

The 2024 – 2025 Contra Costa County Civil Grand Jury

725 Court Street
Martinez, California 94553

Compliance and Continuity Report

Report 2501
March 13, 2025



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Civil Grand Jury reports are posted at: www.cc-courts.org/civil/grand-jury-reports.aspx

Compliance and Continuity Report

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BACKGROUND

The mission of the Contra Costa Civil Grand Jury is to identify areas where local government can be improved (findings) and make recommendations for achieving that improvement. One mission of the Compliance, Continuity and Editorial (CC&E) Committee is to review agency responses to the recommendations of the previous Grand Jury.

Grand Jury activities are governed by the requirements of California Penal Code Sections 925 through 933.6. Full text can be found on the leginfo.legislature.ca.gov website. Pertinent requirements are summarized below:

The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county... (Section 925)

The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county.... (Section 925a)

Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. (Section 933a)

The Penal Code requires agencies to respond to the findings and recommendations of the Grand Jury using specific responses within legal time limits.

Response timing:

No later than 90 days after the grand jury submits a final report on the operations of any public agency ..., the governing body of the public agency shall comment ... on the findings and recommendations... (Section 933c)

and

...every elected county officer or agency head shall comment within 60 days ... on the findings and recommendations... (Section 933c)

Response format for findings:

Penal Code Section 933.05 lists the following allowable responses. The words in **bold** are used to signify a correct response in the body of this report.

*(1) The respondent **agrees** with the finding.*

*(2) The respondent **disagrees** wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.*

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Response format for recommendations:

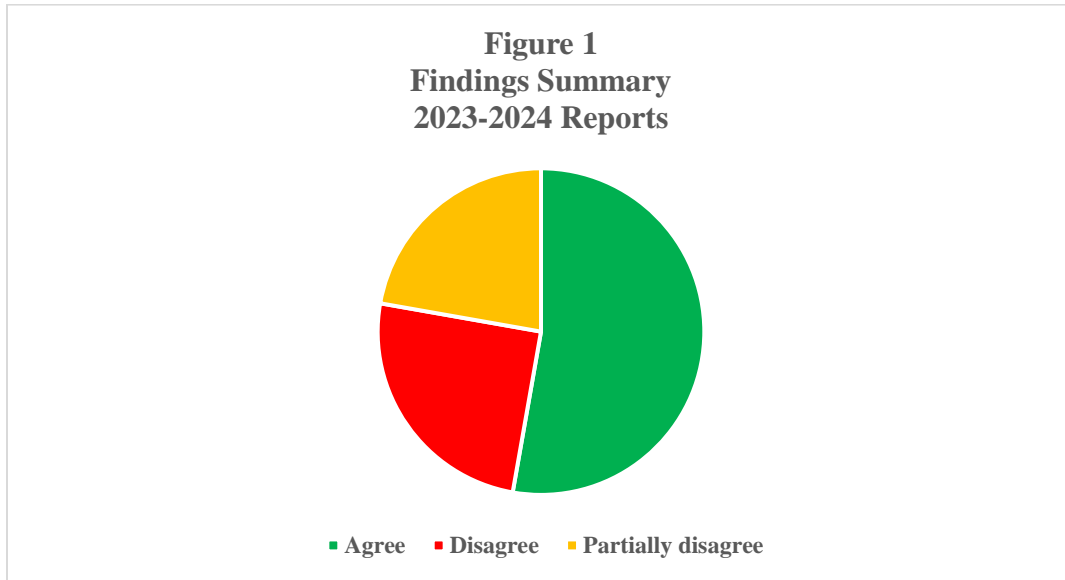
Penal Code Section 933.05 lists the following allowable responses. The words in **bold** are used to signify a correct response in the body of this report.

- (1) The recommendation **has been implemented**, with a summary regarding the implemented action.*
- (2) The recommendation has **not yet been implemented but will be implemented** in the future, with a timeframe for implementation.*
- (3) The recommendation requires **further analysis**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion This timeframe shall not exceed six months from the date of publication of the grand jury report.*
- (4) The recommendation will **not be implemented** because it is not warranted or is not reasonable, with an explanation thereof.*

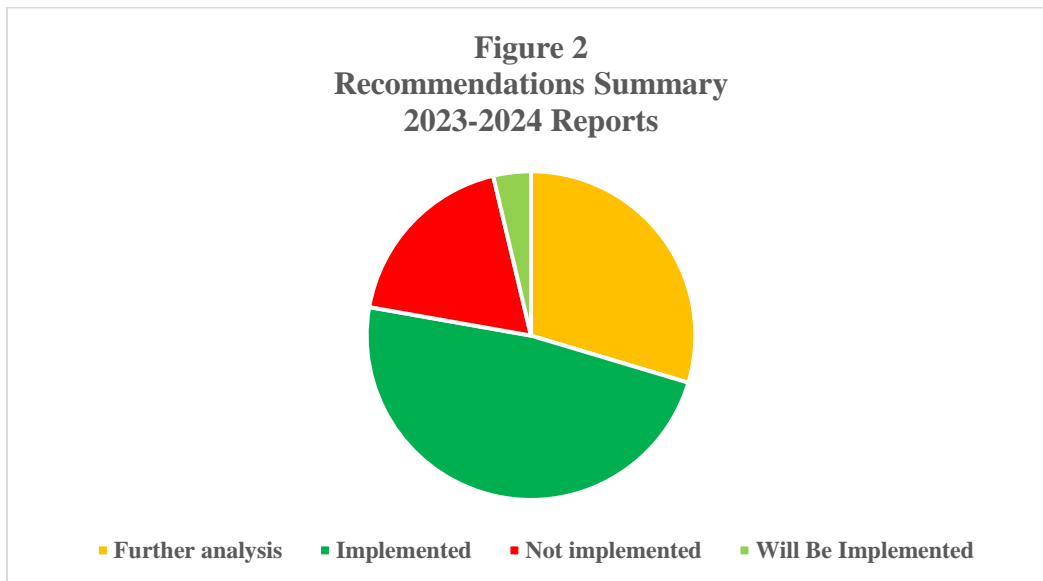
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SUMMARY

We reviewed responses to 70 findings and 27 recommendations in the 2023-2024 Grand Jury reports from four agencies. All responses were on time. Of the responses, 44 (63%) agreed with the findings, 11 (16%) partially disagreed, and 15 (21%) disagreed, as shown in Figure 1.



Responses to the recommendations were reviewed to assess compliance with Penal Code Section 933.05. Of the recommendations, 12 (44%) have been implemented, two (4%) will be, eight (30%) require further analysis, and five (19%) will not be, as shown in Figure 2.



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For further explanation of the responses to the findings and recommendations, refer to the complete responses to the Grand Jury reports posted online at www.cc-courts.org/civil/grand-jury-reports.aspx.

The Grand Jury believes it is important for future Grand Juries to continue to review these responses and to be vigilant in seeing that recommendations that have been accepted are implemented. Special attention should be paid to those responses requiring implementation within specified time frames. In this manner, the commitment and hard work of past and future Grand Juries will result in positive changes for the citizens of Contra Costa County.

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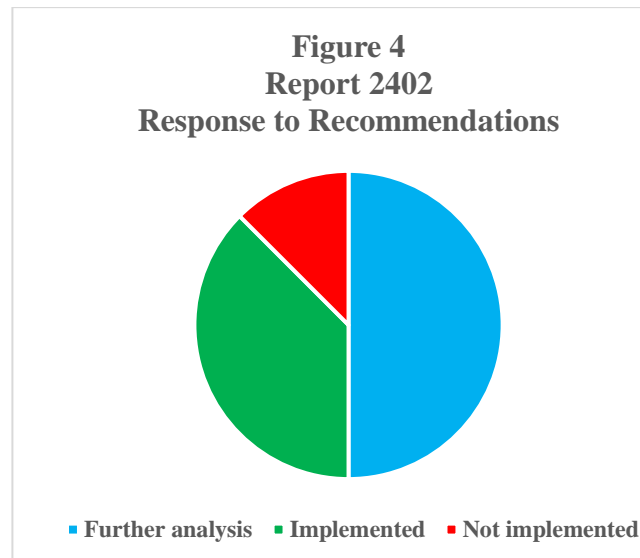
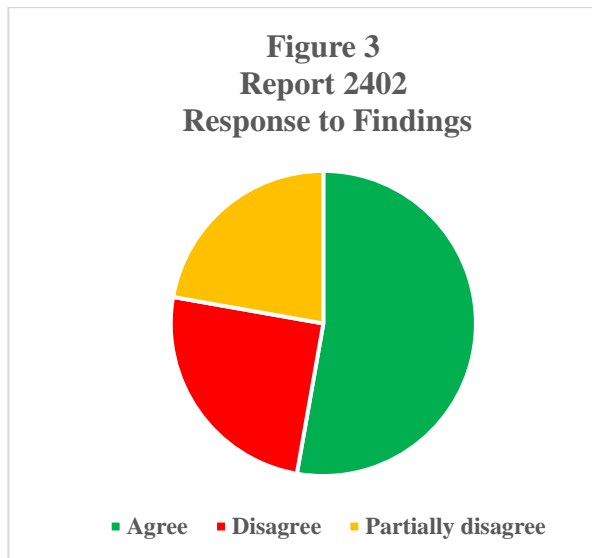
SUMMARIES OF INDIVIDUAL REPORTS

Report #2402 **The Contra Costa Community Warning System.**

Will Everyone Get a Warning in Time?

This report listed 36 findings and made eight recommendations to the Contra Costa Board of Supervisors and the Sheriff's Office. The responses **agreed** with 19 findings, **partially disagreed** with eight, and **disagreed** with nine, as shown in Figure 3.

Three recommendations have been **implemented**, four require **further analysis**, and one will **not be implemented**, as shown in Figure 4.



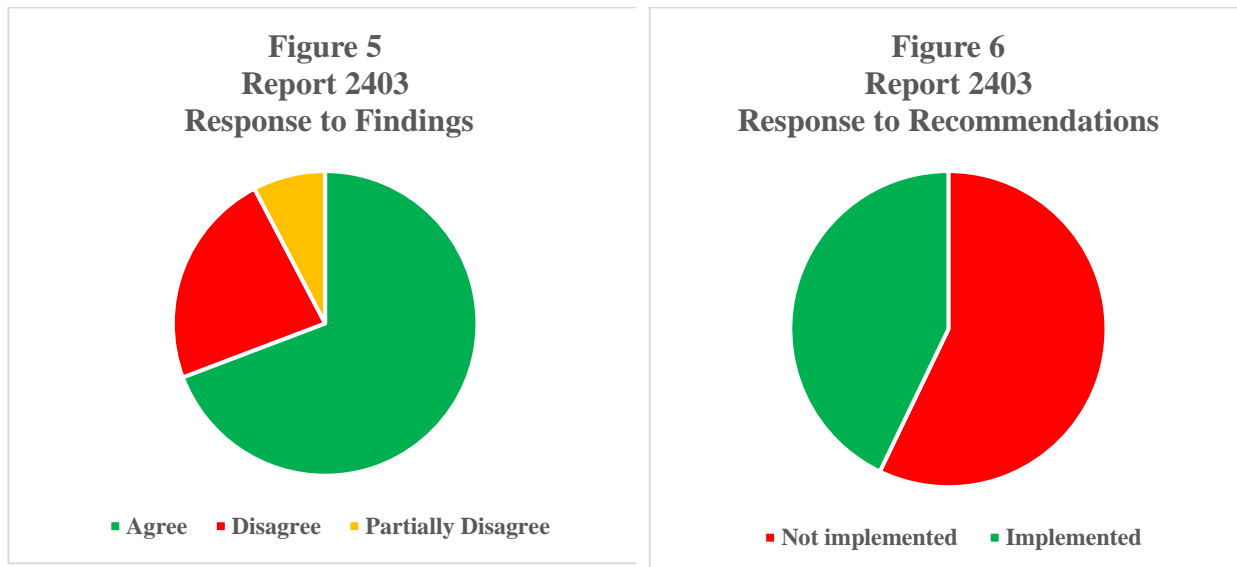
Appendix A, Tables 1 and 2 list the findings and recommendations responses for Report 2402.

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Report #2403 Construction-Related Accessibility Standards and the Department of Conservation and Development

This report listed 13 findings and made seven recommendations to the Contra Costa County Board of Supervisors. The Board of Supervisors **agreed** with nine findings, **partially disagreed** with one, and **disagreed** with three, as shown in Figure 5.

Three recommendations have been **implemented** and four will **not be implemented**, as shown in Figure 6.



Appendix A, Tables 3 and 4 list the findings and recommendations responses.

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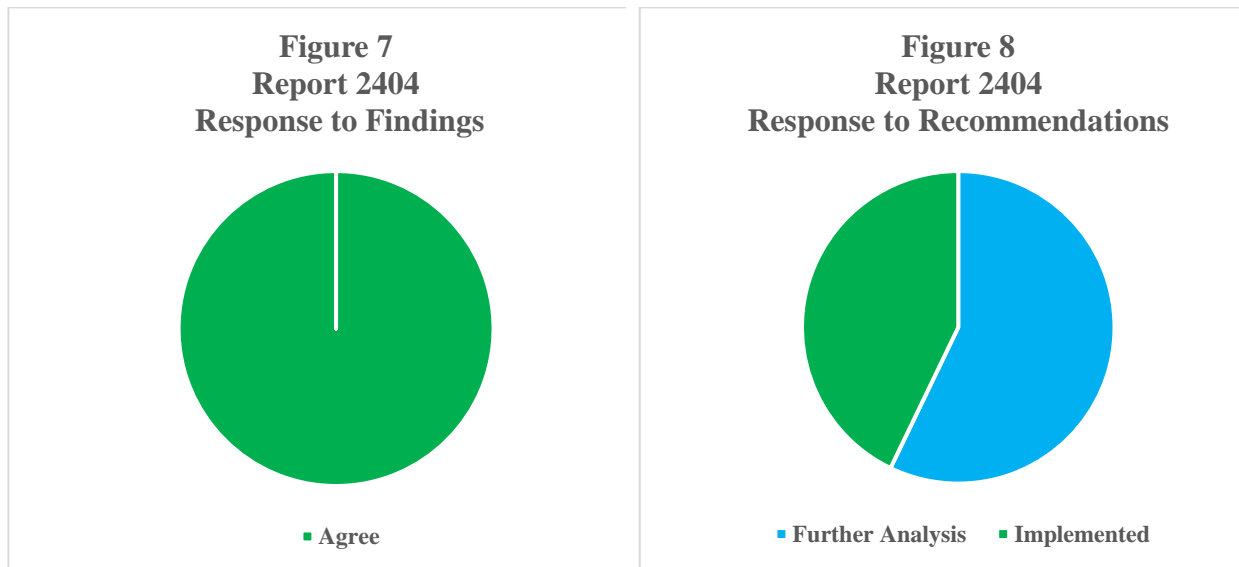
Report #2404

County Petroleum Refineries and Hazardous Material Releases

Improving the Hazmat Response

This report listed six findings and made seven recommendations to the Contra Costa County Board of Supervisors and the Sheriff's Office. The respondents **agreed** with all six findings.

Three recommendations have been **implemented** and four require **further analysis**, as shown in Figure 8.



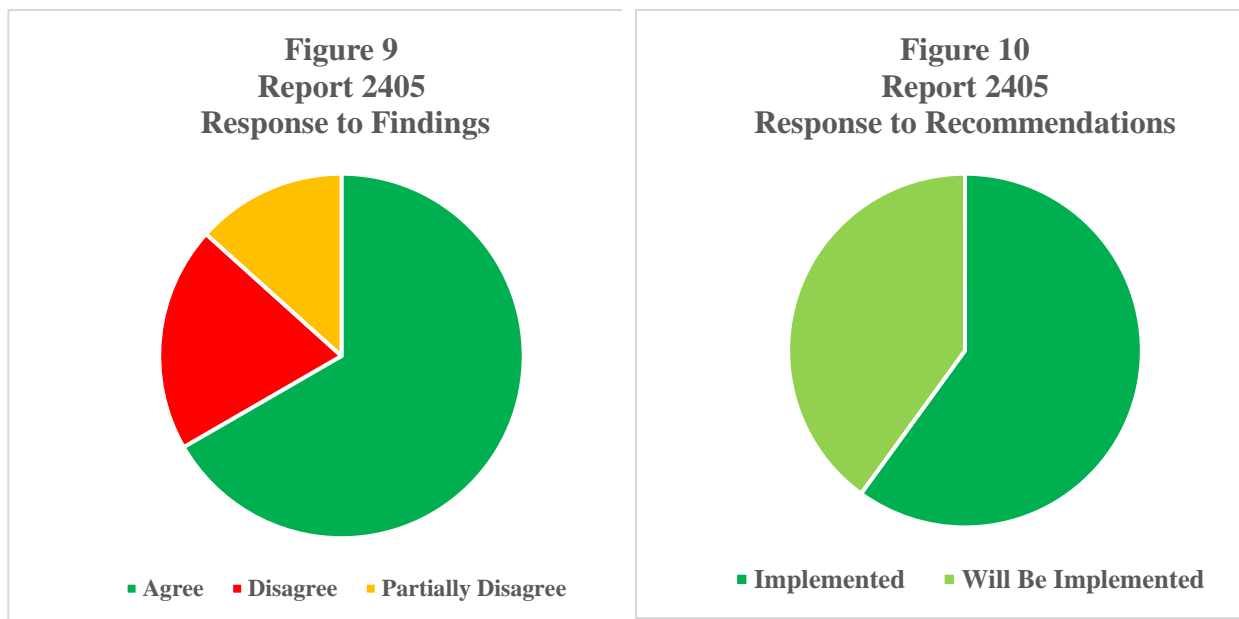
Appendix A, Tables 5 and 6 list the findings and recommendations responses.

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Report #2405 Challenges Facing the City of Antioch

This report listed 15 findings and made five recommendations to the Antioch City Council. The Council **agreed** with 10 findings, **partially disagreed** with two, and **disagreed** with three, as shown in Figure 9.

Three recommendations have been **implemented** and two **will be implemented**, as shown in Figure 10.



Appendix A, Tables 7 and 8 list the findings and recommendations responses.

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METHODOLOGY

Compliance

The CC&E Committee reviewed all responses to findings and recommendations to the 2023-2024 report for compliance with Penal Code Section 933.05 requirements. The responses to each report were entered into an Excel spreadsheet. The information entered in these spreadsheets was used to prepare the figures in this report, and an abbreviated version is included in Appendix A, Tables 1 through 8.

Continuity

The CC&E Committee investigated responses to recommendations that did not meet the Penal Code Section 933.05 requirements. A separate Excel spreadsheet was used to list all the recommendations that needed follow-up. The committee sent letters requesting responses compliant with the Penal Code. The date of letters sent out and responses received were logged in the continuity spreadsheet and used to prepare the recommendation figures.

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APPENDIX A: TABLES SHOWING FINDINGS, RECOMMENDATIONS, AND RESPONSES

Table 1

Report 2402 The Contra Costa Community Warning System Will Everyone Get a Warning in Time?	
Findings	Response
F1. The CWS [community warning system] is used in response to emergencies in the County.	Agree
F2. About 30% of County residents have created a CWS account and entered their contact data.	Agree
F3. The approximately 70% of residents who haven't registered with CWS may not receive alerts in the event that other alerting tools not reliant on registration in the CWS—WEA [Wireless Emergency Alerts], radios and TVs—are not activated.	Disagree
F4. Additional redundancies in the processes and operation of the CWS can increase the potential for more people to receive timely alerts.	Agree
F5. To enable the redundancy of other alerting tools—sending recorded voice messages to cell and VoIP [Voice over Internet Protocol] phones, text messages, and emails—the contact data for these devices must be registered in the CWS.	Disagree
F6. Phone numbers and associated physical addresses can be loaded into the CWS for all businesses and residents in the County from the various telecom providers that serve the County.	Partially disagree
F7. In an opt-out warning system, County residents and businesses that do not want phone and/or email data in the CWS can request to have their data removed.	Agree
F8. The reliance of the CWS on voluntary registration creates a risk that too few residents will register their phones and email in CWS.	Disagree
F9. An opt-out system would incur annual costs for data subscriptions on the order of \$100,000.	Disagree

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F10. An opt-out system would incur an initial cost to educate residents and businesses of the CWS system change on the order of \$500,000.	Disagree
F11. Outdoor warning systems supplement other warning tools by providing acoustic (voice or siren sounds) to people who are indoors.	Agree
F12. Long Range Acoustic Devices (LRADs) can broadcast audible instructions to people outdoors when cell phones and other alert-receiving devices may not be working or heard.	Agree
F13. A sound study is needed to evaluate where, if at all, LRADs might be effective in Contra Costa County.	Agree
F14. Sites where LRADs could be located would need to be identified for any areas in which LRADs are found to be effective.	Agree
F15. The County would incur a cost for a sound study on the feasibility to deploy LRADs within the County.	Agree
F16. There is no estimate of the cost for an independent, third party to conduct a feasibility study for the use of LRADs within the County.	Agree
F17. LRADs would be part of the County's emergency response warning tools.	Partially disagree
F18. Costs related to emergency response can be funded from Measure X revenue.	Agree
F19. At all times, one of the three CWS employees is the designated on-call duty officer who responds to requests for activation of the CWS.	Partially disagree
F20. In the event of disasters such as fast-moving wildfires, a reasonable time for alerts to be sent to the public is within 20 minutes of when the incident commander contacts the CWS duty officer.	Partially disagree

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F21. Once the CWS duty officer is contacted by the Sheriff's dispatch center the CWS duty officer has up to 10 minutes to call the incident commander.	Agree
F22. In the event the CWS duty officer is not reached after two attempts to contact them, the dispatch center attempts to contact a backup person to the duty officer.	Agree
F23. Additional time is required to contact CWS backup personnel and have them get to a computer and establish a secure connection into the CWS.	Agree
F24. In the event the CWS duty officer is not reached after two attempts but the dispatch center to contact them, the time required to contact backup personnel to the on-call CWS duty officer is uncertain.	Agree
F25. Reliance on a single person to operate the CWS, the on-call CWS duty officer, creates a risk that alerts and notifications could be delayed.	Partially disagree
F26. Two evacuation drills in the city of Richmond in 2022 and 2023 resulted in half of the drill participants claiming they should have received a drill alert but did not, or received the alert hours later after the drill was completed.	Disagree
F27. The CWS did not conduct any studies to verify or understand the claims Richmond evacuation drill participants made that they should have received a drill alert but did not, or received the alert hours later after the drill was completed.	Disagree
F28. The CWS is not tested to determine the extent to which people actually notice, read, or hear alerts sent by the CWS.	Partially disagree
F29. The CWS staff evaluates its systems and processes for risks.	Agree
F30. The County has not engaged a firm with expertise in risk analysis of community warning systems to conduct a comprehensive risk analysis of the CWS since the County took control of the system in 2001.	Agree

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F31. The current process for improving the design and operation of the CWS for alerts is not related to releases of hazardous chemicals resides within the Sheriff's Office.	Agree
F32. There is no formal body or process that brings together emergency response agencies in the County to focus and advise solely on the design and operation of the CWS.	Disagree
F33. The functioning and effectiveness of the CWS can be improved, and operational risks reduced, with the implementation of a CWS advisory body.	Disagree
F34. The Emergency Services Policy Board can create subcommittees, such as a CWS advisory committee.	Partially disagree
F35. The CWS staff provides training materials to the fire districts, fire departments, police departments, and dispatch centers in the County on the use of CWS, its tools, types of warnings, activation, and information needed by the CWS duty officer.	Agree
F36. The CWS staff does not have a process to determine if the recipients of the training it provides to first responders of the fire districts/departments, police departments, and dispatch centers who receive training materials on CWS have read and understood the training materials.	Partially disagree

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Table 2

Report 2402 The Contra Costa Community Warning System Will Everyone Get a Warning in Time?	
Recommendations	Response
R1. By March 31, 2025, the Board of Supervisors should develop a plan to modify the CWS so that it automatically registers all available contact data for all County residents and businesses into its system and provides a mechanism for residents and businesses to opt out of the automatic registration process.	Implemented
R2. By December 31, 2025, the Board of Supervisors should complete the plan to modify the CWS so that it automatically registers all available contact data for all County residents and businesses into its system and provides a mechanism for residents and businesses to opt out of the automatic registration process.	Implemented
R3. By December 31, 2024, the Board of Supervisors should commission a sound study by an independent, third party to determine the feasibility of deploying LRADs in any areas of the County.	Further analysis
R4. By June 30, 2025, the Office of the Sheriff should train employees in the Sheriff's dispatch center to operate the CWS.	Further analysis
R5. By March 31, 2025, the Office of the Sheriff should implement a plan to conduct testing of the CWS to determine the causes of the failure of CWS alerts to reach all the intended recipients of test alerts within 10-20 minutes of the time the alert is sent.	Implemented
R6. By June 30, 2025, the Board of Supervisors should execute a contract with a third-party consulting firm to conduct a comprehensive risk analysis of the CWS, including its processes, procedures, contracts, hardware, and software.	Further analysis

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R7. By March 31, 2025, the Board of Supervisors should direct the County's Chief Administrative Officer to establish a CWS advisory subcommittee of the Emergency Services Policy Board.

**Not
implemented**

R8. By June 30, 2025, the Office of the Sheriff should implement a process to ensure that first responders in County agencies who take the CWS training certify they have reviewed and understood the training materials.

Further analysis

Table 3

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Report 2403 Construction-Related Accessibility Standards and the Department of Conservation and Development

Findings	Response
F1. Civil Code Section 55.53 (d)(1) requires public agencies to employ or retain at least one building inspector who is a CASp [certified access specialist].	Agree
F2. Contra Costa County is a public agency covered by this Civil Code Section.	Agree
F3. The DCD [Department of Conservation and Development] did not comply with Civil Code Section 55.53 (d)(1) between 6/8/2013 and 6/21/2021 or between 9/21/2021 and 12/31/2023.	Agree
F4. Civil Code Section 55.53 (d)(2) requires public agencies to employ or retain a sufficient number of CASps to conduct permitting and plan check services, effective 1/1/2014.	Agree
F5. CASps currently retained by DCD are available for consultation on accessibility requirements.	Agree
F6. DCD does not have a procedure for any CASps to conduct permitting and plan check services in the building permit approval process.	Disagree
F7. Government Code Section 4469.5 requires public agencies to provide an informational notice about accessibility laws to applicants for building permits for additions, alterations, and structural repairs to commercial property, or building permits for new construction of commercial property. This notice encourages business permit applicants to consult CASps.	Agree
F8. DCD was not providing the informational notice required by Government Code Section 4469.5 as of 12/31/2023.	Agree
F9. The law requires that moneys in the Accessibility Compliance Fund shall be used for increased certified access specialist (CASp) training and certification within that local jurisdiction and to facilitate compliance with construction-related accessibility requirements.	Agree

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F10. DCD, as of 2022, had used less than 28% of the Accessibility Compliance Fund. The expenditure was used for training.

Agree

F11. The staff being trained for CASp certification are primarily senior staff and may not be involved in most construction-related accessibility reviews.

Disagree

F12. The Grand Jury has not been able to independently verify that DCD staff have been adequately trained to review building plans and building inspections for compliance with the accessibility requirements in the Building Code as none have been certified by DSA [Division of the State Architect].

Disagree

F13. Building permit fees and the Accessibility Compliance Fund are both allowable sources of funding for review of the effective use of CASps in the building department.

**Partially
Disagree**

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Table 4

Report 2403 Construction-Related Accessibility Standards and the Department of Conservation and Development

Recommendations	Response
<p>R1. By December 31, 2024, the Board of Supervisors should consider commissioning an independent CASp review of how DCD is ensuring that the building permit process enforces federal and state accessibility requirements.</p>	<p>Not implemented</p>
<p>R2. By December 31, 2024, the Board of Supervisors should consider commissioning an independent CASp review to determine how many CASps is a sufficient number to conduct permitting and plan check services at DCD.</p>	<p>Not implemented</p>
<p>R3. By March 31, 2025, the Board of Supervisors should consider directing DCD to employ or retain the sufficient number of CASps to conduct permitting and plan check services.</p>	<p>Not implemented</p>
<p>R4. By September 30, 2024, the Board of Supervisors should consider directing DCD to report to the County Administrator periodically to confirm the number of CASps employed or retained.</p>	<p>Not implemented</p>
<p>R5. By December 31, 2024, the Board of Supervisors should consider directing DCD to have a procedure in the building permit approval process that identifies those situations where a CASp review is required.</p>	<p>Implemented</p>
<p>R6. By September 30, 2024, the Board of Supervisors should direct DCD to develop the informational notice required by California Code 4469.5 for current and new commercial building permit applications.</p>	<p>Implemented</p>
<p>R7. By September 30, 2024, the Board of Supervisors should direct DCD to provide the informational notice required by California Code 4469.5 to current and new commercial building permit applications.</p>	<p>Implemented</p>

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Table 5

Report 2404 County Petroleum Refineries And Hazardous Material Releases Improving The Hazmat Response

Findings	Response
F1. An opt-out rather than an opt-in system for all cell phone numbers of county residents should increase the percentage of residents receiving accurate and timely information regarding hazardous material releases.	Agree
F2. A Level One incident that may include flaring, fire/smoke/plume, odors, or other conditions that can be observed or sensed by the public off site is not presently reported by CWS to landline telephones or registered cell phones, and the system can be modified to do so.	Agree
F3. Contra Costa Health Services has hired an outside contractor to perform a CUPA [Certified Unified Program Agency] fee study which in draft status and currently not available for inclusion in this report.	Agree
F4. One purpose of the new CUPA fee study is to support the request from Contra Costa Health Services for a change in its organizational structure to establish the job classification of Supervising Hazardous Materials Specialist.	Agree
F5. Contra Costa Health Services is in the process of receiving approval from the Board of Supervisors to add three Supervising Hazardous Materials Specialists to its staff.	Agree
F6. Placing a toxicologist on retainer would enable Contra Costa Health Services to obtain a toxicology report needed for some hazardous material release incidents without the delay of the current procedure.	Agree

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Table 6

Report 2404 County Petroleum Refineries And Hazardous Material Releases Improving The Hazmat Response

Recommendations	Response
<p>R1. By March 31, 2025, the Board of Supervisors should develop a plan to modify CWS so that it automatically registers all available contact data for all county residents and businesses into CWS and provides a mechanism for residents and businesses to opt out of the automatic registration process.</p>	Further Analysis
<p>R2. By December 31, 2025, the Board of Supervisors should complete the implementation of the plan to modify CWS so that it automatically registers all available contact data for all county residents and businesses into CWS and provides a mechanism for residents and businesses to opt out of the automatic registration process.</p>	Further Analysis
<p>R3. By December 31, 2024, the Board of Supervisors should approve a modification to HMINP [Hazardous Materials Incident Notification Policy] giving residents the option to receive awareness messaging from CWS for Level One incidents that can be observed or sensed by the public off site.</p>	Implemented
<p>R4. By December 31, 2024, the Board of Supervisors should consider approval of the request from Contra Costa Health Services to establish the job classification of Supervising Hazardous Materials Specialist.</p>	Implemented
<p>R5. By December 31, 2024, the Board of Supervisors should consider approval of the request from Contra Costa Health Services to add three Supervising Hazardous Materials Specialists to the staff at HazMat.</p>	Implemented
<p>R6. By December 31, 2024, the Board of Supervisors should consider approval of the retention on retainer of a toxicologist by Contra Costa Health Services.</p>	Further Analysis
<p>R7. By December 31, 2024, the Board of Supervisors should consider approval of the new CUPA permit fee schedule proposed by Contra Costa Health Services.</p>	Further Analysis

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Table 7

Report 2405 Challenges Facing the City of Antioch

Findings	Response
F1. Antioch's City Manager has broad responsibility to ensure the efficient operation of the city, including supervision of an approximately \$100 million general fund budget and an authorized staff of over 400 employees.	Agree
F2. The city began the process of recruiting a new permanent City Manager in January 2024. As of June 10, 2024, no hiring decision has been announced.	Agree
F3. As outlined in both the City Manager job description and in city recruitment materials, the City Manager position requires a qualified and experienced individual.	Agree
F4. There has been a lack of continuity in City Managers in Antioch, with six City Managers or Acting City Manager since December 2013.	Partially Disagree
F5. Under city ordinances, the City Council, including the Mayor, has no direct authority to direct, supervise, hire, or fire any city employees, other than the City Manager and City Attorney (Ordinance 246-A).	Agree
F6. The Mayor and City Council members have on occasion overstepped their authority in seeking to make personnel decisions, including terminating the then Public Works Director in December 2022, in ways not permitted by city ordinance (Antioch City Code § 2-2.06 and § 2-2.10).	Disagree
F7. The Mayor and City Council members have on occasion sought to conduct meetings with City Staff without approval or involvement of the City Manager, as required by city ordinance (Antioch City Code § 2-2.10).	Disagree
F8. Antioch's city government had a 21.6% employee vacancy rate as of February 2024, roughly four times the national average for government agencies.	Agree

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F9. In the absence of a permanent City Manager since March 2023, the city has deferred hiring new department heads when openings occur. **Agree**

F10. The Police, Public Works and Community Development departments currently are without permanent department heads. **Agree**

F11. Seven of the eleven most senior positions in Antioch city government are currently held by acting or part-time personnel, including City Manager, Assistant City Manager, Directors of Community Development, Police Services, and Public Works (all acting) and the Directors of Economic Development and Recreation (both part-time). **Agree**

F12. The employee vacancy rate is above the city-wide average in the Public Works Department (26% vacancy rate) and Community Development Department (35% vacancy rate), both of which currently do not have permanent directors. **Partially Disagree**

F13. Recruitment and retention of staff has been impacted by the absence of a permanent City Manager and the lack of permanent department heads in multiple city departments. **Disagree**

F14. The Contra Costa County District Attorney's Office conducted an investigation into alleged Brown Act violations by Mayor Lamar Hernandez-Thorpe and Council Members Tamisha Torres-Walker and Monica Wilson, which was forwarded to the Grand Jury. **Agree**

F15. The District Attorney's Office noted serious concerns that noncompliance with the Brown Act may have occurred, however, there was insufficient evidence to prove beyond a reasonable doubt intentional violations of the statute occurred. **Agree**

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Table 8

Report 2405 Challenges Facing the City of Antioch

Recommendations	Response
<p>R1. The Mayor and City Council should follow through on the ongoing process of hiring an experienced and qualified City Manager.</p>	Implemented
<p>R2. The Mayor and City Council should abide by city regulations (Antioch City Code § 2-2.06 and § 2-2.10) that preclude the Mayor and City Council from having any direct authority to direct, supervise, hire, or fire any city employee, other than the City Manager and City Attorney.</p>	Will Be Implemented
<p>R3. The new City Manager should, within six months of their appointment to the position of City Manager, recruit and appoint permanent department heads to fill current department head vacancies.</p>	Will Be Implemented
<p>R4. By Jan. 1, 2025, the City Council should direct the City Manager to undertake a study to determine the factors leading to the city's high employee turnover and vacancy rates.</p>	Implemented
<p>R5. By Jan. 1, 2025, the Mayor and City Council should consider directing the City Manager and City Attorney to organize an annual training session focused on Brown Act requirements and compliance for the Mayor, City Council members, relevant city employees and members of city boards and commissions.</p>	Implemented