene Gray, Robert Fredricksen, Kathryn Brown, Bruce Rubly, Bert Brown, Bill Long
Front row: (left to right) Connie Stephens, Betty Hollars, Denise Sullivan

2015-2016 Grand Jury: Lessons Learned, Experiences, Suggestions, Thoughts and Observations.

Why did you get involved with the Grand Jury?

“I thought it would be interesting.”

“Public service.”

“To contribute to the community.”

“I was introduced to the Grand Jury at a local Democratic Club. The Grand Jury Association had a presentation. I said to myself, hum that should keep me busy. Boy, I didn't know how right I was!”

“I was encouraged to apply by Judge (George) Abdallah based on my past experience and the potential contributions I could make as a member.”

“I'd been retired about three months and was flailing about with the new reality. My wife threw a news story about Grand Jury applications in front of me and said, ‘Go find something to do’.”

“Saw notice in newspaper, looking for people wanting to serve, filled out application and went to interview.”

“Be involved in the community and to try and help and improve in areas where needed.”

“To learn more about local issues and how citizens can improve local governance.”

“I was nominated by a co-worker and had a very good experience and have returned a few times.”

“I heard about the GJ from a member of last year's GJ and decided to check it out.”

“I had the ability, expertise and knowledge to lend to the Grand Jury.”

“To get back into circulation after 3.5 years of retirement ... and at my wife's urging.”

In what way did you think you might contribute?

“I like investigating issues and not just accepting the obvious.”

“Investigation of deficient public agencies.”

“As a problem solver with a collaborative style.”

“I didn't know if I could contribute. I was thinking of what I might learn from it.”

“As a practicing attorney, former City Council person and past member of governmental committees.”

“In my previous life I had a lot of experience asking questions, listening and writing.”

“Objective, analytical thinker interested in finding facts.”

“Investigative and report writing. Help the new jury members with my prior Grand Jury experience.”

“I thought my leadership skills and problem solving skills, working with people at all levels, from working in the tech industry would be useful.”

“I contributed in the areas of writing, editing, investigation and research.”

What aspects of jury service were interesting to you?

“The interviews were the most interesting to me. Watching the interviewees’ body language and matching it with their responses.”

“All of it was interesting.”

“Interviews.”

“Types of complaints received.”

“Some of the investigations, interviews and conclusions reached.”

“The chance to learn more about how local government works.”

“Investigative and interviews, finding both sides of an issue by triangulating facts. Interaction of and with other members.”

“Actually researching County agencies gave a great insight as to how county government operates.”

“The whole process. Everyone brings something different to the jury.”

“I enjoyed working with the other GJ members to address issues for the County. We had great discussions and I learned a lot about the processes of government both good and bad.”

“I was interested in editing, investigation and research.”

“I enjoyed the investigative part of cases.”

What are your memories of the ride-alongs with law enforcement?

“My ride reinforced my respect for the work they do each day.”

“I rode along with a Ripon PD officer and the officer was a real professional as well as a great person. It was interesting to observe the communication and teamwork between the officers on shift as well as dispatch.”

“Overwhelming, exciting, informative.”

“Being called to a coroner’s case at St. Joseph’s Hospital and observing the details the deputy handled.”

What would you want others to know about the commitment to Grand Jury duties?

“Large, but manageable.”

“That it takes more time than you think it will...especially in the last half of the year.”

“Be prepared to spend the time necessary to do a good job recognizing that it is important for each member to be committed to spend whatever time is necessary to implement the jury obligations.”

“You’ll get out of the experience what you put in. If you mail it in, you’ll waste your time and everybody else’s on the Jury. But if you get involved, stay involved and do the work there’s the possibility you’ll help make our community a better place.

“You must be committed to the process, the time required, open minded not subject to opinions.”

“Serving on the Grand Jury is just like anything else; you get out of it as much as you put in.”

“You can do as much or as little as you want but give 100 percent and agree to disagree.”

“It takes more time than you expect. The pay nowhere near covers the time spent. It is worth the experience. It is a rewarding and it does make a difference.

“I would want others to know that it is a commitment that is well worth your time and energy.”

“It is not a one day a week commitment; be flexible with your time when issues and deadlines need to be addressed.”

“Be sure to check your email daily after committees are formed.”

If you were to start over, what would you do differently?

“Perhaps be a little more proactive and sensitive to the different personalities and philosophies of each jury member.”

“Start writing early.”

“Not sure. Hindsight is always 20/20. You just have to keep an open mind. It is way more frustrating than you expect.”

“I would stick with the Editorial Committee.”

“Do not sign up for too many committees.”

What are your best memories of the last year?

A witness “drinking three bottles of water during an interview.”

“I was very impressed with some department heads who are innovative and dedicated in our county; other departments have ‘loosey-goosey’ management.

“Meeting some great people.”

“Seeing the Grand Jury members work together as a cohesive body to achieve consensus on the work being performed.”

“Watching Jury frustration turn to satisfaction when a difficult investigation finally comes together.”

“The process of bringing together 18 different minds to a single focus.”

“The one thing about the Grand Jury that really opened my eyes, was the visit to the Youth Correctional Facility; it was heartbreaking.”

“Amazing people. Everyone tried to make the experience fun. While it isn't easy, the relationships you build are the best.”

“My best memory is the interaction with total strangers who come together as a team to not only make a difference in San Joaquin County, but who have impacted, in a positive way, the lives of many.”

“Marveling at everyone’s different reality.”

“I met some nice individuals. Will likely stay in touch with many.”

Using only one word, describe your Grand Jury experience.

“Grand”

“Exasperating”

“Rewarding”

“Tedious”

“Educational”

“Interesting”

“Justified”

“Amazing”

“Enlightening”

“Multi-dimensional” (Can a hyphenated word count as one word?)

“Not a political stepping stone.”

“Cat-herding” (OK, it’s a fake compound word)

Section II

San Joaquin County Registrar of Voters
“Make Every Vote Count”
Case No. 150311

San Joaquin County Public Defender Fees
Case No. 150624

Homelessness in San Joaquin County
“Time for Collaboration, Commitment
and Communication”
Case No. 150734

Investigations

San Joaquin County Grand Jury



San Joaquin County Registrar of Voters “Make Every Vote Count” 2015-2016 Case No. 1503

Summary

Three hundred and forty-five days after the San Joaquin County (SJC) 2014 Gubernatorial Primary Election held June 3, 2014, a newspaper column appeared in The Record. The column stated whistle blowers reported more than 800 Vote by Mail (VBM) ballots were not counted. On June 1, 2015, the SJC Information Systems Director and the Registrar of Voters requested the California Secretary of State conduct an investigation into the 800-plus uncounted ballots. The Secretary of State’s recommendation was to forward the complaint to the SJC Civil Grand Jury. The state agency only investigates possible criminal violations.

The Grand Jury has made several recommendations that it hopes will lead to a better overall system for receiving and tracking VBM ballots.

Among the Grand Jury’s major findings:

- There is no documentation to verify when and by whom VBM ballots are picked up by ROV staff from the Postal Service.
- The public was not informed for 328 days after election certification about the unusually high number of late ballots from the 2014 Gubernatorial Primary Election, June 3, 2014.

Among the Grand Jury’s major recommendations:

- By September 1, 2016, ROV develop written policies and procedures for daily tracking of the VBM ballots picked up at the post office. Tracking should include who picked up the ballots, when they were picked up, how many were received and when they arrived at the ROV office.
- By September 1, 2016, ROV develop and implement a written policy to publicize election discrepancies before election certification.

Glossary

BOS	Board of Supervisors
Canvass Procedures	The final step of the election process
CEC	California Elections Code
Certification	A process of complying with all provisions of the California Code of Regulations for the Statewide Direct Primary Election
PO	Post Office
ROV	Registrar of Voters
SJC	San Joaquin County
USPS	United States Postal Service
VBM	Vote by mail

Background

The Fifteenth Amendment to the U.S. Constitution guarantees the right to vote. In the State of California a valid registered voter has the right to cast a ballot. A valid registered voter is:

- A United States citizen
- A resident of California
- 18 years of age or older on Election Day
- Not currently imprisoned or on parole for the conviction of a felony
- Not found by a court to be mentally incompetent

The County's Registrar of Voters (ROV) is entrusted with the responsibility to make sure all elections are held with the highest of integrity and that all eligible votes cast are counted and certified in accordance with the California Elections Code (CEC).

The mission statement of the SJC ROV states:

“VISION -- Voting Insures Strength In Our Nation through Precision, with Virtue and Pride. We are the silent support of this system.”

At the time of the 2014 Gubernatorial Election, CEC section 3020 stated:

“All vote by mail ballots cast under this division shall be received by the elections official from whom they were obtained or by the precinct board no later than the close of the polls on election day.”

In SJC there were 293,837 registered voters and 22 percent of the votes cast in the 2014 Gubernatorial Primary Election were VBM. The Grand Jury learned the ROV has no documentation for the security and chain of custody for the VBM ballots when picked up at the post office on the days surrounding an election in San Joaquin County. On Election Day, SJC ballots have to be collected from Delta Station PO before the close of business at 5 p.m. Ballots are picked up by designated ROV employees from the West Sacramento Processing Center prior to the close of the polls at 8 p.m.

The County ROV is responsible for canvassing the vote within the time period prescribed by law (usually 28 days) and maintaining the security and integrity of the ballots and voting materials until they are sealed. Ballots are kept for six months for local elections and 22 months for state and federal elections. According to the San Joaquin County Canvass Procedure Version 1.3, the purpose of the canvass is to:

- Complete the count
- Reconcile the returns
- Identify and correct errors
- Resolve exceptions
- Have confidence in the accuracy and completeness of the results.



Tarps cover ballots and election equipment stored in a hangar at the Stockton Municipal Airport.

After the election, the ballots from the 2014 Gubernatorial Primary Election were stored in the ROV warehouse located near the Stockton Municipal Airport with security cameras strategically placed throughout. Because of a proposed increase in rent, San Joaquin County did not renew the warehouse lease in June 2015. This resulted in the ballots being moved to a less secure and leaky Stockton Airport hangar that ROV shares with other tenants and lacks video surveillance within the building.

Issues/Reason for Investigation

On May 14, 2015, The Record, the County’s largest newspaper, reported information from a “whistle blower” that 800-plus ballots from the 2014 Gubernatorial Primary Election were not counted. The column was published 345 days after the June 3, 2014 election, and was the first public information about the uncounted ballots.

On June 1, 2015, about two weeks after The Record column appeared, the SJC Information Systems Director and the Registrar of Voters requested an investigation from the California Secretary of State’s Office. On July 3, 2015 the recommendation from the Secretary of State’s Office was to direct the inquiry to the SJC Grand Jury. In addition three other complaints were received regarding the uncounted ballots. Knowing the importance of the voting process and the questions raised by the newspaper column, the Grand Jury decided to investigate the complaints.

TIMELINE		
SJC Gubernatorial Primary	Tuesday, June 3, 2014	Election Day
Certification of 6/3/2014 Election	Friday, June 20, 2014	17 days after election
Stockton Record column	Thursday, May 14, 2015	345 days after election
Statement of Election Day events by ROV staff	Monday, May 18, 2015	349 days after election
Stockton Record editorial	Tuesday, May 19, 2015	350 days after election
Letter to Secretary of State by ROV	Monday, June 1, 2015	363 days after election
Response from Secretary of State	Friday, July 3, 2015	395 days after election
Request for Grand Jury Investigation	Thursday, July 16, 2015	408 days after election

Method of Investigation

Materials Reviewed

- Materials provided by ROV
- California Elections Code sections 3020, 3011 and 4103
- SJC ROV Canvass Procedures Version 1.3
- June 3, 2014 SJC Gubernatorial Primary Election Certification
- The California Government Code section 12172.5
- Senate Bill 29

- Information Systems Organizational Chart
- The complaints
- Surveillance videos of ROV warehouse
- Ballots
- U.C. Davis Vote by Mail Brief #2, dated September 2014

Interviews Conducted

- Registrar of Voters staff
- Delta Station USPS staff
- Information Systems staff

Sites Visited

- ROV basement storage
- USPS East Stockton and Delta stations

Discussions, Findings, and Recommendations

1.0 Counting of Ballots

At the time of the June 3, 2014 election, CEC section 3020 stated:

“All vote by mail ballots cast under this division shall be received by the elections official from whom they were obtained or by the precinct board no later than the close of the polls on election day.”

On May 28, 2014, in preparation for Election Day, the ROV sent a letter to the USPS Processing Center in West Sacramento outlining the arrangements for pick-up of VBM ballots on Tuesday, June 3, 2014. The West Sacramento Distribution Center was to retain all VBM ballots received on Election Day at the distribution center and turn over to two designated employees from the SJC ROV office between 7:30 and 8 p.m.

The West Sacramento Post Office is the processing center for San Joaquin County and surrounding areas. The regular mail delivery schedule from the processing center to the Delta Station Post Office is two or three times a day, at 6 and 7 a.m. and at 10:30 a.m. (if additional mail is received). The normal procedure for mail pickup by ROV is once per day, usually in the morning at Delta Station, about one-tenth of a mile from the ROV office. The week prior to an election, and on Election Day, ROV picks up mail twice a day, in the morning and at about 2:30 p.m. Delta Station PO closes at 5 p.m. weekdays. On Election Day, if ballots are received after the afternoon pickup, Delta Station PO normally would make a courtesy call to ROV. The Grand Jury could not confirm that an afternoon pick up was made on Election Day by ROV at Delta Station PO. Additionally, the Grand Jury could not confirm if a courtesy phone call was made that day by Delta Station PO personnel.

A lack of documentation has resulted in the Grand Jury being unable to confirm who went to the Delta Station PO and at what time on Election Day 2014. The only fact the Grand Jury could

verify was a letter sent to the West Sacramento Mail Processing Center (MPC) informing them of the two designated ROV employees who would be picking up ballots at the MPC on Election Day.

The Grand Jury could not confirm which ROV employees went to the Delta Station PO on Wednesday morning June 4 (the day after Election Day), for the regular mail pickup. Delta Station PO employees handed ROV staff two USPS trays of VBM ballots. Each USPS tray can hold about 400 ballots.

ROV employees were surprised there were so few ballots received from Delta Station late Election Day. ROV employees were shocked by the large number of ballots picked up at Delta Station the next morning. Employees returned from Delta Station the morning of June 4, 2014 and immediately contacted the Registrar of Voters. The Registrar that morning contacted the San Joaquin County Counsel's Office regarding the two trays of late VBM ballots. The County Counsel instructed the Registrar to isolate, label and store the ballots under video surveillance until a determination whether the ballots could be counted. County Counsel later confirmed the ballots could not be counted as provided by CEC section 3020.

The issue of late ballots received by other State of California ROVs is one that caught the attention of California lawmakers. A significant number of VBM ballots in every election go uncounted. The two main reasons: the VBM ballot are late or have signature issues. According to the California Civic Engagement Project released September 2014, ballots are not counted because they are received late. The UC Davis Center for Regional Change additionally reported in the 2012 General Election nearly half (47.8 percent) of all VBM ballots rejected were received late.

On Jan. 1, 2015, Senate Bill 29 (CEC section 4103) became effective. It allows VBM ballots postmarked by Election Day to be counted, if received in ROV offices within three days of an election. The intent of the law is to reduce the large number of VBM ballots that go uncounted because they are received late.

California Election Code section 4103 states:

“(a) Notwithstanding Section 3020, ballots cast under this chapter shall be returned to the elections official from whom they were obtained no later than 8 p.m. on election day.

“(b) Notwithstanding subdivision (a), any vote by mail ballot cast under this chapter shall be timely cast if it is received by the voter's elections official via the United States Postal Service or a bona fide private mail delivery company no later than three days after election day and either of the following is satisfied:

“(1) The ballot is postmarked on or before election day or is time stamped or date stamped by a bona fide private mail delivery company on or before election day.

“(2) If the ballot has no postmark, a postmark with no date, or an illegible postmark, the vote by mail ballot identification envelope is date stamped by

the elections official upon receipt of the vote by mail ballot from the United States Postal Service or a bona fide private mail delivery company, and is signed and dated pursuant to Section 3011 on or before election day.”

The absence of written procedures or video documentation on Election Day, June 3, 2014, and the day after, created questions as to who picked up the VBM ballots, when they were picked up and the number of ballots picked up. After the election:

- The ROV did not notify the public of the unusually high number of late VBM ballots that compounded the issues raised in The Record’s column and editorial.
- The ROV waited 328 days after the election was certified to publicly acknowledge there were about 800 ballots received the morning after the election.

Primary Election June 3, 2014 -VBM Ballots too late to count

DATE	POSTAGE	POSTAGE DUE	TOTAL
6/4/2014	675	124	799
6/5/2014	32	137	169
6/6/2014	38	3	41
6/9/2014	35	6	41
6/10/2014	11	2	13
6/11/2014	1	0	1
6/12/2014	7	2	9
6/13/2014	1	2	3
6/16/2016	4	6	10
6/17/2014	0	2	2
6/18/2014	2	0	2
6/19/2014	2	0	2
TOTAL	808	284	1092

Source: Registrar of Voters (Document not dated, no author)

Findings

F1.1 There is no documentation to verify when and by whom VBM ballots are picked up by ROV staff from the Postal Service.

F1.2 The public was not informed for 328 days after election certification about the unusually high number of late ballots from the 2014 Gubernatorial Primary Election, June 3, 2014.

Recommendations

R1.1 By September 1, 2016, ROV develop written policies and procedures for daily tracking of the VBM ballots picked up at the post office. Tracking should include who picked up the ballots, when they were picked up, how many were received and when they arrived at the ROV office.

R1.2 By September 1, 2016, ROV develop and implement a written policy to publicize election discrepancies before election certification.

2.0 Security of Ballots

According to the San Joaquin County ROV Canvass Procedures, Version 1.3:

“The County is responsible for canvassing the vote within a specified time period (usually 28 days) as prescribed by law and maintaining the security and integrity of the ballots and voting materials until they are sealed and kept for either six (6) or 22 months.”

On June 20, 2014, the Gubernatorial Primary Election was certified by the Registrar of Voters (Appendix A). Approximately two weeks later the ballots were placed in boxes for storage at the ROV warehouse near the Stockton Municipal Airport.

In January 2016, the Grand Jury made a site visit to the ROV basement to view how the ballots were prepared for storage. The ballot boxes were labeled as to content, placed on a pallet, and stretch wrapped. The process for stretch wrapping includes applying tamper evident seals throughout the stretch wrapping process that establishes security for the contents.

Grand jurors were told the ballots in question were separated and isolated from all of the other ballots, were labeled and kept under



County election equipment and ballots protected by tarps in a hangar at the Stockton Municipal Airport.

video surveillance. Grand jurors viewed videos of the site where the uncounted ballots were being stored in a warehouse near the Stockton Municipal Airport with 24-hour surveillance. The video cameras were motion activated strengthening the security of the ballots. Grand Jury members were able to view video from the warehouse showing how the cameras worked. These videos are overwritten every three to four months. As a result jurors were unable to view video before, during and after the June 3, 2014 election.

Subsequently, San Joaquin County did not renew the warehouse lease in June of 2015. This resulted in ballots being moved to a leaky Stockton Municipal Airport hangar that ROV shared with other tenants. The hangar lacked video surveillance. ROV provided no policy requiring written documentation of tracking activity or persons entering and exiting the building. ROV has no written inventory control policy indicating materials and equipment that enter and leave any facility where ballots are stored.

Findings

F2.1 The ballots were moved from a secured 24-hour surveillance facility to a less secure location.

F2.2 The warehouse video was not viewable because the system overwrites itself every three to four months.

F2.3 There is no documentation of material and equipment movement between ROV and the storage facilities.

Recommendations

R2.1 By September 1, 2016, ROV store all ballots and equipment in a secured location with 24-hour surveillance

R2.2 By September 1, 2016, ROV develop and implement a policy to keep and store all surveillance data per canvass procedures for the storage of all ballots.

R2.3 By September 1, 2016, ROV develop and implement a chain of custody for all materials brought into and removed from the storage facilities.

Conclusion

The issue of the 800 uncounted VBM ballots was brought to light publicly in The Record newspaper column on May 14, 2015, 345 days after the election.

The Grand Jury attempted to answer three important questions: (1) What caused the late delivery of approximately 800 VBM ballots from the June 3, 2014, Gubernatorial Election? (2) Why were these same ballots not counted? (3) Did ROV do everything it could to make sure every vote counted?

Due to lack of ROV documentation the Grand Jury could not confirm which ROV employees picked up the VBM ballots at Delta Station PO during the 2014 primary election. The ROV blamed the USPS for the late delivery of the ballots in question. The USPS does not guarantee the time it takes for mail to be delivered. Again, a complete lack of documentation prevented the Grand Jury from vetting this claim.

The change in the State Election Code effective January 1, 2015 addresses some of the ballot delivery problems, however it does not address ROV's issues involving procedural documentation and ballot tracking. Equally disturbing, ROV personnel failed to notify the public of the 800 ballots that were received late and not counted.

The Grand Jury requested to view the late ballots in question. Jurors were assured the ballots had been isolated. However, when jurors viewed the ballots they learned that all uncounted ballots had been commingled. The Grand Jury could not confirm they actually viewed the 800-plus uncounted VBM ballots the ROV received on June 4, 2014.

The arrival of 800 ballots the morning after the election created considerable angst among election officials. It was highly unusual for hundreds of ballots to suddenly appear a day late. Nevertheless, election officials, while not legally required to report late VBM ballots, felt no ethical obligation to announce to the public what had happened.

It has been an enlightening journey for the Grand Jury. After numerous interviews and poring over pages of documents, the Grand Jury cannot point to a specific breakdown in the election process that caused this to occur. However, the Jury has offered several recommendations that it hopes will lead to a better overall system for receiving, tracking and maintaining the security of VBM ballots. The citizens of San Joaquin County deserve a system that ensures and gives them faith again that **EVERY VOTE DOES COUNT.**

Disclaimers

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

Response Requirements

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

The San Joaquin County Board of Supervisors shall respond to all Findings and Recommendations in this report.

Mail a hard copy of the response to:
Honorable José L. Alva, Presiding Judge
San Joaquin County Superior Court
P.O. Box 201022
Stockton, CA 95201

Or hand deliver to:
222 E. Weber Ave., Room 303
Stockton, CA 95202

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

Appendix

A. Certification of the 2014 Gubernatorial Election

CERTIFICATION

STATEMENT OF VOTES CAST

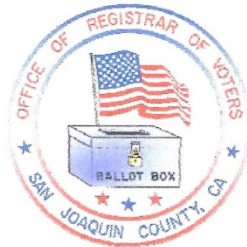
STATEWIDE DIRECT PRIMARY ELECTION

HELD ON TUESDAY, JUNE 3, 2014

SAN JOAQUIN COUNTY, CALIFORNIA

I, Austin G. Erdman, Registrar of Voters for the County of San Joaquin, do hereby certify the following to be a true and correct Statement of Votes Cast for the Statewide Direct Primary Election held on Tuesday, June 3, 2014, for the Federal, State, and local contests set forth, as determined by the official canvass of said election.

WITNESS my hand and official seal this 20th day of June, 2014.



Austin G. Erdman, Registrar of voters
County of San Joaquin
State of California

**CERTIFICATION OF REGISTRAR OF VOTERS
OF THE RESULTS OF THE CANVASS
OF THE JUNE 3, 2014
STATEWIDE DIRECT PRIMARY ELECTION**

STATE OF CALIFORNIA }
COUNTY OF SAN JOAQUIN } ss.

I, Austin G. Erdman, Registrar of Voters of said county, do hereby certify that, in pursuance to the provisions of Elections Code Section 15300, et seq., I did canvass the results of the votes cast in the Statewide Direct Primary Election held in said County on June 3, 2014, for the Federal, State, and local contests, and that the Statement of Votes Cast to which this certificate is attached, is full, true and correct.

I hereby set my hand and official seal this 20th day of June 2014, at the County of San Joaquin.



A handwritten signature in blue ink that reads "Austin G. Erdman".

Austin G. Erdman, Registrar of Voters
County of San Joaquin
State of California

San Joaquin County Grand Jury



San Joaquin County Public Defender Fees 2015-2016 Case No. 1506

Summary

The Grand Jury received a complaint alleging the San Joaquin County Public Defender's Office is taking no initiative to recover fees from indigent defendants for legal services. The complaint further alleged the county is taking no initiative to determine the indigent defendant's ability to pay. Policies and procedures among county agencies for vetting and tracking the reimbursable fees owed to the Public Defender's Office are nonexistent.

The Grand Jury found communication and oversight among the Public Defender's Office and county agencies are severely lacking. The Grand Jury recommends the San Joaquin County Board of Supervisors conduct a study to determine the benefit of appointing a Chief Financial Evaluation Officer or designee to recover fees due the county.

Glossary

BOS	Board of Supervisors
County/SJC	San Joaquin County
Court	San Joaquin County Superior Court
Feasibility Study	Assessment of the practicality of a proposed plan or method
Indigent	A person with little or no income
MOU	Memorandum of Understanding describes a bilateral or multilateral agreement between two or more parties
Pre-trial Packet	Information the court uses when releasing and the risk factors of such release, setting bail, and determining indigence

Background

The United States Supreme Court in 1963 ruled that indigent criminal defendants have a 6th Amendment right to fair and competent defense counsel provided by the government. In San Joaquin County (SJC), the Public Defender is mandated to provide services to the indigent for a broad range of matters covered in the following:

- U.S. Constitution (Amendment VI and Amendment XIV);
- California Penal Code sections 686, 859, 982.2 and 897;
- Government Code sections 27700 and 27706;
- California Welfare and Institutions Code sections 300, 317, 600, et seq., 5365 and 6500;
- California Probate Code section 1470, et seq.

Prior to 1997 the SJC Superior Court was part of County operations and the judges were employees of the County. Judges are now state employees. The passage of the Trial Court Facilities Act of 2002 began the process of transferring courthouses from county to state ownership. California Attorney General's Office concluded grand juries do not have the authority to investigate or report on the fiscal and administrative operations of a superior court. By law, all grand juries' investigative powers extend only to "county officers and departments." The intent of the Grand Jury's inquiry was not to investigate the court, over which it has no jurisdiction.

In October 2009 Penal Code section 987.5 was amended by Senate Bill 676 to increase the maximum registration fee defendants are assessed at time of arraignment from \$25 to \$50 effective January 2010. To become operative, S.B. 676 required the BOS to adopt a resolution or ordinance. In February 2010, the Public Defender's Office recommended the BOS adopt a resolution approving the increased registration fee for court appointed counsel. In March 2010, a public hearing was held and the BOS approved and adopted the resolution.

California Penal Code sections 987.5 and 987.8 state the law regarding assessing the defendant's ability to pay and the collecting of fees (see Appendixes A and B). The difficult task for the Grand Jury was to determine who was accountable to vet the defendants' ability to pay and who collects and tracks the payment of the assessed fees.

Issues

The Grand Jury received a complaint alleging the collection of required fees for services provided to indigent defendants by the Public Defender's Office is non-existent. The Grand Jury chose to investigate the complaint to verify that defendants are vetted and actually pay for services rendered. During the course of the investigation it was difficult to determine:

- Who decides indigence
- Which department is responsible to collect the fees
- Who follows up with defendants required to pay for services.

Method of Investigation

The Grand Jury interviewed five witnesses, surveyed numerous counties and reviewed numerous documents.

Materials Reviewed

- California Government Codes 27750
- Penal Code sections 987.5 and 987.8
- SJC Budgets Sections:
 - 2021300000- Court Assigned Counsel
 - 2021274000 County Support to Courts
 - 2020400000 Public Defender
- Gideon v Wainwright (1963)
- Lawyer Referral Service Contract (MOU) for provisions of Indigent Defense
- SJC Public Defender's Web Site

Interviews Conducted

- Lawyer Referral Service
- Public Defender
- Treasurer Tax Collector
- County Administrator
- Complainant

Sites Visited

- San Joaquin County Felony Court Arraignments

Discussions, Findings and Recommendations

Government Code section 27750 states:

“The board of supervisors of any county may designate a county officer to make financial evaluations of defendants and other persons liable for reimbursable costs under the law. A county officer so designated shall be known as the county financial evaluation officer, whose duties shall be to determine, according to the standards set by the board of supervisors and at the direction of the court, the financial ability of parties who have incurred, or will incur, attorney's fees or other court-related or court-ordered costs, which costs by law must be waived or the services provided free of charge if the party is indigent.”

The Grand Jury surveyed numerous counties requesting data regarding the cost of indigent defense for each county (see chart below). The survey also asked who collects the assessed fees, who determines indigence and if the county has a Chief Financial Evaluation Officer or designee. San Joaquin County does not have a Chief Financial Evaluation Officer and does not verify the financial information supplied in the Pre-Trial Packet. The Public Defender’s Office does not track payments and is dependent on the court order to collect registration or final attorney fees.

Results of Grand Jury Survey Fiscal Years ending 2013, 2014 and 2015

County	Population	Three Year PD Budget	Cost Per Capita	Money Recovered	Percentage Recovered	Who Collects Fees
Alameda	1,510,000	\$122,084,198	\$53.18	\$1,172,000	1.5	County Evaluation Officer
Contra Costa	1,111,300	\$64,343,764	\$57.90	\$907,232	1.4	Probation Collection Unit
Fresno	930,000	\$48,849,267	\$57.63	\$252,930	0.5	County Auditor-Controller
Sacramento	1,482,000	\$115,066,821	\$77.64	\$808,760	0.7	Dept Revenue & Recovery
San Joaquin	685,000	\$52,474,825	\$76.60	\$187,577	0.36	Public Defender
Stanislaus	532,000	\$27,744,279	\$52.15	\$508,067	0.95	County Evaluation Officer
Santa Barbara	420,000	\$14,970,000	\$35.64	\$237,711	1.6	Public Defender thru Court
San Mateo	711,000	\$52,513,188	\$73.85	\$1,947,407	3.7	County Evaluation Officer
Sonoma	478,000	\$34,978,175	\$73.17	\$342,438	1.0	Auditor Controller Tax Collector
Merced	254,000	\$16,109,409	\$63.42	\$541,243	3.4	Public Defender thru R&R

Anyone arrested in San Joaquin County is required to appear in court for arraignment. The judge informs the defendant of the following:

- What the charges are
- What his or her constitutional rights are
- If he or she cannot afford an attorney, one will be appointed
- A \$50 fee per Penal Code Section 987.5 will be assessed

- At the end of the trial the defendant may be required to reimburse the Public Defender's Office for attorney fees in the amount of \$125 for misdemeanor or \$175 for felony cases.

The Grand Jury learned the courts are responsible for determining indigence from the information provided by the defendant in the Pre-Trial Packets. Pretrial financial information is self-reported and unverified. At the courts discretion, they may inquire into the accuracy of the information reports. If the defendant is out of custody the judge could continue the case at arraignment to see if the defendant can make an agreement with an outside attorney. The defendant then is required to fill out a financial information form. After reviewing that information, the judge may make a finding of indigence and appoint a public defender or in some cases a private attorney under contract with the County.

Grand Jury members attended several felony arraignments in the County courthouse. All defendants observed were in custody. All were informed of the charges against them, their constitutional rights and asked if they could afford an attorney. The response from all defendants we observed was "no", they could not afford an attorney. The judge then told the defendants a public defender would be appointed and moved on to the next case. During the arraignments, the defendants were not informed of the assessed \$50 fee. No one informed the defendants regarding the flat fee for a misdemeanor or felony case.

The Grand Jury cannot confirm whether any judges assess the indigent defendant's ability to pay or if they advise the defendants of the flat fee the same way.

There are no procedures in place for the court, public defender or county administrator to confirm what information has been given to the defendants, who has been vetted financially or how much the defendant is required to pay.

The Grand Jury confirmed SJC is not tracking the collection of assessed fees from indigent defendants. The courts have no means of collecting and tracking payments for county fees as the courts are entities of the state. The Public Defender's Office is responsible for collecting and tracking payments. The Public Defender's Office contends it does not have the personnel or the time to track whether defendants pay.

Findings

F1.1 There are no established policies or procedures to assess indigent defendants' ability to reimburse the Public Defender's Office for court appointed counsel.

F1.2 There is no communication and oversight among the Public Defender's Office, the County Administrator's Office and the Courts for the collection of the fees assessed to the indigent defendants.

F1.3 Financial information required to determine indigence in the County is not being verified.

Recommendations

R1.1 By September 1, 2016 the Board of Supervisors conduct a feasibility study to determine if the county can support a Chief Financial Evaluation Officer or designee to vet defendants' ability to pay, and track and collect public defender fees.

R1.2 By December 31, 2016 the Board of Supervisors develop policies and procedures to vet defendants, track and collect fees due the county from the indigent defendants for court appointed counsel.

R1.3 By December 31, 2016 the Board of Supervisors implement a policy to vet defendants, track and collect assessed fees from the indigent defendants.

R1.4 By December 31, 2016 the Board of Supervisors develop a MOU with the court to inform all defendants of the assessable fees.

Conclusion

In San Joaquin County the total cost for the Public Defender and Court Assigned Counsel for fiscal year 2014-15 was nearly \$18.3 million. In that same period, the county only recovered \$21,520 from defendants assigned criminal court appointed counsel.

The Public Defender's Office handled 3,710 felony cases and 2,750 misdemeanor criminal cases in FY2014-15 (see Appendix C). Had the County collected the \$50 fee and the \$125 attorney fees for just one-quarter the misdemeanor cases (687) that year, the county treasurer would have received more than \$120,000, nearly five times the amount actually collected. And that's just the misdemeanor cases.

The 6th Amendment guarantees indigent defense counsel. Clearly not all defendants are able to pay, but the Board of Supervisors has an obligation to the taxpayers to make sure the Public Defender's Office is reimbursed for court appointed counsel when the defendant is able to pay. If a defendant's ability to pay is properly vetted and county officials communicate among themselves to make sure there is follow through, this can be accomplished.

Acknowledgements

The 2015-2016 Grand Jury appreciates the steps the County Administrator has taken to review the Public Defender's process and all County departments responsible for collecting fees from citizens, clients and defendants.

Disclaimers

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

Response Requirements

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

The San Joaquin County Board of Supervisors shall respond to each finding and recommendation.

Mail a hard copy of the response to:

Honorable José L. Alva, Presiding Judge
San Joaquin County Superior Court
P.O. Box 201022
Stockton, CA 95201

Or hand deliver to:

222 E. Weber Ave., Room 303
Stockton, CA 95202

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

Appendices

Appendix A

PENAL CODE SECTION 987.5

Penal Code section 987.5 concerns a registration fee (\$50) that shall be assessed at the time a public defender is appointed by the court and states:

“(a) Every defendant shall be assessed a registration fee not to exceed fifty dollars when represented by appointed counsel. Notwithstanding this subdivision, no fee shall be required of any defendant that is financially unable to pay the fee.”

“(b) At the time of appointment of counsel by the court, or upon commencement of representation by the public defender if prior to court appointment, the defender shall be asked if he or she is financially able to pay the registration fee or any portion thereof. If the defendant indicates that he or she is able to pay the fee or a portion thereof, the court or public defender shall make an assessment in accordance with the ability to pay. No fee shall be assessed against any defendant who asserts that he or she is unable to pay the fee or any portion thereof. No other inquiry concerning the defendant’s ability to pay shall be made until proceedings are held pursuant to Section 987.8.”

“(c) No defendant shall be denied the assistance of appointed counsel due solely to a failure to pay the registration fee. An order to pay the registration fee may be enforced in the manner provide for enforcement of civil judgments generally, but may not be enforced by contempt.”

“(d) The fact that a defendant has or has not been assessed a fee pursuant to this section shall have no effect in any later proceedings held pursuant to Section 987.8, except that the defendant shall be given credit for any amounts paid as a registration fee toward any lien or assessment imposed pursuant to Section 987.8.”

“(e) This section shall be operative in a county only upon the adoption of a resolution or ordinance by the board of supervisors electing to establish the registration fee and setting forth the manner in which the funds shall be collected and distributed. Collection procedures, accounting measures, and the distribution of the funds received pursuant to this section shall be within the discretion of the board of supervisors.”

Appendix B

PENAL CODE SECTION 987.8(b)

Penal Code section 987.8(b) addresses the issue of the ability of a defendant to pay for legal representation by the County Public Defender and states:

“In any case in which a defendant is provided legal assistance, either through the public defender or private counsel appointed by the court, upon conclusion of the criminal proceeding in the trial court, or upon the withdrawal of the public defender or appointed private counsel, the court may, in its discretion, hold on such additional hearing within six months of the conclusion of the criminal proceedings. The court may, in its discretion, order the defendant to appear before a county officer designed by the court to make an inquiry into the ability of the defendant to pay all or a portion of the legal assistance provided.”

Section 27750 of the California Government Code states:

“The board of supervisors of any county may designate a county officer to make financial evaluations of defendants and other persons liable for reimbursable costs under the law. A county officer so designated shall be known as the county financial evaluation officer, whose duties shall be to determine, according to the standards set by the board of supervisors and at the direction of the court, the financial ability of parties who have incurred, or will incur, attorney's fees or other court-related or court-ordered costs, which costs by law must be waived or the services provided free of charge if the party is indigent.”

Appendix C

Public Defender's Office Workload data

	Workload Data			Est./Act.	Projected
	Actual				
	2011-12	2012-13	2013-14	2014-15	2015-16
<i>Special Circumstances</i>	6	5	7	4	4
<i>Felony</i>	3,403	4,586	4,723	3,710	3,600
<i>Superior Court Direct/Grand Jury</i>	42	43	42	32	40
<i>Violations of Probation-Felony</i>	1,496	1,597	1,653	1,536	1,400
<i>Violations of Probation-Misdemeanor</i>	665	879	1,282	1,070	1,200
<i>Misdemeanor</i>	1,348	1,746	2,282	2,750	3,000
<i>Traffic</i>	775	902	1,118	1,024	1,110
<i>Juvenile Dependency</i>	431	438	456	260	400
<i>Juvenile Delinquency</i>	1,009	921	940	776	775
<i>Habeas Corpus</i>	181	195	207	209	210
<i>Mental Health</i>	322	364	390	267	270
<i>Special Proceedings</i>	557	821	837	806	810
<i>Guardianship & Conservatorship</i>	185	139	183	336	335
<i>Expungement/Cert. of Rehabilitation</i>	2	3	2	0	0
<i>Proposition 63</i>	104	129	127	160	160
<i>Homeless Court</i>	0	40	0	64	65
<i>Section 6500</i>	8	19	13	6	10
<i>Civil Contempt</i>	66	69	73	69	69
<i>Motions</i>	155	266	435	409	410
<i>Writs</i>	28	40	29	24	25
<i>Violations of Community Supervision</i>	317	686	1,282	1,070	1,000
<i>Conditional Release Program</i>	N/A	9	2	3	3
<i>Parole Violations</i>	N/A	N/A	765	1,024	1,100
<i>Proposition 47</i>	N/A	N/A	N/A	1,764	3,000
<i>CHCF (Medical Facility)</i>	N/A	N/A	N/A	7	10
<i>Veterans' Court</i>	N/A	N/A	N/A	20	48
<i>Total</i>	11,100	13,897	16,848	17,400	19,054

San Joaquin County Grand Jury



Homelessness in San Joaquin County “Time for Collaboration, Commitment and Communication”

2015-2016 Case No. 1507

Summary

The 2015-2016 Grand Jury initiated an examination of the homeless situation in San Joaquin County. Through the course of its investigation jurors found some consistent themes: witnesses for virtually each entity felt resources were scarce and the issues complex, emotional and multi-faceted. In addition, jurors were told local community leaders must ultimately lead any initiatives. Strategies developed must be based on our County’s unique needs. A one-size-fits-all approach will not be effective.

While resources to address this issue may be limited there are many public, private and non-profit agencies attempting to help. Unfortunately, there is little, if any, coordination among the various groups.

While resources may be scarce, resourcefulness should not be.

In addition to the lack of coordination among agencies, there is no overarching strategic plan to prevent and end homelessness.

Among other things, the Grand Jury found:

- San Joaquin County does not have a single clearly defined strategic plan to address homelessness



A homeless Lodi couple rests at a Cherokee Lane bus stop.

- Collaboration and communication among County government and private agencies is virtually nonexistent
- There are many governmental, private and non-profit agencies that strive to help the homeless, but there is no leadership to focus all the parties involved
- The lack of leadership, communication and collaboration indicates that addressing homelessness in the County has not been a major priority



A homeless camp under Highway 99 in Lodi.

As a result, the Grand Jury recommends:

- County officials take the leadership role in creating a single, focused and coherent strategic plan to address homelessness
- This strategic plan needs measureable long- and short-term goals and objectives with an established timeline and an annual evaluation process
- One individual within County government be appointed to oversee all matters related to the homeless
- That individual needs to report directly to the County Administrator and have the authority, resources and respect to bring together the necessary entities to develop the County's Strategic Plan on Homelessness

Background

Many Americans believe in the American Dream of home ownership. But for our homeless population just trying to find a safe and secure place to sleep from one night to the next is a daily challenge.

San Joaquin County has no strategic plan focused solely on addressing the homeless. In fact there are many competing documents and committees that attempt to address this issue in the County. The multitude of well-meaning efforts, both public and private, lacks consistent, effective communication and coordination. No doubt resources to address this issue are limited. To have an effective impact on reducing homelessness efforts need to be better coordinated, with greater collaboration and communication.

Issues/Reason for Investigation

Homelessness has adversely affected the quality of life for citizens throughout the County. It is an impediment to a thriving community. As homelessness has become more visible, concerns about it have grown.

While being homeless isn't a crime, the unfortunate byproduct can be criminal behaviors, such as public drug use and drunkenness. Many behaviors may be unavoidable by the very nature of being homeless, such as trespassing, loitering, panhandling, public urination and defecation. The effect of these behaviors shouldn't be minimized; it reduces property values, creates sanitary issues, and impedes the economic viability of businesses where the homeless congregate.

Method of Investigation

The Grand Jury investigation included:

Materials Reviewed

- A survey of the County and its seven incorporated cities.
- "Homelessness of Lodi; Current Conditions, Challenges and Recommend Strategies" (September 2015).
- San Joaquin County website <http://www.co.san-joaquin.ca.us/>
- Various newspaper reports, columns and editorials
- Homeless plans from other counties and states
- Federal strategic plan to end homelessness

Interviews Conducted (12)

- County (staff)
- City officials (Lodi and Stockton)
- Private citizens
-

Sites Visited

- Visits to homeless shelters and encampments in Stockton and Lodi

Discussions, Findings, and Recommendations

1.0 San Joaquin Urban County Consolidated Plan 2015-2019/Annual Action Plan, Fiscal Year 2015-16

The Grand Jury requested the County’s plan for addressing the homeless and was given the San Joaquin Urban County Consolidated Plan, but only six of the report’s 191 pages addressed homelessness.

The County hires an outside consultant to prepare the Consolidated Plan. This is a report the County must submit to the federal government to receive funding for various housing programs. The report contains a housing needs assessment and housing market analysis. The primary purpose of this report is to meet federal mandates in order to receive certain federal housing dollars.

The 2015-2019 Consolidated Plan was the successor to the 2010-2015 plan. The San Joaquin Urban County Consolidated Plan 2015-2019 stated “A number of public facilities and infrastructure improvements were completed during the previous Consolidated Plan period, including expanding ... the number of beds available to homeless persons for emergency shelter and transitional housing” Table 1 below shows the total number of emergency shelter and transitional housing beds decreased from 2,362 to 1,323 (these figures do not include the number of permanent supportive beds).

TABLE 1
COMPARISON SAN JOAQUIN COUNTY’S CONSOLIDATED PLAN
2010-2015 vs 2015-2019

	2010-2015		2015-2019		Difference
Homeless Pop.	2,983		1,657		-44%
Sheltered	2,280		1,116		-51%
Unsheltered	165		541		+220%
Current Inventory (Beds)					
Emergency Shelter	1699	63%*	519	24%*	-69%
Transitional Housing	663	25%*	806	37%*	+22%
Perm. Supportive	339	12%*	852	39%*	+151%
	2,701	100%	2,177	100%	-19%

*Percentage of total beds

These two Consolidated Plans claim to quantify the number of homeless in San Joaquin County. It is impossible to make any comparisons between the two. The Grand Jury learned that the number of homeless is underreported.

The Consolidated Plan cites a “Community Coalition on Homelessness Interagency Council”. However, no one from the County could clearly articulate the purpose of this “Council” and more importantly the County’s role with the “Council”.

Findings

F1.1 The Consolidated Plan does not contain a clearly defined strategic plan to address homelessness. It does reference a “Homeless Prevention Plan” (see Appendix 1).



F1.2 County staff members responsible for addressing homeless programs were not involved in the creation of the Consolidated Plan

Tarps are used for protection at a homeless camp under Interstate 5 at Weber Avenue in Stockton.

and have limited working knowledge of the report. Some statements in the Plan, i.e. expanding of the number of beds available, are not substantiated.

F1.3 No upper management County staff member is involved with the “Community Coalition on Homelessness Interagency Council”.

F1.4 The scope of the problem is compounded by a lack of accurate and comparable data.

Recommendations

R1.1 By Jan. 1, 2017, the County develop and implement a strategic plan to address homelessness in San Joaquin County that includes measureable long- and short-term goals and objectives with an established timeline and an annual evaluation process.



Beds in a day room at the Stockton Shelter for the Homeless.

Coordination of County departments/agencies

Homelessness is a complex problem requiring coordination, cooperation and communication among multiple departments within the County's organizational structure. These include but are not limited to the Sheriff, District Attorney, Health Care Services, Human Services, Employment and Economic Department, Housing Authority and Community Development. Upper management/department heads need to be the leaders in this effort to improve coordination, cooperation and communication. Through the course of the investigation it became apparent that there was a lack of communication among the various County agencies to address the issue of homelessness; because the issue is everyone's responsibility, it is nobody's responsibility.

The Board of Supervisors has taken some initial steps to form a task force to address homelessness. The process is still in its infancy and at this time there is no overarching leadership within the County.

Funding this effort may require reprioritizing and reallocating existing resources.

Findings

F2.1 Departments within the County's organizational structure have no consistent or focused strategies to work together in addressing homelessness.

F2.2 There is no lead County department or agency coordinating efforts directed toward the homeless.

Recommendations

R2.1 By Jan. 1, 2017, the Board of Supervisors should appoint one individual within County government to oversee all matters related to homelessness reporting directly to the County Administrator. That person needs the authority and resources to bring together the necessary entities to develop and implement the County's Strategic Plan on Homelessness.

R2.2 By Jan. 1, 2017, the Board of Supervisors fund a position to oversee this initiative, even if it requires reprioritizing and reallocating other resources.

2.0 Coordination with Cities and others

Effective coordination, cooperation and communication among the County, cities and all public and non-profit agencies that serve the County's homeless is critical for any strategy to be successful. The Grand Jury learned that there is no such coordination, either in funding or approach, to address the issue of homelessness within the county. There are no standing committees, no joint powers agreements and no overarching strategies on homelessness. Although the County does receive federal Block Grant money, part of which is used to help the homeless, County officials view their role as acting simply as a "pass-through" agency. For example, the County's "2010-2015 Consolidated Plan" listed seven "Weaknesses in the Organizational Structure" to address the homeless population in San Joaquin County and actions necessary to eliminate those weaknesses.

They are:

- Coordinate decision making
- Expansion of outreach
- Improve timely implementation of projects
- Expand availability of technical assistance
- Advocate for changes in federal regulations that discourage interagency cooperation
- Partnerships needed
- Expand interagency communication

The County's "2015-2019 Consolidated Plan" provided no evidence the issues were addressed.

The City of Lodi is the exception. Lodi has been able to bring various public and private stakeholders, including businesses, together to develop a comprehensive approach to address the homeless problem. The City's plan required some groups to relinquish current programs to make Lodi's overall approach more effective. When the Grand Jury surveyed the County's cities, Lodi was the only entity that adequately addressed each of the items requested (see Appendix 2).

In fact, based on the lack of responsiveness from some cities to the survey, it is questionable that officials even read the Grand Jury's request. The City of Stockton's response was inadequate and

provided no specific information. For example, the Jury asked the City to provide names of individuals who could assist us in addressing our questions regarding the homeless. No names were provided.

Findings

F3.1 The City of Lodi along with private individuals and agencies have taken encouraging steps to address the homeless issue. The success Lodi has achieved can be attributed to the coordinated efforts of public agencies, non-profit groups and churches (see Appendix 2).

F3.2 The County's "2010-2015 Consolidated Plan" listed seven "Weaknesses in Organizational Structure" to address the homeless population and actions necessary to eliminate those weaknesses. The County's "2015-2019 Consolidated Plan" provided no evidenced the issues were addressed.

Recommendations

R3.1 The County should use Lodi's efforts as a framework to start the strategic planning process.

R3.2 By Jan. 1, 2017, the Board of Supervisors formulate a plan to eliminate its self-identified "Weaknesses in the Organizational Structure".

Conclusion

The Grand Jury investigation discovered general agreement among agency administrators and elected officials that more coordination and cooperation is necessary to effectively address the homeless population in San Joaquin County.

The Jury's research revealed some encouraging initial efforts. Many concerned citizens and organizations are committed to addressing the homeless issue. For example, the Stockton Shelter for the Homeless is providing shelter in an effective and humane manner and Lodi's plan provides a blueprint for what is possible.

While many groups are working on the problem, the glaring lack of centralized coordination means efforts are sometimes at cross purposes, needlessly duplicated and wasteful of limited resources.

The problem is exacerbated by a lack of commitment, communication and collaboration from the County of San Joaquin. The County must take a more active role in bringing all stakeholders together if any long-term, coherent strategies are to be developed and implemented. Until recently most county officials have shown little or no interest in taking on this challenge.

The County Administrator, with the backing of the Board of Supervisors, must demonstrate a greater degree of leadership in addressing the needs of the homeless.

Government will not solve this problem alone. There is no one-size-fits-all solution. Lessons can be learned from the efforts of others. During the course of the Grand Jury's investigation, a number of ideas to address the homeless issue were expressed. They included:

- Establish a single phone number for all things related to citizens' concerns regarding the homeless. Currently, citizens do not know which agency to call to address problems involving the homeless. It may be a County, City, CalTrans, law enforcement or mental health issue. A designated point of contact would know which agency has jurisdiction. This could reduce both cost and response time.
- Start a public service advertisement campaign to educate the public about this issue, including strategies to handle panhandlers and trespassers.
- Rather than having the homeless picked up by law enforcement sent to the County Jail, the County could establish detox centers strategically located in the County. This would provide more immediate and appropriate services.

Disclaimers

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

Response Requirements

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

The Board of Supervisors shall respond to each Finding and Recommendation in this report.

Mail a hard copy of the response to:
Honorable José L. Alva, Presiding Judge
San Joaquin County Superior Court
P.O. Box 201022
Stockton, CA 95201

Or hand deliver to:
222 E. Weber Ave., Room 303
Stockton, CA 95202

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

Appendices

1. San Joaquin County's "Homeless Prevention Plan"
2. "Homelessness in Lodi; Current Conditions, Challenges and Recommended Strategies; Committee on Homelessness (September 2015)

HOMELESS PREVENTION:

Primary goals/objectives:

In accordance with the consolidated plans of San Joaquin County and the City of Stockton, and in accordance with the objective stated in the ten year plan to end homelessness included in the annual Continuum of Care submission to HUD to reduce the number of homeless families, the general goals and objectives of the homeless prevention plan are to provide:

- Intervention on behalf of households who are in imminent risk of becoming homeless to prevent people from initially becoming homeless
- Diversion from emergency shelters of working households who have reached the point of contacting shelters
- Rapid re-housing of working households who have become homeless.

Targeted populations:

- Households income forced to vacate rental properties that enter foreclosure, and where there is a reasonable expectation of becoming self-sufficient within six months
- Households at imminent risk of becoming homeless due to factors not related to the activity of one or more household members, where the household has experienced a sudden and substantial loss of income, where such loss is not due to the activity of one or more household members, and where there is a reasonable expectation of becoming self-sufficient within six months
- Households in transitional housing where the household has experienced a sudden and substantial loss of income, where such loss is not due to the activity of one or more household members, and where there is a reasonable expectation of becoming self-sufficient within six months
- Households at imminent risk of becoming homeless due to factors not related to the activity of one or more household members, where the household has experienced a sudden and substantial increase in utility costs where such increase is not due to the activity of one or more household members, and where there is a reasonable expectation of becoming self-sufficient within six months
- Households with forced to vacate rental housing condemned by local housing officials, when condemnation is not a result of the activity of one or more household members, and where there is a reasonable expectation of becoming self-sufficient within six months
- Households at imminent risk of becoming homeless due to factors not related to the activity of one or more household members, where there has been a traumatic life event, such as death of a spouse or primary care giver or recent health crisis that prevented the household from meeting its normal financial responsibilities, and where there is a reasonable expectation of becoming self-sufficient within six months
- Households with at least one adult employed, at imminent risk of becoming homeless due to factors not related to the activity of one or more household members, and where there is a reasonable expectation of becoming self-sufficient within six months
- Households with currently living in an emergency shelter, in locations not meant for human habitation, or are fleeing domestic violence, where there is a reasonable expectation of becoming self-sufficient within six months, and who for whom there is not

the expectation of transitional or permanent housing assistance from other existing community programs within 30 days

Definitions:

- Households include unaccompanied individuals and families with minor children.
- Transitional housing: a HUD sponsored program designed to assist homeless households become self-sufficient within a two year period
- Imminent risk: household will be homeless within 2 weeks of initial contact without assistance through this program
- Area median income: based on published HUD guidelines adjusted for family size
- Sudden and substantial loss of income: one or more household adults has had an income loss of at least 20% within the past three months; specifically the loss of employment
- Not a result of the activity of one or more household members: examples: loss of employment is not due job related behavior, increase in utility costs not due to changes in behavior or failure to control utility costs; loss of housing not due to behavior in violation of rental agreement, etc.
- Reasonable expectation of becoming self-sufficient within six months: based on case manager's assessment, it is likely that the assistance required under this program will be temporary in nature

Basic requirements:

All participant households must meet the following requirements:

- Assessment by an authorized program case manager
- Household income (adjusted by size) at or below 50% of area median income
- Household must either be homeless (federal definition) OR at risk of losing housing and meet both of the following circumstances:
 1. No appropriate subsequent housing options have been identified; AND
 2. Household lacks the financial resources and support networks to obtain housing or remain in its existing housing.

Financial Assistance:

General:

- Rent assistance must meet rent reasonableness established by HUD and can not exceed actual rent costs
- Rent assistance can not duplicate by time or amount assistance from any other federal, state, or local rent subsidy or assistance program; households receiving assistance through any program administered by the Housing Authority of San Joaquin or Central Valley Low Income Housing Corp. are not eligible for Homeless Prevention assistance
- No payment will be made directly to a participant household or individual member of a participant household
- Assistance limited to one time
- One time assistance, including arrears, may be 100% of amount of actual rent owed; penalties and late fees are the responsibility of the participant household

- For households requiring short term assistance of more than one month (not including arrears), the first month's assistance may be 100% of the actual rent owed, with each subsequent month's assistance based on calculating the participant's share at 30% of adjusted monthly income. Assistance at a higher level must be approved by Central Valley Housing
- Regardless of any other provision, the maximum amount of monthly rent assistance will be \$1,000.00.
- Regardless of any other provision, the maximum amount of assistance (all categories or types combined) to any one household is \$8,000.00.

Short term rent assistance

- One time assistance to qualified households covering no more than current month and up to two months in arrears
- Up to three months assistance to qualified households (requires continuing case management); can also include additional assistance up to three months in arrears
- Motel "vouchers" for temporary placement of approved participant households until permanent housing becomes available, not to exceed a stay of 30 days; does not count against time allotted for assistance

Medium term assistance

- To qualify for more than an initial 3 months of assistance, participants must be reassessed by an authorized case manager
- The level of rent assistance after an initial three months of participation will be reduced by ten percent each month.
- Up to nine months total assistance to qualified households (nine month period includes initial three month assistance; requires continuing case management)
- Households whose transitional housing benefits are expiring and who otherwise meet program criteria are eligible for medium term assistance
- Assistance beyond nine months is on an individual basis and must be approved by Central Valley Housing

Security deposits:

- Deposits on behalf of participants can be made to either obtain new housing or to retain existing housing
- Deposits in excess of an amount equivalent to one month's rent must be approved by Central Valley Housing
- Deposits can be made to allow participants to keep their pets
- As required based on case management assessment, in order to secure housing, an amount equivalent to one month's rent may be set aside to cover possible damages to a living unit.
- Deposits, or the remaining portion thereof, made by the program on behalf of a participant are to be returned to the program when a unit is vacated.

Utility assistance:

- Security deposit required for new unit or when service is restored
- Assistance with continuing utility payments (not to exceed nine months and requiring continued case management) provided a member of the participant household has the account in their name
- Assistance with payment of utility arrears, not to exceed three months arrears; if combined with continuing assistance can not exceed a total of twelve months assistance.

Moving assistance:

- Based on assessed need, program will cover reasonable moving costs to a new unit
- Based on assessed need, program can cover the cost of an appropriate sized storage unit for up to three months.

Outreach:

Information regarding the program will be disseminated to the community, and referrals will be accepted from:

- Property management companies
- Emergency shelters
- Food providers
- Fair Housing
- Human Service Agency (Food Stamps, Temporary Assistance to Needy Families, Senior Services)
- Faith based organizations

Case management:

Case management services will be made available (but will not be required) to all participants through either Central Valley Housing or one the partner agencies. Partner agencies will include all current homeless service providers in San Joaquin County. Participants will have the option of selecting the case management provider agency based on community location, cultural compatibility, prior experience, and personal preference. Case management will include initial assessment, locating and securing suitable, appropriate housing, coordination and delivery of necessary community support services, monitoring and evaluating participant progress, and planning for permanent housing stability.

Housing search and placement:

Central Valley Housing will use its contacts with more than 200 San Joaquin County property management firms and landlords to facilitate participants locating suitable housing. Program staff will work with participants in reviewing leases and rental agreements, informing participants about tenant rights and responsibilities, securing utilities, and making moving arrangements. Case management staff will be available to participants and landlords to mediate problems related to retaining housing.

Legal Services:

As needed, Central Valley Housing will contract with California Rural Legal Assistance and/or Family Legal Services to provide legal assistance to help participants retain housing.

Credit repair:

Case management services, whether through Central Valley Housing or one of its partners, will work with participants in creating sustainable, realistic household budgets, developing money management skills, and understanding consumer credit reports. As needed, the program will assist participants in enrolling in programs to resolve long standing personal credit issues.

Data collection:

Central Valley Housing will utilize the San Joaquin HMIS program for data collection and reporting on all participants.

Program acceptance:

Assistance through this program is not an entitlement. All participants must meet all applicable basic requirements established by HUD, must be eligible under one of the identified target populations of this program, must provide all necessary document and information required by this program, and must have a positive case management assessment. Any applicant denied assistance through this program will be provided a written reason for such action. Any applicant denied assistance through this program may appeal the decision, in writing, to Central Valley Housing.

Termination of benefits:

Assistance through this program is not an entitlement. Assistance may be terminated, without notice, for any of the following causes:

- to pay rent share
- behavior in violation of the rental agreement
- vacating the unit without proper notification
- vacating the unit while owing rent or other amounts due
- having utilities shut off due to non-payment of bills
- conviction of adult household members of any felony
- conviction of adult household members of more than one misdemeanor within any twelve month period
- jail time of the adult head of household in excess of twenty days resulting from a violation of parole
- any child in the household being placed with Child Protective Services
- failure to engage in activities determined by program staff that would lead to self-sufficiency
- engaging in activities that threaten the stability of the family or reduce the likelihood of achieving self-sufficiency
- exhausting benefits without having reached self-sufficiency

Grievances/appeals:

If a participant believes that assistance has been terminated unfairly, they may file a grievance in writing, clearly stating the circumstances and why they believe the action was wrong. Their case will be reviewed by a CVLIHC staff team (composed of staff from multiple program areas), and may involve an interview with the review team. If a client believes that the review team has not adequately examined the issues involved, a final appeal may be made to CVLIHC's Executive Director; this appeal must clearly state how or why the review team did not adequately investigate the original grievance.

HOMELESSNESS IN LODI

**Current Conditions, Challenges and
Recommended Strategies**

Presented by:

Committee on Homelessness

September 2015

Introduction

Acknowledging the growing concern regarding the homeless population in Lodi and its impact on the community, the Lodi City Council on March 17, 2015 authorized the Homeless Solutions Committee (HSC) to research and to prepare a written report on homelessness in Lodi. This report has two purposes:

1. Identify and explain the current conditions, reasons and concerns related to the issue of homelessness in Lodi.
2. Recommend comprehensive and realistic solutions that balance two significant considerations: our community's continuing commitment to respond to homeless people with compassion and resources and the need to preserve and protect public safety and public health.

This report is organized in to the following sections:

- I. Beginnings and Background*
- II. Methodology/Information Gathering*
- III. Homelessness as a Societal Issue*
- IV. Findings of the Research and Public Hearings*
- V. Recommended Overall Goal*
- VI. Recommended Strategies and Actions*
- VII. Next Steps*
- VIII. Conclusion/Summary*
- IX. Final Thoughts*

I. Beginnings

On October 2, 2014 the City of Lodi Executive Work Group convened to address how city government would begin to respond to the issue of increasing homelessness in the community. Several areas were identified for immediate response: city parks (particularly Lawrence, Salas and Lodi Lake), downtown (including local businesses, the parking garage, transit station and the library), encampments along the Mokelumne River, and city "gateways" (the main streets by which residents and visitors alike enter the city). Recommendations were made to do the following: 1) conduct more research on those strategies and approaches that work and don't work, and 2) find ways to engage the broader community to address the issue of homelessness.

In late 2014 initial conversations took place among representatives of the Lodi Police Department, Salvation Army and the Lodi Community Foundation to address the noon-time meals being offered to homeless individuals in Lawrence Park and the accompanying negative behavior that posed public health and safety issues. Those representatives agreed to reach out to religious organizations sponsoring and providing those meals to see if they would or could move the feedings to the Salvation Army. And in an attempt to broaden the scope of community engagement, additional stakeholders were included in further discussions and problem-solving sessions; this group self-identified as the Homeless Solutions Committee.¹

On March 17, 2015 former Chief of Police Mark Helms briefed the City Council at a "shirt-sleeve" session on homelessness. After Chief Helms' thorough report, plus comments from a number of observers and members of the Council, the Council authorized the Homeless Solutions Committee to continue its investigation of the issue and return to the Council with a report containing recommendations and solutions to the homeless problem.

It was also determined that the Lodi Community Foundation, with its willingness and ability to convene and facilitate in an inclusive and community-based manner, would continue to lead the project.

¹ Initial members of the Homeless Solutions Committee were: John Ledbetter (Chair), Lodi Community Foundation; Patricia Fehling, Salvation Army; Russ Hayward, Lodi Community Foundation; Mark Helms, Lodi Chief of Police; Lt. Steve Nelson, Lodi Police Department; Captain Tod Patterson, Lodi Police Department; Captain Martin Ross, Salvation Army; Steve Schwabauer, Lodi City Manager; Joseph Wood, City of Lodi; Vince Yorba, Gravity Church.

II. Methodology/Information Gathering

In order to clearly understand the causes and effects of homelessness, the HSC, with assistance from the Lodi Police Department, set out to gather factual information and public opinion from a number of sources. Lt. Nelson did extensive research on how other communities similar to Lodi have responded to the issue of homelessness; this information was presented as part of the "Homeless Solutions" presentation by Chief Helms to the City Council on March 17th.²

Since it is always instructive to listen and acknowledge the feelings and observations of the general public, the HSC also conducted four public "listening sessions" for three purposes:

- 1) to learn and understand how homelessness is affecting Lodi residents and businesses
- 2) to learn about the specific needs of homeless people directly from the homeless themselves
- 3) to learn about current programs that serve the homeless in our community and in the county

The first "listening session" for the public was held on April 16th between 9 am and 12 noon with nearly 50 people in attendance. On that same day, in the afternoon, a special session was conducted for service providers with about 40 in attendance. In order to accommodate residents and business owners who work during the day, a second "listening session" for the public was held on May 19th from 7 to 9 pm with 55 in attendance. All of the "listening sessions" for the public were widely publicized in the Lodi News Sentinel and through social media. A fourth meeting specifically for homeless individuals was conducted on May 27th at the Salvation Army with about 45 in attendance.³ In all, these meetings provided an opportunity for several distinct constituencies and nearly two hundred individuals in the Lodi community.

III. Homelessness as a Societal Issue

In order to provide a broader context for the discussion of homelessness in Lodi, it is important to know and understand the extent and effects of homelessness as a societal issue throughout the United States.

In the **United States** the Federal definition of a homeless person is: an individual who: 1) lacks a fixed, regular and adequate nighttime residence and 2) whose primary nighttime residence is a supervised temporary shelter, institution or place not ordinarily used for sleeping.⁴ A chronically homeless person are defined as an individual who has been homeless for a year or more or has experienced at least four episodes of homelessness in the last three years and has a permanent disability. The following is a statistical description of the homeless as of January 2014.⁵

² Chief Helm's complete report in PowerPoint style is in Appendix A.

³ The minutes and notes from the public hearings are contained in Appendix B.

⁴ Stewart B. McKinney Homeless Assistance Act of 1987

⁵ National Alliance to End Homelessness (website: endhomelessness.org)

Total number of homeless: 578,242

Homeless people in families: 216,197

Most homeless families bounce back from their time being homeless, with relatively little public assistance help. With rental assistance, housing placement services, job assistance and other short term services, they escape and avoid long term homelessness.⁶

One in 30 of American children is homeless, approximately 2.5 million. Very often many of these children are unseen, doubling up with their families on friends' couches, sleeping in all night diners or moving from motel to motel. The US Department of Education counts the number of school children without a fixed address which amounts to 1.1 million. It is estimated that about one million children are excluded from the bi-annual "homeless count" conducted through the Department of Housing and Urban Development.⁷

Studies also indicate that children who are homeless are more likely to have health problems, to miss school and have lower academic achievement. Childhood housing instability and homelessness has been identified as an indicator of future homelessness.⁸

There are 49,933 homeless veterans in the U.S.

Since 2009 the Federal Government has made a substantial commitment to end homelessness among veterans. Through "rapid re-housing" and "Housing First" strategies, the number of homeless veterans has decreased 33% in six years.

There are 86,736 chronically homeless in the U.S.

The chronically homeless usually have some kind of permanent physical or mental disability; they often live in shelters; they consume most of the social service resources dedicated to serve the homeless. Studies have also indicated that the chronically homeless tend to have high rates of behavioral health problems, mental illness and substance abuse disorders, physical illness, injury and trauma. In addition they are frequent users of emergency services, crisis response and public safety systems.⁹

The homeless population is not easily described or categorized; instead it is more often stereotyped based on how each of us encounters homeless people. A good many homeless people want a pathway out of homelessness and are involved in programs to help them on their way. Some homeless persons have chronic physical disabilities and/or behavioral health conditions that make it difficult for them to secure housing. There are some homeless people, so afflicted by their disabilities that they have little hope and resist change. And finally there are some individuals who are homeless of their own volition.

⁶ National Alliance to End Homelessness (website: endhomelessness.org)

⁷ Wiltz, Teresa. "Invisible Homeless Kids Challenge States," The Pew Charitable Trusts.

⁸ Burt, Martha R. "Demographics and Geography: Estimating Needs" for the 1998 National Symposium on Homelessness Research.

⁹ National Alliance to End Homelessness (endhomelessness.org) website

Some communities report that their homeless population is growing older and more severely troubled. In San Francisco, over 30% of homeless are over the age of 51.¹⁰

It should be noted that these percentages are approximate and likely vary by community. In San Francisco, where there are approximately 6,000 homeless individuals, about one-third are considered "hard core." Many are picked up, arrested, held for awhile, released, and picked up again. According to the U.S. Interagency on Homelessness and United Way of the Bay Area, each hard core homeless person costs the City of San Francisco approximately \$60,000 each year in police arrests, emergency rides in ambulances, etc.¹¹

In California there were 90,765 homeless individuals in California as of January 2014. That number equals 20% of all the homeless in the U.S. Of that California total of 71,437 or 72.6%, were unsheltered. This percentage of unsheltered individuals, 72.6%, is the highest of all states in the U.S. Between 2007 and 2014, the percentage of unsheltered homeless individuals decreased by 24.5%.¹²

In California there are 1,650 emergency shelters.¹³ The majority of emergency shelters are operated by non-profit organizations and were developed in response to the increase in the homeless population after the State of California began to close the State mental hospitals in the 1970s.

The State of California does not have an active state Interagency Council on Homelessness, and the state ranks 49th in terms of policy and planning for the homeless.¹⁴

In Lodi our local experiences, as both civic leaders and residents, are consistent with how other communities experience homeless persons and their consequences. Indeed homelessness is now often experienced in rural and/or suburban communities, not just urban centers.¹⁵

Every two years the City of Lodi participates with municipalities throughout the country in a national "homeless" count. This bi-annual count includes sheltered and unsheltered homeless; sheltered homeless are counted annually. This "on any given night" count was conducted in accordance to congressional direction given to the federal Housing and Urban Development Department, often referred to as HUD; the count is a contractual obligation on the part of San Joaquin County in order to receive specific funds to assist homeless individuals and families. Unsheltered homeless individuals and families were encouraged to gather at "Homeless Connection" events to access services and to be counted. Those counted and surveyed had to meet the HUD definition of unsheltered homeless, i.e. those who were actively staying in a car, tent, condemned building, under an overpass, or in another place otherwise unfit for human habitation on the night before the count. Those staying in homeless

¹⁰ Kevin Fagan and Heather Knight, "Homeless in the City Growing Older and Sicker," San Francisco Chronicle.

¹¹ San Francisco Chronicle, June 5, 2015

¹² The 2014 Annual Assessment Report, U.S. Department of Housing and Urban Development, Office of Community Planning and Development.

¹³ America's Youngest Outcasts," www.HomelessChildrenAmerica.org

¹⁴ Ibid.

¹⁵ See the following articles: Kevin Valine, Lodi News Sentinel, August 22, 2015 and Marcos Breton, "Urban Problem Comes to Suburbs," Sacramento Bee, August 23, 2015.

shelters, transitional housing for the homeless, doubled-up with friends or family member are not included in the unsheltered count.¹⁶

The City's Community Services Department conducts the "count" which was recently held during the first week of January 2015. In Lodi there were 87 unsheltered homeless adults and 4 unsheltered homeless children. The total for San Joaquin County was 541. This number compares to 247 in 2011 and 263 in 2013; this increase in numbers may reflect an actual increase in unsheltered homeless, but it is more plausible that the increase reflects a more effective outreach to and response from the homeless population.¹⁷

The majority of these unsheltered homeless, or 78%, are between the ages of 25 and 59. 65% are white, 15% African-American, with the remaining nearly equally spread among American Indian, Asian and multiple races. 60% are male; 40% female.¹⁸

Almost 40% of all adults surveyed in the unsheltered count self-reported that they were dealing with a substance abuse problem, mental health issue or both. It is believed that the number of homeless individuals dealing with these conditions is greater than what is reported, since some individuals refused to answer this question on the survey; it is typical that substance abuse and mental health issues are under-reported when identified by self-reporting.¹⁹

In addition there is no reason to believe that these county-wide statistics do not generally reflect the "picture of homelessness" in Lodi.

It is widely thought and acknowledged that the official "count" total for Lodi is low, with the estimated number of homeless individuals is between 100 to 200 individuals. It is also acknowledged that this number varies by season due to the relatively moderate climate, harvesting season and the transient nature of many homeless individuals.

IV. Findings of the Research and the Public Hearings

- **Homelessness is a divisive issue in our community.** Citizens of our city experience the consequences of homelessness in different ways and from different perspectives. Some primarily view homelessness as a circumstance that negatively impacts businesses and neighborhoods, and there is clear evidence that such is the case; homeless individuals that this report has characterized as "chronic" and who apparently have "chosen" to be homeless are the ones making the most negative impact on areas such as downtown, along the river and now into other neighborhoods. As a result, citizens who share this perspective on the homeless want the

¹⁶ San Joaquin County Continuum of Care, San Joaquin County 2015 Point-in-Time Unsheltered Homeless Count Report, p. 1

¹⁷ *Ibid.*, p 2

¹⁸ *Ibid.*, p. 3-4

¹⁹ *Ibid.*, p 5

City to take more direct law enforcement and even extra-legal steps to rid the city of the problem.

Others primarily view homelessness as a situation, that despite posing public health and safety problems, needs to be addressed with kindness, compassion and services that can help homeless individuals and families escape their homeless situation and return to normal and productive lives. This humanitarian and faith-based response is evidenced in the outpouring of human and financial resources local citizens provide independently or through local agencies that serve the homelessness and needy in our community.

- **Law enforcement alone is not an effective method by which to address or remedy the homeless problem.** Research conducted by the Lodi Police Department (LPD) clearly indicates that the enforcement alone approach does not work; there are indeed laws and resulting case law restricting local police from some means of direct action.

For instance, current law equates a "homeless encampment" with private property, which therefore requires a 72 hour notice for eviction from that property. Obviously this makes it impossible for the LPD or any other extra-legal group to remove a homeless encampment without notice. The law also requires that local law enforcement officials catalog and retain all private property and belongings of those evicted from the property for 90 days. Currently the LPD does not have resources to continually implement these operations.

And ultimately this approach does not necessarily "solve" the homelessness problem. While the approach may reduce numbers in the short term, it is likely the "chronic" homeless will move to other areas of the city.

- **The "best practice" strategies to address and reduce homelessness are well documented and working well in a number of communities.** In general they include the following:
 1. Access to physical and behavioral health services, including substance abuse and addiction detox services and respite care.
 2. Job preparation skills.
 3. Jobs, from day labor opportunities to full time employment.
 4. Life skills training.
 5. Transportation to and from services provided outside of the city.
 6. Low-income supported, transitional and permanent housing.

The American journalist and social commentator H.L. Mencken wrote this: "For every social ill or problem there is a simple and single answer that won't work." That is precisely why no single "best practice" strategy on its own will adequately address homelessness. Instead, an

Integrated and multi-disciplinary approach will be the most effective to reduce homelessness. Included in any multi-disciplinary approach are two critical components: housing and employment. Following is a fuller description of “best practice” strategies for housing and employment.

One of the root causes of homelessness is that many people cannot afford a place to live. People who are homeless do not have enough money to pay rent, let alone begin to purchase a home. Rental prices are increasing and inventory is tight. A new report by the Urban Institute finds that there are only 29 affordable units for every 100 extremely low-income households; in Lodi that number is 4.²⁰ And yet, the vast majority of the nation’s homeless, 85% of the estimated 580,000, who are homeless for relatively short periods of time, eventually find a place to live, but generally not without some financial and rental assistance. The remaining 15% (a percentage that varies depending on the community) fill up homeless shelters and/or spend time in jail. The traditional “shelter first” model for dealing with the homeless is designed to prepare for housing by guiding them through drug rehabilitation programs or mental health counseling, etc. This “linear residential treatment” or “continuum of care” model is an effective approach for some homeless people, but doesn’t necessarily work well for the homeless who either reject and/or have a difficult time meeting the requirements to become “ready.” A number of communities, including the state of Utah, have successfully implemented a new model, often referred to as the “Housing First” model. In Utah this new approach, with the full cooperation and assistance of the Church of the Latter Day Saints and the largely conservative Utah state legislature, has proven very successful. Utah found that providing people supportive housing and transitional housing costs the social service system about half as much as leaving the homeless to live on the street.²¹

Another root cause of homelessness is the lack of employment and/or underemployment. Without adequate income, once again people who find themselves homeless cannot afford to pay for housing. Economic growth and community development provide pathways for homeless individuals to find their way out of poverty and into housing. This approach requires the involvement of business leaders and educational institutions. All that being said, it is important to remember that the chronically homeless have a permanent disability that usually prevents them from being able to find and maintain employment.

- **Current local programs serving the homeless, while well intentioned, are generally narrowly focused, sometimes disorganized, lack coordination and are limited in their approach and response.** There are many citizen groups, non-profit organizations, and local faith communities responding to the needs of the homeless in a variety of ways; we want to recognize the good work of The Salvation Army, Lodi House, Grace and Mercy and St. Anne’s Place that do such good work. However, many of the local organizations providing that

²⁰ Affordable Housing On-Line and Lodi’s 2014-2018 Community Development Block Grant Consolidated Plan

²¹ For a full description of the “Housing First” approach in Utah and other communities, see “Room for Improvement” by Scott Carrier, *Mother Jones*, March-April, 2015.

assistance do not know of the others' existence and services; they do not necessarily work together or talk to one another. Organizations often compete with one another in order to fund services and sustain their individual organizations. Public policy does not necessarily provide incentives for coordination and collaboration among service providers.

- **Some private attempts to help the homeless have unintended consequences.** As an example, responding positively to someone "panhandling" by giving them some loose change or a few dollars is only a short term response. That "gift" might help buy a meal or, more likely than not, purchase alcohol or drugs, addictions that contribute to the state of homelessness for most of the chronically homeless. Particular responses from local organizations and faith-based communities often only hurt the very people they are trying to help.²² As noted at the beginning of this report, church-sponsored "feedings" at a local park may often have the unintended consequence of enabling behaviors that contribute to public health and safety concerns.
- **Access to available services for the homeless in Lodi is limited and problematic.** Many of the services available for homeless individuals are provided through San Joaquin County, and therefore are located closer to Stockton. Public transportation is neither readily available nor easily navigated. The County Mental Health Department does have a satellite office in Lodi and generally economic and job development is the responsibility of local government. There is no respite care facility in Lodi nor is there a detox center in either Lodi or the entire county. Certainly accessibility is always dependent on available resources, but the extent to which there is inter-agency cooperation and collaboration remains unknown.
- **Homelessness is a community problem that can be most effectively addressed by a collaborative, centralized and community-based approach.** One overwhelming "take-away" from our community "listening sessions" is that there is considerable interest and desire on the part of our city leaders and citizens to address our city's homelessness issue, balancing the need to protect the public health and safety with the need to help people return to normal lives.

In addition, all the research strongly indicates that success will only be attained through a collaborative, community-based approach. This will require a centralized, coordinated and outcome-focused approach, one that invites all segments of our city to participate in the process and the solutions. The research also suggests that this community problem-solving process will require time (most plans we reviewed were for ten years) and public and private resources.

²² See [When Helping Hurts](#) by Steve Corbett and Brian Fikkert

- **Lodi's lack of low-income and/or affordable housing stock currently contributes and is likely to continue to contribute the growing number of homeless in the community.** 96% of Lodi's new housing stock has been single detached homes. The last apartment complex was built 30 years ago. The rental vacancy rate was just 3% compared to the normal rate of 5%. And according to one source, between 2005 and 2007 renters "overpaid" based on the relationship of income to rental costs.²³

The State of California mandates that cities develop and adopt a General Plan every four years. General Plans require statements of intent on issues such as land use, water, job growth, transportation and housing. Lodi's last "housing element" in the General Plan was drafted in 2011. The new "housing element" is due to the State on December 2015. The specific content of the new "housing element" will determine, at least in part, Lodi's eligibility for available funds to address housing needs, especially for low-income individuals and families.²⁴

- **Some homeless people deeply distrust social service providers and city officials, law enforcement in general and the general public.** Some feel misunderstood, some feel victimized by circumstances beyond their control, and some feel they have been dismissed or "thrown away" by society. At the same time there are also feelings by other Lodi citizens, residents and institutions that the City and its citizens have made strong and documentable daily and long term efforts, through social service providers, city officials and law enforcement, to provide needed and important services for the homeless in Lodi.

V. Recommended Overall Goal

Our first general recommendation is that the City Council, as the body representing the residents of Lodi, formally adopt a specific and reasonable goal toward which city leaders, community groups, law enforcement, local service providers, and members of our faith communities can work to achieve. That goal is:

Assist homeless individuals and families to secure housing, employment and services so that they may become healthy and productive members of society.

This overall goal recognizes the fact that our society in general and Lodi specifically is not going to "solve" homelessness; however Lodi can do its best to address the needs of homeless people and reduce the negative impact of homelessness on the community. It will be extremely important for our community response to focus on those homeless individuals that want help and/or are ready, with appropriate encourage and support, to receive assistance and better their circumstances.

²³ Lodi General Plan, Housing Element; October 19, 2011.

²⁴ For a more complete of explanation of the process and requirements, see Lodi's General Plan for 2011.

VI. Recommended Strategies and Actions

When we began our research and "listening" segments of this planning process, our committee members were encouraged and even surprised with the number of different approaches to address homelessness that were being taken by non-profit agencies, local faith communities and other community groups. We have also been encouraged by the creativity of these usually independent and largely unknown activities. All of this suggests that no single strategy or approach will begin to solve the issue of homelessness, and that we continue to need to encourage any and all strategies that help the community to achieve our overall goal.

Toward that end, we believe the following recommended strategies to address the homelessness situation should include two critical considerations: 1) the preservation and protection of public health and safety, and 2) our community's continuing commitment to respond with compassion and resources. Our recommendations are based on those considerations and the findings of our research.

A. Short Term Strategies and Actions

The following is a list describing a number of actions that can be implemented relatively quickly and without a large infusion of financial resources. They are in no particular order and are not prioritized. All will require follow-through and oversight, however.

1. The Lodi Police should continue to intervene at the homeless encampment along the Mokelumne River through on-site checks and multi-agency operations on a periodic basis; these multiagency operations include the LPD, Caltrans, San Joaquin Sheriff's Office deputies, San Joaquin County Mental Health, Veteran's Affairs, and The Salvation Army. This action will continue to discourage those homeless individuals from harassing and causing trouble for the residents along the river; it will also address a growing public health problem in the area. In addition, the current interventions should continue to refer homeless persons to existing services that can provide assistance.
2. The City of Lodi and the Lodi Police Department should continue to follow-up on complaints about empty or abandoned buildings which often become places where homeless individuals spend time during the days and evenings. The City of Lodi should also aggressively pursue appropriate legal action against the property owners, property management companies and/or the financial institutions that are responsible for maintaining these empty spaces; such legal action can include abatement orders and fines.
3. Develop a single and comprehensive resource guide for the use of service providers and the homeless. Currently there are a number of "resource guides" that are either incomplete or largely focused on the services of specific agencies. The more comprehensive and local resource guide should be coordinated with the county's 211 information and referral service.

4. Convene and create a permanent "coordinating committee" of the local agencies that are providing services to the homeless. Use the talents and resources of these various groups to coordinate services (especially emergency food and shelter), focus on strengths, share resources and behave collaboratively.
5. Continue the "homeless fairs" conducted every Friday at the Salvation Army's "Hope Harbor" facility; at these "fairs" homeless individuals can improve their personal hygiene with showers, haircuts, etc. On the fourth Friday of each month, representatives of different social service agencies, including medical and mental health services, are available on site to provide information about their services and to schedule follow-up appointments for those seeking assistance. In addition, representatives from local financial institutions, EDD and Job Corps will participate.
6. Consider the implementation of the "Downtown Street Team" program currently working in San Jose. This program employs homeless people to conduct basic maintenance and beautification projects in downtown areas.
7. Develop a resource guide for property owners that defines nuisance behavior and how to respond to such behavior. Develop a corresponding resource guide for homeless individuals which defines legal and illegal behavior.
8. Continue to encourage the cooperation of private community groups to consolidate that mid-day meal at the Salvation Army. Local groups that want to help should be on the same page and agree to provide meals in locations that promote and reward appropriate behavior. We wish to acknowledge Rev. David Hill and members of Grace Presbyterian Church for their understanding, cooperation and leadership in this effort.
9. Secure and/or re-allocate City resources to provide LPD bike patrols for Lodi's downtown area after 4 pm. While homeless persons are certainly present in the downtown area, they are only responsible for approximately 40% of the nuisance behavior; the so-called "drunk 20s" are responsible for the remaining 60%.
10. Encourage local faith communities to "adopt" a homeless individual and/or family, providing housing assistance while the individual finds work, enrolls in school, receives treatment for medical/mental health conditions, etc. We are aware of at least one local church, Bear Creek Community Church under the leadership of Rev. Bill Cummins, has made and implemented this commitment. This strategy is similar to that used after the end of the Vietnam War when refugee families were "sponsored" by faith communities as they assimilated into American society.

11. Initiate an educational campaign to help local community groups, faith communities and others understand how they can channel their compassion for the homeless in ways that effectively contribute to their long term health and safety. As this reports indicates, not all help is helpful, but it is welcomed and appreciated if delivered with more focused intent. Such an educational campaign would also help to dispel some of the misinformation that is expressed about homeless people.

12. To discourage the homeless, as well as others who are not homeless, from hanging out in the downtown area, place signs that discourage "aggressive" and illegal panhandling" from local residents, tourists and business patrons. Consider placing "parking meters" to collect funds from those who would like to help out, but need a mechanism that guarantees funds are received and allocated to agencies that can do the most good.

In addition, place signs that indicate the locations of public restrooms.

13. Organize neighborhood "block walks" that check on and discourage homeless individuals who are sleeping in inappropriate areas and causing a public safety hazard. This effort could be done in conjunction with the "safe neighborhoods" initiative sponsored by the LPD. Provide neighborhood groups with resource guides by which to direct the people they encounter to local resources. Explore how such block walks could be coordinated with National Night Out.

14. Insist on agency collaboration in the Community Development Block Grant (CDBG) process to insure that the highest priority needs receive greater consideration than individual agency requests. We would like to see greater agreement and commitment to a more substantial "big picture" objective than the awarding of smaller grants that tend to achieve short term objectives, but do not build long term sustainability.

15. Encourage the LPD and local service providers to sensitively gather information about the homeless people with whom they interact; find out who they are, where they came from, where they intend to go, and how they can receive services to help them. The more we know about this population, which we tend to paint with a very broad brush, the more effectively we can respond.

B. Longer Term Strategies and Actions

The following is a list describing a number of strategies and actions that can be implemented over a longer period of time, probably anywhere between three to five years. Many of them will require a level of cooperation and collaboration with service providers located in Stockton and/or affiliated with the San Joaquin County. The county's Department of Mental Health and the District Attorney's office are now included as members of the leadership group that is shepherding this entire project, which is an excellent sign of commitment to seriously address the homeless issue.

1. Develop a "day center" for the homeless, a place where during the day they can come for service referrals, research job opportunities and job training programs, store personal items, establish a mailing address, apply for Medi-Cal and Social Security, etc. This site could also be used as the "staging area" for a day labor program for individuals who want to work. St. Anne's Place already serves as a model for such a day center, albeit for a limited clientele.
2. Purchase a facility that can provide transitional housing to homeless individuals who are seeking to rebuild their lives. Explore potential funding sources and/or management and partnership opportunities.
3. Advocate for and pursue ordinance changes that would promote the construction and retention of affordable housing.
4. Find ways to make county services more readily available to homeless living in Lodi, either through greater outreach and resources and/or through better transportation, both private and public, to and from Stockton based facilities. Through our research and "listening sessions" we have learned that there a large number of agencies that wish to assist our local efforts, either through new partnerships and/or as resources for our own efforts; Included among those agencies are: the Care Link program through Community Medical Centers, Central Valley Housing, Hospice of San Joaquin and the Gospel Rescue Mission.
5. Develop a respite care facility for the medically fragile homeless who need a place to stay while waiting for further medical care. Ensure that veterans are referred to pre-existing and available programs in the area.
6. Create a multi-disciplinary (mental health, substance abuse, health care) Support and Intervention Team, funded through Medi-Cal, to provide support for permanent supportive housing programs.

7. Develop a fundraising process by which individuals, community groups, faith communities and local businesses can contribute toward proven "best practice" approaches to assist homeless people that truly want to escape their homeless circumstances.
8. Provide a bus "ticket home" for those homeless individuals who can verify that they have a place to stay with a family member and/or friend in their home town.

VII. Next Steps

President Dwight D. Eisenhower, the architect of the World War II Invasion of Europe, said the following: "All plans are useless; planning is everything." The same goes for this modest report which has described a number of short and long terms strategies and actions that have the potential to provide homeless people with compassion and care, plus preserve and protect public health and safety. What as a community we do with these suggestions, ideas and plans is what will determine if they are useful or useless. The implementation of these recommendations will distinguish this report from so many other well intentioned reports that are too often ignored by city officials and community leaders.²⁵ In brief, here are some next steps to achieve our overall goals.

1. The City Council should adopt this report as a matter of public record and authorize its implementation. Such Council action will be a clear sign to the full community that, as a city, we intend to reduce homeless and its impact on our community.
2. Authorize at least two work groups to research, prioritize and implement the recommendations of this report. One work group would focus on short term strategies; the other on long term strategies. Begin recruiting other residents, business leaders and civic leaders to participate in this community-wide effort.
3. The Council should also authorize the Committee on Homelessness to serve as the convener and coordinator of this effort. The Task Force would include representatives of the two work groups, the Lodi City Council, the Lodi Police Department, the Lodi Community Foundation and a member-at-large. The work of the Homeless Task Force should be reported in writing to the Council on a quarterly basis.

²⁵ For an example of how such a report was ignored in Modesto, see Kevin Valline's column in the Lodi News Sentinel, August 22, 2015.

VIII. Conclusion/Summary

Here are the key points we wish to emphasize as a summary of this report.

- The homeless population is not easily described or categorized; instead it is more often stereotyped based on how each of us encounters homeless people. A good many homeless people want a pathway out of homelessness and are involved in programs to help them on their way. Some homeless persons have chronic physical disabilities and/or behavioral health conditions that make it difficult for them to secure housing. There are some people, so afflicted by their disabilities that they have little hope and resist change. And finally there are some people who choose to remain homeless of their own volition.
- Citizens in our community experience the homeless and the consequences of homelessness in different ways, largely due to type of homeless person with whom they come in contact. As a result, some citizens view homelessness as simply a circumstance that negatively impacts businesses and neighborhoods. Other citizens view homelessness as a situation, despite posing very real public health and safety concerns, needs to be addressed with kindness, compassion and services that can help homeless individuals and families escape their homeless circumstance.
- Homelessness is a societal problem that can be most effectively addressed by a collaborative, community-based approach. This approach will require the efforts of both law enforcement and proven "best practices" by local and regional social service agencies.
- Adopt our recommended overall goal... to assist homeless individuals and families find housing and services so they can become healthy and productive members of society. Our goal is not to "cure" homelessness; that is not within our scope or ability as a single and relatively small community, but it is a noble goal nonetheless, one that reflects the caring and generous spirit of the citizens of Lodi.

IX. Final Thoughts

First we wish to acknowledge the hundreds of individuals who have contributed to this report; we have heard from concerned citizens, faith leaders, business leaders, local non-profit agency leaders, city officials and homeless persons themselves. What we heard was often disturbing, sometimes painful, inspiring, and in the end, hopeful. All of these contributions have created a deeper understanding of all the problems associated with homelessness and ultimately have enriched this report.

And lastly our Committee on Homelessness certainly welcomes the comments and the assistance of Lodi citizens in response to the findings and recommendations of this report. With your help we can begin to address the real needs of homeless people and preserve our community's public health and safety.

John Ledbetter; Chair

June Aaker

Patricia Fehling

Joe Harrington

Russ Hayward

Rev. David Hill

Gary Kellan

Doug Kuehne

Lt. Steve Nelson

Tod Patterson

Captain Martin Ross

Steve Schwabauer (ex officio)

Victor Singh

Joseph Wood

Vince Yorba

Lodi Community Foundation, Chair

Abrahamson Printing

The Salvation Army Advisory Committee

Chief Executive Officer, Lodi Health

Lodi Community Foundation

Grace Presbyterian Church

Grace Presbyterian Church

Lodi City Council

Lodi Police Department

Lodi Interim Chief of Police

The Salvation Army

Lodi City Manager

San Joaquin Department of Mental Health

Community Development Department, City of Lodi

Gravity Church

Note: This report was reviewed for factual accuracy by individuals with extensive knowledge and expertise in the areas of homelessness, housing and social services.

Section III

Overview and Ride-Along.....69

San Joaquin County Jail and Honor Farm72

Northern California Correctional Facilities
O.H. Close and N.A. Chaderjian76

Deuel Vocational Institution79

San Joaquin County Juvenile Detention Facilities82

Law and Justice

San Joaquin County Grand Jury



2015/2016

Law and Justice Overview

Section 919(a) and 919(b) of the California Penal Code authorizes the Grand Jury to inquire into the condition of jails and public prisons within the county. The Grand Jury is charged with investigating matters pertaining to law enforcement including police, juvenile justice, public protection and probation issues. It is also responsible for inspecting detention facilities within San Joaquin County.

Detention Facilities

California detention facilities are categorized by type:

- Type I holds inmates up to 96 hours, excluding holidays, after booking.
- Type II holds inmates pending arraignment, during trial and upon sentencing.
- Type III holds only convicted or sentenced inmates.
- Type IV holds inmates eligible for work furlough or other programs in the community.

Prison: A secure facility operated by the State of California or a contracted prison provider that houses sentenced offenders under the jurisdiction of the California Department of Corrections and Rehabilitation, Adult Operations Division or the Division of Juvenile Justice.

Jail: A locked adult detention facility that holds both those awaiting court appearances and convicted adult criminal offenders. A county or a city may operate it.

Temporary Holding Facility: Holds detainees up to 24 hours.

Lockup: A room or secure enclosure under the control of a peace officer or custodial officer; primarily for the temporary confinement of those recently arrested.

Court Holding Facility: Located in a courthouse and used to hold detainees for court appearances.

The Grand Jury is charged with assessing the condition and management of the facilities mandated by California Penal Code section 919(b). In addition to the tours of the facilities, members also participated in Ride-Along Programs with various law enforcement agencies in San Joaquin County.

Facility tours included:

- San Joaquin County Jail and Honor Farm
- O.H. Close Youth Correctional Facility
- N.A. Chaderjian Youth Correctional Facility
- Deuel Vocational Institution (DVI)
- San Joaquin County Juvenile Justice Center
- San Joaquin County Juvenile Probation

Grand Jurors participated in the tours and assessment of the facilities. Tours included presentations by the administration and staff of operations and current issues, questions by Grand Jury members and discussions with inmates and wards of the court (juveniles).

Grand Jury Ride-Along Programs

The Ride-Along Programs provided Grand Jurors an opportunity to observe the systems and conditions of various fire and police departments and a better understanding of officers' jobs who work under potentially dangerous and strenuous conditions.

While there were many reasons Grand Jurors participated in the Ride-Along Programs, many stated it was important to hear from officers on the street about crime trends, training and procedures they are required to follow, and to get a firsthand account of how budget cuts have affected their ability to serve the public.

Grand Jurors observed the following calls for service; each presented a different situation:

- Officers responded to assist a young boy being chased by a man. The boy had stolen a statue from the man's yard and his wife feared the consequences for the boy if her husband caught him. The boy eventually ran to officers for help from the senior citizen who had been chasing him.
- While on patrol, the Grand Juror and officer observed a vehicle traveling at a high rate of speed. After stopping the speeder, the officer found the driver lived around the corner and was speeding to get to his home to use the bathroom. The officer did not issue the driver a ticket, recognizing that not all speeders deserve a ticket.
- One Juror noted the homeless that officers encountered were treated with respect. "He was a true professional," observed the Juror, "with sharp instincts and excellent communication skills."
- At the scene of a drive-by shooting, one Juror had the opportunity to observe the officers and found them to be "amazing".

- Jurors observed, among other things, the manner in which officers handle home burglary calls, the deployment of K-9 Officer Axle, a child custody issue and an eviction.

Grand Jurors noted the professional, insightful and courteous approach of the officers. It was often noted officers were required to work a number of overtime hours.

Disclaimer

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

San Joaquin County Grand Jury



San Joaquin County Jail and Honor Farm August 26, 2015

Introduction

The Grand Jury is mandated pursuant to Penal Code section 919(a) to investigate individual cases of persons confined but not indicted in facilities of the State of California, County of San Joaquin and Cities within the county. Penal Code section 919(b) states the Grand Jury inquire into the condition and management of the public prisons within the county.

San Joaquin County Jail and Honor Farm John J. Zunino Detention Facility

The Custody Division of the Sheriff's Office provides for the detention of adults awaiting criminal court proceedings or incarceration in the County Jail. Responsibilities include operations of the Jail Core, South Jail and Honor Farm facilities, in-custody transportation to court and/or to medical treatment as well as oversight of inmate programs such as the Community Corps (C-Corps) and Jail Industries.

Glossary

AB109	Assembly Bill 109 is the Public Safety Realignment that mandates those sentenced for non-serious, non-violent and non-sex offenses will now serve their time in the county jail rather than state prison.
CDCR	California Department of Corrections and Rehabilitation

Honor Farm Minimum security dormitory facility for low risk level inmates at San Joaquin County Jail.

Title 15 State of California, Code of Regulations

The Grand Jury toured the County Jail and Honor Farm that included booking, intake, medical facility, administrative segregation, general population and the honor farm.

San Joaquin County Jail is a complex operation managed in compliance with the State of California Code of Regulations Title 15 that sets out the rules and regulations of adult institutions, programs and parole. Among other things, the Custody Division is responsible for the jail, honor farm, work furlough, transportation and inmate security at San Joaquin General Hospital.



In 2004 the jail added 132 beds increasing capacity to 1,411 beds. At the time of the tour the jail was not overcrowded. Any time the jail population exceeds the federally-mandated capacity inmates are released by court order.

Assembly Bill 109 is the Public Safety Realignment that mandates those sentenced for non-serious, non-violent and non-sex offenses will now serve their time in the county jail rather than state prison. With the passage of AB109 in 2011, the San Joaquin County Jail has seen an increase in inmates with more serious charges and facing longer sentences. Correctional officers told the Grand Jury the increase in inmate assaults is a result of AB109.

Grand Jurors also were told:

- Currently the jail operates with approximately 270 Correctional Officers who work excessive overtime resulting in additional stress.
- At the time of the tour, the County was in contract negotiations with the Correctional Officers Association.
- Correctional Officers stated they had been working without a contract for the past five years and had given concessions in order to keep medical and retirement benefits.
- Longer term placement of inmates in this facility has resulted in security issues, escapes and added stress on staff. Staffing levels need to be increased for officer safety.

During the tour the Grand Jury observed:

- The professionalism of the San Joaquin County Correctional Officers when interacting with inmates. Correctional officers spoke to inmates in a calm and professional manner.
- A positive attitude by staff.
- Beds are positioned where correctional officers cannot observe the head of the inmates during bed checks.
- The lack of employment training for inmates
- The mess hall was clean and food sealed in individual containers

- The jail was clean throughout and operating well in spite of the older buildings.
- No overcrowding in housing unit
- Nothing inappropriate within the inmate cells
- The floors in the kitchen/mess hall were cracked creating safety and sanitation issues (see photos below).



The condition of the floors was brought to the attention of the jail staff and repairs were made (see photo below).



Conclusion

The Grand Jury found the San Joaquin County Jail and Honor Farm staff to be professional and courteous. The facilities were clean and operating well in spite of the older buildings.

Acknowledgements

The 2015-2016 Grand Jury would like to acknowledge the timely floor repairs of the kitchen/mess hall. We would also like to thank all staff and officers who spent time touring with us and discussing issues of mutual concern; their professionalism, knowledge and familiarity of the facilities were exemplary.

Disclaimer

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

San Joaquin County Grand Jury



Northern California Youth Correctional Facility O.H. Close and N.A. Chaderjian

Introduction

The Grand Jury is mandated pursuant to Penal Code section 919(a) to investigate individual cases of persons confined but not indicted in facilities of the State of California, County of San Joaquin and Cities within the county. Penal Code section 919(b) states the Grand Jury inquire into the condition and management of the public prisons within the county.

O.H. Close Facility

The O.H. Close Facility houses males 12 to 18 years old in dormitory-style living units.

Joanna Boss High School, on facility grounds, provides instruction in basic skills, employability and high school courses. The school offers a high school diploma or a general educational development (GED). About 30 percent of these youths are Special Needs students with Individualized Education Plans. A computer lab is available to supplement all high school programs. Independent study, educational and special education services also are available.

This facility houses a sex offender treatment program and a residential substance abuse treatment program. In addition, the Foster Grandparent Program provides mentoring and tutoring services. The program began in 1965 with 800 volunteers in more than 45 institutions nationwide. This is a nationwide network of 30,000 volunteers helping more than 280,000 children and young adults, of which Close and Chaderjian are participants.

N.A. Chaderjian Facility

The N.A. Chaderjian Facility houses males 18 to 25 years old who are housed in living units with individual rooms.

N.A. Chaderjian High School provides instruction in basic skills, high school courses, vocational programs and special education. The school offers a high school diploma or a general educational development (GED). About 30 percent of these youths are Special Needs students with Individualized Education Plans. Community college coursework is available through correspondence programs. The Free Venture Program provides work experience in an industrial setting.

This facility provides intensive treatment in specialized counseling, sex offender and substance abuse programs. Chaderjian also has an available program for those who wish to leave the gang lifestyle and have disavowed their gang allegiance.

N.A. Chaderjian Facility is designated as a Reception Center. Jurors learned that all wards committed to or housed with the Division of Juvenile Justice begin their term at a Reception Center Clinic where a comprehensive assessment is prepared and a treatment plan is established. Once completed the wards are transferred to a long-term treatment program that may be at the same facility or may require transfer to a different facility.

When wards complete the Intake process, they are given two journal assignments addressing the actions that resulted in detention and the changes needed to improve their lives.

These journals are supplemental to other primary curricula and are utilized as a guide for discussion in individual and small group counseling sessions.

Mental health treatment is designed to address the wards' needs and ensure placement in the least restrictive treatment environment.

Both Close and Chaderjian operate Residential Sex Behavior Treatment Programs. The Division of Juvenile Justice's Sex Behavior Treatment Programs are comprehensive programs to treat wards.

During the tour the Grand Jurors observed:

- High levels of support for wards.
- Wards can receive a diploma or GED and work toward an Associate Degree.
- Wards who spoke to the Grand Jury were articulate, courteous and motivated to take advantage of the opportunities that are available.
- Participation by the Foster Grandparents Program was first-rate.
- Staff appeared well trained, administered structured programs and invested in the programs.
- The facility appeared clean, well maintained and not crowded; safety did not appear to be an issue.

During the tour Grand Jurors noted a number of things that need attention:

- O.H. Close is very much showing its age. Tiles are worn to the point of being completely gone; swamp coolers were rusted beyond repair.
- One N.A. Chaderjian dormitory smelled of urine.
- Although O.H. Close has impressive landscaping training, they aren't using this program to maintain the facility grounds.
- Broken light fixtures.

Conclusion

O.H. Close Facility is showing its age with worn tiles and swamp coolers rusted beyond repair. At N.A. Chaderjian Facility jurors noted that a dormitory smelled of urine and others had broken light fixtures. At both facilities jurors found a high level of support for wards of the court. Participation by the Foster Grandparents program was first rate.

Acknowledgements

The 2015-2016 Grand Jurors would like to acknowledge staff members at Close and Chaderjian who spent time touring with us and discussing issues of interest and concern to them. We would also like to acknowledge the creative and innovative programs and the professionalism of the staff.

Disclaimer

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

San Joaquin County Grand Jury



Deuel Vocational Institution September 30, 2015 and January 6, 2016

Introduction

The Grand Jury is mandated pursuant to Penal Code section 919(a) to investigate individual cases of persons confined but not indicted in facilities of the State of California, County of San Joaquin and Cities within the county. Penal Code section 919(b) states the Grand Jury inquire into the condition and management of the public prisons within the county.

Detention Facility

DVI opened in 1953 as a state prison located in unincorporated San Joaquin County, near Tracy. It was named for the late State Sen. Charles H. Deuel who sponsored legislation establishing the institution. The facility has been expanded and reorganized several times, in 1959, 1981 and 1993. Jerome Price is the warden.



An aerial photograph of Deuel Vocational Institute looking north.

DVI has two missions: as a reception center that receives inmates from 29 Northern California counties; and to provide housing for general population inmates serving their incarceration at DVI. The facility also houses a small number of minimum- and low-security inmates classified by California Department of Corrections and Rehabilitation as levels I and II.

DVI operates a furniture fabrication plant and an inmate farm and dairy. The prison farms approximately 450 acres of corn for silage, oats and alfalfa hay used as cattle feed. The dairy supplies milk to other state prisons and tax-supported public agencies.

The Grand Jurors toured the Deuel Vocational Institution on two occasions. At the Reception Center, the staff processes inmates by compiling and evaluating the inmates' criminal records, medical, physiological and social histories. The information is used to determine the inmates' custody score and to identify any specific placement needs the inmates may have. Once the reception process is completed, most inmates are transferred to one of the other 34 State prisons where they serve the remainder of their prison sentences.

Jurors also toured food service areas, housing units, the prison library, classrooms, computer laboratories and workshops.

During the tour the Grand Jurors noted:

- Staff appears engaged and dedicated.
- “Staffing levels appeared adequate to maintain control.”
- “The DVI lieutenant who led the Grand Jury tour was experienced, enthusiastic and knowledgeable with all aspects of the institution; in addition she was aware of the proximity of inmates to visitors.”
- “Reentry educational and vocational training programs were exceptional.”
- “DVI is well maintained both inside and outside.”
- “Overcrowding did not appear to be a problem.”
- “Inmates were cooperative with staff during visit.”

Conclusion

The Grand Jurors found that Deuel Vocational Institution, while being an older facility, was well maintained inside and outside. Dedication and commitment of the staff was evident. The Grand Jury noted there is no priority given to job placement for inmates eligible for release that have completed educational or vocational courses and received proper certification.

Acknowledgements

The 2015-2016 Grand Jurors would like to acknowledge all staff who spent time touring with the Grand Jury and discussing issues of interest and concern to them. Jurors also would like to acknowledge the creative and innovative programs and the professionalism of the staff.

Disclaimer

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

San Joaquin County Grand Jury



Juvenile Justice Detention Facilities October 7, 2015

Introduction

The Grand Jury is mandated pursuant to Penal Code section 919(a) to investigate individual cases of persons confined but not indicted in facilities of the State of California, County of San Joaquin and Cities within the county. Penal Code section 919(b) states the Grand Jury inquire into the condition and management of the public prisons within the county.

Juvenile Justice Detention

The Juvenile Division of the Probation Department serves and assists the Juvenile Court in matters concerning the supervision of juvenile offenders and performs other investigations as mandated by various sections of the state Welfare and Institutions Code.

Glossary

**Cognitive Behavioral
Restructuring**

A psychological therapy model with the goals of restructuring one's thoughts, perceptions and beliefs to facilitate behavioral and emotional change.

Juvenile Detention Center A facility that provides secure confinement and care for juveniles.

Juvenile A minor person who is under 18 years old and who has not been permitted by a court of law to emancipate from parents or guardians.

Juvenile Court	A court responsible for the trial or legal supervision of children under 18 years old.
Probation	The status of a juvenile adjudicated delinquent and subject to specified conditions under the supervision of a probation officer.
Recidivism Rate	Recidivism is most commonly considered the rate at which juveniles re-offend, or are readmitted to correctional facilities.

The Grand Jury tour included intake, mental health and several housing units. Jurors also toured the year-round school offered by the San Joaquin County Office of Education, the library, counseling services and Camp Peterson that is a one year court referral program.

Jurors learned the Juvenile Division assesses all youths entering the system for behaviors and protective factors utilizing a validated risk and needs assessment tool. Youths are scored on risk to re-offend. Resources are focused on moderate-high to high-risk youths in an effort to reduce recidivism.

The Programming and Youth Advocacy Unit provides an objective, safe means for in-custody youth to express their concerns and goals. The Youth Advocate interviews youth and prepares Detention Case Plans based on their individual needs and refers them to in-custody programs that support their particular needs.



The Youth Advocates act as a liaison between youth, parents, mental health providers, school instructors, detention officers, health care services and community agencies. They provide services that are beneficial to the in-custodies' welfare and growth while housed at the Juvenile Detention Center. They are responsible for delivering incentives through a behavior modification program.

The Juvenile Detention Center continues to provide training to staff and community-based organizations on evidence-based programs such as Common Sense Parenting, Aggression Replacement Training, Girls Moving On, Courage to Change, Cognitive Behavioral Training for Substance Abuse and Moral Reconation Training. All juvenile probation officers are trained in Motivational Interviewing and Effective Practices in Community Supervision.

There is a need to update audio, intercom and video cameras especially in high risk and suicide prevention rooms and hallways. Money for upgrades has been requested for several years. Lack of operating equipment presents a danger to staff and juveniles.

Carpeting throughout the facility was extremely dirty and stained. It presents a health hazard not only for clients, but also for staff and visitors. Money to replace the carpeting also has been requested for several years.

During the tour the Grand Jurors noted:

- Staff is knowledgeable, courteous and innovative in creating and implementing programs and procedures with new diagnostic tools that meet the needs of their clients.
- There is a need to include programs and incentives that increase and maintain work training and placements for juveniles.
- There is a need to include programs that facilitate long-term follow-up after release to insure that juveniles are not reoffending.
- No overcrowding was apparent.
- Cognitive Behavioral Therapy and other positive incentives used to manage behavior.

Findings:

F1.1 Carpeting throughout the facility was extremely dirty and stained. It presents as a health hazard not only for clients, but also for staff and visitors (see photo below).



One example of the filthy carpeting observed during the Grand Jury's inspection of the Juvenile Detention Center.

F2.1 Audio, intercom and video cameras, especially in high risk and suicide prevention rooms and hallways are outdated.

Recommendations:

R1.1 By December 31, 2016, remove, replace or clean carpeting throughout facility.

R2.1 By December 31, 2016, upgrade audio, intercom and video cameras throughout facility

Acknowledgements

The 2015-2016 Grand Jury would like to acknowledge all staff members who spent time touring with jurors and discussing issues of interest and concern to them.

Disclaimer

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

Response Requirements

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

The San Joaquin County Board of Supervisors shall respond to all Findings and Recommendations in this report.

Mail a hard copy of the response to:
Honorable José L. Alva, Presiding Judge
San Joaquin County Superior Court
P.O. Box 201022
Stockton, CA 95201

Or hand deliver to:
222 E. Weber Ave., Room 303
Stockton, CA 95202

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

Section IV

Review and Investigation of Responses
to the 2014-2015 Final Grand Jury Report 88

It’s Time to Come Together:
Consolidate the Eight (Case No. 1401) 90

Stockton Unified School District
Rubber Stamped School Buses Still Idle:
Lack of Board Oversight (Case No. 1407)) 98

Charity Begins at Home:
Unattended For-Profit Donation Bins
Proliferate across County (Case No. 1410) 101

Stockton Municipal Utilities Department:
Struggling in the Mud (Case No 1412 108

City of Stockton
South Stockton Quality of Life:
As the South Side Goes,
So Goes Stockton (Case No. 1414) 120

Manteca Unified Board of Trustees:
Board Behavior Creates Conflict (Case No. 1417)..... 128

Follow-Up

San Joaquin County Grand Jury



Review and Investigation of Responses to the 2014-2015 Final Grand Jury Report

Civil grand juries are charged with the mission of acting as the “Watch Dog” of the government for the citizens of each county in the State of California. The 2014-2105 Grand Jury issued its final report in June 2015, which consisted of six individual investigations, four law and justice reports, and eleven follow-up reports on government agencies, departments, school districts and special districts throughout San Joaquin County.

These individual investigations, visits and follow-up reports generated 46 findings and 23 recommendations. The 2015-2016 San Joaquin County Grand Jury Follow-Up Report to Case 1412, Struggling in the Mud, generated three additional findings and three additional recommendations and the 2016-2017 San Joaquin County Grand Jury await the responses from San Joaquin County.

Submissions of responses to final reports are an important component of the Grand Jury process. Governing bodies of public agencies and elected officials are required to respond to Grand Jury Findings and Recommendations that pertain to matters under their authority. Penal Code section 933(c) requires that governing agencies submit their responses within 90 days after the Grand Jury issues a final report; elected officials must respond within 60 days to the Presiding Judge of the Superior Court. Elected officials or governing agencies must specifically respond to each Finding and each Recommendation. Penal Code section 933.5(a) requires that for each Grand Jury finding, the responding person or entity must indicate one of the following:

- The respondent agrees with the Finding.
- The respondent disagrees wholly or partially with the Finding, specifying the portion of the Finding that is disputed, and including an explanation of the reasons for the dispute.

For each Grand Jury Recommendation, PC section 933.05(b) further requires that the responding person or entity must report one of the following actions:

- The Recommendation has been implemented, with a summary regarding the implemented action.
- The Recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
- The Recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the government body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the final Grand Jury report.
- The Recommendation shall not be implemented because it is not warranted or is not reasonable, with an explanation included.

The succeeding Grand Jury may review the agency's response to the Findings and Recommendations and may elect to confirm compliance or further investigate and issue a new report if necessary. The 2015-2016 Grand Jury reviewed each of the responses to the 2014-2015 Grand Jury Final Report.

Each agency's response to the 2014-2015 Grand Jury Recommendations required review and documentation confirming the respondent performed the action. Some of the follow-up reviews required face-to-face interviews and site visits to discuss clarification of last year's Recommendations the agency responses. The 2015-2016 Grand Jury found these face-to-face interactions to be valuable and recommends that future Grand Juries utilize these interactions for follow-up reports.

The following reports include: all Findings and Recommendations from the 2014-2015 Grand Jury Final Report, the agency responses, and the 2015-2016 Grand Jury responses to the Recommendations. The complete agency responses may be located on the San Joaquin County Grand Jury website under "Previous Grand Jury Rosters and Reports" at:

www.stocktoncourt.org/grandjury/2014-2015_roster%20and%20reports.html

**Follow-Up Report to the
2014-2015 San Joaquin County Grand Jury
Case No. 1401**



**It's Time to Come Together
Consolidate the Eight
2014-2015 Case No. 1401**

Preface

Seven of the eight San Joaquin County special fire districts and the county's Local Agency Formation Commission (LAFCo) responded to the 2014-2015 San Joaquin County Grand Jury Final Report. Described herein are the methods the 2015-2016 Grand Jury used to determine if the agencies and LAFCo, listed below, responded according to the required time frame. The 2014-2015 Grand Jury Findings and Recommendations and responses are presented verbatim.

- Waterloo-Morada Fire District (responded Sept. 9, 2015)
- Mokelumne Rural Fire District (responded Sept. 2, 2015)
- French Camp-McKinley Rural Fire District (responded Nov. 25, 2015)
- Montezuma Fire Protection District (responded Aug. 24, 2015)
- Linden-Peters Fire District (responded Aug. 6, 2015)
- Clements Rural Fire District (responded Oct. 14, 2015)
- Woodbridge Fire District (did not respond)
- Liberty Fire District (responded Oct. 12, 2015)
- LAFCo (responded July 21, 2015 and Jan. 12, 2016)

A complete copy of the original report and the Districts' responses may be found on the San Joaquin County Grand Jury website at: https://www.sjcourts.org/grandjury/previous_GJ_2012-07-12.htm

Glossary

CalPERS	California Public Employees' Retirement System
Consolidation	The merger of two or more special districts creating a single entity
Fire Engineers	Also known as Firefighters
Good ol' boys	A group of people operating in a relaxed or informal manner, strong loyalty to family and friends
Joint Powers Agreement	A contract between special districts in which the special districts agree to perform services, cooperate with, or lend its powers to that special district
JRUG	Joint Radio Users Group
LAFCo	Local Agency Formation Commission
Municipal Service Review (MSR)	A LAFCo service review of independent special districts and other entities within San Joaquin County
MRFD	Mokelumne Rural Fire District
NORCO	North County Automatic Aid Agreement – a prearranged emergency response plan between fire districts with no need for mutual aid request
Ralph M. Brown Act	Also known as the Brown Act – laws governing open meetings for public bodies
Shared Services Agreement	A resource-sharing contract enacted between two business entities that have agreed to come together and share a common resource in order to benefit from shared resources to save on very critical resources
SOI	Sphere of Influence

Follow-Up Investigation

The 2015-2016 Grand Jury reviewed:

- the 2014-2015 Grand Jury Final Report
- district responses and additional documentation
- information regarding Recommendation 3.2 from LAFCo.

1.0 Mokelumne Rural Fire District Was Operating Under Ineffective Leadership

Finding 1.1 Mokelumne Rural Fire District was operating under ineffective leadership.

Mokelumne Rural Fire District Response: “MRFD Agrees with this Finding.

“The District acknowledges that it has suffered from ineffective leadership in the past, caused by a number of factors, including, but not limited to: Abrupt changeover of fire chiefs; fire chiefs being limited to part-time status because of budgetary constraints, which in turn, reduced the amount of time that could be spent on physical oversight of District operations and administrative staff; and intentional misrepresentations made by administrative staff to fire chief(s) regarding the conduct of District business.”

Finding 1.2 District policies and procedures were not always followed.

Mokelumne Rural Fire District Response: “MRFD Agrees with this Finding, in part.

The Report does not identify any of the ‘District policies and procedures’ by name or provide examples of instances where such policies and procedures were allegedly not followed, so it is not possible for MRFD to directly respond to this Finding. However, the District does maintain a current ‘Policies and Procedures Manual’, which is to be followed by all District employees. The District is working diligently to review and update existing policies that may need revision, as well as adopt any new policies that are deemed necessary”

Finding 1.3 The Shared Services Agreement helped bring stability to the District.

Mokelumne Rural Fire District Response: “MRFD agrees with this Finding.”

Waterloo-Morada Fire District Response: “Agree. The Shared Service Agreement (SSA) had been renewed for another 12 months ending August 2016. This contract relationship between both the Mokelumne (MKE) and Waterloo-Morada (WMR) fire district continues to be productive with cost savings for MKE and revenue generation for WMR. Stability improvements includes (sic) streamlining in some policies and procedural processes, transparency of government practices with all interested parties including the public and citizenry and administrative oversight and leadership. The Mokelumne United Firefighters local union has an improved communication line with the MKE district board of directors and the fire chief and office of the fire chief (OFC).”

2.0 Financial Stresses and Service Agreements among Various Fire Protection Districts

Finding 2.1 Mokelumne Rural Fire District operated in a fiscally irresponsible manner.

***Mokelumne Rural Fire District Response:** “MRFD agrees with this Finding, in part. The former Administrative Assistant was allowed to have purchasing power on behalf of the District, (including use of a District credit card) and was the primary person responsible for the day-to-day handling of the District’s finances. This individual made improper, personal purchases, and was terminated and formally charged with theft of public funds.*

“The District has implemented stringent purchasing procedures...”

“The District disagrees with the Finding that the District spent \$8,000.00 on ‘Life Lock’ (sic) services for employees potentially affected by the embezzlement activities of the former Administrative Assistant. The funds were \$4,120.00 for coverage for 9 full-time employees and their dependents.”

Finding 2.2 There were operational improvements with Mokelumne Rural Fire District after the Shared Services Agreement was implemented with Waterloo-Morada Fire District.

***Mokelumne Rural Fire District Response:** “MRFD agrees with this Finding. The Response provided to Finding F1.3 is reiterated here.”*

***Waterloo-Morada Fire District Response:** “Agree. The office of the fire chief (OFC) which includes WMR secretary/administrative assistant and WMR Battalion Chiefs/mid-managers under the SSA has standardized emergency response operations guidelines. The primary mission of any fire department is 9-1-1 response to fires and other emergencies. The OFC has made this an operational priority coupled with the importance of fire prevention and life safety public education and inspections. The OFC has made changes in how the monthly bills are paid with opening up a separate checking account with F&M bank compared to the previous process with San Joaquin County Warrant request process. This new process now results in timely payment to vendors and avoidance of late charges that had been typical of past administrative practices. The OFC has formulated a (sic) short, medium and long term goals and objectives which gives direction and focus on the organizational needs and priorities. Administrative oversight and leadership continues to improve as time goes on with the current management/administration”*

***French Camp-McKinley Rural Fire District Response:** “The fire district recognizes that the Shared Services agreement has helped Mokelumne Fire District. The French Camp McKinley Fire District has a similar longstanding agreement with the Montezuma Fire District where shared training, Chief Officer Coverage and other shared resources such as equipment and personnel are utilized and have been since the 1990’s. This concept has helped both Districts with minimizing costs and increasing efficiency for the respective organizations.”*

Liberty Fire District Response: *“Liberty Fire District would not gain operational improvements to the extent that Mokelumne Fire District has. The one area we could benefit would be shared service agreement for training.”*

Montezuma Fire Protection District Response: *“Currently the Montezuma Fire Protection District believe (sic) to have a similar agreement in place with the French Camp-McKinley Fire Protection District. The two (2) Districts have shared Personnel, Fire Stations, Equipment and “Chief Officers’ (sic) since entering in a (sic) Automatic-Aid Agreement implemented on March 1st, 1979. The two (2) Districts enhance their operations further in June 1995 by entering in a Fire Chief’s Intermittent Joint Authority. This agreement allows both Fire Chiefs to rotate duties and authority which allows the two (2) Districts to operate as one (1). That same year the two (2) districts establish a “Joint Training” Agreement that allows both districts (sic) share Training Officers for certain subjects on a continue (sic) education bases(sic).”*

Thornton Fire District: *“See Waterloo/Morada response”*

Woodridge Fire District Response: *Did not respond.*

Clements Rural Fire District Response: *“There were operational improvements with Mokelumne Rural Fire District after the Shared Services Agreement was implemented with Waterloo-Morada Fire District. This finding has nothing to do with our District.”*

The 2015-2016 Grand Jury determined no further action is required.

3.0 Consolidation of Rural Fire Districts

Finding 3.1 The Grand Jury found that the subject of consolidation has been considered by LAFCo and some of the rural fire districts.

LAFCo Response: *“Agree. This finding is consistent with the Municipal Service Review for the Rural Fire Protection Districts in San Joaquin County adopted by the Commission in December 2011.”*

Recommendation R3.1 “No later than November 1, 2015 LAFCo and the county’s rural fire districts are to coordinate a series of meetings to consider the operational benefits of consolidation. The districts should include, but are not limited to, the following:

- Waterloo-Morada Fire District
- Mokelumne Rural Fire District
- French Camp-McKinley Rural Fire District
- Montezuma Fire Protection District
- Linden-Peters Fire District
- Clements Rural Fire District
- Woodbridge Fire District
- Liberty Fire District

Waterloo-Morada Fire District Response: “Agree, with the inclusion of Thornton Fire District in discussions of operational benefits and consolidation this would involve all of the north county fire districts in the meeting.”

French Camp-McKinley Rural Fire District Response: “The Fire District has not met with LAFCO on a ‘one on one’ basis at the time of this report, but the Fire Chief has corresponded with LAFCO and Chief Martel from Montezuma Fire District about upcoming talks about consolidation of Fire Districts and with the upcoming Municipal Services Review for Fire Districts.

“It is important to note that when the last Municipal Services Review for Fire Districts was completed and approved by the LAFCO commission, the San Joaquin County Fire Chief’s Association brought in a consultant from Crabtree Consulting to discuss the dynamics of fire agency consulting. This was completed in 2013.

“The Fire District agrees that talks about consolidation are important but feels that this Grand Jury report is premature in suggesting that the eight mentioned District’s (sic) should consolidate. There are many factors that are taken into consideration for consolidations. A few of these considerations are:

- Different labor Memorandums of Understanding (MOU’s)
- Different pay scales
- Different retirement systems
- Existing MOU’s and agreements that may require change with consolidations
- Override assessments that may be lost due to consolidations
- Governance issues”

Liberty Fire District Response: “Liberty Fire District participated in the last study recommended by the LAFCO MSR. Our findings were that massive amounts of new funding would be required to form a consolidated district with similar levels of service.”

Montezuma Fire Protection District Response: “The District has recently attended a LAFCO meeting and has been in contact with LAFCo’s Executive Director. The District awaits a meeting time and date prior to November 1st 2015.”

Thornton Fire District: “See Waterloo/Morada response.”

Clements Rural Fire District Response: “our (sic) district will be represented in future discussions and meetings.”

Woodbridge Fire District Response: Did not respond.

LAFCo Response Agency Response: “Partially agrees. LAFCo partially concurs with this recommendation and will coordinate a series of meetings in a timely manner to discuss consolidation.”

Recommendation 3.2 “No later than December 31, 2015 LAFCo and the fire districts are to begin providing quarterly updates of the consolidation progress to LAFCo Commissioners, rural fire districts boards of directors, and the public.”

Waterloo-Morada Fire District Response: “Agree”

French Camp-McKinley Rural Fire District Response: “The Fire District agrees to participate with other agencies and report them out accordingly.”

Montezuma Fire Protection District Response: “The District will be an active participate (sic) to such reports.”

Linden-Peters Fire District Response: “LPFD Board of Directors agree that a quarterly report should be presented. This report should be based on the progress and finding of the meetings held between LAFCo and the Fire Chiefs’.”

Clements Rural Fire District Response: “Our district will be represented in future discussions and meetings.”

Woodbridge Fire District Response: Did not respond.

Liberty Fire District Response: “We hope that this issue can be combined with the new LAFCo MSR. It certainly would be more efficient to do one study instead of two. Liberty Fire District will be a part of the study on consolidation.”

LAFCo Response: “Partially agrees. LAFCo agrees to report on the consolidation progress.”

The 2015-2016 Grand Jury recommends that LAFCo provide to the 2016-2017 Grand Jury a copy of the Municipal Service Review (MSR) for the Rural Fire Protection Districts in San Joaquin County that is to be completed in December 2016.

Conclusion

LAFCo agreed to coordinate a series of meetings with the fire districts to discuss consolidation. LAFCo expressed that it did not believe a structured time frame is needed nor that consolidation would necessarily be beneficial. Many of the fire districts were established to address the unique circumstances and specialized needs of their districts and these districts provide direct access to their constituency. LAFCo concluded the subject is deserving of discussion with all of the districts. LAFCo recognized that prior to any consolidation efforts the staff, elected officials and community will need to be engaged in the process. An update to the Municipal Service Review (MSR) for the Rural Fire Protection Districts in San Joaquin County is scheduled to be completed in December 2016, which will be an opportune time to address the issue of consolidation. LAFCo expects that these discussions will begin in July or August 2016.

The Grand Jury believes consolidation deserves careful consideration and should benefit the taxpayers and result in better service.

Disclaimer

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

**Follow-Up Report to the
2014-2015 San Joaquin County Grand Jury
Case No. 1407**



**STOCKTON UNIFIED SCHOOL DISTRICT
Rubber Stamped School Buses Still Idle
Lack of Board of Trustees Oversight
2014-2015 Case No. 1407**

Preface

This report contains the methods the 2015-2016 Grand Jury used to determine if the Stockton Unified School District Board of Trustees responded to the 2014-2015 Grand Jury Final Report. The 2014-2015 Grand Jury recommendations were meant to strengthen the District's operations, efficiency and compliance with their fiduciary responsibility as set forth in the California Education Code.

A complete copy of the original report and the District's responses may be found on the San Joaquin County Grand Jury website at: https://www.sjcourts.org/grandjury/previous_GJ_2012-07-12.htm

F1.1 The Board approved the purchase of 31 new school buses without proper analysis.

Agency Response: *“The Board disagrees with this finding The Board’s June 2013 decision to purchase the 31 busses was based on facts and analysis available at the time of the decision, and only after receiving information from staff on the costs related thereto. This further affirms the District’s experience and due diligence in managing transportation to benefit the needs of our students.”*

F1.2 The Board approved the sale of 31 new school buses based on a factually inaccurate staff report without proper analysis.

Agency Response: *For the reasons described above, the Board disagrees with this finding. During the 2014-2015 school year, with new leadership in the District came different priorities and a determination in 2014 that the 31 buses should be sold following State law procedures. This decision was made based on additional financial information acquired by the former Chief Business Official. The Former CBO shared this information with the Board and the former Superintendent both during public meetings and in individualized meetings. Furthermore, it should be noted that the former CBO was in communications with the Fiscal Crisis Management and Assistance Team (FCMAT). FCMAT's report indicated that the District's annual in-house cost proposal was \$3,302,965.36, which, as noted in the report, was \$128,615.00 more than the current contract cost with Storer Transportation."*

R1.1 By September 30, 2015, the Board should adopt a policy requiring that as part of any proposal for the purchase or sale of District assets exceeding \$30,000, District staff will provide a full accounting and justification as required by the California Education Code and financial reports best practices to ensure fiduciary duty is adhered to.

Agency Response: *"This recommendation will not be implemented. The District has a longstanding history of purchasing, acquiring, selling and building capital assets and improvements. The District's previous financial and program audits, to include its Municipal Bond programs, have not reflected any going (sic) concerns or material adjustments/recommendations to operational procedures or internal controls related to the Districts procurement and management of assets"*

The 2015-2016 Grand Jury reviewed the agency's response. No further action is required.

F2.1 The District has transported more special education students than requested by the special education program.

Agency Response: *"The Board agrees with this finding."*

R2.1 By December 31, 2015, the Board should direct District staff to complete implementation of the transportation guidelines and guiding questions for IEP team assessments including additional training specific to transportation department support. In addition the Board should require quarterly staff reports about progress on implementation of the transportation guidelines.

Agency Response: *The Board is in the process of partially implementing this recommendation. Although the Board has not directed staff to implement transportation guidelines, the District is in the process of implementing a plan. By December 31, the Board will direct staff to complete implementation of the transportation guidelines and provide bi-annual reports to the Board Furthermore, the District plans to provide the Board bi-annual rather than quarterly staff reports on implementation of transportation guidelines with the first report being the standard June CASEMIS report in June 2016"*

The 2015-2016 Grand Jury reviewed the agency's response. No further action is required.

Conclusion

The 2015-2016 Grand Jury is disappointed the District essentially chose to ignore legitimate concerns about how the Board of Trustees decided both to buy and then sell 31 unneeded school buses without complete analysis or board discussion. Taxpayers are out more than \$2 million. That money has not and likely will never be recovered.

The Grand Jury does commend the District for training efforts and implementation of strategies to reduce the number of special education students who are unnecessarily provided door-to-door transportation.

Through these efforts, in just six months, the District has reduced the number of special education students being transported from 1,498 to 1,266, a reduction of 232 students. This has created a significant cost savings.

To insure the District does not slip back into its prior practice of providing special education students transportation based on a desire rather than legitimate need, the District must continue to insure appropriate staff follows the newly established IEP Transportation guidelines.

Disclaimer

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

**Follow-Up Report to the
2014-2015 San Joaquin County Grand Jury
Case No. 1410**



**Charity Begins at Home
Unattended For-Profit Donation Bins Proliferate Across County
2014-2015 Case No. 1410**

Preface

This report contains the methods the 2015-2016 Grand Jury used to determine if all the County agencies responded to the 2014-2015 Grand Jury Final Report according to the mandate. The 2014-2015 Grand Jury recommendations intended to determine if the cities in San Joaquin County should enact ordinances to regulate for-profit unattended donations bins and/or require operators to obtain written consent from property owners before placement of any unattended donation bins. The ordinances should limit the liability of property owners and their agents who remove unwanted bins from their property.

The 2014-2015 Grand Jury Findings and Recommendations, as well as agency responses, are presented verbatim. A complete copy of the original report and agency responses can be found on the San Joaquin County website

http://www.sjcourts.org/grandjury/2014-2015_roster%20and%20reports.html

Finding 1.1 “San Joaquin County and its cities do not have regulations that specifically address the placement, maintenance, and monitoring of unattended donation bins.”

City of Escalon Response: “Agrees with the finding.”

City of Lathrop Response: “The City agrees with the Finding to the degree the Finding relates to the City of Lathrop.”

City of Lodi Response: “Lodi Municipal Code (LMC) Section 17.36.110 Recycling Facilities “... provides locational and operational standards for the establishment of various types and sizes of commercial recycling facilities...” including small collection facilities. LMC Section 17.78 Definitions describes a “small collection facility” as “a facility...where the public may donate, redeem or sell recyclable materials” Recyclable materials include reusable items. Donation bins, whether for-profit or non-profit; attended or unattended, are subject to compliance with these standards.”

City of Manteca Response: “The City of Manteca currently treats unattended donation bins as Recycling Collection Facilities in the Municipal Code (MMC17.22020) and regulates the placement of those facilities according to land use zones. Maintenance and monitoring is not addressed.”

City of Ripon Response: “The City of Ripon is not aware of the status of regulations within other San Joaquin County cities, other than as was described in the findings set forth in Grand Jury Case No. 1410 and is therefore unable to opine one way or the other regarding the Grand Jury’s finding. The City of Ripon currently treats donation bins as a business and regulates the placement, maintenance and monitoring of unattended donations bins by requiring the entity to obtain a minor site plan permit (Ripon Municipal Code Chapter 16.72). In addition, the City of Ripon enforces City standards through its Code Enforcement provisions (Ripon Municipal Code Chapter 1.10).”

City of Stockton Response: “The respondent partially agrees with this finding. The City agrees that there are not land-use regulations that address unattended donation bins as a stand-alone topic. However, as mentioned in the Grand Jury report, Title 16 - Development Code, of the Stockton Municipal Code addresses recycling facilities and includes drop-off locations within the definition of recycling collection facilities. In recent history, staff has interpreted this definition to include unattended drop-off locations, including unattended donation bins. As such, unattended drop-off locations are subject to Land Development Permit requirements under this section of the Development Code. The City agrees that monitoring and enforcement of these regulations is a challenge given competing priorities for land-use and code enforcement staff.”

City of Tracy Response: “The City partially disagrees with this finding. The City of Tracy’s zoning regulations preclude the placement of donation bins. They are not permitted or conditionally permitted in any zone in the City and, therefore, are prohibited. (Tracy Municipal Code section 10.08.1070.) Because donation bins are prohibited the City does not have specific regulations regarding the placement, maintenance, and monitoring of donation bins.”

County of San Joaquin: “Agree. The County does not have regulations that specifically address placement, maintenance, and monitoring of unattended donation bins. In addition, the County does not have regulations which address these same issues for donation bins which are attended.”

Finding 1.2 “City and county ordinances can effectively clarify who is responsible for removing unwanted donation bins and protect property owners from liability.”

City of Escalon Response: “The City agrees with the finding.”

City of Lathrop Response: *“The City agrees with the Finding to the extent of the City’s police powers. The City disagrees with the Finding to the degree it relates to rights between private citizens because the City cannot dictate private property rights among private citizens.”*

City of Lodi Response: *“LMC Section 1.10 Administrative Enforcement Provisions identifies municipal code enforcement procedures, which include the identification of, and notice to, the responsible party, whether property owner or otherwise.”*

City of Manteca Response: *“Property owners are currently entitled to legally remove items left on their property without permission of those who own the items.”*

City of Ripon Response: *“The City of Ripon agrees with the Grand Jury’s finding.”*

City of Stockton Response: *“The respondent partially agrees with this finding. More specific land-use regulations can help to clarify responsibilities related to removing unwanted donation bins. However, ultimate liability for removal of bins remains with property owners. While regulations can require removal of bins by the bin owners and outline enforcement consequences, if donation bin owners fail to comply, property owners are burdened with pursuing enforcement and may bear the burden of ultimately removing the bins. The City of Stockton is supportive of clarifying responsibilities and providing tolls (sic) for property owners; however it is also important to recognize that additional regulations will not simply resolve all instances where property owners are faced with challenges in removing unwanted donations bins.”*

City of Tracy Response: *“The City disagrees with this finding. The City believes that private property owners already have the authority to remove unauthorized items from their property, under California statutes and case law. (See, for example: Penal Code 602(m) (trespass), Civil Code 820 (rights of owner); Civil Code §§3501-3503 (private nuisance and abatement).) The City questions its legal authority to impose a regulation regarding private property rights that is within the state’s purview to regulate.”*

County of San Joaquin: *“Partially disagree.”*

“While a city or county may enact a land use ordinance to clarify the types of donation bins which are allowed on a specific parcel, and in some cases, declare a box to be a public nuisance as specified in Section 152 of the Welfare and Institutions Code, the owner of the parcel would ultimately be responsible for maintaining the property in compliance with State Law, the San Joaquin County Ordinance Code, and any conditions related to the installation of the donation bins. In addition, an ordinance could not protect property owners from all liability.”

Finding 1.3 Local ordinances can provide cities and the county with stronger control over unattended donation bin placement and assist to enforce them efficiently.

City of Escalon Response: *“The City agrees with the finding.”*

City of Lathrop Response: *“The City agrees with the Finding to the extent of the City’s police power. Placement of the bins on private property without the private property owner’s consent is a matter regulated by state law.”*

City of Lodi Response: *“At this time the City of Lodi finds its existing municipal code to be sufficient for regulating the subject land use.”*

City of Manteca Response: *“The City of Manteca agrees with the Grand Jury’s finding.”*

City of Ripon Response: *“The City of Ripon agrees with the Grand Jury’s finding.”*

City of Stockton Response: *“The respondent partially agrees with this finding. Again, the City of Stockton is supportive of regulations that provide further clarity of responsibilities and provide tools to property owners for addressing unattended donation bins. Legal, authorized donation bin placement can be regulated and lead to routine enforcement for authorized bins. However, regardless of the regulations in place, unauthorized bin placement is likely to continue to pose enforcement challenges for the City, whether bins are placed illegally or simply placed without knowledge of existing regulations. The City of Stockton regularly responds to code enforcement complaints related to donation bins, works with property owners related to bins at their locations, and regularly removes bins found in the public right-of-way.”*

City of Tracy Response: *“The City agrees with this finding.”*

County of San Joaquin: *“Partially agree.”*

“A local ordinance could provide a city or county with more control over the allowed placement of an unattended donation bin. However, the overall enforcement process would most likely not change. The County has received very few complaints regarding donation bin placement. Most complaints are in response to abandoned articles left on the site. These are processed through existing land use ordinances which prohibit the accumulation of junk and trash. The owner of the real property is ultimately responsible for compliance. Any subrogation of responsibility between a property owner and a lease holder, or other party the owner claims is responsible for the condition, becomes a civil matter between the parties involved.”

Finding 1.4 “Donations to out-of-state for profit operators divert donations from local not-for-profit operators, which diminishes their ability to benefit local communities.”

City of Escalon Response: *“The City agrees with the finding”*

City of Lathrop Response: *“City disagrees with the Finding to the degree that donations are not necessarily mutually exclusive and the City has not conducted research on the topic sufficient to reach a conclusion.”*

City of Lodi Response: *“The City of Lodi strongly supports and encourages the efforts of local non-profit charitable organizations and for-profit charitable organizations and for-profit businesses alike. California Welfare and Institutions Code §150 to 153 identifies specific identification and is closure requirements for for-profit and non-profit donation bins.”*

City of Manteca Response: *“The City of Manteca has not received ample evidence of diversion from local not-for-profit charities by out-of-state for profit operators and, therefore, cannot agree to or oppose this finding.”*

City of Ripon Response: *“The City of Ripon agrees with the Grand Jury’s finding.”*

City of Stockton Response: *“The respondent has insufficient information to respond to this finding. The City of Stockton regulates donation bins from the perspective of land-use and quality of life related to blight. The City of Stockton does not regulated (sic) donation bins based on the operation of the donation bin owners.”*

City of Tracy Response: *“The City has no independent information to agree or disagree with this finding. In any case, the City’s zoning and other regulations do not generally distinguish in-state, out-of-state, for-profit and not-for-profit uses, but instead attempt to be neutral in their effect on all property owners and users.”*

County of San Joaquin: *“Partially agree.*

“Although, this finding seems to be a logical assumption, we do not have information to factually support it. Further, it may not be an issue that could be addressed with a County land use ordinance because such ordinances only provide regulatory language regarding what type of activity is allowed on a specific site. They do not regulate where any donated goods could be shipped or if the goods are only to be used by or to benefit local communities.”

Recommendation 1.1 By December 1, 2015, San Joaquin County and its incorporated cities should enact ordinances that regulate unattended donation bins, including:

- **Shall require written consent from property owners before placement of any donation bin on private property**
- **Shall obligate the bin owner to maintain it**
- **Shall obligate the bin owner to hold property owners and their agents harmless from liability who remove unwanted bins from their property**
- **Shall require donation bins meet or exceed the requirements found in the California Welfare and Institutions Code, §§150 to 153**
- **Shall adopt sanctions for any violations of the ordinance provisions**
- **Shall require owners of donation bins that do not have IRS Code 501(c)(3) status to pay permit fee to generate income to help off-set ordinance enforcement efforts**

City of Escalon Response: *“The City will consider an ordinance with the elements identified in the Grand Jury recommendation.”*

City of Lathrop Response: *“On or before December 1, 2015, the City of Lathrop will consider an Ordinance adding Chapter 15.60 REGULATION OF UNATTENDED DONATION BINS to Lathrop Municipal Code Title 15 BUILDINGS AND CONSTRUCTION.”*

City of Lodi Response: *“The City of Lodi has adequate enforcement authority to address the problem identified by the Grand Jury. Accordingly, the City of Lodi respectfully declines the Grand Jury’s recommendation.”*

City of Manteca Response: *“The City of Manteca agrees to enact an ordinance and permit process regulating to unattended donation bins as set forth in the Recommendation R1”*

City of Ripon Response: *“The City of Ripon agrees to enact an ordinance that regulates unattended donation bins as set forth in Recommendation R1.”*

City of Stockton Response: *“The respondent partially agrees with this recommendation. The City of Stockton agrees that a review of current regulations is merited, with the objective of developing more specific regulations for addressing challenges that arise from unattended donation bins. City staff will conduct this review by December 31, 2015, including a review of similar regulations from benchmark cities, and prepare a recommendation for the City Council. However, the recommendation is very prescriptive and includes detailed code requirements that may not be best suited of (sic) tailored to the specific circumstances in Stockton. The City will take into account and review each of the specific recommendations outlined above, but reserves the right to design and adopt those specific regulations that are most appropriate for our community.”*

City of Tracy Response: *“This recommendation has not yet been implemented, but the City will enact an ordinance regulating unattended donation bins by December 1, 2015. However, the contents of such an ordinance is (sic) yet to be determined.”*

County of San Joaquin: *“The recommendation will not be implemented.*

“ If the County enacted a land use ordinance to regulate for-profit donation bins, it could certainly include a component to require consent or acknowledgement from the property owner. However, maintenance of real property or any appurtenances on the property is the responsibility of the property owner. In addition, restriction of liability between a property owner and an affected party is a legal concern and not addressed through land use ordinances.

“The current County ordinance code does provide for resolution of land use violations through referral to the District Attorney. Included in the legal proceeding is the ability to recover enforcement costs. The County could collect a fee through a discretionary application to place a donation bin on an approved site and in turn use those revenues to subsidize enforcement activities on other parcels, however, such a fee is unlikely to cover the cost of enforcement.

“Ultimately, the County does not have authority, through land use regulations, to enact or implement many of the recommendations contained in the report and, therefore, will not be moving forward with an ordinance to regulate unattended donation bins.”

The 2015-2016 Grand Jury reviewed all Findings, Recommendations and agency responses and determined no further action is required.

Conclusion

As a result of the Grand Jury's requests for responses regarding the monitoring and maintenance of unattended donation collection bins in targeted cities in San Joaquin County, the Grand Jury learned most of the cities agreed with the findings to some degree. The recommendation of the Grand Jury report 2014-2015 that the cities "should enact ordinances that regulate unattended donation bins" was received by the majority of cities as a positive step toward alleviating the problem facing this issue. In some cases a new ordinance was adopted, as in the response from the City of Tracy, to "regulate donation containers to ensure that donation containers will not have a negative, blighted visual impact, impede or interfere with public access, circulation and parking; or become hazards or nuisances."

Disclaimer

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

**Follow-Up Report to the
2014-2015 San Joaquin County Grand Jury
Case No. 1412**



**STOCKTON MUNICIPAL UTILITIES DEPARTMENT
Struggling in the MUD
2014-2015 Case No. 1412**

Preface

This report contains the methods the 2015-2016 Grand Jury used to determine if the City of Stockton responded to the 2014-2015 Grand Jury Final Report. The sitting Grand Jury monitors the responses in the areas of compliance, responsiveness and implementation. The 2014-2015 Grand Jury recommendations were meant to strengthen the operations, efficiency and compliance within the Stockton Municipal Utilities Department.

The 2014-2015 Grand Jury Findings and Recommendations, as well as the City of Stockton's responses, are presented verbatim. The 2015-2016 Grand Jury follow-up results are presented in the form of further Findings and Recommendations.

Glossary

AMEC	AMEC Environmental & Infrastructure
Cal/OSHA	California/Occupational Safety and Health Administration
CIP	Capital Improvement Projects
City	City of Stockton
CSPA	California Sportfishing Protection Alliance
DWTP	Delta Water Treatment Plant

HR	Human Resources Department
H₂S	Hydrogen Sulfide
IPS	Intake Pump Station
MUD	Municipal Utilities Department
NES	Network Environmental System
SEWD	Stockton East Water District

F1.1 “Non-pile supported areas at the IPS are shifting as evidenced by changes in ground elevation, which has caused concern about employee safety and the integrity of equipment and buried electrical systems and conduits in the generator yard and other areas.”

Agency Response: “The City of Stockton disagrees partially with this finding. The Municipal Utilities Department (MUD) made a sensible engineering design decision during the planning phase of the IPS to pile support only the pump station and not non-critical ancillary facilities to minimize overall project and construction costs. Grade elevation changes were anticipated at the site based on geotechnical analysis and those changes have been monitored since construction was completed. The City of Stockton agrees that a change in elevation of the non-pile supported area at the IPS has occurred. However, at no time has the IPS Facility been in jeopardy of failure or have water diversions been prevented due to this settlement. In addition, as elevations changed over the past three years, employee safety at the site was considered and appropriate steps were taken to prevent tripping hazards and other unsafe conditions. There are cost-effective ways to mitigate for this settling such as the installation of flexible electrical conduits and pipe fittings with flexible gaskets to compensate for ongoing measured levee settlement and movement. As with most facilities built on Delta levees containing peat soils, there will likely be continued settlement and movement requiring periodic attention throughout the life of the facility.”

The 2015-2016 Grand Jury determined no further action is required.

F1.2 “The DWTP was shut down for approximately four months in calendar year 2014 due to low staffing levels, which caused an increase in the SEWD pumping tax and further depleted declining water supplies.”

Agency Response: “The City of Stockton disagrees partially with this finding. In the spring of 2014, the DWTP was not completely shut down due to low staffing levels; rather it operated on a periodically reduced production schedule due to the lack of qualified plant operators. Low staffing levels were temporary and all plant operator positions have been filled since May 17, 2014. Vacancies had been predominately due to various disciplinary personnel actions or staff resignations that occurred at that time. The HR Department hired an experienced professional with utilities experience on October 15, 2014 to assist MUD with recruitments and class specification needs.

“In order to meet the City's water system demand, MUD supplied groundwater and SEWD treated surface water to make up for lost production at the DWTP. The groundwater pumping tax paid to SEWD is based on the use of groundwater in the City and was implemented many years ago to incentivize the use of treated surface water from SEWD. The City together with California Water Service Company have made very significant investments to provide treated surface water to the City beginning with the SEWD treatment plant and now the DWTP. As a result, the groundwater aquifer level has improved and in some places as (sic) recovered by as much as 32 feet. Under some circumstances such as drought, high-water demand or infrastructure service and maintenance, groundwater pumping is increased in order to meet needed water demand. With increased pumping comes increased pumping tax cost to the City. In 2014, during the time of reduced production at the DWTP, groundwater pumping costs increased. However, some of the tax costs paid to SEWD for increased groundwater pumping were offset by lower costs associated with the reduction of power, chemicals and staff vacancies.

“In addition, it is important to note that during 2014, groundwater pumping increased across the entire Stockton Metropolitan Area served by the City, California Water Service Company and San Joaquin County through the Lincoln Village and Colonial Heights Maintenance Districts due to drought conditions and reduced surface water from SEWD. Treated surface water delivery from SEWD was 18% lower. The reduction in treated water delivery from SEWD coupled with reduced DWTP production resulted in increased groundwater pumping across the entire Metropolitan Area. The City's groundwater pumping increased by 87% compared to the previous year and the California Water Service Company's groundwater pumping increased 66% during the same period. Even with an increase in groundwater pumping that resulted in an overall average withdrawal rate of 0.28 acre-feet per acre across the Stockton Metropolitan Area, the groundwater withdrawals remained well within the groundwater basin sustainable yield standard of 1.0 acre-feet per acre and well below the accepted target yield of 0.60 acre-feet per acre.

“While the reduction in staffing at the DWTP had a direct effect on the overall increase in the City's groundwater pumping in 2014, it was not the only factor that contributed to increased cost as it was exacerbated by the reduction in Stockton East Water District treated water production to the entire Stockton Metropolitan Area due to drought.”

The 2015-2016 Grand Jury determined no further action is required.

R1.1 “The City Council direct (through the City Manager) the Director of MUD to complete needed repairs at the IPS by September 2015 to ensure work areas are safe for employees and to report back annually to the Council regarding the status of IPS ground settling and associated repairs and costs.”

***Agency Response:** “This recommendation has been implemented and will be completed in 2016. Repairs to all electrical conduits where flexible conduit was installed between the building and the non-pile supported area at the IPS were completed in May 2015. In an effort to provide a remedy to the change in grade elevation, MUD has retained an engineering firm to prepare a design plan that will address needed repairs and help predict future conditions due to ongoing settlement. This peer-reviewed plan will form the basis from which the City will make informed decisions regarding anticipated settlement, planned repairs and maintenance as well as funding that will be reported to the Council annually in the budgeting process. The development of the engineering design plan*

while underway will take several months to complete. From this, construction plans will be formulated together with appropriate environmental and permitting documents. Following this, MUD will seek City Council approval for construction repairs to take place under contract. All this work will not be completed by September 15, 2015. It is anticipated at this time that construction repairs would be completed by the summer of 2016.”

See section 2015-2016 Discussion, Findings and Recommendations below.

R1.2 “The City Council direct (through the City Manager) the Director of MUD to determine what portion of the SEWD pumping tax is directly related to DWTP shutdown due to the lack of qualified staff in calendar year 2015 and report findings to the City Council by January 2016.”

Agency Response: “The recommendation will not be implemented because it is not warranted. There have been no shutdowns of the DWTP due to the lack of qualified staff to date in calendar year 2015.”

The 2015-2016 Grand Jury determined no further action is required.

F2.1 “Both the US Peroxide study in 2012 and the AMEC analysis in 2014 recommended biofilm shocking and/or continuous chemical treatment for H₂S, yet none was conducted by MUD for more than two years, allowing continued sewer pipe corrosion.”

Agency Response: “The City of Stockton disagrees partially with this finding. The US Peroxide report that the Grand Jury considered during its investigation contained information on the extent of hydrogen sulfide gas impacts on only a very small portion (about 1.2%). It was a report prepared by a chemical manufacturer with the intent of selling product to the City. The AMEC report in 2014 was focused on the extent to which additional loading on System #8 might occur with the arrival of a new industrial user. In each case, the reports had little scientific basis and limited relevance to establish a significant treatment program that could cost the City hundreds of thousands of dollars each year.

“When the new Director joined MUD in 2012, he requested that a re-assessment of the collection system chemical conditioning program be completed to determine past effectiveness and examine the most cost effective path going forward. Past programs made only limited improvements overall and caused associated impacts while costing the utility millions. Five potential chemical vendors provided product and equipment information to the department over the course of that year.

“When the new Deputy Director for Maintenance and Collection Systems joined MUD in February 2013, he was directed by management to focus his attention on not only meeting the requirements of the California Sportfishing Protection Alliance (CSPA) Consent Decree for sanitary sewer overflow reduction, but also the implementation of a chemical conditioning program in Sanitary Sewer Collection Systems #7 and #8 for H₂S reduction based on the reassessment of the program. By 2014, the re-assessment program plan was completed and a plan to reduce H₂S production using sodium hydroxide was developed. MUD utilized the Bay Area Chemical Consortium (BACC) cooperative purchasing agreement to obtain more competitive chemical pricing in 2014, and a Pilot Study was implemented. The Pilot Study is using sodium hydroxide as a chemical treatment solution

to reduce overall H₂S production in these collections systems. In January 2015, tanks and associated equipment were purchased for chemical treatment application at the intersections of Industrial Drive and Pock Lane (System #8) and Perlman Drive and Duck Creek (System #7). The first application of 50% sodium hydroxide began on June 1, 2015 for a 3-month trial (June through August 2015). MUD staff will make a determination of future chemical treatment options based on Pilot Study results. See Attachment A [Item Nos. F2.1 and R2.1– Chemical Addition to Sewer System #7 and #8] for more information.”

The 2015-2016 Grand Jury determined no further action is required.

F2.2 “The utility vault at the southeast corner of Van Buskirk Park is extensively corroded and at times emits a strong H₂S odor, which raises concerns about public safety.”

Agency Response: “The City of Stockton agrees with this finding”

The 2015-2016 Grand Jury determined no further action is required.

R2.1 “The City Council direct (through the City Manager) the Director of MUD to make a presentation to the Council no later than September 2015 identifying the process and timeline to manage the H₂S problem in the sewer pipeline system.”

Agency Response: “The City of Stockton has implemented this recommendation and anticipates a final recommendation to manage H₂S production by the end of 2015. H₂S is a byproduct of conveying raw sewage in pipes and is a common problem for sanitary sewer systems anywhere in the world. MUD, not unlike any other sewer utility, is tasked with ongoing sewer repair and replacement due to H₂S corrosion. In an effort to extend sewer system life and to reduce foul odors due to H₂S release, MUD will complete the sodium hydroxide Pilot Study by the end of August 2015. The results of this test will be shared with the City Council no later than December 2015 after the Pilot Study data has been analyzed. The department will formulate plans for economical chemical addition programs to be implemented in areas of most need in the sewer collection system.”

See section 2015-2016 Discussion, Findings and Recommendations below.

R2.2 “The City Council direct (through the City Manager) the Director of MUD to ensure the utility vault at Van Buskirk Park is safe for the public (i.e. determine H₂S exposure level and integrity of corroded vault doors) and report back to the Council by September 2015 identifying what repairs are necessary, why the cyclone fence and posts 26 feet away are showing signs of corrosion, and what effect H₂S exposure may have on people in the vicinity.”

Agency Response: “The City has implemented this recommendation. As mentioned in F2.2 above, utility vault modifications have been completed. One element of the modification is the installation of a new concrete cover with an air-tight composite utility vault access cover. The exterior of both structures have been cleaned and coated with corrosion-resistant polymer products, and the fence line has been repaired. These modifications will prevent the release of H₂S from the sewer system at this location and the area has been restored appropriately. These completed modifications have eliminated the public's exposure to H₂S at these locations. Ongoing monitoring within the sewer will

provide MUD with the data necessary to determine if the upstream treatment efforts are effective. See Attachment B [Item Nos.F2.2 and R2.2 for the before (with corroded cover).”

The 2015-2016 Grand Jury determined no further action is required.

F3.1 “MUD failed to develop a succession plan as recommended in its 2009 Business Plan, causing difficulties during transitions and the unnecessary loss of valuable institutional knowledge.”

Agency Response: “The City of Stockton disagrees partially with this finding. While it is true a formal succession plan was not developed with the 2009 Business Plan, many of MUD's management decisions since 2012 have resulted in the development and promotion of qualified internal candidates coupled with ongoing recruitment efforts. Particular attention has been placed on the recruitment and retention of operations staff. In 2013, MUD cross-trained three Water System Operators in water treatment in an effort for those employees to gain the knowledge and experience to qualify for water treatment certification. Those employees are now fully engaged in water treatment as certified operators and accumulating the hours needed to qualify for the next higher water treatment certification. This is one example of how MUD develops internal expertise to fill the vacancies that will inevitably occur within the Plant Operator series. Similarly in wastewater treatment, MUD's efforts to educate and train wastewater operators resulted in three plant operators obtaining the level of Grade 3 wastewater treatment plant operator certification (journey-level) and opportunity for internal promotion.

“In 2014, MUD offered employees access to math review classes without cost to prepare for upcoming State certification exams. This tutoring program helped a number of employees gain the knowledge and confidence needed to pass the certification exam math sections. This was critical to help with the Department's "Grow-Your-Own" staffing planning. These state certifications are required for the operations employees and by gaining certifications, the Department's staff and succession planning is improved. While MUD staff did not prepare a formal succession plan in 2009, the education and cross-training experience opportunities are examples of succession planning that have helped the Department with its ongoing staffing challenges. In addition, MUD continues to actively recruit for and hire the most qualified candidates for open positions both internally and externally to the organization.

“As noted in the response to F1.2 above, the HR Department hired an experienced professional with utilities background to focus on filling vacancies and assisting with job classification language to promote advancement opportunities as an element of the Department's succession planning efforts.”

The 2015-2016 Grand Jury determined no further action is required.

R3.1 “The City Council direct (through the City Manager) the Director of MUD to develop and implement a succession plan by September 2015.”

Agency Response: “This recommendation has been implemented. To date, filling vacancies has been the priority. As part of the Department's Strategic Business Plan a succession plan will be

developed over the next year in conjunction with the HR Department. Recruitment, retention and succession planning is a broader city-wide priority. A distinct focus has been placed on filling vacancies, and in fact the HR Department obtained additional personnel resources to facilitate MUD hiring. The HR Department is completing a total compensation survey for all positions and is working to develop an overall approach to succession planning consistent with the City's priorities. Additionally, the 2015-16 Budget includes an increase of \$435,000 for all staff training, development and recognition to ensure a well-equipped work force.”

The 2015-2016 Grand Jury determined no further action is required.

F3.2 “As of March 10, 2015 MUD had 27 vacancies. Staff shortages contributed to delays in progress of capital improvement projects, caused more than \$1 million in annual overtime costs in 2014, and threaten the operation of critical facilities if qualified technical positions are not filled.”

***Agency Response:** “The City of Stockton disagrees with this finding. Typically, overtime costs of 5% would be considered normal for a utility. The Department's annual budget in 2014 was nearly \$140 million with expenditures for staff salaries at approximately \$12 million. Given the number of staff vacancies in 2014, the necessary work and the built-in overtime in the 12-hour schedules of operations staff due to the nature of 24/7 365-day utility operations, the \$1 million or 8% of staff salaries spent on overtime in 2014 was not out of the ordinary compared to other similar utilities. Furthermore, just over half of the overtime expense is directly related to the 12-hour schedules, it is planned for, and it is budgeted.*

“\$520,000 of the overtime costs were budgeted in water and wastewater treatment plant operations due to the 12 hour shift work schedule. The 12-hour schedule consists of one 36 hour and one 48 hour workweek, with eight hours of overtime per two week period for each plant operator position. This overtime cost is planned and budgeted annually. In addition to the built in overtime, much of MUD'S overtime costs are attributed to meeting the CSPA Consent Decree for reducing sanitary sewer overflows. The Consent Decree mandates MUD to televise and clean all 900+ miles of sewer pipeline prior to the end of 2015. MUD's collection system crews work a 9/80 schedule with every other Friday off. In order to meet that Consent Decree deadline, it has been necessary for Collection System crews to work every other Friday, which is paid at an overtime rate. This effort was more economically sound for the City rather than contracting additional support at a higher cost. The amount of \$200,000 was anticipated and budgeted in 2014 for this anticipated overtime.

“There are always additional concerns when staff vacancies are higher than normal. More energy and attention is put in to staff recruitment rather than other efforts. Work flow often slows, more contract or temporary support is necessary to keep work on task and according to established timelines. In 2014, staff vacancies in the Engineering Division contributed somewhat to delays in some CIP projects but other factors such as funding, permitting, easements and other issues also played a part. However, as already discussed, these vacancies did not threaten the operation of any critical facilities. As of the date of this letter, seven vacancies have been filled and 20 vacancies remain.”

The 2015-2016 Grand Jury determined no further action is required.

F3.3 “The independent, full-time position of Safety Program Manager has been vacant since May 2013 and the decision to fill the position on an interim basis with the Deputy Director of Wastewater caused some employees to perceive it to be a conflict of interest.”

Agency Response: “The City of Stockton disagrees with this finding. The Department does not have a position of Safety Program Manager in its workforce. Currently, the only full-time position allocated to the Department's safety program is the Occupational Health and Safety Specialist that was vacated in 2013. MUD is pursuing an immediate recruitment of the Occupational Health and Safety Specialist position and intends to have this position filled in the current 2015-2016 fiscal year. For the past two years, the Deputy Director of Wastewater, an expert in the safety field, has been assigned these duties. In addition, the entire safety program for the Department was evaluated in 2014 and a new program developed with expert consultant support under the view and support of the City's Risk Management Division and Cal/OSHA staff. The MUD will continue with consultant services in 2015-16 to develop policies and evaluate the ongoing need for a Safety and Training Program Manager position in future years as the policies are available for the manager to implement.”

The 2015-2016 Grand Jury determined no further action is required.

F3.4 “Complaints regarding safety concerns have often been filed directly to Cal/OSHA by MUD employees intimating a lack of trust in management personnel to solve issues.”

Agency Response: “The City of Stockton disagrees partially with this finding. Staff may contact their direct supervisor, union representative, manager, employee Safety Committee, Deputy Director, Director, the City's Risk Management Division and the City Manager's Office regarding safety concerns. It is also the prerogative of any MUD employee to contact Cal/OSHA at any time if he or she feels they have a safety concern in the workplace so that an employee need not only address their concerns with MUD management. Over the past few years, many staff safety concerns have been brought to the attention of management staff, safety committee and addressed accordingly. Therefore, the City of Stockton disagrees with the part of the finding holding that there is or was a lack of trust in MUD management to solve such issues. This has been a cooperative effort between staff, the Department's Safety Committee and management. As a result, millions of dollars have been spent on staff safety training and infrastructure improvements throughout all the divisions and department-wide to address concerns and improve safety for all employees.

“MUD has developed a Safety Program Manual that identifies a total of 25 Program Elements, seven of which have been completed with four in draft form as of the date of this letter. These Program Elements are developed by NES, Inc., reviewed by the Safety Committee and signed by the assigned manager, Safety Committee Chairperson and the Director of MUD prior to distribution to a total of 37 control copy binders throughout the Department. Once the Program Element has been issued, training is then conducted specific to the Program Element. Specific changes are being developed to address concerns and being implemented.”

The 2015-2016 Grand Jury determined no further action is required.

R3.2 “The City Council direct the City Manager to conduct a salary and compensation comparison study of municipal utility technical positions and prioritize the hiring of these essential positions by December 2015. [Note: MUD employees are paid through Enterprise Funds, which will not affect the City’s General Fund.]”

Agency Response: “The City of Stockton agrees with this finding”

The 2015-2016 Grand Jury determined no further action is required.

R3.3 “The City Council direct (through the City Manager) the Director of MUD to formulate the job description and organizational development for the position of MUD Safety Program Manager and initiate the hiring process by September 2015.”

Agency Response: “The City disagrees with this recommendation. MUD staff, in conjunction with a consultant under contract, is preparing a Safety Program that consists of twenty-five (25) program elements over the next 24-months. As program elements are completed, each element is reviewed and recommended for approval by the Department’s Safety Committee and with Union concurrence prior to finalization by the Department Head and training staff. It is more efficient to utilize the consultant expertise to develop the program consistent with industry standards in a more timely manner. The need for the position will be evaluated in the future, and hiring is dependent upon sufficient program development to warrant a position.”

The 2015-2016 Grand Jury determined no further action is required.

R3.4 “The City Council direct (through the City Manager) the Director of MUD to assign and meet benchmarks for the safety programs being developed by NES, Inc. and by December 2015 prepare a timeline for completion of the safety project and report to the Council annually on its progress.”

Agency Response: “The recommendation to develop a project timeline will be completed by December 15, 2015. In addition MUD has developed a system to report and track staff safety concerns. Beginning on June 17, 2015, the Safety Committee will receive a copy of the tracking system at each monthly meeting. All concerns will be tracked on the distribution list until adequately addressed. Safety Committee members will post the list on their respective work area safety bulletin boards. All staff will be informed on how to get their concerns to the safety program manager or assignee at all of the scheduled OSHA-required safety training meetings. Annual program updates will be communicated to the City Council as part of the budget process and through the Council Water Committee and the Water Advisory Group.”

See section 2015-2016 Discussion, Findings and Recommendations below.

2015-2016 Discussion, Findings and Recommendations

The 2015-2016 Grand Jury reviewed additional information from the City concerning:

- Settling at the Intake Pump Station
- The H₂S pilot study/reduction plan
- The NES, Inc. safety program development and timeline.

City of Stockton has not completed the recommendations of the 2014-2015 Grand Jury. Response dated July 8, 2015 reported the City of Stockton anticipated a final recommendation to manage H₂S production by the end of 2015. The MUD director reported to City Council at the July 21, 2015 meeting on the use of sodium hydroxide to control hydrogen sulfide (H₂S) as a three month pilot study that began in June of 2015.

MUD also replied it will prepare a pilot test report and H₂S reduction summary for the City Council and a settlement design plan for the Intake Pump Station. Both are expected in the summer of 2016.

Of 29 safety program areas, fewer than half have been completed and will not be completed until early 2017.

Findings

F1.1 The City said the IPS ground settling draft plan to help predict future conditions is in need of further development with anticipated completion in the summer of 2016. At that time, MUD will prepare a summary report of ground settling at the IPS and recommended associated repairs and costs for the City Council.

F1.2 Regarding the H₂S pilot study, MUD will prepare a pilot test report and an H₂S reduction summary for the City Council in the summer of 2016.

F1.3 Of the original 29 safety program areas; 12 have been completed, three are in progress, six have yet to be started and eight are on hold pending additional funding or alternative training options. MUD will not complete the program until early 2017.

Recommendations

R1.1 The 2015-2016 Grand Jury requests City Council direct (through the City Manager) the Director of MUD by October 1, 2016 follow-up on the draft plan recommendations to help predict future conditions, and the summary report of ground settling and recommended associated repairs and costs.

R1.2 The 2015-2016 Grand Jury requests City Council direct (through the City Manager) the Director of MUD by October 1, 2016 provide the 2016-2017 Grand Jury a copy of the pilot test report and H₂S reduction summary and the settlement design plan described in R1.1 in the 2014-

2015 report scheduled to be completed by summer of 2016 to be forwarded to the 2016-2017 Grand Jury.

R1.3 The 2015-2016 Grand Jury requests City Council direct (through the City Manager) the Director of MUD by October 1, 2016 prepare a report describing the high priority repairs to be completed in 2016 be forwarded to the 2016-2017 Grand Jury.

R1.4 The 2015-2016 Grand Jury requests the City Council direct (through the City Manager) the Director of MUD by January 1, 2017 to assign and meet benchmarks for the Safety Programs being developed by NES, Inc. and report to the City Council annually on its progress.

Conclusion

The 2015-2016 Grand Jury determined that MUD responded pursuant to statute and in a timely manner to the findings and recommendations made by the 2014-2015 Grand Jury. The Grand Jury appreciates MUD's cooperation in addressing the issues raised in last year's report.

Disclaimer

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

Response Requirements

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

The Stockton City Council shall respond to each Finding and Recommendation in this report.

Mail a hard copy of the response to:
Honorable José L. Alva, Presiding Judge
San Joaquin County Superior Court
P.O. Box 201022
Stockton, CA 95201

Or hand deliver to:
222 E. Weber Ave., Room 303
Stockton, CA 95202

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

**Follow-Up Report to the
2014-2015 San Joaquin County Grand Jury
Case No. 1414**



**CITY OF STOCKTON
South Stockton Quality of Life
As the South Side Goes, So Goes Stockton
2014-2015 Case No. 1414**

Preface

This report contains the findings, recommendations and responses to the 2014-2015 Grand Jury Final Report issued to the City of Stockton on South Stockton’s Quality of Life. The 2014-2015 Grand Jury recommendations were meant to bring light to the lack of funding and services provided to South Stockton over the years.

The findings, recommendations and responses are verbatim in this report. A complete copy of the original report and the City’s response may be found on the San Joaquin County Grand Jury website at: https://www.sjcourts.org/grandjury/2014-2015_roster%20and%20reports.html

Glossary

Blitz Program	A targeted, geographically-limited effort of social, blight, and anti-crime programs.
CEO	Code Enforcement Office
City	City of Stockton
City Attorney	The appointed attorney representing the City Council and the City

City Council	Unless specified, includes the six elected council members and the mayor
City Manager	Chief executive officer hired by the City Council to administer day-to-day City operations
Marshall Plan	A comprehensive, citywide effort involving both public agencies and private groups to reduce crime and increase public safety
Operation Ceasefire	A problem-oriented police initiative specifically aimed at youth gun violence
Slumlords	Landlords who attempt to maximize profits by minimizing spending on maintenance of rented property, typically in deteriorating neighborhoods
South Stockton	An urban area generally south of the Crosstown freeway between Interstate 5 and Highway 99
SPD	Stockton Police Department
STAND	Stocktonians Taking Action to Neutralize Drugs

Follow-up Investigation

The 2015-2016 Grand Jury reviewed case materials, read all transcripts, reports and responses and interviewed staff.

Findings, Recommendations, Agency Responses and Follow-up Results

1.0 Population, Demographics and Economics

2014-2015 Finding 1.1 “While there are pockets of poverty throughout Stockton, much of it is concentrated in South Stockton where incomes and educational attainment are low.”

Agency Response: “The respondent agrees with this finding. Both in concentrated areas across the community as well as citywide, Stockton experiences lower than average incomes and educational attainment compared to other municipalities in the State and nation.”

2014-2015 Finding 1.2 “Compared to the rest of the City, South Stockton has few major retail outlets, including major grocery outlets, and only in recent months did a financial institution announce plans to locate a branch in South Stockton.”

Agency Response: “The respondent agrees with this finding. While the City of Stockton has encouraged economic development in South Stockton and made efforts to create land-use policies that make development possible, the City is not in a position to control development that is market-driven.”

2014-2015 Finding 1.3 “People outside and inside South Stockton perceive the area as being an unsafe place to do business, shop, or live.”

Agency Response: “The respondent is not in a position to comment on broad statements of public perception. In the absence of data or details qualifying this statement the City is not in a position to comment.”

The 2015-2016 Grand Jury determined no further action required.

2.0 Housing and Code Enforcement

2014-2015 Finding 2.1 “South Stockton has some of the lowest levels of homeownership in the City. This creates a more transient population and one with less “buy-in” to the community.”

Agency Response: “The respondent agrees with the finding that South Stockton has one of the lowest homeownership levels in the City. However, the respondent is not in a position to comment on broad statements about the impact of having a lower homeownership rate in South Stockton. In the absence of data or details qualifying this statement the City is not in a position to comment.”

2014-2015 Recommendation 2.1 “By December 31, 2015, the City resources be allocated on an equitable distribution based on the needs of each City Council district, and the City in its present and future budgets provide the necessary resources to increase the CEO and SPD staff necessary to adequately address the longstanding neglect affecting South Stockton.”

Agency Response: “This recommendation has been implemented. In recent years, City resources have been allocated equitably based on need and strategic opportunities identified citywide. Municipal budgeting is complex and takes into account multiple needs factors. From the City’s perspective, there has been an equitable distribution of resources citywide in recent years. It is worth noting that in overcoming historical inequity in allocation of resources (sic) cannot be overcome in a short time span. It is also worth noting that municipal budgeting is a democratic process amongst multiple Council Members that represent the distinct geographies of the City. In addition, as noted above, significant resources have been allocated to Code Enforcement and the Police Department. This increase in resources has been balanced with other priority initiatives and at this time the City is not in a position to further allocated (sic) additional resources to Code Enforcement and the Police Department.”

The 2015-2016 Grand Jury determined no further action required.

2014-2015 Finding 2.2 “Code enforcement is inadequately staffed to deal with the problems of South Stockton. Enforcement and abatement efforts are reactive rather than proactive.”

Agency response: “The respondent agrees with this finding. Despite the fact that Measure A funding has been dedicated to significantly increasing Code Enforcement staff, there are code enforcement and abatement backlogs citywide. While code enforcement has been identified as a priority for the City, it will require time and diligence by both the City and its residents to address. Redirecting even more funds to Code Enforcement would require removal of funding from other high priority initiatives of the City including other public safety efforts.”

The 2015-2016 Grand Jury determined no further action required.

2014-2015 Finding 2.3 “In many cases, South Stockton residents do not report blight, graffiti, and building code violations because they do not believe the City will help, and/or they fear reprisals from their landlord.”

Agency Response: “The respondent is not in a position to comment on the perceptions of community members. The City takes considerable effort to encourage residents to report all crimes, code enforcement issues, etc. and makes several venues of communication available to the community.”

The 2015-2016 Grand Jury determined no further action required.

2014-2015 Finding 2.4 “The City is not aggressively taking proactive steps to remove slumlords from South Stockton.”

Agency Response: “The respondent disagrees with this finding. The City has taken aggressive steps to address properties with a history of code enforcement and other calls for service. The City has adjusted code enforcement policies and practices. The City has taken on challenging chronic nuisance abatements (sic) cases. The City has even gone as far as taking into receivership certain properties that have been problematic. There is no legal option available which is more aggressive than taking properties into receivership. Given the number and scope of properties with a history of code enforcement issues, it will require a significant amount of time to address these complex cases. The City makes its best effort to balance the concerns, legal rights and opportunities afforded to all parties concerned in such situations. Each case can take several months or more to process through the legally required steps. However, within this context, the City is taking aggressive steps to address the situation. In the absence of additional data or details qualifying this statement related to “slumlords,” the City disagrees with this finding.”

The 2015-2016 Grand Jury determined no further action required.

2014-2015 Finding 2.5 “STAND is making contributions to address housing, drug activity, crime, and quality-of-life issues in South Stockton.”

Agency Response: “The respondent agrees with this finding. STAND has proven to be a valuable asset to the community.”

The 2015-2016 Grand Jury determined no further action required.

3.0 Crime

2014-2015 Finding 3.1 “The activity of street gangs stems from and exacerbates poverty problems for South Stockton residents.”

Agency Response: “The respondent disagrees with this finding. Gang activity is very complex and multi-faceted. Poverty is one impacting factor, but it is not the primary factor. Extensive evidence-based research points to a number of other factors as more closely related to gang activity including educational attainment and social/cultural influences.”

The 2015-2016 Grand Jury determined no further action required.

2014-2015 Recommendation 3.1 “By December 31, 2015, the City Council shall begin quarterly public reporting of its results from Operation Ceasefire and Marshall Plan programs, with emphasis on criminal activities that originate or concentrate in South Stockton.”

Agency Response: “The respondent disagrees with this recommendation. In large part, this recommendation has been implemented. The City provides regular updates to the Measure A Citizen’s Oversight Committee and Marshall Plan Stakeholders Committee related to results from Operation Ceasefire and Marshall Plan programs. The City will continue to report on these results on a citywide basis which includes important results accomplished in South Stockton.”

The 2015-2016 Grand Jury determined no further action required.

2014-2015 Finding 3.2 “Crimes of violence, in recent years soared citywide as policing levels plummeted.”

Agency Response: “The respondent partially agrees and partially disagrees with this finding. Prior to 2013, there were dramatic and unacceptable spikes in violent crime. In preceding years, policing levels also lowered. However, in 2013 and 2014, violent crimes reduced measurably while police staffing has been slowly increasing.”

2014-2015 Recommendation 3.2 “By December 31, 2015, the City, working with community organizations, make sure South Stockton quality-of-life programs are given consideration for funding and manpower.”

Agency Response: “There is insufficient information to respond to this recommendation. The City is currently working with community organizations through the Marshall Plan, the Office of Violence Prevention, and South Stockton Promise Zone planning efforts. The responses provided above speak to code enforcement concerns. It is unclear what other quality-of-life programs are being recommended for funding and manpower. Also as outlined above, the City has committed significant Measure A resources to code enforcement and public safety.”

The 2015-2016 Grand Jury determined no further action required.

2014-2015 Finding 3.3 “In recent months the City has begun to address the problems of crime, but it will take months, possibly years, of effort to rebuild the police force decimated by the City’s bankruptcy.”

Agency Response: “The respondent agrees with this finding. Significant, sustained reductions in crime require long-term strategies and comprehensive efforts of the entire community.”

The 2015-2016 Grand Jury determined no further action required.

2014-2015 Recommendation 3.3 “By September 30, 2015, while continuing with its newly established Blitz program, the City concentrate efforts on established – and transparent – criteria, and give consideration to the needs of South Stockton.”

Agency Response: “This recommendation has been implemented. The City has revised the original criteria used to select Blitz locations and selected a location for the next Blitz area within South Stockton that will be announced in the near future. It is worth noting that the City has been transparent and forthcoming with the criteria used in selecting Blitz areas and will share the adjusted criteria.”

The 2015-2016 Grand Jury reviewed the criteria for the selection of the Blitz locations. No further action required.

4.0 City Funding

2014-2015 Finding 4.1 “South Stockton has been neglected and underserved by City government for many years.”

Agency Response: “There is insufficient information to respond to this recommendation. While the respondent agrees that there are significant needs to be addressed in South Stockton, it is unclear the criteria or standard by which this broad statement is measured. In recent years, City government and City officials have made important efforts to serve and respond to the needs of South Stockton.”

2014-2015 Recommendation 4.1 “By September 30, 2015, the City should begin holding a series of public workshop/forums devoted to the needs of South Stockton – as guided by its residents – with the purpose of developing short- and long-term goals to correct the long neglected issues affecting South Stockton.”

Agency Response: “The respondent agrees with this recommendation. While multiple public workshops, forums and surveys have been conducted recently in South Stockton, this community engagement activity will continue. This recommendation will be carried out through the South Stockton Promise Zone implementation efforts for which the City Council allocated \$100,000 in the current budget. A recommendation for using this \$100,000, which includes community

engagement, strategic planning and implementation, is currently being developed for Council consideration.”

The 2015-2016 Grand Jury determined no further action required.

2014-2015 Finding 4.2 “City officials, with some notable exceptions, continue to speak about the problems of South Stockton, but take little action.”

Agency Response: “The respondent disagrees with this finding. In recent years City officials and City staff have spent countless hours meeting with citizens and working side-by-side with them in South Stockton to ensure that real action takes place. Again, it is unclear what the criteria or standards are by which this broad statement is being measured.”

The 2015-2016 Grand Jury determined no further action required.

Conclusion

The 2015-2016 Grand Jury determined responses to the findings and recommendations submitted by the City of Stockton were pursuant in a timely manner to the Penal Code. It appears that the City, civic, religious groups and the South Stockton Community are pulling together to make positive strides toward healing the ills of South Stockton. The Grand Jury determined that due to the short time the City of Stockton has been out of bankruptcy, more time is required to determine which programs and specific changes were having the greatest impact.

Based on updated information provided by City officials to the 2015-2016 Grand Jury, one of the most successful results of the City’s effort was the first South Stockton Blitz program. It was conducted in the area bounded by First, 10th and Union streets and Stribley Avenue. That effort, among other things, resulted in:

- The inspection of 572 properties
- The removal of 20,000 square feet of graffiti and repainting
- The removal of 520 cubic yards of debris, 60 pieces of e-waste and 40 tires
- The abatement of 13 properties
- Bringing into compliance 11 homes found with fixed window bars
- The attendance by Blitz staff at 24 community meetings and the scheduling of a community volunteer day to paint five houses
- Waste cans and park benches being painted by community youths
- The completion of 12 public works projects (street signs, potholes and park repairs)

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior

Court, or another judge appointed by the Presiding Judge (Penal Code sections 911, 924.1(a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code sections 924.2 and 929)

**Follow-Up Report to the
2014-2015 San Joaquin County Grand Jury
Case No. 1417**



**Manteca Unified Board of Trustees:
Board Behavior Creates Conflict
2014-2015 Case No. 1417**

Preface

This report contains the methods the 2015-2016 Grand Jury used to determine if the Manteca Unified Board of Trustees responded to the 2014-2015 Grand Jury Final Report. The sitting Grand Jury monitors the responses in the areas of compliance, responsiveness and implementation. The 2014-2015 Grand Jury recommendations were meant to strengthen the District's operations, efficiency and compliance within the Manteca Unified School District Board of Trustees.

A complete copy of the original report and the District's responses may be found on the San Joaquin County Grand Jury website at: https://www.sjcourts.org/grandjury/previous_GJ_2012-07-12.htm

1.0 Fact

F1.1 "Coercion by some trustees caused established Board policies and procedures, including safeguards, to be circumvented by some administrators."

Agency Response: *"The District accepts this finding."*

R1.1 "By September 30, 2015, a policy should be adopted by the MUSD Board of Trustees to accomplish the following: When a Board member or an administrator becomes aware of any improper behavior by any Board member, it will be immediately shared with the Superintendent and all Board members."

Agency Response: *"The Recommendation has not been implemented but it will be implemented by the timeline set forth above. However, the policy will clarify that when a Board member or*

administrator becomes aware of any violations of Board Policies, Administrative Regulations, Board Bylaws and/or the law that this information will be shared immediately with the Superintendent and all Board members.”

The 2015-2016 Grand Jury reviewed the agency’s response and newly revised Board by-laws. The Grand Jury determined no further action is required.

F1.2 “Public statements by some trustees have caused anger and disruption in MUSD.”

Agency Response: “The District accepts this finding.”

R1.2 “By September 30, 2015, the MUSD Board should adopt a policy that calls for immediate action when a trustee violates District by-laws. This would include public discussion at the earliest possible Board meeting, and/or moving to censure the trustee found to be in violation.”

Agency Response: “The Recommendation will not be implemented because it is not reasonable. It is not reasonable as “immediate” action is rarely under the confines of the Brown Act. The Brown Act requires, among other limitations, that action items be properly agendaized under a specific timeline. In addition, the District believes that a policy that includes progressive interventions is a more collaborative and efficient approach.”

The 2015-2016 Grand Jury reviewed the agency’s response and revised Board by-laws. The Grand Jury determined no further action is required.

F1.3 “Some Board members interfered with employees’ duties, violating Board policies and by-laws.”

Agency Response: “The District accepts this finding.”

F1.4 “Behavior by some Board members has made employees fearful in the workplace.”

Agency Response: “The District accepts this finding.”

F1.5 “Administrators have been spending inordinate amounts of time dealing with issues involving trustees, making it difficult for them to complete necessary District work.”

Agency Response: “The District accepts this finding.”

2.0 Fact: Dramatically escalating legal costs

F2.1 “Costs for legal services related to Board members’ behavior has increased during the first nine months of the current fiscal year nearly 30 times what it was two years earlier.”

Agency Response: *“The District accepts this Finding.”*

F2.2 “The departure of Weston Ranch High School principal added an unnecessary cost to the District.”

Agency Response: *“The District accepts this Finding.”*

3.0 Fact: Board and staff training

F3.1 “Only a few trustees have attended school board training in recent years preventing some trustees from having a common understanding of their role and responsibilities.”

Agency Response: *“The District accepts this Finding.”*

R3.1 “Newly elected Board members are strongly urged to participate in a new board training offered by CSBA or other organizations.”

Agency Response: *“The Recommendation has already been implemented with a summary of the implemented action described below:*

“New Trustees are encouraged to attend the annual CSBA Conference and Trade Show for newly elected Trustees. Further the San Joaquin County Office of Education hosts a meeting for new Trustees, generally in February.

“At the March 3, 2015, Board of Education meeting, the Board adopted 9250, Remuneration, Reimbursement, Other Benefits encouraging Board members to attend no more than one conference/training per year tailored to the Roles of the Board. Additionally, the Board adopted Bylaws 9000, Roles of the Board, 9005, Governance Standards, 9011, Disclosure of Confidential Privileged Information, and 9012, Board Members Electronic Communications.

“Enclosed is the Board adopted Bylaw 9250, Remuneration, Reimbursement, Other Benefits and the minutes reflecting Board adoption.”

The 2015-2016 Grand Jury reviewed the agency’s response and documentation. The Grand Jury determined no further action is required.

F3.2 “A lack of understanding by staff of the role of Board members has caused serious problems.”

Agency Response: *“The District accepts this Finding.”*

R3.2 “All Board members are strongly urged to participate in annual board training offered by CSBA or other organizations to keep them current with educational trends and changing legislation.”

Agency Response: “The Recommendation has already been implemented with a summary of the implemented action described below.

“At the March 3, 2015, Board of Education meeting, the Board adopted 9250 Remuneration, Reimbursement, Other Benefits encouraging Board members to attend no more than one conference/training per year tailored to the Roles of the Board. Additionally, the Board adopted Bylaws 9000, Roles of the Board, 9005, Governance Standards, 9011, Disclosure of Confidential Privileged Information, and 9012, Board Members Electronic Communications.

“Enclosed is the Board adopted Bylaw 9250, Remuneration, Reimbursement, Other Benefits and the minutes reflecting Board adoption.”

The 2015-2016 Grand Jury reviewed the agency’s response and revised Board by-laws. The Grand Jury determined no further action is required.

R3.3 “Administrators should review Board by-laws and share with their staff those sections dealing with Board governance.”

Agency Response: “The Recommendation has not yet been implemented but it will be implemented by the following timeline.

“A procedure will be added to the new employee packet to include the Bylaws referencing Board governance and will require signature of employee acknowledging receipt of information. Further, the Superintendent will disseminate a memo to administrators and supervisors to review the Bylaws with their staff. The procedure will be reviewed annually by the Superintendent.”

The 2015-2016 Grand Jury reviewed the agency’s response and revised Board by-laws. The Grand Jury determined no further action is required.

4.0 Fact: Board by-laws updates expedited because of Board behavior

F4.1 “Board by-laws Sections 9000, 9005, 9010, and 9011 were violated by the Board members as described in this report.”

Agency Response: “The District accepts this Finding.”

F4.2 “By-law changes dealing with the Board were added or updated as a result of Board member behavior.”

Agency Response: “The District accepts this Finding.”

Conclusion

The 2015-2016 Grand Jury believes the District has substantially complied with the recommendations contained in last year's report. However, monitoring of individual board member's behavior will have to be an on-going effort by the full Board. Trustees have no authority to act individually on behalf of the entire Board. When a board member ventures outside his/her narrowly defined roll it is the collective responsibility of the other board members to take immediate and appropriate corrective action. Ultimately, it is the citizens of Manteca that must hold the Board accountable. Voters are best served if they keep themselves informed about the Board and District activities.

Penal Code section 933.05(a) requires that Grand Jury respondents either agree with the findings or disagree wholly or in part with the findings. Unfortunately, the MUSD Board chose to "accept" findings, a response that carries a different connotation and does not conform to the requirements of the statute. MUSD Board members did not comply with the statute requirement.

Disclaimer

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

Section V

Table of Tours and Presentations134

Tours and Presentations

TOURS

8/26/2015	San Joaquin County Jail and Honor Farm
10/28/2015	NCYCC - O H Close & N A Chaderjian - Juvenile Facilities
10/7/2015	San Joaquin County Juvenile Detention
11/18/2015	San Joaquin General Hospital
1/6/2016	Deuel Vocational Institution
2/10/2016	Port of Stockton
4/27/2016	California Healthcare Facility
5/25/2016	Stockton Animal Control Services

PRESENTATIONS

8/12/2015	Sheriff Steve Moore, San Joaquin County Sheriff Office
9/2/2015	Director Michael Miller, San Joaquin County Human Services Agency
9/23/2015	Chief Probation Officer Stephanie James, San Joaquin County Probation Department
10/14/2015	Chief Eric Jones, Stockton Police Department
10/21/2015	Deputy Director Michael Selling, San Joaquin County Public Works Department
12/02/2015	District Attorney Tori Verber-Salazar, San Joaquin County District Attorney's Office

Section VI

About the Grand Jury 136

How the Grand Jury is organized 136

Desirable attributes of a Grand Juror 137

Benefits of being a Grand Juror 137

Qualifications 137

Citizen complaints 138

To learn more 138

Complaint form 139

Grand Jury Process and Organization

About the Grand Jury

The San Joaquin County Civil Grand Jury's duty is to address citizens' concerns regarding the operation of local government entities.

The Civil Grand Jury is comprised of 19 citizens who are impaneled annually for a one-year term. The Grand Jury has a separate and different function than that of a trial jury and does not hear cases in a courtroom. Instead, grand jurors examine and investigate local governmental activities within San Joaquin County.

The responsibilities of the civil Grand Jury encompass the examination of all aspects of county government, including school and special assessment districts, to ensure that the county is being governed lawfully, efficiently and that public monies are being handled appropriately. The Grand Jury may conduct investigations of public agencies and the administration and affairs of any city within the county.

The Grand Jury is authorized by law to:

- Inquire into the condition and management of public prisons within the county;
- Investigate and report on the operations, accounts and records of city and county offices, departments and their functions;
- Inquire into the allegations of willful or corrupt misconduct of public officials;
- Investigate into the activities of all school and special assessment districts within the county;
- Submit a final report of its findings and recommendations to the Presiding Judge of the Superior Court.

How the Grand Jury is Organized

The Presiding Judge of the Superior Court empanels 19 Grand Jurors to serve for one year, fulfilling the duties as outlined under state law. The judge appoints a foreperson who presides over the grand jury. The grand jury elects other officers and organizes itself. The jurors meet in a weekly general session. Smaller investigative committees meet throughout the week.

In addition, jurors meet with county and city officials, visit county detention facilities, and conduct independent reviews on matters of interest or concern. Each of the working committees report to the full Grand Jury. Conclusions are reached after study and thorough discussion of the issues and they may appear as part of the grand jury's final report.

Desirable Attributes of a Grand Juror

Grand Jury service is a volunteer position with modest monthly compensation for meetings and mileage. Members receive a wealth of experience and provide a vital service to their community.

- Good health
- Open-mindedness
- Knowledge of and interest in local government and community affairs
- Skill in working productively with others in a group setting where respect and patience are essential
- Skill and experience in fact-finding, investigative techniques and report writing

Benefits of Being a Grand Juror

The benefits of being a grand juror are many:

- You will enjoy the satisfaction and pride of doing an important job.
- There is the experience of being a member of a respected panel.
- You will become part of a body of people with the unique authority to see local government workings not available to most county citizens.
- As a grand juror, you have an opportunity to make a difference for your community.

Qualifications

To be considered for nomination, you must meet the following legal requirements:

- Be a U.S. citizen;
- Be at least 18 years old;
- Be a resident of San Joaquin County for at least one year immediately prior to the beginning of your service;
- Possess intelligence, sound judgment and good character;
- Have sufficient knowledge of English language to communicate orally and in writing;

You cannot be considered:

- If you are serving as a trial juror in any court in California;
- If you have served as a Grand Juror in any California court within the previous year;
- If you have been convicted of malfeasance in office or any other high crime;
- If you are serving as an elected public officer.

Citizen Complaints

The Grand Jury receives complaints regarding all levels of local government. They may include, but are not limited to, allegations of misconduct by public officials or employees and inefficiencies in local government. Any citizen may submit a complaint by completing a Complaint Form.

Complaints are treated as confidential. This allows a complainant to come forward without intimidation. Generally, the Grand Jury provides to the complainant written acknowledgement of receipt of a complaint. However, with so many possible investigations, it is necessary for the Grand Jury to make hard decisions about what investigations to undertake during their term.

The complaint form should be submitted only after all attempts to correct an issue have been explored.

The Civil Grand Jury complaint form can be found on the next page and at:
<http://www.sjcourts.org/sites/default/files/pdfs/grandjury/CompForm.pdf>

Send your completed form to:

San Joaquin County Superior Court
Attn: Trisa Martinez, Judicial Secretary
222 E. Weber Avenue, Room 303
P. O. Box 201022, Stockton, CA 95201

Forms also can be obtained by visiting or writing to the address above. The Grand Jury does not accept complaints via e-mail.

To Learn More ...

For more information about the San Joaquin County Civil Grand Jury visit:
<http://sjcourts.org/general-info/civil-grand-jury>

SAN JOAQUIN COUNTY CIVIL GRAND JURY
222 E. Weber Ave., Room 303 Stockton, CA 95202
Phone: (209) 468-3855

COMPLAINT FORM

All communications to the Grand Jury are confidential.

The Grand Jury is the avenue for county residents to bring attention to what they believe are injustices not resolved by public agencies, after other reasonable efforts have failed.

What is your name, address and phone number?

What agency and/or person are you complaining against? *(Name of agency and all individuals, including their addresses and phone numbers)*

Please explain the nature of your complaint providing as many details as you can, including dates, times, and places where the events took place. *(Attach extra sheets if necessary)-*

Action taken. *(Please list other persons and/or agencies you have contacted in an attempt to resolve this complaint and any actions you have taken yourself.)*

Witnesses. *(Please provide names and telephone numbers of anyone else who can substantiate your complaint.)*

The information in this form is true, correct and complete to the best of my knowledge.

SIGNATURE: _____

DATE: _____