

Contra Costa County Grand Jury Report 1101

**COMPLIANCE AND REVIEW COMMITTEE REPORT**

The Contra Costa County Civil Grand Jury is impaneled annually to investigate city and county governments, special districts and certain non-profit corporations to ensure that their functions are performed in a lawful, economical and efficient manner. Findings and Recommendations developed from these investigations are contained in reports signed by the Grand Jury Foreperson and the Grand Jury Judge. Responses to these reports must be made within certain time constraints and in accordance with specific formats pursuant to 933 and 933.05 of the California Penal Code.

The following Compliance and Review Committee report was prepared by the 2010-2011 Grand Jury. A function of the Compliance and Review Committee is to request additional responses in cases where the original responses were deemed to be inadequate. Any such additional responses have been included in this report.

This year as last year, responses to last year's Grand Jury reports were posted on the Contra Costa County Grand Jury Website shortly after receipt and in their entirety. The entire responses often contain additional background information not required by law and not contained herein.

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 have been carried out. 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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**CONTRA COSTA COUNTY GRAND JURY REPORT NO. 1002**

**County and Municipal Detention Facilities Inspection**

*Response from Contra Costa County Board of Supervisors*

**FINDINGS AND RECOMMENDATIONS**

**1. West County Detention Facility has an inoperable Central Communications Intercom System.**

*Response: Partially disagrees. At the time of inspection the Central Communications Intercom System was outdated and inoperable. At the time of this report, the Central Communications Intercom System had been replaced and was fully functional.*

**Recommendation: The Contra Costa County Sheriff's Department shall repair or replace the system.**

*Response: The central communications system was replaced. West County Detention facility currently has an upgraded, modern functioning central communications intercom system.*

**2. Marsh Creek Detention Facility has vocational programs to assist detainees with resocialization and transition upon release to productive community living.**

*Response: Agrees*

**3. Chris Adams Girls' Center was permanently closed effective September 30, 2009.**

*Response: Agrees*

**Recommendation: The Board of Supervisors shall direct a study to determine how female juvenile offenders in need of intensive therapeutic treatment can be served.**

*Response: The recommendation will not be implemented because it is not warranted. In response to the closure of the Chris Adams Girls' Center, the Probation Department re-allocated its resources to provide intensive rehabilitative treatment to girls who are committed to Juvenile Hall. Conceptualized in November 2009, the Girls' In Motion Program accepted its first girls in January 2010. Probation staff has received intensive gender-specific training, enabling it to provide programming including Girl's Circle, Aggression Replacement Training, and Life Skills to girls, and collaborates with community partners to provide trauma-based treatment groups. Probation is also seeking grant funding to increase mental health support services to girls in the program.*

*In addition, girls who are ordered into placement that do not require the structure of a secure program are placed in out-of-county residential homes.*

4. Orin Allen Youth Rehabilitation Center demonstrated improvement from findings in last year's Grand Jury Inspection Report Number 0905. However, CSA standards related to hygiene were not met. Showers and drains are in need of deep cleaning, mold removal and leak repair.

***Response:** Disagrees. The facility has always met CSA standards. Mold has never been detected in any area of the facility. Due to the high volume of use, showers and drains in both dormitories are deep-cleaned on a regular basis and any leaks are immediately corrected by the County's General Services Department.*

Recommendation: The Board of Supervisors shall direct that appropriate cleaning and repairs are implemented.

***Response:** The recommendation has been implemented.*

*Response from the City of Richmond*

5. **Finding: Richmond Police Department had an overflowing biohazard container.**

***Response:** Agrees*

**Recommendation: The Richmond Police Department shall train responsible personnel in proper handling of biohazard material.**

***Response:** Richmond Police Department contracts with County Health services and expects that all contents will be removed or container replaced with a fresh one on each visit. Also the Department has invested in newer and larger bio hazard containers to better serve the officers and technicians. The new containers have been wall mounted and are very easy to lift to replace; the smaller units sat on desk tops.*

6. **Martinez Detention Facility, West County Detention Facility and Marsh Creek Detention Facilities provide meals that meet nutritional requirements for only \$3.30 a day per inmate.**

***Response:** Agrees*

**Recommendation: None**

**CONTRA COSTA COUNTY GRAND JURY REPORT NO. 1003**

**Independent Special District Audit Practices**

**FINDINGS AND RECOMMENDATIONS**

**1. Section 26909(b) of the California Government Code required that Special Districts submit audits to both the State Controller and Contra Costa County Auditor. Sixteen Special Districts did not submit audits to both agencies. Three districts did not submit an audit to either agency.**

**Recommendation: Special Districts that did not submit audits to the State Controller and the Contra Costa County Auditor need to institute procedures to ensure timely submissions of future audits to these agencies.**

*Responses:*

<i>Special District</i>	<i>Response</i>	<i>Recommendation</i>
<i>Bethel Island Municipal Improvement District</i>	<i>No Reply</i>	
<i>East Bay Regional Park District</i>	<i>Partially disagrees</i>	<i>The Park District is a multi-county special district. According to Government Code Section 26909(a)(4), a special district located in two or more districts, such as the Park District, shall file an audit report with the county auditor of the county in which the treasury is located. The Park District's treasury is located in Alameda County.</i>
<i>East Contra Costa Irrigation District</i>	<i>Disagrees</i>	<i>Contra Costa County Office of the Auditor-Controller has confirmed receipt of the District's 2009 annual report.</i>
<i>Green Valley Recreation and Park District</i>	<i>Disagrees</i>	<i>Not reasonable for a district of our size. Will make every effort to implement starting with financial audit for fiscal years 2006-2010.</i>
<i>Los Medanos Community Healthcare District</i>	<i>No reply</i>	
<i>Moraga Orinda Fire Protection District</i>	<i>Agrees</i>	<i>District financial audits have been submitted to the Contra Costa County Auditor-Controller's office every year except for 2008-2009. A copy of the 2008-2009 financial audit was sent to the County Auditor/Controller's office on July 6, 2010. The District has requested the District's auditor to send a copy of the District's completed financial audit to the County Auditor-Controller's office as a standard practice. This procedure will be incorporated into all future Auditor Letter's of Engagement.</i>

<i>Quimby Island Reclamation District #2090</i>	<i>No reply</i>	
<i>Reclamation District 2065</i>	<i>Disagrees</i>	<i>The recommendation has been implemented. It has been and will continue to be our practice to timely submit copies of its audits to both the State Controller and the Contra Costa County Auditor.</i>
<i>Reclamation District 2121</i>	<i>No reply</i>	
<i>Reclamation District 2024</i>	<i>Agrees</i>	<i>The district has in the past and intends to continue to submit annual audits to the State Controller and Contra Costa County Auditor.</i>
<i>Reclamation District 2025</i>	<i>No reply</i>	
<i>Reclamation District 2026</i>	<i>No reply</i>	
<i>Reclamation District 2137</i>	<i>No reply</i>	
<i>San Ramon Valley Fire District</i>	<i>Agrees</i>	<i>The Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2008 was mailed to the State Controller and Contra Costa Auditor on April 7, 2010. Procedures have been implemented to ensure timely submission of future audits by District Finance Division staff to these agencies.</i>
<i>Town of Discovery Bay CSD</i>	<i>Partially Disagrees</i>	<i>The financial statements and independent auditors' report for the year ended June 30, 2007 was mailed to the County Auditor and State Controller on May 20, 2009. The reports for the year ended June 30, 2008 were mailed to the County Auditor and State Controller April 2, 2010. The recommendation has been implemented and our district will file the audits within 12 months of the end of each fiscal year.</i>

- 2. There is no requirement that a Special District change auditors from time to time. However, to enhance accountability it is prudent that the audit firm be changed periodically. This will ensure that a “fresh set of eyes” can look at the financial compliance and health of the district. Thirty five percent of the districts have used the same audit firm for five or more years.**

**Recommendation: Special Districts should change audit firms at least every five years.**

***Responses:***

<i>Special District</i>	<i>Response</i>	<i>Recommendation</i>
<i>East Bay Regional Park District</i>	<i>Agrees</i>	<i>The Park District changes its audit firm every three to five years.</i>
<i>East Contra Costa Irrigation District</i>	<i>Agrees</i>	<i>The District has a three-year contract with its current auditing firm and will pursue a change</i>

		<i>upon the termination of that contract.</i>
<i>Green Valley Recreation and Park District</i>	<i>Disagree</i>	<i>We will make every effort to implement this recommendation starting with the financial audit for fiscal years 2006-2010 by June 30, 2011. However, we find this recommendation not reasonable for a district of our size. Our annual budget is small, approximately \$80,000. Several audit firms contacted in recent years refused our business because we are so small. We may need to use the same audit firm to gain simply because we cannot find anyone else to do our audit.</i>
<i>Los Medanos Community Healthcare District</i>	<i>No reply</i>	
<i>Moraga Orinda Fire Protection District</i>	<i>Disagrees</i>	<i>The District used the same CPA firm to audit its financials for fiscal years 2002/2003 through 2006/2007. In 2007/2008 the District selected a new audit firm through an RFP process. The recommendation to change audit firms at least every five years will not be implemented as outlined. The Moraga-Orinda Fire District Board, as a matter of policy, may change audit firms every five years. However, when determining whether a new financial auditor is warranted the Moraga-Orinda Fire District Board will carefully consider prudent fiscal responsibilities as well as accountability.</i>
<i>Quimby Island Reclamation District #2090</i>	<i>No reply</i>	
<i>Reclamation District 2065</i>	<i>Partially disagrees</i>	<i>Even though we have used the same audit firm for several years, the actual individuals working within that firm have changed over the years and continue to change. Fresh sets of eyes have indeed looked at the financial compliance and health of RD 2065 during its engagement with its current audit firm. RD 2065 is agreeable to changing audit firms at least once every five years and has recently engaged a new audit firm to perform the audit for the year ending June 20, 2010.</i>
<i>Reclamation District 2121</i>	<i>No reply</i>	
<i>Reclamation District 2024</i>		<i>The Board of Trustees has not yet considered the matter. Although the District has had the same firm performing the annual audit for a number of years, there have been frequent changes in the individual auditors who actually perform the audit. Typically there have been two and usually</i>

		<i>three auditors on the auditing team with changes in one or more members every two to three years. Changing auditing firms will require additional District costs. There will be new letters of engagement and more staff time to help with the transition. Staying with the same auditing firm but with periodic changes in the individuals performing the audit can help maintain continuity and still include a “new set of eyes”.</i>
<i>Reclamation District 2025</i>	<i>No reply</i>	
<i>Reclamation District 2026</i>	<i>No reply</i>	
<i>Reclamation District 2137</i>	<i>No reply</i>	
<i>San Ramon Valley Fire District</i>	<i>Agrees</i>	<i>This recommendation has not yet been implemented, but will be implemented in the future. The District is currently under contract with its auditors for services through the fiscal year ending June 30, 2011. At the conclusion of the current contract, the District will issue a Request for Proposal for Audit Services and change audit firms.</i>
<i>Town of Discovery Bay CSD</i>		<i>The recommendation has not yet been implemented, but we will consider implementing this after our current audit has been finalized and approved.</i>

CONTRA COSTA COUNTY GRAND JURY REPORT NO. 1004

COUNTY CELL PHONES

*Response from Contra Costa County Board of Supervisors*

**FINDINGS AND RECOMMENDATIONS**

- 1. Use of multiple providers results in higher costs and inhibits the ability to achieve and maintain optimal cost efficiency.**

*Response: Agree*

**Recommendation: Within 90 days, the Board of Supervisors shall select one provider to reduce cost per minute for all users.**

*Response: The recommendation will not be implemented because it is not reasonable. Coverage quality is an important factor in choosing a cellular provider. Due to the topographical make-up of Contra Costa County, there is not currently a single provider that is able to provide service to all areas of our County. Advances in cell phone technology may soon solve this problem and at that point, the County will seriously consider a single contract.*

- 2. Individual Departments manage and administer their own cell phone contracts, resulting in higher cost and inefficiency: i.e., tracking of minutes purchased vs. minutes used, equipment inventory control and simplified invoicing and payment.**

*Response: Partially disagree. Although many individual departments do manage their own cell phone contracts, they are managing them through Government rate plans including California Multiple Awards Schedules (CMAS). The CMAS contract, for instance, offers a wide variety of commodities, non-IT services, and information technology products and services at prices which have been assessed to be fair, reasonable, and competitive. The use of these contracts is optional and is available to both California State and Local Government agencies.*

**Recommendation: The Board of Supervisors shall centralize contract management and administration immediately upon conversion to a single provider contract.**

*Response: The recommendation will not be implemented because it is not reasonable. Although the County agrees that a greater standardization of cell phone administration is needed, centralized administration of this function would require greater resources than are currently available. The County agrees that more thorough review of individual use and adjustment of plans can save money. The County Administrator's Office has surveyed other County governments and is in the process of developing an Administrative Bulletin on Cellular Phone and Smartphone Policy. The purpose of the policy is to standardize the*

*guidelines for issuance and use of cellular phone and/or smart phones. Additionally, and perhaps more importantly, the policy will describe the proper internal controls to use in review of rate plans and individual use. The policy will be forwarded to the Internal Operations Committee and issued this summer.*

**3. Multiple providers results in charges for cell to cell communications between provider networks.**

*Response: Partially disagree. Some of the County's plans are for unlimited minutes, therefore there are no additional charges for cell to cell communications between providers; however, it is true that the majority of County phones are on individual department, specific carrier, pooled minute plans.*

**Recommendation: One provider shall be utilized unless required services are not available.**

*Response: The recommendation will not be implemented because it is not reasonable (see response number one). Additionally, although Countywide pooled plans would save money overall they would by definition include interdepartmental subsidies. These subsidies would likely cause federal and State claiming issues.*

**4. Push to talk, an essential no cost communication tool which includes group calling, is only possible within a single provider network.**

*Response: Agree*

**Recommendation: Push to talk feature should be included in any service contract.**

*Response: The recommendation will not be implemented because it is not reasonable. The push to talk feature is an added cost which is not always needed and therefore not currently included in all rate plans used by the County. As was pointed out in response number 2, all plans should be regularly reviewed and adjusted to ensure that the most cost effective plans are contracted.*

**CONTRA COSTA COUNTY GRAND JURY REPORT NO. 1005**

**SOUNDING THE ALARM**

**FINDINGS AND RECOMMENDATIONS**

**1. Twenty-six (26) schools did not respond to the survey.**

**Recommendation:** School District Governing Boards shall review the list of non-responding schools, determine the types of their fire alarm systems and take appropriate action as required by law.

**Responses:**

<i>School District and School(s)</i>	<i>Response</i>	<i>Recommendation</i>
<i>Acalanes Union High School District: Center for Independent Study</i>		<i>Acalanes Union High School District Center for Independent Study has an automatic fire alarm system monitored 24 hours a day by an offsite service provider.</i>
<i>Antioch Unified School District: Antioch Charter Academy, Antioch Charter Academy II, Black Diamond Middle School, Encore Home Schooling</i>		<i>Antioch Charter Academy and Antioch Charter Academy II are not part of AUSD. Black Diamond Middle School has an automated alarm system that can be heard in all buildings on campus. There are pull stations and heat detectors; all monitored by an offsite private alarm company.</i>
<i>Brentwood Union School District: Brentwood Elementary School</i>		<i>Brentwood Elementary School has an automated alarm system that can be heard in all buildings on campus. There are pull stations, smoke detectors, and heat detectors; all monitored by an offsite private alarm company.</i>
<i>Liberty Union High School District: Heritage High School, Independence High School, Liberty High School</i>	<i>Agrees</i>	<i>The Liberty Union High School District's Heritage High School, Independent High School, and Liberty High School have automatic fire alarm systems that are monitored by outside companies.</i>
<i>Mount Diablo Unified School District: Diablo Community Day School, Horizons School, Nueva Vista Summit School, Pine Hollow Middle School, Prospect School</i>		
<i>Oakley Union Elementary School District: Delta Vista Middle School, Gehringer Elementary School, Iron Horse</i>	<i>Agrees</i>	<i>OUESD school listed all have sprinkler systems, smoke and heat detectors that trigger audible campus-wide alarms. The system transmits the location of the alarm to the school office.</i>

<i>Elementary School, Laurel Elementary School, Oakley Elementary School, O'Hara Park Middle School, Vintage Parkway Elementary School</i>		<i>Because none of these schools has had a construction project in excess of \$200,000 since January 1, 2008 they are not required by law to have offsite monitoring; therefore none of these schools have offsite or after hours monitoring.</i>
<i>Walnut Creek School District: Indian Valley Elementary School</i>	<i>Agrees</i>	<i>All of the district's schools have automatic alarm systems. These systems include fire alarms, sprinklers and smoke detectors. The system connects electronically to an offsite monitoring company and the fire department.</i>
<i>West Contra Costa Unified School District: Delta High School, Manzanita Middle School, Middle College High School, West County Community High School</i>	<i>Partially disagrees</i>	<i>Delta High School no longer exists. Manzanita Middle School (a district charter school) is in a facility that is not owned or managed by WCCUSD. Manzanita Middle School's fire system is currently non-operational and they are in the process of obtaining quotes to install a new fire alarm system. Middle College High School is on the Contra Costa College campus and the rooms used are monitored by the campus fire alarm system. WCCUSD responded that West County Community High School is located in a building not owned by the district; the alarm question was not answered.</i>

- 2. Manual Alarm Systems consist of pull stations and smoke detectors that trigger audible alarms on campus. Some manual systems transmit information about the location of the alarm to the school office, while others require school personnel to use phones or intercoms to relay information. A staff member must call "911" to alert authorities to a fire emergency.**

*No Response Required*

- 3. Automatic Alarm Systems are fire alarms, sprinklers, and/or smoke detectors that automatically detect a fire and activate a campus-wide alarm. A connection is made electronically to a certified 24-hour supervising station at an offsite private alarm company or to a fire or police department. Some systems provide specific zone details to the offsite station.**

*No Response required*

- 4. Of the 236 responding schools, 225 reported having automated systems.**

*No response required*

- 5. Eleven schools reported having manual alarms,**
- **Three plan to upgrade their systems in 2010**

- Three plan to upgrade in 2011
- Five have no plans to upgrade

**Recommendation:** The eleven schools with manual alarm systems shall review procedures for notifying authorities of a fire emergency. Any school without a notification procedure shall work with its fire inspectors to implement one. All implemented procedures shall include clear provisions for making a “911” call.

**6. Of the eleven schools with manual alarms:**

- Three have pull stations, smoke and heat detectors
- Three have pull stations and smoke detectors
- One has pull stations and heat detectors
- Four have only pull stations

**Recommendation:** Schools with manual alarm systems shall confer with their fire inspectors to determine if they comply with existing fire alarm requirements. Schools shall work with the inspectors to comply with fire alarm requirements.

**Recommendation:** With dwindling financial resources available, schools with manual systems shall investigate and apply for available grants and other monetary assistance to help defray the cost of upgrading to a compliant system.

**Responses:**

<i>School District</i>	<i>Response</i>	<i>Recommendation</i>
<i>Antioch Unified School District</i>		<i>At Antioch High School, Antioch Middle School, and Belshaw Elementary School the manual fire alarms were replaced in the summer of 2010 with automated alarm systems that can be heard in all buildings on campus. These are all monitored by an offsite private alarm company.</i>
<i>Byron Union School District</i>		<i>Byron Union High School has pull stations, smoke and heat detectors that are monitored by an offsite company.</i>
<i>Canyon Elementary School District</i>	<i>Agrees</i>	<i>Canyon School has a written procedure for notifying authorities of a fire emergency. The District will work with Moraga-Orinda Fire District to determine that the system in place is compliant with the Fire Code.</i>
<i>John Swett Unified School District</i>	<i>Agrees</i>	<i>They are in the process of installing an alarm monitoring system at Willow Continuation School.</i>
<i>Pittsburg Unified School District</i>	<i>Agrees</i>	<i>Heights and Stoneman Elementary Schools currently have manual alarms with pull stations, smoke and heat detectors that actuate an audible alarm system. Riverside High School has been closed. The District expects to complete all recommendations within one year.</i>

CONTRA COSTA COUNTY GRAND JURY REPORT NO. 1006

CFS and CASA

FINDINGS

1. In 2008-2009, there were approximately 1,100 foster care children served by CPS.

*Response: Respondent agrees with finding*

2. In 2008-2009, 179 of the foster care children in CFS were being served by 157 trained CASA volunteers.

*Response: Respondent agrees with finding*

3. Approximately 50 children are on a waiting list for a CASA volunteer assignment.

*Response: Respondent agrees with finding*

4. In 2008-2009, of the 119 positions eliminated in CFS, 65 were social worker responsible for foster children.

*Response: Respondent agrees with finding*

5. In the same year, CASA volunteers provided 20,477 case hours of advocacy services to foster care children of Contra Costa County.

*Response: Respondent agrees with finding*

6. At least forty-six (46) new CASA volunteers must be recruited, selected and trained each year to maintain the current level of volunteer services.

*Response: Respondent is not aware of the CASA requirements and is unable to agree or disagree with findings.*

7. The Fall 2009 CASA training cycle was eliminated due to budgetary constraints.

*Response: Respondent is not aware of the CASA training schedule and is unable to agree or disagree with findings.*

8. In 2008-2009, approximately 70% of foster children in CPS assigned to a CASA volunteer were Latino or children of color.

*Response: Respondent agrees with finding*

9. Representatives of CPS and CASA staff expressed the need for more ethnically

**diverse volunteers since 80% of CASA volunteers are Caucasian.**

*Response: Respondent is unable to agree or disagree with finding in that the respondent is not aware of what representatives have said. The respondent would say that CASA Volunteers should be ethnically and culturally diverse and reflect the population that they serve.*

**10. Of the foster care children served by CASA, 55% are from East and West County while only 16% of CASA volunteers were from East and West County.**

*Response: Respondent is not aware of the parts of the county where CASA volunteers reside and is unable to agree or disagree with findings.*

**11. Representatives of CFS and CASA suggested that team effectiveness can be improved by addressing the differences in understanding or appreciation of their respective roles and responsibilities.**

*Response: Respondent agrees with finding. Most working relationships are enhanced when representatives' of different agencies have enhanced understanding of the role of their partners. The CASA program, CFS and other legal representatives meet on a bi-monthly basis. CFS staff volunteer their time to provide training to CASA staff when resources allow. Additionally CFS encourages their social workers to meet with CASA representatives regarding the children they represent.*

**12. CPS can be instrumental in supporting additional training of CASA volunteers in the areas of juvenile court procedures, dependency law and standards of care.**

*Response: Respondent agrees with finding. There are many parties in the juvenile dependency arena. In addition to CFS, the Bench and Bench Officers are critical towards helping CASA staff in training.*

## **RECOMMENDATIONS**

**1. CPS shall assist CASA in its recruitment efforts to broaden the diversity of its Volunteers' ethnicity and gender.**

*Response: This recommendation has already been implemented as resources allow. CASA is responsible for recruitment of volunteers but the County promotes the opportunity at all events, fairs, etc. When contacted by individuals wishing to volunteer, CFS refers them to the CASA program. Additionally, CFS provides a brochure on the CASA program to all foster parents.*

**2. CFS shall assist CASA in expanding recruitment and orientation sessions into East and West County.**

***Response:** This recommendation will not be implemented because it is not reasonable. CFS has no resources to support an expansion of the recruitment and orientation sessions provided by CASA to volunteers. Recruitment and orientation of volunteers is the responsibility of CASA and CFS provides what assistance it can within resources. CFS will continue to inform those who interact with them of the need for more CASA volunteers and continue referring those interest in volunteering to CASA.*

**3. CPS and CASA shall explore methods for improving their team effectiveness.**

***Response:** This recommendation has already been implemented as Children and Family Services and CASA has an open door where each is comfortable addressing issues. CFS also meets with CASA and the Bench on a bi-monthly basis to discuss issues and provide program updates. Additionally, Social Workers and CASA volunteers meet on a regular basis to address individual case issues. CFS will continue to encourage case specific communication to assist the youth who are served jointly by the CASA program.*

**4. CPS shall support additional CASA volunteer training in the areas of juvenile court procedures, dependency law and standards of care.**

***Response:** This recommendation will not be implemented as it is not reasonable. CFS staff have been reduced due to budget constraints and have no resources to support this recommendation. CFS will continue to support the program in the areas as stated above based on available resources*

## CONTRA COSTA COUNTY GRAND JURY REPORT NO. 1007

### FIRST 5 COMMISSION

#### FINDINGS

- 1. The First 5 Commission of Contra Costa County is an independent, stand along, decision-making agency, fully State funded and established by County ordinance. The Commission is neither a County department nor a Special District.**

*Response from First 5 Commission: Partially disagree with the finding. The First 5 Contra Costa Commission is not fully state funded. While First 5 Contra Costa does receive the majority of its funding from a state tobacco tax, it also receives funding from other sources such as private foundations.*

*Response from Contra Costa County Board of Supervisors: The respondent partially disagrees with the finding. The Commission also receives funding from other, non-governmental sources as well.*

- 2. The Commission's funds are received from the State and disbursed through the County Treasurer's office.**

*Response from First 5 Commission: Partially disagree with the finding. Not all of First 5 Contra Costa's funding comes from the State. First 5 Contra Costa receives funding from sources other than the state. All funding First 5 Contra Costa receives is deposited in the Children and Families Commission account maintained by the County Treasurer.*

*Response from Contra Costa County Board of Supervisors: The respondent partially disagrees with the finding. The Commission also receives funding from other, non-governmental sources as well.*

- 3. The Commission's Sustainability and Special Reserve Funds are invested under the management of the County Treasurer.**

*Response from First 5 Commission: Agree with the finding.*

*Response from Contra Costa County Board of Supervisors: The respondent agrees with the finding.*

- 4. The Commission's payroll is processed by the County and employees participate in the County's health and retirement benefit programs.**

*Response from First 5 Commission: Agree with this finding.*

*Response from Contra Costa County Board of Supervisors:* The respondent agrees with the finding. In addition, it should be noted that Commission employees participate in a number of other benefit programs in addition to health and retirement. The benefits provided for First 5 employees do not necessarily correspond to those provided to County Employees.

**5. Grand Jury research revealed that, unlike First 5 Contra Costa, more than half of the First Five Commissions in California operate as units of county government.**

*Response from First 5 Commission:* Agree with this finding. Note that 26 Commissions are independent and do not operate as units of county government.

*Response from Contra Costa County Board of Supervisors:* The respondent agrees with the finding. Of the 58 California counties, 32 have dependent Commissions which were established as an agency of the county. Twenty-six have commissions that are independent and do not operate as units of county government.

**6. The Commission utilizes multiple contracts to meet its goals. Some of these contracts are awarded as a result of a Request for Proposal (RFP) process. An examination of the RFP documents and procedures revealed the process to be efficient and effective.**

*Response from First 5 Commission:* Agree with this finding.

*Response from Contra Costa County Board of Supervisors:* The respondent agrees with this finding. Although the County does not directly administer the First 5 Commission, county representatives do sit on the Commission and have observed the use of RFP's to award contracts.

**7. When Commissioners who have a financial interest in a contract are allowed to be present during the discussion and vote on the contract, there is potential for improper or undue influence of Commissioners.**

*Response from First 5 Commission:* Disagree with this finding. There is not a potential for improper or undue influence of Commissioners. First 5 Contra Costa has always had a recusal process to ensure that Commissioners who may have any financial interest in contracts under consideration are not participating in discussions or voting on the contract. At the March 1, 2010 Commission meeting, Contra Costa County Counsel's Office provided a review for Commissioners on conflict of interest policies, including Government Code 1090, the Political Reform Act, and common law examples. This training is conducted with the Commissioners annually. During the training, Commissioners agreed to implement a practice for recused Commissioners to physically remove themselves from meetings when such contracts are under consideration. This practice has been in place every since the March 2010 meeting. As the Grand Jury states on page 2 of its report, "California Government Section 1090 is partially inapplicable to the First 5 Commission. A First 5 commissioner can legally have a significant financial interest in a provider contract. A commissioner who has a financial interest in the awarding of a contract is required to disclose the interest and recuse him or herself from the vote." The Commission adheres to

*the Conflict of Interest Policies pursuant to California Government Code Section 1091.3, California Government Code Section 1090 and the Political Reform Act. As such, Commissioners follow the practice of recusing themselves as appropriate.*

***Response from Contra Costa County Board of Supervisors:*** *The respondent disagrees with the finding. Although there is always a potential for improper or undue influence, the respondent is unaware of any instance of this occurring. Under current law, Commissioners are required to recuse themselves if they have any financial interest in a contract under consideration. As of March 2010, in addition to recusing themselves, Commissioners now also leave the room. Additionally, the respondent provides yearly training by County Counsel to insure Commissioners are aware of their responsibilities and an assigned Deputy County Counsel observed all Commission meetings and advises Commissioners as appropriate on steps to take to avoid any appearance of conflict of interest.*

**8. The Commission's Executive Committee meets monthly with the Executive Director. It is comprised of four members, two of whom are employed by agencies that receive significant funds from First 5 Contra Costa.**

***Response from First 5 Commission:*** *Partially disagree with the finding. The Commission's Executive Committee does meet monthly with the Executive Director, but none of the Executive Committee members' agencies receive significant funds from First 5 Contra Costa. Neither member's agency receives funds exceeding 8% of budgeted First 5 program expenditures. As state in the response to Finding #7, A First 5 commissioner can legally have a financial interest in a provider contract. The composition of the Executive Committee changes annually as new officers are elected. All Executive Committee meetings are public meetings. Agendas are posted in accordance with the Brown Act and the Better Governance Act. Committee meeting minutes are included in the consent calendar for full Commission and for public review at monthly Commission meetings.*

***Response from Contra Costa County Board of Supervisors:*** *The respondent partially disagrees with this finding. The respondent agrees that this year the Commission's Executive Committee is made up of four members, two of whom are employed by agencies that receive funds from First 5 Contra Costa. However, Executive Committee membership changes every year, and may not always include representatives from organizations which receive First 5 funds. Neither of these members receives funds exceeding seven percent of the total budgeted First 5 program expenditures. First 5 had a 2009/10 Fiscal Year budget totaling \$17.2 million of which \$1,148,153 and \$448,302 respectively is received by the two agencies.*

**9. The Grand Jury investigation found that neither employees nor management clearly understand the First 5 Commission's policies and procedures related to employee complaints and grievances as well as other provisions specified in the Employee Handbook.**

***Response from First 5 Commission:*** *Disagree with this finding. Employees and management are educated and trained on First 5 Contra Costa's policies and procedures related to complaints and grievances. The Employee Handbook, which details all*

organizational policies, including how to raise any complaints or grievances, was extensively revised and updated in 2008-2009. All staff were trained on the revised Handbook in April 2009. Numerous communications and trainings have subsequently informed staff of changes and updates in First 5 policies and procedures. New staff are also trained on the Handbook as part of a comprehensive orientation. Employees are routinely encouraged to reference the Handbook to review procedures and to contact human resources staff or supervisors with any questions. Neither human resources staff nor supervisors have received questions from employees seeking clarification on First 5's policies related to employee complaints and grievances, which are clearly outlined on pages 15-16 of the Handbook. First 5 Contra Costa will continue providing annual training for employees on the Handbook, including training on policies and procedures related to employee complaints and grievances and other provisions specified in the Handbook.

**Response from Contra Costa County Board of Supervisors:** The respondent neither agrees nor disagrees with the finding. The respondent is not familiar with the research conducted by the Grand Jury nor has any direct knowledge of the level of understanding of Commission policies and procedures held by Commission employees. However, respondent understands that First 5 employees are routinely encouraged to reference the Handbook for best practices and contact human resources staff or supervisors with any questions. First 5 Contra Costa's policies and procedures related to employee disputes are clearly outlined on pages 15-16 in the First 5 Contra Costa Employee Handbook. Each First 5 employee has a copy of the Employee Handbook that details all organizational policies, including how to raise any complaints or grievances that may arise (employees are required to sign in writing that they have received a Handbook). When the Handbook is updated, an announcement is made regarding changes via email and when needed, discussed at staff meetings. The Handbook was extensively revised last year and all staff were trained on the updates. In addition, all new staff receive a comprehensive orientation which includes an overview of the Employee Handbook. First 5 staff are required to sign a confirmation that they received and read updates to the Handbook. Confirmations are then placed in each staff person's employee file.

**10. The Grand Jury investigation found that neither employees nor management receive regular, appropriate training regarding best or preferred employment practices.**

**Response from First 5 Commission:** Disagree with the finding. Employees and management receive regular, appropriate training regarding best or preferred employment practices. First 5 Contra Costa places a high value on team building and inter-personal relationships in the workplace and has addressed this repeatedly through ongoing staff training and annual retreats. Specific training for staff in just the last year has addressed the revised and updated Employee Handbook, challenges and solutions to working better together in the workplace, sexual harassment, supervision, communications, and providing and receiving feedback.

**Response from Contra Costa County Board of Supervisors:** The respondent neither agrees nor disagrees with the finding. The respondent is not familiar with the research conducted

by the Grand Jury nor has any direct knowledge of the amount of training received by Commission employees.

- 11. There is no requirement that the First 5 Commission change auditors from time to time. However to enhance accountability it is prudent that the audit firm be changed periodically. First 5 has engaged the same independent auditor for more than five years.**

*Response from First 5 Commission:* Agree with this finding. First 5 Contra Costa's current auditor is completing a two-year contract, which will conclude this fall with the fiscal year 2009-2010 audit. Once this audit is completed, First 5 Contra Costa already has plans in place to put forth a Request for Proposal to seek a new independent auditor. First 5 Contra Costa is required to submit its annual fiscal audit to the Contra Costa County Auditor, First 5 California, and the State Controller.

*Response from Contra Costa County Board of Supervisors:* The respondent agrees with the finding. While there is no data that indicates that changing the audit firm enhances accountability, the respondent agrees that periodically engaging in a new selection process for an audit firm is a best practice and should be followed. It should be noted that the First 5 Commission already has plans in place to issue a request for proposal to seek an independent auditor after the current contract expires.

## **RECOMMENDATIONS**

- 1. The Board of Supervisors shall appoint commissioners not affiliated with agencies most likely to be awarded significant funding, thereby minimizing perceptions of impropriety.**

*Response from First 5 Commission:* The recommendation will not be implemented because it is not reasonable. First 5 Contra Costa does not have the authority or ability to comply with this recommendation. The Board of Supervisors determines, through ordinance, the organizational structure of the Commission. State law requires that each county's First 5 commission must be comprised of a combination of county officials and community representatives. County representatives must include, at least: a member of the county board of supervisors; the county health officer; and a person responsible for management of one of the following county functions: Children's services, public health services, behavior health services, social services, and tobacco and other substance abuse prevention and treatment services. In addition, remaining commission members must include representatives from: recipients of project services included in the county First 5 strategic plan; educators specialized in early childhood development; local child care resource or referral agencies or local child care coordinating groups; local organizations focusing on prevention or early intervention for families at risk; community-based organizations that have the goal of promoting nurturing and early childhood development; local school districts; local mental health and/or substance abuse organizations; parent advocacy groups; and local medical, pediatric, or obstetric associations or societies.

**Response from Contra Costa County Board of Supervisors:** *The recommendation will not be implemented because it is not warranted. Appointees to the First 5 Commission are specified under Health and Safety Code Section 130140(a)(1). This statute requires two members of the Commission to be persons responsible for specified county health and/or social service functions. The County ordinance provides the Board of Supervisors guidelines to ensure a diverse but relevant membership on the Commission that should be sufficient to discourage conflict of interest. The required composition of the Commission means that some members may be from agencies that seek or receive funding. A First 5 Commissioner may legally have a financial interest in a contract and is required to disclose the interest or recuse him or herself. As of March 2010, in addition to recusing themselves, Commissioners also leave the room. The Board of Supervisors has asked its Internal Operations Committee to review the composition of the membership of the First 5 Commission and make recommendations to the Supervisors regarding future appointees in order to ensure an appropriate balance of representation on the Commission.*

- 2. First 5 Commissioners having financial interests in contracts before the Board of Commissioners shall recuse and physically remove themselves from meetings while the contracts are being considered.**

**Response from First 5 Commission:** *This recommendation has been implemented. First 5 Contra Costa Commissioners in March, 2010, agreed to the practice of physically removing themselves from meetings where they have a financial interest in contracts discussed or voted on by the Commission.*

**Response from Contra Costa County Board of Supervisors:** *This recommendation has already been implemented. The Contra Costa County Counsel's Office has provided annual training to First 5 Commissioners. The Commission members have always recused themselves when a conflict has arisen. During the March 2010 training Commissioners agreed to implement a policy for recusal which includes physically leaving the room.*

- 3. First 5 Commission shall select a new independent auditor through a competitive bid process.**

**Response from First 5 Commission:** *This recommendation has yet to be implemented, but will be implemented in the future. First 5 Contra Costa's current auditor is completing a two-year contract, which will conclude this fall with the fiscal year 2009-2010 audit. Once this audit is completed, First 5 Contra Costa already has plans in place to put forth a Request for Proposal to seek a new independent auditor.*

**Response from Contra Costa County Board of Supervisors:** *The respondent is unable to respond to this finding as the selection process is retained and controlled by the Commission, not the Board of Supervisors. However, it is understood that the First 5 Commission has plans in place to release a Request for Proposals for a new independent auditor once the current contract expires. The respondent agrees that a competitive bid process for the selection is a best practice that should be followed.*

**4. First 5 Commission shall provide annual training to all employees on Employee Handbook procedures and provisions.**

*Response from First 5 Commission: This recommendation has been implemented. First 5 Contra Costa already provides annual training on procedures and provisions in the Employee Handbook, including all updates made to the Handbook. First 5 Contra Costa will continue providing annual training on the Handbook and on updates to the Handbook as needed. Employees are routinely encouraged to reference the Handbook for best practices and contact human resources staff or supervisors with any questions.*

*Response from Contra Costa County Board of Supervisors: The respondent is unable to respond to this finding as the training of Commission staff is controlled by the Commission, not the Board of Supervisors.*

**5. The Board of Supervisors shall seriously consider inclusion of the First 5 Commission as a unit of County government.**

*Response from First 5 Commission: The recommendation will not be implemented because it is not reasonable. First 5 Contra Costa does not have the authority or ability to comply with this recommendation. The Board of Supervisors determines through ordinance, the organizational structure of the Commission.*

*Response from Contra Costa County Board of Supervisors: This recommendation will not be implemented as it is not warranted. First 5 Contra Costa was established under Health and Safety Code Section 130140.1(1) which allows the County to establish the Commission as a "legal public entity separate from the county". There is no evidence to suggest that changing the structure would improve the services provided by the Commission or reduce the possibility of a conflict of interest. In fact, in 2004 Alameda County converted their program, Every Child Counts, from a county program to a stand alone commission. Of the 58 California counties, 32 have dependent Commissions which were established as an agency of the county. Twenty-six have commissions that are independent and do not operate as units of county government. When First 5 Contra Costa was established it was felt that the current structure would be more responsive to the community, provide opportunities for innovation, and create partnerships for advocacy, financial stability, and access to preschool with other organizations. The Board of Supervisors will request First 5 Contra Costa to report annually to the Family and Human Services Committee. This standing referral will allow the Board to increase oversight of the Commission through regular reports regarding the budget, strategic plan, and steps taken to strengthen administration of the program.*

**CONTRA COSTA COUNTY GRAND JURY REPORT NO. 1008**

**COUNTY ELDER SERVICES FACING LIFE SUPPORT**

*Response by Contra Costa County Board of Supervisors*

**FINDINGS AND RECOMMENDATIONS:**

- 1. Information and Assistance staff reductions have caused delays in elders receiving immediate responses to their concerns.**

*Response: The respondent partially disagrees with the finding.*

*While it is true I&A Program staff reductions have caused delays in elders receiving immediate responses to their concerns, the Program by design is not an "immediate/emergency service."*

*If I&A staff are logged onto the automated telephone system and are all on active calls, the new callers is advised via a recording that all staff are busy with other calls and they have the option of continuing to wait or they may leave a message. Because of the complex nature of the calls, it is not unusual for workers to take up to thirty minutes per call. The longest someone will wait for a call back is typically one business day.*

- 2. Staffing cuts to any one adult services program ultimately result in reduced services throughout the Aging and Adult Services Bureau.**

*Response: The respondent partially disagrees with the finding.*

*It is true there is a natural cause and effect that results when staffing cuts to any one of the adult service programs occurs, however, it is not universal. For example, reductions to Adult Protective Services (APS) would not affect the Area Agency on Aging services due to the categorical funding streams for both programs. In contrast, reductions to the Area Agency on Aging services could have a direct negative impact on the I&A Program and vice versa.*

- 3. Adult Protective Service staff reductions have eliminated face-to-face case work assessments. Case assessments and reassessments are now handled by phone.**

*Response: The respondent partially disagrees with the finding.*

*Staff reductions have reduced face-to-face assessments but not eliminated them. Self-neglect, non-perpetrator referrals are evaluated to see if they can be handled as a non face-to-face response. If so, they are assigned accordingly. Many self-neglect referrals, however, are assigned to a worker due to the need to properly assess for and intervene regarding safety*

*and well-being. Most referrals that come in are assigned and, when appropriate, assignments are given to APS staff for face-to-face assessments.*

*Employment and Human Services Department and Aging and Adult Services take seriously the responsibility of investigating referrals for APS. If the referral (allegation) involves an alleged abuser/perpetrator, generally a face to face assessment is the foremost consideration and is paramount to client safety. Currently, non face to face investigations are a smaller percent of the referrals investigated. In the month of July 2010, 25 non face to face investigations have been assigned compared to approximately 85 face to face investigations.*

**Recommendation:** The County shall initiate a volunteer program to supplement staffing. Volunteers shall be recruited immediately for Information and Assistance and for Adult Protective Services.

**Response:** *The recommendation has not yet been implemented, but will be implemented in the future. Aging & Adult Services is planning for the utilization of volunteers in the I&A Program by January 2011.*

*The recommendation will not be implemented for Adult Protective Services because it is not reasonable. Per Welfare and Institution Code 15766, investigation of allegations of elder and dependent adult abuse “shall be performed by county merit systems civil service employees.” Therefore, it would be unlawful to use volunteers to provide these services.*

**4. In-Home Supportive Services is a “train wreck” waiting to happen if the State eliminates its funding.**

**Response:** *The respondent agrees with the finding.*

**Recommendation**

n

**Response:** *The recommendation will not be implemented because it is not reasonable.*

*The County already provides over \$20 million in discretionary revenue to fund a share of the In-Homes Supportive Services Program. Without State funding the cost to the County for the current program would increase in the neighborhood of 250% requiring the elimination of many other necessary programs and services. The Board of Supervisors will continue to review funding needs on a regular basis for the IHSS program in conjunction with the funding needs of other County funded programs.*

**CONTRA COSTA COUNTY GRAND JURY REPORT NO. 1009**

**“LOST” MEDANOS COMMUNITY HEALTH CARE DISTRICT**

*Response from Los Medanos Community Health Care District for  
Findings & Recommendations 1 through 5*

*Response from Local Agency Formation Commission for Finding & Recommendation 6*

**FINDINGS**

- 1. LMCHD's primary mission is to improve the quality of health care in the community while promoting education and wellness. However, actual grants and programs reviewed by the Grand Jury did not address the priority health needs as identified in the Contra Costa Health Services Community Health Assessment.**

***Response:** The Los Medanos Community Health District ("LMCHD" or "District") disagrees with the finding on two grounds.*

*First, the primary health needs of the District are not set by the 2007 Contra Costa Health Services' Community Health Assessment ("CCHSCH Assessment"), nor should they be. The LMCHD determines the priority health needs of its communities through a deliberative, ongoing process that involves reviewing reports and assessments from multiple independent sources and consulting with community residents and organizations. The LMCHD is not required to nor should it substitute the judgment of a third party organization for its own.*

*Second, the LMCHD's grants and programs already address and remediate the health concerns raised by the CCHSCH Assessment (a copy of which can be found at [http://cchealth.org/health\\_data/hospital\\_council\\_2007/pdf/chape\\_executive\\_report\\_2007.pdf](http://cchealth.org/health_data/hospital_council_2007/pdf/chape_executive_report_2007.pdf)).*

*LMCHD grants and programs are already directed to chronic disease prevention and health inequities for people from low-income communities of color, the two issues highlighted and emphasized by the CCHSCH Assessment.*

*Furthermore, LMCHD grants and programs, including those singled out for comment by the Grand Jury, already address the specific health concerns raised by the CCHSCH Assessment. As a comprehensive evaluation of Contra Costa County's health needs, the CCHSCH Assessment raised a multitude of specific health concerns, including: (1) the leading causes of death; (2) family, maternal, and child birth issues; (3) chronic diseases; (4) injuries; (5) mental health; (6) substance abuse; and (7) communicable diseases. The chart entitled "Applicability of Los Medanos Community Health District Grants and Programs to Community Health Indicators for Contra Costa County," illustrates how the LMCHD grants and programs critiqued by the Grand Jury Report in fact address the same health concerns raised by the CCHSCH Assessment.*

*In response to the Grand Jury's critique of the Reading Zone at the Pittsburg Health Clinic, the Pittsburg Arts & Community Foundation has prepared its own response. The LMCHD funded the Reading Zone's furniture. The Pittsburg Arts & Community Foundation, which runs the Reading Zone and supplies its books, pointed out that the program was intended to provide a means for low-income, pre-school age children to have access to books on health-related topics. For many of the children, the Reading Zone is the only way they are able to access books, so the program doesn't bar children from taking the books, with titles like "The Little Elephant with the Big Earache" and "Katie Caught a Cold," home with them. In fact, the program views it as a good sign when books disappear from the bookshelves, as the children are taking books home to read on their own.*

- 2. Of the sixteen grants and programs awarded for the year 2008-2009, fifteen were for \$25,000 or less. Awarding multiple grants in small dollar amounts is inefficient.**

*Response: The LMCHD disagrees with the finding.*

*For the years 2008-2009, the LMCHD funded twenty-two grants, interim grants, and collaborative efforts totaling over \$ 390,000 for sixteen different programs. Seven of those programs received over \$ 25,000, nine received less than \$ 25,000, and only three received less than \$10,000.*

*In times of economic growth, awarding multiple grants in small dollar amounts may result in measurable outcomes of less impact. In times of economic contraction like the years 2008-2009, however, when service providers across disciplines were facing extreme financial hardship, awarding a larger number of grants likely had a greater overall impact in the community by ensuring that vital providers of community health care services remained open for business.*

- 3. Community health programs and grant dollars consumed less than half of LMCHD's total revenue for the years 2006 through 2009.**

*Response: The LMCHD disagrees with the finding. For the years 2006 through 2009, the LMCHD spent an average of 69% of its total revenues on program expenses.*

- 4. The District has not collaborated with HAC and other health consortia.**

*Response: The LMCHD disagrees with the finding.*

*The LMCHD maintains collaborations with a significant number of community base organizations, including health consortia, in order to engage with a representative cross-section of the District's health care community.*

*In addition, members of the LMCHD board and staff have been closely involved with numerous peer-level associations, including the Association of California Healthcare Districts ("ACHD") and the Special District and Local Government Institute ("Special*

*District Institute"), and have been recognized by the Special District Institute for their commitment to the professional, effective management of special districts.*

- 5. There have been two strategic plans; neither was effectively implemented. LMCHD is spending \$140,000 over a two-year period for its third strategic plan in eight years.**

***Response:*** *The LMCHD disagrees with the finding.*

*In 2000, the LMCHD adopted a strategic plan, parts of which were drafted and updated in 2002 by the Board with community input. Despite very limited resources, many of the initiatives identified in that plan were successfully implemented. In 2006, the LMCHD adopted an updated version of LMCHD's 2002 plan, including a series of directives called Pathways to Health. The district succeeded again in implementing many of the programs and initiatives identified in the plan, including the highly recognized Fit Fest and elementary school Eyeglasses programs.*

*The LMCHD is currently developing a comprehensive strategic plan that is being implemented over a 2-year period. After a competitive process that attracted three responses to its request for proposals ("RFP"), the LMCHD signed a 2-year, \$140,000 contract with a full-service Northern California regional organization with extensive expertise in community program design and implementation. The LMCHD's choice was based on expertise, accessibility, and cost-effectiveness—the rejected RFP responses, for example, were submitted by Southern California consultants for an average cost of \$250,000, excluding travel and other expenses.*

*Elements of the new strategic plan, including the District's mission statement, vision, guiding principles, goals and strategies, restructuring plan, and funding policies and procedures have already been adopted by the Board and implemented by the LMCHD staff.*

- 6. The 2007 LAFCO Municipal Service Review identified four options that could be taken by the District. The District chose to maintain the status quo.**

***Response from Local Agency Formation Commission (LAFCO):*** *The respondent agrees with the finding.*

***Response from LMCHD (not required):*** *The LMCHD partially disagrees with this finding.*

*The LMCHD agrees that the 2007 LAFCO MSR identified four options that could be taken by the District, which included maintaining the status quo, dissolving the LMCHD, consolidating the LMCHD with the Mt. Diablo Healthcare District, and dissolving the LMCHD and forming a subsidiary district with limited powers.*

*The LAFCO MSR did not recommend a particular option, but its comments indicated that maintaining the status quo would be the option most beneficial to the community. Specifically, the LAFCO MSR stated that maintaining the status quo would:*

... allow the residents within the district to benefit from the financial improvements and service level enhancements that have occurred within recent years, and are planned to continue in the next five years. The District has successfully resolved a number of financial issues and built strong, collaborative relationships with CCHS, other service providers and community organizations. These relationships are leveraging the assets of the Pittsburg Health Center and Bay Point Health Center in providing direct healthcare services that are needed within the community. The District is engaged in activities that support the purpose for which it was formed. With its current budget, the District is spending 74 percent of its budgeted revenue on health programs and retiring debt. MSR at 4-13.

The LAFCO MSR indicated that the disadvantage of maintaining the status quo was primarily related to the District's history of financial performance and service and financial implementation, but noted: "the District has strong management leadership now, a key indicator of future success," and specifically stated that "[the District is providing substantial healthcare benefit with the property tax revenue it receives."

In comparison, the LAFCO MSR indicated that dissolving the LMCHD "could significantly impact the level of healthcare services provided within the Pittsburg/Bay Point Area," and that the advantage of consolidating the LMCHD and the Mt. Diablo Healthcare District would be that "the strategic planning, approach and impetus of the LMCHD could be expanded to provide benefit in the Mt. Diablo Health Care District area." In addition, the LAFCO MSR discouraged changing the status quo without further analysis, and warned that dissolving the LMCHD could result in "no actual or limited cost savings (or actual loss in revenue), little improvement in service efficiency, loss of local autonomy, and political opposition."

## RECOMMENDATIONS

1. **Grants and programs shall be awarded in relation to the identified community health care needs as identified in the Contra Costa Health Services' Community Health Assessment (i.e. heart disease, cancer and stroke).**

**Response:** *The recommendation will not be implemented because it is unwarranted.*

*The LMCHD grants and programs are already awarded based on the community's health care needs. The LMCHD Health and Wellness Funding Program Guidelines emphasize LMCHD's commitment to (1) improving access to health services and reducing the District's health disparities, (2) supporting preventive and public health efforts, (3) addressing populations that are historically underserved or are particularly impacted by health disparities, and (4) supporting health research and educational programming.*

*On July 21, 2010, the LMCHD finalized its 2010-2012 Health and Wellness Funding process. 31 programs applied, and the LMCHD awarded over \$780,000 to 16 programs based largely on the programs' conformity to the Health and Wellness Funding Program Guidelines referenced above.*

*Furthermore, the health care needs identified in Report No. 1009—heart disease, cancer, and stroke—are not representative of the health care issues and concerns raised by the CCHSCH Assessment. The document entitled "Applicability of Los Medanos Community Health District Grants and Programs to Community Health Indicators for Contra Costa County" illustrate how the LMCHD's grants and programs are directly responsive to the CCHSCH Assessment.*

- 2. A new grant allocation process shall be developed which focuses on funding fewer projects with larger grants.**

**Response:** *The recommendation has already been implemented.*

*As part of its strategic planning process, the LMCHD adopted and implemented a set of policies and procedures for its 2010-2012 Health and Wellness Funding program that are aimed at improving funding outcomes. For example, the new policies and procedures bar applicants seeking less than \$5,000 in funding per year, and the size of the awards are dependent on the program's impact on residents' health, among other factors.*

*On July 21, 2010, the LMCHD awarded over \$780,000 to 16 programs under its 2010-2012 Health and Wellness Funding program. In order to improve funding outcomes, the District's decisions were based not only on the programs' conformity to the LMCHD Health and Wellness Funding Program Guidelines, but also on the applicants' capacity, the programs' ability to substantiate how residents are being served and how measurable outcomes are meeting the District's mission and strategic objectives, and the applicants' fiscal accountability.*

*The outcome-oriented focus of the new policies and procedures was borne out by the funding totals. Of the 16 approved funding applications, 14 were for \$25,000 or more. More significantly, the funding amounts were based largely on the District's assessment of the programs' potential impact and the applicants' capacity to carry out the programs effectively, not a preset range of numbers; accordingly, the funding amounts ranged from \$15,000 all the way to \$146,222.*

- 3. LMCHD shall reduce unnecessary administrative expenditures thereby increasing funds available for priority health care needs.**

**Response:** *The recommendation will not be implemented because it is unwarranted.*

*Contrary to the findings of Report No. 1009, the LMCHD does not spend over half of its revenues on administrative expenses. Rather, the LMCHD has spent an average of 18.6% of its total revenues on administrative expenditures in the years 2006-2009, even excluding the approximately \$ 2 million in-kind donation it makes to the Pittsburg Health Center every year.*

4. **LMCHD shall work with health care consortia within the County to expand its impact in awarding of grants and programs.**

*Response:* The recommendation has already been implemented.

*The LMCHD already works with health care and community-based organizations in the District to maximize the impact of its grants and programs. In addition to its grantees and collaborative effort partners—which include Contra Costa Health Services, the Sutter-Delta Urgent Care Clinic, John Muir Health, and Community Health Empowerment—the LMCHD has, in just the last six months, coordinated its efforts with the Delta Memorial Hospital Foundation, the Contra Costa Crisis Center, the Concord Community Reuse Project, the Bay Point Chamber of Commerce, the Pittsburg Chamber of Commerce, and the Contra Costa Community College District.*

*In 2010, the LMCHD's Executive Director and President have been actively involved with statewide peer-level associations, including the ACHD and the Special District Institute, in order to maximize the effectiveness of the District and its grants and programs. Other board members have attended peer-level associations in the past as well.*

5. **LMCHD board shall adopt, and effectively implement the new strategic plan.**

*Response:* The recommendation is already being implemented.

*The LMCHD's two-year strategic planning process is a continuing process, whereby elements of the strategic plan such as the mission statement, vision, guiding principles, goals and strategies, restructuring plan, and funding policies and procedures are being introduced for public review, adopted, and implemented on an ongoing basis.*

6. **At the time of LAFCO's next Municipal Service Review of the District, when addressing the District's accountability for community service needs, LAFCO shall consider the recommendations of this report and the District's implementation of its strategic plan.**

*Response from LAFCO:* The recommendation has not yet been implemented, but will be implemented during the next LAFCO Municipal Service Review of Public Healthcare Services in 2012-13.

**CONTRA COSTA COUNTY GRAND JURY REPORT NO. 1010**

**Pension Spiking: Who Really Gets Stuck?**

**FINDINGS:**

- 1. Increased pension costs directly reduce funds available for services. Higher pension obligations also become a debt to taxpayers of Contra Costa County.**

***Responses:***

<b><i>Employer</i></b>	<b><i>Response</i></b>	<b><i>Employer's Comments</i></b>
<i>Contra Costa County Board of Supervisors</i>	<i>Agrees</i>	<i>Unless employers reach agreements with recognized employee organizations to pay the increased pension costs, in which case the higher pension obligation would become a debt to employees rather than taxpayers.</i>
<i>Contra Costa County Employees' Retirement Association</i>		<i>CCCERA is not an employer member. CCCERA employees are by law County employees.</i>
<i>Bethel Island Municipal Improvement District</i>	<i>Agrees</i>	
<i>Byron, Brentwood, Knightsen Union Cemetery District</i>	<i>No Response</i>	
<i>Central Contra Costa Sanitary District</i>	<i>Agrees</i>	
<i>Contra Costa Housing Authority</i>	<i>Partially disagrees</i>	<i>While this statement is generally true, if agencies require increased pension costs to be paid by employees, then these costs will not be borne by taxpayers. Also, it should be noted that the Housing Authority's programs are 100% federally funded with additional revenue generated from investment, development and contractual activities. The Authority does not receive funding from the County's general fund.</i>
<i>Contra Costa Mosquito and Vector Control District</i>	<i>Partially disagrees</i>	<i>For our District, expenses for employee salaries and benefits are budgeted expenses. Costs for pension benefits, like all benefit costs, are annually monitored, and options to contain costs explored. Pension obligation costs are included in long range planning and when making new employment decisions to ensure revenue projections can sustain expenditures related to number of hires. The District's pension costs are well under control; we have not conducted the legal analysis necessary to reach any conclusion as to whether higher pension obligations become a debt to taxpayers of Contra Costa County.</i>

<i>Local Agency Formation Commission (LAFCO)</i>	<i>Agrees</i>	
<i>Rodeo Sanitary District</i>	<i>Agrees</i>	
<i>In-Home Supportive Services Authority (IHSS)</i>	<i>Agrees</i>	<i>Unless employers reach agreements with recognized employee organizations to pay the increased pension costs, in which case the higher pension obligation would become a debt to employees rather than taxpayers.</i>
<i>First 5 – Children &amp; Families Commission</i>	<i>Agrees</i>	<i>With the knowledge that at least some of the increased pension cost could be assumed by employees rather than the employers or taxpayers.</i>
<i>Contra Costa County Fire Protection District</i>	<i>Agrees</i>	<i>Unless employers reach agreements with recognized employee organizations to pay the increased pension costs, in which case the higher pension obligation would become a debt to employees rather than taxpayers.</i>
<i>East Contra Costa Fire Protection District</i>	<i>Agrees</i>	
<i>Moraga-Orinda Fire District</i>	<i>Partially disagrees</i>	<i>The District agrees that increased pension costs can reduce the funds available for services to the extent that those costs are funded by the employer. The District does not understand the language of the second sentence because an affected agency faced with higher retirement costs does not thereby become indebted to taxpayers. Rather the affected agency may have a liability to CCCERA for increased contributions. Moreover, the term “debt” has a specific definition for public agencies. Employee pension costs are ongoing financial obligations of CCCERA member agencies arising out of labor agreements negotiated between the member agencies and the recognized employee representatives. Pension costs are not “debt” anymore than salaries and other negotiated benefits.</i>
<i>Rodeo-Hercules Fire Protection District</i>	<i>Agrees</i>	
<i>San Ramon Valley Fire District</i>	<i>Agrees</i>	

**2. Some CCCERA employer members are not fully knowledgeable about pension law and the financial impact of their decisions relating to the calculation of pension obligations on revenues and services.**

***Responses:***

<b><i>Employer</i></b>	<b><i>Response</i></b>	<b><i>Employer’s Comments</i></b>
<i>Contra Costa County Board of Supervisors</i>	<i>Agrees</i>	
<i>Contra Costa County Employees’ Retirement</i>		<i>CCCERA is not an employer member. CCCERA employees are by law County employees.</i>

<i>Association</i>		
<i>Bethel Island Municipal Improvement District</i>	<i>Agrees</i>	
<i>Byron, Brentwood, Knightsen Union Cemetery District</i>	<i>No Response</i>	
<i>Central Contra Costa Sanitary District</i>	<i>Agrees</i>	
<i>Contra Costa Housing Authority</i>	<i>Agrees</i>	<i>However, at HACCC all financial decisions relations to the calculation of pension obligations are reviewed by outside experts who provide HACCC with an analysis of the costs of any proposed changes to pension obligations. This information is then provided to HACCC's Board before any decisions are made concerning pension obligations.</i>
<i>Contra Costa Mosquito and Vector Control District</i>	<i>Agrees</i>	<i>From what the media reports concerning the actions of some employers, we have to assume this finding is correct. However, our District strives to comply with all legal requirements regarding pension law and full disclosure of projected costs to the District of present and any proposed changes to benefits. We rely on CCCERA to be our main resource and have found they are knowledgeable regarding pension law.</i>
<i>Local Agency Formation Commission (LAFCO)</i>	<i>Agrees</i>	
<i>Rodeo Sanitary District</i>	<i>Partially disagrees</i>	<i>Rodeo Sanitary District has no way of knowing what other agencies know or do not know about pension law and the financial impact of their decisions.</i>
<i>In-Home Supportive Services Authority (IHSS)</i>	<i>Agrees</i>	
<i>First 5 – Children &amp; Families Commission</i>	<i>Partially disagrees</i>	<i>First 5 Contra Costa is not fully knowledgeable pension law, but does retain counsel specifically on pension-related matters, including the Commission's future pension obligations.</i>
<i>Contra Costa County Fire Protection District</i>	<i>Agrees</i>	
<i>East Contra Costa Fire Protection District</i>	<i>Partially disagrees</i>	<i>All of the current employees' Memorandums of Understanding were in place prior to seating the Fire District's Board of Directors on February 3, 2010.</i>
<i>Moraga-Orinda Fire District</i>	<i>Partially disagrees</i>	<i>Neither the District staff nor the Board of Directors has any ability to know or judge the level of knowledge of other CCCERA member agencies about pension law and/or the fiscal impact of decisions relative to the manner of calculating pension obligations.</i>

<i>Rodeo-Hercules Fire Protection District</i>	<i>Agrees</i>	
<i>San Ramon Valley Fire District</i>	<i>Partially disagrees</i>	<i>The District conducted public hearings /educational sessions with the Board of Directors and the public in 2009 related to pension calculations and pension law. The Board commissioned a study of retirement related compensation issues. After several public work sessions, the Board took ten (10) substantive actions addressing retirement compensation issues. The District has no information with regard to the knowledge of other employer members with respect to pension obligations.</i>

**3. Some employer board members rely heavily on input from staff. As members of the same pension system, the staff may benefit from actions recommended to their employer.**

***Responses:***

<b><i>Employer</i></b>	<b><i>Response</i></b>	<b><i>Employer's Comments</i></b>
<i>Contra Costa County Board of Supervisors</i>	<i>Agrees</i>	
<i>Contra Costa County Employees' Retirement Association</i>		<i>CCCERA is not an employer member. CCCERA employees are by law County employees.</i>
<i>Bethel Island Municipal Improvement District</i>	<i>Agrees</i>	
<i>Byron, Brentwood, Knightsen Union Cemetery District</i>	<i>No Response</i>	
<i>Central Contra Costa Sanitary District</i>	<i>Agrees</i>	
<i>Contra Costa Housing Authority</i>	<i>Agrees</i>	
<i>Contra Costa Mosquito and Vector Control District</i>	<i>Agrees</i>	<i>From what the media reports concerning the actions of some employers, we have to assume this finding is correct. However, our District Board members rely on staff, legal counsel, auditors and hired consultants for appropriate information regarding Board responsibilities and background information on topics before the Board.</i>
<i>Local Agency Formation Commission (LAFCO)</i>	<i>Agrees</i>	
<i>Rodeo Sanitary District</i>	<i>Partially disagrees</i>	<i>The District has no way of knowing what other district or agency board members rely on in making pension decisions. It is certainly possible, and even likely that they may rely on staff input, but some agencies such as RSD may rely on input from other professionals in</i>

		<i>making those decisions.</i>
<i>In-Home Supportive Services Authority (IHSS)</i>	<i>Agrees</i>	
<i>First 5 – Children &amp; Families Commission</i>	<i>Agrees</i>	<i>First 5 Contra Costa Commission rely on staff for sufficient information to make informed, reasonable decisions.</i>
<i>Contra Costa County Fire Protection District</i>	<i>Agrees</i>	
<i>East Contra Costa Fire Protection District</i>	<i>Agrees</i>	
<i>Moraga-Orinda Fire District</i>	<i>Partially disagrees</i>	<i>Neither the District staff nor the Board of Directors has any knowledge of the extent to which other CCCERA member agency board members rely heavily on recommendations from their respective staff. MOFD acknowledges and agrees that a board should recognize that staff advising a board may benefit from board decisions.</i>
<i>Rodeo-Hercules Fire Protection District</i>	<i>Partially disagrees</i>	<i>In many cases it is true. However, at the Rodeo-Hercules Fire Protection District, the Board of Directors not only has staff to advise them, but they also rely on outside legal counsel and a contracted human resource provider. Both of these advisers are consultants and not District employees. They are both involved in giving advice during the decision making process for pensions, salaries and other benefits that District employees receive.</i>
<i>San Ramon Valley Fire District</i>	<i>Partially disagrees</i>	<i>The District Board of Directors hires an outside negotiator with regard to negotiation of collective bargaining agreements. The negotiator reports directly to the Board of Directors. The District has no information with regard to the practices of other employer members with respect to pension system actions.</i>

**4. Many of the pay elements and policies related to calculating final compensation are at the discretion of the employer member.**

***Responses:***

<b><i>Employer</i></b>	<b><i>Response</i></b>	<b><i>Employer’s Comments</i></b>
<i>Contra Costa County Board of Supervisors</i>	<i>Partially disagrees</i>	<i>The majority of the pay elements are collectively bargained rather than discretionary and all of the policies related to calculating final compensation, by State law, are the sole discretion of the CCCERA Retirement Board. The CCCERA Board determines whether an item is includable in the calculation of Final</i>

		<i>Average Pay.</i>
<i>Contra Costa County Employees' Retirement Association</i>		<i>CCCERA is not an employer member. CCCERA employees are by law County employees.</i>
<i>Bethel Island Municipal Improvement District</i>	<i>Agrees</i>	
<i>Byron, Brentwood, Knightsen Union Cemetery District</i>	<i>No Response</i>	
<i>Central Contra Costa Sanitary District</i>	<i>Agrees</i>	
<i>Contra Costa Housing Authority</i>	<i>Partially disagrees</i>	<i>Many of the pay elements are the result of collective bargaining. By state law, all policies relating to calculating final compensation are at the sole discretion of the CCCERA Retirement Board.</i>
<i>Contra Costa Mosquito and Vector Control District</i>	<i>Partially disagrees</i>	<i>While we understand that employers have some discretion as to what cash remuneration to provide its employees and over issues such as "straddling", retirement law, court decisions (Ventura) and legal settlements (Paulson) have dictated what pay elements need to be used in determining the Final Average Salary.</i>
<i>Local Agency Formation Commission (LAFCO)</i>	<i>Partially disagrees</i>	<i>Pursuant to State law, policies related to calculating final compensation are the sole discretion of the CCERA Retirement Board. The CCCERA Board determines whether an item is includable in the calculation of Final Average Pay.</i>
<i>Rodeo Sanitary District</i>	<i>Agrees</i>	
<i>In-Home Supportive Services Authority (IHSS)</i>	<i>Partially disagrees</i>	<i>The majority of the pay elements are collectively bargained rather than discretionary and all of the policies related to calculating final compensation, by State law, are the sole discretion of the CCCERA Retirement Board. The CCCERA Board determines whether an item is includable in the calculation of Final Average Pay.</i>
<i>First 5 – Children &amp; Families Commission</i>	<i>Disagrees</i>	<i>The First 5 Contra Costa Commission has discretion as to the setting of employee salaries and certain additional elements of employee compensation. However, the County Employee's Retirement Law of 1937 and CCCERA establish whether or not a particular pay element must be included when calculating final compensation for purposes of pension benefits. First 5 Contra Costa does not have the ability to exercise any discretion as to whether or not an item of pay should be included in final compensation calculations.</i>
<i>Contra Costa County Fire Protection District</i>	<i>Partially disagrees</i>	<i>The majority of the pay elements are collectively bargained rather than discretionary and all of the</i>

		<i>policies related to calculating final compensation, by State law, are the sole discretion of the CCCERA Retirement Board. The CCCERA Board determines whether an item is includable in the calculation of Final Average Pay.</i>
<i>East Contra Costa Fire Protection District</i>	<i>Agrees</i>	
<i>Moraga-Orinda Fire District</i>	<i>Agrees</i>	<i>The District agrees subject to the proviso that pay elements and policies related to the calculation of final compensation are subject to the meet and confer obligations of the employer member agencies with respect to collective bargaining agreements and subject further to the policies of CCCERA and to legal principles that may limit the Districts rights to act with respect to existing employees.</i>
<i>Rodeo-Hercules Fire Protection District</i>	<i>Agrees</i>	
<i>San Ramon Valley Fire District</i>	<i>Agrees</i>	<i>The District commissioned a study of pay elements and policies by an outside retirement legal firm. The report examined the calculation of final compensation. The Board of Directors enacted ten (10) recommendations to address final compensation issues.</i>

**5. Some employer member policies permitting pension spiking increase pension obligations, which in turn will annually increase the amount of pension funds needed.**

***Responses:***

<b>Employer</b>	<b>Response</b>	<b>Employer's Comments</b>
<i>Contra Costa County Board of Supervisors</i>	<i>Agrees</i>	<i>With clarification that the majority of "employer policies" that impact pensions are actually bargained contracts with recognized employee organizations.</i>
<i>Contra Costa County Employees' Retirement Association</i>		<i>CCCERA is not an employer member. CCCERA employees are by law County employees.</i>
<i>Bethel Island Municipal Improvement District</i>	<i>Agrees</i>	
<i>Byron, Brentwood, Knightsen Union Cemetery District</i>	<i>No Response</i>	
<i>Central Contra Costa Sanitary District</i>	<i>Agrees</i>	
<i>Contra Costa Housing Authority</i>	<i>Agrees</i>	<i>However, many of HACCC's policies are a result of collective bargaining. All policies relating to calculating final compensation are at the sole discretion of the CCCERA Retirement Board.</i>

<i>Contra Costa Mosquito and Vector Control District</i>	<i>Agrees</i>	<i>From what the media reports concerning the actions of some employers, we have to assume this finding is correct. However, our District has not adopted policies that include pay items that factor into computing Final Average Salary that are not collected through employer and employee contribution rates.</i>
<i>Local Agency Formation Commission (LAFCO)</i>	<i>Agrees</i>	
<i>Rodeo Sanitary District</i>	<i>Agrees</i>	
<i>In-Home Supportive Services Authority (IHSS)</i>	<i>Agrees</i>	<i>With clarification that the majority of “employer policies” that impact pensions are actually bargained contracts with recognized employee organizations.</i>
<i>First 5 – Children &amp; Families Commission</i>	<i>Partially disagrees</i>	<i>Multiple factors in addition to employer member policies may affect the amount of funds needed to cover pension obligations.</i>
<i>Contra Costa County Fire Protection District</i>	<i>Agrees</i>	<i>With clarification that the majority of “employer policies” that impact pensions are actually bargained contracts with recognized employee organizations.</i>
<i>East Contra Costa Fire Protection District</i>	<i>Agrees</i>	
<i>Moraga-Orinda Fire District</i>	<i>Partially disagrees</i>	<i>The District agrees that policies of employer member agencies do permit the conversion of certain benefits to pensionable compensation which has the consequence of increasing pension benefits and member obligations. The District observes that certain conversions of benefits have occurred due to the policies and practices of CCCERA over which the District had, and continues to have, no control, which policies and practices have increased pension costs. The District does not agree with the use of the pejorative term “spiking” as it suggests some sort of illegal action when in fact there is not a commonly accepted definition for the term.</i>
<i>Rodeo-Hercules Fire Protection District</i>	<i>Agrees</i>	
<i>San Ramon Valley Fire District</i>		<i>See #4 above with respect to the District. The District has no information regarding other employer members.</i>

**RECOMMENDATIONS:**

- 1. CCCERA, as the pension fund administrator, shall develop and make training available annually on pension fund law and management to employer members.**

*Response from CCCERA*

**Response:** *The recommendation requires further analysis. CCCERA is in the process of developing a questionnaire to assess the needs and educational requirements of the various employer boards. After the questionnaire is completed, CCCERA may develop an annual educational seminar open to Board members of all member employers, to assist in meeting their educational needs.*

**2. Employer members shall adopt procedures that require board members/directors to annually attend pension fund training provided directly or indirectly by CCCERA.**

**Responses:**

<b>Employer</b>	<b>Response</b>	<b>Employer's Comments</b>
<i>Contra Costa County Board of Supervisors</i>	<i>Will not be implemented</i>	<i>CCCERA does not currently offer direct or indirect pension training. However, the Board of Supervisors recently conducted a Pension Workshop to educate the Board, employees, and the public regarding basic pension information and issues and future educational workshops will be held on a regular basis.</i>
<i>Bethel Island Municipal Improvement District</i>	<i>Requires further analysis</i>	<i>Requiring ALL board members/directors to annually attend pension fund training provided directly, or indirectly, by CCCERA may not be appropriate for small special districts. Who should attend, and how often, may depend upon the length of the training, the cost (if any), previous training by board members, the remaining length of board member terms, and the time/accessibility of the training. In small districts, sending the General Manager and Administrative Assistant/Payroll Clerk, along with selected directors, would probably be more beneficial in both the short and long run. The District will draft and adopt a board policy addressing pension fund training requirements within 120 days of the CCCERA developing a pension fund training program.</i>
<i>Byron, Brentwood, Knightsen Union Cemetery District</i>	<i>No Response</i>	
<i>Central Contra Costa Sanitary District</i>	<i>Requires further analysis</i>	<i>At the time CCCERA has not committed to develop training. If and when CCCERA commits to develop and offer training, the District Board will consider adopting procedures to require Board Members to annually attend pension fund training provided by CCCERA within a month of receipt, and inform the Grand Jury of its considerations. During 2009 and 2010, the Board of Directors discussed the various issues and information regarding spiking, final annual salary (FAS), CCCERA's direction to depool the employers, post retirement health benefits, the current and projected unfunded liability, AB</i>

		<i>1987 and SB 1425 bills, and the financial impact to the District of future projected employer contribution rates approximately 13 times.</i>
<i>Contra Costa Housing Authority</i>	<i>Will not be implemented</i>	<i>CCCERA does not currently offer pension fund training to Employer Members. However, if CCCERA offers this training in the future, HACC will access the training to determine if it would benefit Board and/or staff members. It should be noted that every member of the County's Board of Supervisors serves on HACCC's Board. The BOS recently held a Pension Workshop designed to educate the Board, County staff and the public about basic pension issues. The BOS plans to hold regular educational workshops on the pension system in the future. HACCC is currently in the process of merging its Advisory Board with its governing Board of Commissioners. When this is complete, three community members will join the existing members on the Board of Commissioners. These new members will receive training on basic pension issues.</i>
<i>Contra Costa Mosquito and Vector Control District</i>	<i>Will not be implemented formally</i>	<i>District Trustees welcome the opportunity to be provided such training by CCCERA. However, it would not be appropriate or fiscally prudent to make this an annual requirement for all 22 Trustees, given that our District pension costs are well under control and we have only five pay elements used in determining Final Average Salary.</i>
<i>Local Agency Formation Commission (LAFCO)</i>	<i>Will not be implemented</i>	<i>CCCERA does not currently offer direct or indirect pension fund training.</i>
<i>Rodeo Sanitary District</i>	<i>Will be implemented</i>	<i>Upon receipt of notification from CCCERA that such pension fund training classes have been created.</i>
<i>In-Home Supportive Services Authority (IHSS)</i>	<i>Will not be implemented</i>	<i>CCCERA does not currently offer direct or indirect pension training. However, the Board of Supervisors recently conducted a Pension Workshop to educate the Board, employees, and the public regarding basic pension information and issues and future educational workshops will be held on a regular basis.</i>
<i>First 5 – Children &amp; Families Commission</i>	<i>Will be implemented in the future</i>	<i>To our knowledge, CCCERA does not provide such training for board members; however First 5 Contra Costa will invite CCCERA to provide updates and pension information at Commission meetings annually.</i>
<i>Contra Costa County Fire Protection District</i>	<i>Will not be implemented</i>	<i>CCCERA does not currently offer direct or indirect pension training. However, the Board of Supervisors recently conducted a Pension Workshop to educate the Board, employees, and the public regarding basic</i>

		<i>pension information and issues and future educational workshops will be held on a regular basis.</i>
<i>East Contra Costa Fire Protection District</i>		<i>The District is willing to send Board Members and Staff to annual training regarding the retirement system.</i>
<i>Moraga-Orinda Fire District</i>	<i>Partially disagrees</i>	<i>The District Board agrees with a recommendation for periodic training or education of Board members on pension fund matters, and has therefore taken steps to see that ongoing education of District Board members occurs through its legal counsel, which counsel is knowledgeable in such matters. The District Board does not consider CCCERA to be the appropriate body to provide or sponsor training of District Board members because CCCERA's legal and economic interests may be adverse to those of the District and CCERA's past policies may have resulted, and may continue to result, in the imposition of greater costs upon the District than were required by law.</i>
<i>Rodeo-Hercules Fire Protection District</i>	<i>Will be implemented</i>	<i>It is the intent of the District Board of Directors to develop a procedure that will include the requirement that all Directors attend annual training, when provided by CCCERA. The Board shall complete the required procedure within 6 months.</i>
<i>San Ramon Valley Fire District</i>	<i>Will be implemented</i>	<i>Implementation will be subject to the parameters of the training program offered by CCCERA. Any training opportunities would be welcomed. Implementation of procedures related to said training would depend upon the process for the delivery of training. Some options may include: training delivered at scheduled CCCERA or member agency Board meetings; training delivered at CCERA offices; training delivered on-line; group training; or individual training.</i>

- 3. Within 120 days of this report CCCERA and its employer members shall review the list of current pay elements to determine which elements are required to be included by law, which are optional and which by law are to be excluded. If a pay element is not permitted by law, action shall be taken to comply with the law. Additionally, a review shall be done when employee labor contracts or agreements are negotiated.**

***Responses:***

<b>Employer</b>	<b>Response</b>	<b>Employer's Comments</b>
<i>Contra Costa County Board of Supervisors</i>	<i>Has been implemented</i>	

<i>Bethel Island Municipal Improvement District</i>	<i>Will be implemented</i>	<i>This recommendation will be implemented when CCCERA organizes their review and invites employer members, hopefully of similar/like groups, to participate.</i>
<i>Byron, Brentwood, Knightsen Union Cemetery District</i>	<i>No Response</i>	
<i>Central Contra Costa Sanitary District</i>	<i>Has been implemented</i>	<i>A detailed list of all terminal pay codes and pay types has been provided to the Board. The CCCERA staff reviewed all District pay codes for retirement benefit calculation and directed CCCSD staff regarding their inclusion or exclusion for retirement benefit calculations. It is our understanding that all District pay elements included in the final compensation are allowed by law. Regarding the last sentence of this recommendation, our labor contracts run until April 17, 2012. The District plans to review the pay codes and types before the next negotiations to ensure that there have been no changes in law since the last review as conducted.</i>
<i>Contra Costa Housing Authority</i>	<i>Has been implemented</i>	<i>The recommendation is already in practice at HACCC and will continue. CCCERA has the authority and responsibility to review pay elements and determine which are to be included in the final calculation of compensation. As such, CCCERA will inform HACCC if any elements are optional or excluded. HACCC currently conducts reviews of any newly proposed pay elements to ensure the pension/budgetary costs of such are affordable. HACCC will continue conducting these reviews in the future.</i>
<i>Contra Costa Mosquito and Vector Control District</i>	<i>Has been implemented</i>	<i>The District's list of pay items used in computing Final Average Salary are limited to five items, comply with retirement law and are factored into District contribution rates to CCCERA.</i>
<i>Local Agency Formation Commission (LAFCO)</i>	<i>Will be implemented</i>	<i>LAFCO will work with the County Auditor and CCCERA and comply with all applicable laws. LAFCO currently employs two full-time employees, and neither is subject to labor contracts or agreements. A preliminary review shows a limited number of pay elements (i.e. pay/pay adjustments, auto allowance, sale of vacation).</i>
<i>Rodeo Sanitary District</i>	<i>Will be implemented</i>	<i>Upon receipt of notification from CCCERA that it has completed an analysis of current pay elements and provides information to RSD about which such elements are optional or required by law. After that information has been received, RSD will then conduct a review of its current pension plan elements to determine compliance with law and to discuss at the Board actions which may be necessary to bring RSD Pension Plan into</i>

		<i>compliance.</i>
<i>In-Home Supportive Services Authority (IHSS)</i>	<i>Has been implemented</i>	
<i>First 5 – Children &amp; Families Commission</i>	<i>Has been implemented</i>	<i>CCCERA has ultimate authority to determine how pay elements are to be considered in pension calculations.</i>
<i>Contra Costa County Fire Protection District</i>	<i>Has been implemented</i>	
<i>East Contra Costa Fire Protection District</i>		<i>The District will review all its employee labor agreements and contracts prior to commencing negotiations. The District will comply with Local, State and Federal laws.</i>
<i>Moraga-Orinda Fire District</i>	<i>Has been implemented</i>	<i>The Moraga-Orinda Fire District has already implemented the steps included in this recommendation back in January 2010 when it mandated District Counsel to review and evaluate which pay elements are required to be included by law, which are optional and which by law are to be excluded. The findings of that study were presented at a District Board meeting on February 17, 2010. The Moraga-Orinda Fire District will instruct District Counsel to re-evaluate all pay elements and, if appropriate, provide in a written report further guidance to the District if requisite. This report, if any, will be available by August 20, 2010. The Fire District has provided CCCERA a current list of Moraga-Orinda Fire District’s pay elements for their review and evaluation. The District notes that to the extent that action on this recommendation implicates matters with the scope of representation of recognized employee bargaining groups that any such action will first be subject to the obligations of the District to meet and confer with effected employee bargaining groups and subject to the existence of collective bargaining agreements and to legal principles that may limit the Districts rights to act with respect to existing employees.</i>
<i>Rodeo-Hercules Fire Protection District</i>	<i>Will be implemented</i>	<i>The District is in the process of reviewing the pay elements. Currently the District utilizes 14 pay codes. The pay codes are used for base monthly salary, EMT pay, Paramedic pay, Longevity pay, Vacation sell back, Holiday pay, and Uniform allowance. In conjunction with CCCERA, a determination will be made if the pay elements are in compliance with current law. If any of the pay elements are not in compliance with the law, the District will modify the pay elements to be in compliance. The District will review all pay elements prior to the</i>

		<i>expiration on September 30, 2012 of its Memorandum of Understanding with United Professional Fire Fighters, I.A.F.F. Local 1230.</i>
<i>San Ramon Valley Fire District</i>	<i>Will be implemented</i>	<i>The inventory of current pay elements will be concluded in the next 120 days. The District's labor agreement expires on March 31, 2011.</i>

**4. Within 120 days CCCERA and employer members shall evaluate the current and future budget impact of pay elements. If employer and employee contributions plus projected investment income do not cover pension costs, employer members shall consider appropriate action to eliminate or modify those pay elements.**

**Responses:**

<b>Employer</b>	<b>Response</b>	<b>Employer's Comments</b>
<i>Contra Costa County Board of Supervisors</i>	<i>Has been implemented</i>	<i>It is County policy to annually review all pension costs and to adopt and budget rates reported by CCCERA to cover all projected pension costs. Additionally, the County is actively working on a strategic plan for pension reform.</i>
<i>Bethel Island Municipal Improvement District</i>	<i>Will be implemented</i>	<i>This recommendation will hopefully be implemented following the pension fund training and the review of current pay elements. CCCERA would be the lead agency to provide the current pension costs and projected investment income. Each employer member shall CONSIDER appropriate action to eliminate or modify those pay elements. However, for small special districts with only a few employees in the pension system, even eliminating all elements for district employees would have little to no effect on the overall pension shortfall and could cause financial hardship to individual employees.</i>
<i>Byron, Brentwood, Knightsen Union Cemetery District</i>	<i>No Response</i>	
<i>Central Contra Costa Sanitary District</i>	<i>First sentence has been implemented; second sentence requires further analysis.</i>	<i>Regarding first sentence: This portion of the recommendation has been implemented for the District. A Ten Year Financial Plan is submitted to the Board in January of each year for its consideration. District staff reviews the assumptions and calculations with the Board and recommends a multi-year rate structure. All revenue and expenses are projected with the corresponding rate impact over the ten years of the plan. The 2010 Ten Year Financial Plan used CCCERA's most recent rate projections as of January 2010; the District will use CCCERA's updated rate</i>

		<p><i>projections in next year's Financial Plan. Regarding second sentence: This portion requires further analysis. The District' employer contributions plus employee contributions required by CCCERA cover both our current obligation and an amortizing charge to pay for the unfunded actuarial accrued liability (UAAL), which is currently about 40% of the total rate. Thus, in the past, the contributions plus projected investment income have not covered pension costs. The CCCERA pension funds are estimated to be 80% funded. Since the District pays a portion of the UAAL in its annual contributions to CCCERA each year, the District is scheduled to pay off its UAAL within eighteen years. CCCERA is moving to de-pool the employers. This may increase the District's employer contribution and UAAL. The CCCERA's Actuary has indicated an August 2010 timeframe to develop de-pooling data and conclusions for employer review. After employers have reviewed the de-pooling information, the District anticipates CCCERA will de-pool the employers. When this is complete, the District will be able to evaluate the impact of the new rates on the District. These rates will be used in the Ten Year Financial model updated which will be reviewed by the Board of Directors in January 2011. The pay codes that can be considered to be changed are governed by the three District bargaining unit labor agreements which expire April 17, 2012. The District is required under California Labor Code to honor the terms and conditions of these current memoranda of understanding. Changes in the pay codes will be considered as appropriate when the new labor agreements are negotiated.</i></p>
<i>Contra Costa Housing Authority</i>	<i>Has been implemented</i>	<p><i>This is already in practice at HACCC and will continue. CCCERA annually provides HACCC with information concerning the cost of pay elements. This information is then used in the preparation of HACCC's yearly budget. At present, employer and employee contributions cover pension costs.</i></p>
<i>Contra Costa Mosquito and Vector Control District</i>	<i>Will not be implemented</i>	<p><i>An independent actuarial study is costly; such cost is not warranted, given that the District's pension costs are carefully budgeted and well under control as stated previously. The District already strives to comply with all legal requirements regarding pension law and full disclosure of projected costs to the District Board of present and any proposed changes to benefits. We wholly rely on CCCERA to compute and collect</i></p>

		<i>appropriate contributions to cover present and future obligations.</i>
<i>Local Agency Formation Commission (LAFCO)</i>	<i>Will be implemented</i>	<i>LAFCO employs two full-time employees. Contra Costa LAFCO will work with the County Auditor and CCCERA in an effort to comply with this recommendation.</i>
<i>Rodeo Sanitary District</i>	<i>Will be implemented</i>	<i>RSD contemplates asking its auditors to conduct such an investigation as part of the annual audit and to report back to the Board with its findings. If employer and employee contributions plus projected investment income do not cover the pension costs, RSD will consider appropriate action to eliminate or modify those pay elements over which it has authority to modify consistent with current labor contracts and/or agreements. Review of these elements will be undertaken at the time of renegotiation of any such labor contracts and/or agreements and appropriate action taken by the Board at a public meeting.</i>
<i>In-Home Supportive Services Authority (IHSS)</i>	<i>Has been implemented</i>	<i>It is County policy to annually review all pension costs and to adopt and budget rates reported by CCCERA to cover all projected pension costs. Additionally, the County is actively working on a strategic plan for pension reform.</i>
<i>First 5 – Children &amp; Families Commission</i>	<i>Has been implemented</i>	<i>In 2007 First 5 Contra Costa engaged legal and actuarial consultation in order to calculate its pension liability. First 5 Contra Costa’s employer and employee contribution rates are set by CCCERA based on CCCERA’s calculations for all employers combined. Because First 5 is a small employer within a significantly larger pool of employers of all sizes, changing the pay elements for First 5 Contra Costa employees would have little or no bearing on overall contribution rates.</i>
<i>Contra Costa County Fire Protection District</i>	<i>Has been implemented</i>	<i>It is County policy to annually review all pension costs and to adopt and budget rates reported by CCCERA to cover all projected pension costs. Additionally, the County is actively working on a strategic plan for pension reform.</i>
<i>East Contra Costa Fire Protection District</i>		<i>The District will review all its employee labor agreements and contracts prior to commencing negotiations.</i>
<i>Moraga-Orinda Fire District</i>	<i>Has been implemented</i>	<i>The District has implemented measures that evaluate future pension costs and obligations. Through the District’s Long Range Financial Forecast process all revenue including investment income as well as</i>

		<i>expenditures, which include pension costs, are reviewed, evaluated and if necessary, adjusted on a semi-annual basis. The District is very concerned about all employee costs including pensions. In 2005, the District began implementing measures to ensure that current and projected pension costs are within the District's financial means. (Grand Jury note: the measures are described and on file with the Court Secretary.)</i>
<i>Rodeo-Hercules Fire Protection District</i>	<i>Requires further analysis</i>	<i>The District will need to consider the impacts of the cost evaluation for the District's limited use of pay elements. The difficulties of breaking out the cost of each pay element may exceed the cost gain by the elimination of the pay element. It will be necessary for the District to look at the cost of a consultant to assist with providing the cost of each pay element. Currently the District is implementing cost containment measures in order to meet its current budget deficits. Any modification in pay elements would only have a long term impact on the District's employer rate.</i>
<i>San Ramon Valley Fire District</i>	<i>Will be implemented</i>	<i>The District will require CCCERA calculation of the cost of each element of retirement compensation. The District will need CCCERA rate projects to determine future budget impacts. Impact of the potential de-pooling initiative is unknown.</i>

**CONTRA COSTA COUNTY GRAND JURY REPORT NO. 1011**

**OUR FOSTER CARE CHILDREN IN JEOPARDY**

*Response by Contra Costa County Board of Supervisors*

**FINDINGS**

- 1. CFS lost 119 positions from January 2008 to January 2009. Of those, 65 social workers were eliminated from the foster care program.**

*Response: Respondent agrees with finding.*

- 2. Contra Costa County was serving approximately 1,100 foster children as of December 31, 2009.**

*Response: Respondent agrees with finding.*

- 3. CFS foster care case file information is both computerized and on paper. Information is not consistent between the two types of files and neither contains complete information.**

*Response: Respondent partially disagrees with finding. Contra Costa County is required to utilize a Statewide Child Welfare information system. The information in this system includes all documents generated by the social worker to allow for the documentation of services to families. If one is not familiar with that application, or has not been trained on the use of that system, it is difficult to understand. Paper files are necessary for record keeping of all services and other legal documents that are not generated by the social worker. The current state system was designed to allow non child welfare staff the ability to enter their reports into the system. Therefore paper and electronic files are intended to be combined to make a complete file.*

- 4. Access to computerized case files is restricted to the social workers.**

*Response: Respondent agrees with finding. State and federal law requires that child welfare information is confidential and may only be accessed if the person is a party to the legal action. To maintain confidentiality only social workers and other authorized personnel have access to these confidential files based on their role with the family.*

- 5. The court case files were well-organized and easy to follow, in contrast, the CFS files were cumbersome and incomplete.**

*Response: Respondent partially disagrees with finding. The respondent is not able to comment on court files. CFS records require multiple volumes and are on paper and within an electronic database. Due to the nature of the family issues and the number of members in a family the volumes can make it difficult for someone who was not trained or someone who*

does not have daily contact with the files to track. The respondent is not aware of any incomplete files.

**6. Not all CFS records contain documentation of school attendance.**

- **There is no school attendance policy for children under the age of sixteen.**
- **Children 16 years and older must attend school for foster parent payments to continue.**
- **Foster parents are responsible for the child's attendance.**
- **Social workers may or may not be notified of truancy.**

*Response: Respondent partially disagrees with finding. The Health and Educational Passport is an electronic document within the statewide data base that was designed to capture the information regarding where a child attends school. The passport is not intended to capture attendance but intended to document the progress that a child has attained educationally. All information regarding the child's progress in school is captured in court reports which are completed every six months for all school aged children. Additionally, the department has a contract with the Office of Education to provide additional tutoring services to youth who are not able to utilize the services through their school. The department also works with the Office of Education to employ Educational Liaisons who are co-located with Child Welfare Social Workers. The liaisons work with the social worker, the youth, the caregiver and the school to ensure the youth's educational needs are met. They also participate in Individualized Educational Plans, disability accommodation meetings and all other processes necessary to ensure the success of the youth.*

**7. Frequent changes in home and school placements negatively affect a foster child's academic performance and future success in life.**

*Response: Respondent agrees with finding.*

**8. Medical assessments, social assessments, and immunizations are completed within 30 days of the foster child's removal from the home. Social workers do not automatically receive these records.**

*Response: Respondent agrees with finding. Social workers do not automatically receive the reports on the child's health but they are able to find out the information from the child's caregiver and the public health nurse who does automatically receive the reports. The public health nurses are co-located with the social workers and help CFS to ensure children are receiving appropriate medical services.*

**9. Due to lack of record sharing, immunizations are sometimes done repeatedly in error.**

*Response: Respondent disagrees with finding. The Respondent is not aware of any children who have had immunizations repeated. Also Respondent is not aware of a lack of record sharing when a provider has been identified as having records for a child being served by Children and Family Services Bureau.*

**10. Mental health records require court or parental authorization for release to CFS.**

*Response: Respondent agrees with finding. Mental Health records are protected by federal and state regulations. As is required by these laws, CFS is required to have a court order or parental authorization for children's records or parent records. This process ensures that privacy laws are upheld and does not delay CFS in addressing the needs of the children.*

**11. Training of mental health service providers in the treatment of childhood trauma is insufficient.**

*Response: Respondent is unable to agree or disagree with finding as the respondent does not train mental health providers.*

**12. The staff of Home Finders has been reduced from 8 to 3 workers, leaving each with a caseload of approximately 300 homes, to assess for new and continuing foster care placement.**

*Response: Respondent partially disagrees with finding. The Home finding unit has been reduced to the number of staff authorized by the funding for the program. Based on the allocation Contra Costa County is funded for 2.9 Full Time Equivalent (FTEs) staff including a supervisor. In April 2010 Contra Costa County had 439 licensed foster homes with 164 pending applications. The three licensing staff are each managing 146 existing licensed homes and working with 55 families who are working on completing their licensing tasks for a total of 201 cases per worker on average.*

**13. CFS works toward reunification of foster children with their immediate families as a first priority. If not possible, placement for foster children is with a relative or a licensed foster care home.**

*Response: Respondent agrees with finding.*

## **RECOMMENDATIONS**

**1. CFS shall establish procedures among providers for the exchange of essential information about the children and families they serve.**

*Response: This recommendation will not be implemented because it is not warranted. All documents and essential information are shared in accordance with County, State and Federal statutes.*

**2. CFS shall ensure that all service providers include CHDP staff, mental health practitioners, social workers and school personnel have access to all information about the child.**

*Response: This recommendation will not be implemented because it is not warranted. All documents and essential information is already shared in accordance with County, State and Federal statutes.*

- 3. After all efforts to reunify the child with his or her parents have failed; the next action of CFS shall be to locate extended family members utilizing the nationwide Family Finding Network.**

*Response: This recommendation will not be implemented because it is not warranted. This recommendation is already a practice in accordance with State and Federal regulations that guide the practice regarding the process of reunification. The department does not wait until the end of reunification efforts have failed to locate other alternate permanent plans for children. The department provides concurrent planning efforts for all children. Additionally, Employment and Human Services has an existing contract with a vendor which provides nationwide search capacity.*

- 4. CPS shall make tracking of school attendance of foster a top priority.**

*Response: This recommendation will not be implemented. Supporting the academic success of children in foster care is already a priority for the department and attendance is closely monitored by the foster child's caregivers. The Department, the child's caregivers, the Office of Education and Foster Youth Service all work closely together to assist in helping youth achieve their academic success. Additionally, Employment and Human Services contracts with the Office of Education for Educational Liaisons who work with the social workers and caregivers in meeting the needs of the children and youth. The department has maintained this service for over 10 years in an effort to improve the educational success of the children in foster care. The Educational Liaisons are co-located with Social Workers and assist in ensuring the timely collection and sharing of student information. They assist in development of special educational plans and if needed participate in individual meetings to ensure the youth are afforded all academic services available.*

- 5. The Board of Supervisors shall make the needs of foster children a top priority when allocating and administering public resources.**

*Response: This recommendation will not be implemented because it is not warranted. The needs of children are already a top priority for the Board of Supervisors. When allocating and administering public resources, many necessary and important services compete for very limited resources. The Board takes into consideration all County services when allocating and administering public resources.*

- 6. The Board of Supervisors shall ensure that providers of mental health services to foster children shall have training in current trauma-focused therapy.**

*Response: The recommendation will not be adopted because it is not reasonable. The Board of Supervisors utilizes individuals licensed by the State of California to provide these services and has no authority over their training. In addition, the Board of Supervisors does*

*to have the professional expertise to designate a therapeutic modality of treatment for children in foster care.*

**CONTRA COSTA COUNTY GRAND JURY REPORT NO. 1012**

**TRUANCY**  
 “The Kindergarten of Crime”

*Responses from Contra Costa County Office of Education  
 and School District Governing Boards*

**FINDINGS:**

- 1. There are 18 school districts in Contra Costa County, each with its own superintendent.**

No response needed.

- 2. SARB is the body that refers students to the juvenile court system for truancy.**

No response needed.

- 3. The school districts do not provide timely documentation of truancy to the courts resulting in the delay of court intervention.**

**Responses:**

<i>School District</i>	<i>Response</i>	<i>Comments</i>
<i>Acalanes Union</i>	<i>Received</i>	<i>Following the recommendations</i>
<i>Antioch Unified</i>	<i>None</i>	
<i>Brentwood Union</i>	<i>Received</i>	<i>Since the formation of the east county elementary SARB, there has been a system in place for bringing cases to court. The Judge who hears truancy cases requires that the districts file paperwork on each case two weeks prior to the first Monday of the month in order to get on the Judge’s docket. Jan Steed’s office prepares the subpoenas and necessary documents, files them in the Martinez Superior Court and appears on the first Monday of each month. The subpoenas are served on the parents to appear to explain the reason their child has been truant. This has been a very effective system for bringing cases to the Court’s attention.</i>
<i>Byron Union</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Canyon Elementary</i>	<i>Disagrees</i>	<i>Canyon District does not have truant students,</i>
<i>John Swett Unified</i>	<i>Agrees</i>	
<i>Knightsen</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Lafayette</i>	<i>Partially</i>	<i>Agrees that timely documentation is necessary for court</i>

	<i>disagrees</i>	<i>intervention.</i>
<i>Liberty Union High School</i>	<i>Disagrees</i>	<i>We are a high school district and have on staff a retired school administrator who serves as one of our Certified Attendance Supervisor. He is responsible for our SARB process. Due to our successful intervention program and the option of several alternative education programs, we have not found it necessary to refer students to court.</i>
<i>Martinez Unified</i>	<i>Disagrees</i>	<i>Martinez Unified School District has a classified staff member at the district office responsible for filing our SARB cases with the courts. Once the case is filed, the SARB Chairperson for our district presents the case to the court on the date provided by the court. Of the four (4) SARB cases sent forward to the court for intervention in 2009-2010, all four cases were presented before the court.</i>
<i>Moraga</i>	<i>None</i>	
<i>Mt. Diablo Unified</i>	<i>Disagrees</i>	<i>Records from Mt. Diablo Unified show that students are referred to court once the SARB process has been completed and truancy continues. In 2008-09, 53 cases were referred to court by Mt. Diablo Unified and 94 cases were referred in 2009-10.</i>
<i>Oakley Union Elementary</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Orinda Union</i>	<i>Received</i>	<i>The Orinda Union School District (OUSD) has not had the need to convene a SARB process. Attendance rates in the Orinda schools exceed 97%. School procedures are used to address any attendance issues.</i>
<i>Pittsburg Unified</i>	<i>Partially disagrees</i>	<i>Our understanding is that the statute of limitations is one school year. We do not submit cases to the courts. We take action and follow up on matters pertaining to the students who have been SARBed.</i>
<i>San Ramon Valley Unified</i>	<i>Disagrees</i>	<i>The San Ramon Valley Unified School District has documentation verifying that truancy information has been provided to the courts in a timely manner. We cannot comment on other school districts.</i>
<i>Walnut Creek</i>	<i>Agree</i>	<i>I cannot speak for all districts, but accept that this is what was discovered.</i>
<i>West Contra Costa Unified</i>	<i>None</i>	

**4. The 2008 – 2009 Combined Districts-SARB Report identified 113 referrals to the court. The court indicated that only 10 cases were received.**

***Responses:***

<b><i>School District</i></b>	<b><i>Response</i></b>	<b><i>Comments</i></b>
<i>Acalanes Union</i>	<i>Received</i>	<i>Following the recommendations</i>
<i>Antioch Unified</i>	<i>None</i>	

<i>Brentwood Union</i>	<i>Received</i>	<i>The SARB for elementary Districts and the Districts involved are unable to respond to this finding as it is based on county-wide data. However, the system put into place in January of 2009 is now regularly allowing the courts to intervene in cases from Brentwood, Byron, Knightsen and Oakley.</i>
<i>Byron Union</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Canyon Elementary</i>	<i>None</i>	
<i>John Swett Unified</i>	<i>Agrees</i>	
<i>Knightsen</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Lafayette</i>	<i>Agrees</i>	<i>Proper documentation is necessary for court intervention. The District had no referrals to court.</i>
<i>Liberty Union High School</i>	<i>Partially disagrees</i>	<i>We have not referred any cases to court. Our district's emphasis is on early identification and intervention. Emphasis is placed on prevention and changing behavior norms.</i>
<i>Martinez Unified</i>	<i>Agrees</i>	<i>The records of the court would be presented from the court accurately to the civil grand jury. The Martinez Unified School District shows a record of referring six (6) cases to court during 2008-2009.</i>
<i>Moraga</i>	<i>None</i>	
<i>Mt. Diablo Unified</i>	<i>Disagrees</i>	<i>Mt. Diablo Unified accounted for 54 of the 113 referrals. All 54 cases were heard in court. The district has copies of the court minutes and orders for all 54 cases and will provide them upon request.</i>
<i>Oakley Union Elementary</i>	<i>Received</i>	<i>Identical to Brentwood Union response</i>
<i>Orinda Union</i>	<i>Received</i>	<i>The OUSD has not had the need to convene a SARB process. Attendance rates in the Orinda schools exceed 97%. Schools procedures are used to address any attendance issues.</i>
<i>Pittsburg Unified</i>	<i>Agrees</i>	<i>We do not submit cases to the courts. We did not claim any court referrals. We take action and follow up on matters pertaining to the students who have been SARBed.</i>
<i>San Ramon Valley Unified</i>	<i>Disagrees</i>	<i>The San Ramon Valley Unified School District has documentation from the courts showing that more than 10 cases were heard from our district alone.</i>
<i>Walnut Creek</i>	<i>Agree</i>	
<i>West Contra Costa Unified</i>	<i>None</i>	

**5. Many schools do not have the required Certified Attendance Supervisor for reporting truancy.**

**Responses:**

<b><i>School District</i></b>	<b><i>Response</i></b>	<b><i>Comments</i></b>
<i>Acalanes Union</i>	<i>Received</i>	<i>Associate principal oversees the attendance policies.</i>
<i>Antioch Unified</i>	<i>None</i>	
<i>Brentwood Union</i>	<i>Received</i>	<i>The assertion is misleading. All site administrators with administrative credentials are certified by the Commission on Teacher Credentialing to perform the duties and responsibilities related to attendance/truancy under the general authorization for child welfare and attendance. The functions of a “certified attendance supervisor” are performed regularly by the District administrators and the more serious cases are submitted to the SARB to move appropriate cases to the courts.</i>
<i>Byron Union</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Canyon Elementary</i>	<i>Agrees</i>	
<i>John Swett Unified</i>	<i>Agrees</i>	
<i>Knightsen</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Lafayette</i>	<i>Disagrees</i>	<i>Have a designated Certified Attendance Supervisor.</i>
<i>Liberty Union High School</i>	<i>Disagrees</i>	<i>At all our schools, our Assistant Principals, per Ed Code 48240, as part of their job duties, are responsible for truancy and serve as Certified Supervisors of Attendance. Our Assistant Superintendent of Administrative Services serves a Certified Supervisor of Attendance for our district whose job duties include the SARB process and truancy.</i>
<i>Martinez Unified</i>	<i>Disagrees</i>	<i>Martinez Unified School District has an administrator at each school site that meets the criteria of Certified Attendance Supervisor.</i>
<i>Moraga</i>	<i>None</i>	
<i>Mt. Diablo Unified</i>	<i>Partially disagrees</i>	<i>In Mt. Diablo Unified, the Director of Student Services is the appointed Attendance Supervisor. The education code does not require an individual supervisor for each school. However, Mt. Diablo Unified has an Assistant Director of student Services and four Child Welfare and Attendance Liaisons who assist the Director in these duties. The County Board of Education has not taken action to certify any individuals in this role.</i>
<i>Oakley Union Elementary</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Orinda Union</i>	<i>Received</i>	<i>In the OUSD, the school principal is considered the Certified Attendance Supervisor for the school. The principal monitors student attendance and makes all final decisions regarding student truancy.</i>
<i>Pittsburg Unified</i>	<i>Disagrees</i>	<i>We have a District Child Welfare and Attendance worker. We have administrators, counselors and clerks that do SARB related work. We have classified staff at every site who are responsible for tracking attendance. Ongoing professional development is</i>

		<i>provided to principals and clerical staff. The most recent training was mandatory two hour session on June 23.</i>
<i>San Ramon Valley Unified</i>	<i>Disagrees</i>	<i>The San Ramon Valley School District does have personnel at each school site responsible for tracking school attendance. There is a district level administrator who is responsible for reporting truancy for the district. We cannot comment on other school districts.</i>
<i>Walnut Creek</i>	<i>Agree</i>	
<i>West Contra Costa Unified</i>	<i>None</i>	

**6. The review of truancy cases in some districts is not completed in a timely manner due to the infrequency of SARB meetings.**

**Responses:**

<b><i>School District</i></b>	<b><i>Response</i></b>	<b><i>Comments</i></b>
<i>Acalanes Union</i>	<i>Received</i>	<i>We strive to provide timely interventions to prevent truancy issues.</i>
<i>Antioch Unified</i>	<i>None</i>	
<i>Brentwood Union</i>	<i>Received</i>	<i>This is not true of the East County elementary SARB. The SARB meets on a monthly basis handling cases from all four districts. In the spring, when truancy issues tend to increase, the SARB meets twice a month. Members of the SARB include an administrator from each school district, a community representative, a representative from REACH, and a retired law enforcement officer. A current law enforcement officer attends when it does not interfere with his duties as a police officer. The East County SARB is an extremely well organized and managed group with a high success rate in changing the negative behaviors of students. Referrals to court occur when it is clear all options with the student/parent have been exhausted.</i>
<i>Byron Union</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Canyon Elementary</i>	<i>Disagrees</i>	<i>Canyon district would review truancy cases in a timely manner if they come up.</i>
<i>John Swett Unified</i>	<i>None</i>	
<i>Knightsen</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Lafayette</i>	<i>Disagrees</i>	<i>Agrees that SARB meetings need to occur in order for a timely review of truanicies</i>
<i>Liberty Union High School</i>	<i>Disagrees</i>	<i>SARB meetings are held monthly and scheduled for the entire school year. Our meetings are held at the Brentwood Police Department.</i>
<i>Martinez Unified</i>	<i>Partially disagrees</i>	<i>Martinez Unified School District reviews SARB cases bi-monthly throughout the school year. This schedule meets the needs of students in the seven (7) schools subject to compulsory full time</i>

		<i>attendance.</i>
<i>Moraga</i>	<i>None</i>	
<i>Mt. Diablo Unified</i>	<i>Disagrees</i>	<i>In 2008-09 there were 48 hearing dates and 32 SARB hearing dates in Mt. Diablo Unified in 2009-10. This was a reduction due to diminished staff. However, the length of the time for the meetings allowed for more students seen per session.</i>
<i>Oakley Union Elementary</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Orinda Union</i>	<i>Received</i>	<i>The OUSD has not had the need to convene a SARB process. Attendance rates in the Orinda schools exceed 97%. School procedures are used to address any attendance issues. School administrators work very effectively with parents to resolve student attendance issues utilizing required parental notifications regarding truancy.</i>
<i>Pittsburg Unified</i>	<i>Disagrees</i>	<i>We review all cases if placed on SARB contract at initial meeting, or student shows no progress in attendance, behavior or academics. We conduct SARB meetings a minimum of every 2 weeks. We allocate dates and times for SARB meetings as referrals come in. When there is a high demand for SARB we add all day SARB meetings every Wednesday. Amount of time that has been needed has been a full day every week, as year school progressed. Meetings and follow up are held on all referrals.</i>
<i>San Ramon Valley Unified</i>	<i>None</i>	
<i>Walnut Creek</i>	<i>Agree</i>	
<i>West Contra Costa Unified</i>	<i>None</i>	

**7. CCCOE receives truancy statistics but does not address truancy issues.**

*Response by Contra Costa County Office of Education*

*The respondent partially disagrees with the finding.*

*In accordance with California Education Code 48273, the Contra Costa County office of Education collects School Attendance Review Board (SARB) data from all 18 school districts within Contra Costa County on a yearly basis. In addition to this annual collection, the Contra Costa County Office of Education addresses truancy issues on an ongoing basis as follows:*

*SARB and truancy issues are a standing agenda item at triennial (sic) Coordinating Council meetings. Coordinating Council is a group comprised of Child-Welfare and Attendance personnel from each of the 18 school districts within Contra Costa County. The Coordinating Council meets three times a year to discuss issues related to child welfare and attendance*

*including SARB processes, truancy and working with the Probation Department and the court system in order to improve outcomes for youth within Contra Costa County. Meetings are hosted by the Contra Costa County Office of Education and are held at the Contra Costa Probation Department in Martinez.*

*This year, for example, the fall Coordinating Council meeting on October 30, 2010 was a panel discussion and question and answer session with key personnel from the Contra Costa County District Attorneys office. Panel members included District Attorney Incumbent, Dan O’Malley, Deputy District Attorney, Juvenile Division, Dan Cabral, Deputy District Attorney, Nancy Georgiou and Supervising Deputy District Attorney, Bruce Flynn. Topics discussed included how the District Attorneys Office, the Probation Department and the schools within Contra Costa County can work together more closely and effectively in order to address truancy issues within Contra Costa County. Also in attendance were personnel from the Contra Costa County Probation Department including Probation Supervisor Suzanne Nelson.*

*The fall 2010 Coordinating Council meeting will be a panel discussion and question and answer session with members of the Probation Department in order to further discuss and address truancy and SARB issues within Contra Costa County.*

*Each year, the spring Coordinating Council meeting is planned to coincide with the California annual SARB statewide teleconference hosted by County Office of Education Child Welfare and Attendance (COECWA). The Contra Costa County Office of Education hosts the teleconference for all 18 school districts within Contra Costa County. This year, the meeting was televised at two locations in order to better accommodate all of our districts. One location was at the Joseph A. Ovick School in Brentwood for our East County Districts and the other was held at the County Office of Education in Pleasant Hill for our Central and West County Districts. The topic of the April 2010 teleconference was “Model SARB Processes” and included presentations by Orange County Office of Education and Kern County Office of Education. The conference was followed by a lunch discussion where all Coordinating Council representatives discussed SARB processes in their individual districts and received ideas and suggestions from their colleagues about how to run more effective SARB programs and better address truancy issues. The Contra Costa County Office of Education also disseminated all handouts, power points and information from the teleconference to all 18 school districts within Contra Costa County including those 6 districts who did not attend the teleconference in person.*

*In addition to collecting SARB data and planning and implementing Coordinating Council meetings and trainings, the Contra Costa County Office of Education also serves as an ongoing reference for all of the school districts by researching and advising on all SARB questions and issues that arise within Contra Costa County.*

**8. There are no County Probation Officers assigned to schools to deal with truancy.**

***Responses:***

<b><i>School District</i></b>	<b><i>Response</i></b>	<b><i>Comments</i></b>
<i>Acalanes Union</i>	<i>None</i>	
<i>Antioch Unified</i>	<i>None</i>	

<i>Brentwood Union</i>	<i>Received</i>	<i>To the best of our knowledge this is an accurate statement.</i>
<i>Byron Union</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Canyon Elementary</i>	<i>Agrees</i>	
<i>John Swett Unified</i>	<i>None</i>	
<i>Knightsen</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Lafayette</i>	<i>Agrees</i>	<i>The district has had no need to involve the probation department.</i>
<i>Liberty Union High School</i>	<i>Partially disagrees</i>	<i>Three Deputy Probation Officers, as well as police, school staff and community members are in integral part of our SARB panel. Through a Juvenile Justice grant we have a Deputy Probation Officer assigned to one of our schools. Although Deputy Probation Officers are not formally assigned at our other schools, they can be seen frequently on our school campuses and work closely with administrators on truancy issues.</i>
<i>Martinez Unified</i>	<i>Agrees</i>	
<i>Moraga</i>	<i>None</i>	
<i>Mt. Diablo Unified</i>	<i>Partially disagrees</i>	<i>No County Probation Officers are assigned specially for truancy, however three are assigned to district high schools in Mt. Diablo and do work on truancy as well as other caseload issues.</i>
<i>Oakley Union Elementary</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Orinda Union</i>	<i>Received</i>	<i>The OUSD has not had the need to convene a SARB process. Attendance rates in the Orinda schools exceed 97%. School procedures are used to address any attendance issues. Consequently, there has not been a need to contact the probation department for assistance with truancy.</i>
<i>Pittsburg Unified</i>	<i>Disagrees</i>	<i>Keisa Booth, Probation Officer for Pittsburg High School serves on our SARB board.</i>
<i>San Ramon Valley Unified</i>	<i>None</i>	
<i>Walnut Creek</i>	<i>Agrees</i>	
<i>West Contra Costa Unified</i>	<i>None</i>	

**9. According to the California Department of Education SARB Handbook, students and parents must understand that school attendance is not a matter of choice but a mandate.**

**Responses:**

<b><i>School District</i></b>	<b><i>Response</i></b>	<b><i>Comments</i></b>
<i>Acalanes Union</i>	<i>None</i>	
<i>Antioch Unified</i>	<i>None</i>	
<i>Brentwood Union</i>	<i>Received</i>	<i>The responding Districts understand that this is the law. In addition this information is included in all annual notification packets to parents, letters and policies related to school attendance and SARB referrals.</i>
<i>Byron Union</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Canyon Elementary</i>	<i>Agrees</i>	
<i>John Swett Unified</i>	<i>None</i>	
<i>Knightsen</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Lafayette</i>	<i>Agrees</i>	
<i>Liberty Union High School</i>	<i>Agrees</i>	
<i>Martinez Unified</i>	<i>Agrees</i>	
<i>Moraga</i>	<i>None</i>	
<i>Mt. Diablo Unified</i>	<i>Agrees</i>	
<i>Oakley Union Elementary</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Orinda Union</i>	<i>Received</i>	<i>Every opportunity is taken to emphasize with parents the importance of school attendance. All parents are required to review the annual parental rights and obligations notifications. In addition, the schools in Orinda utilize a variety of strategies to emphasize the importance of attendance including: direct phone calls to parents of absent students, school newsletter articles about attendance, parent/teacher conferences, Student Study Teams, and truancy notification letters.</i>
<i>Pittsburg Unified</i>	<i>Disagrees</i>	<i>Page 1 of the Student Handbook (given to all students/parents every year) states the legal obligation to attend school for students 6-18 years old. Child Welfare and Attendance worker and Director of Student Services make calls to parent quoting requirement that children 6-18 years old must attend school according to the law.</i>
<i>San Ramon Valley Unified</i>	<i>None</i>	
<i>Walnut Creek</i>	<i>Agrees</i>	<i>I agree that students and parents must understand that school attendance is not a matter of choice but a mandate.</i>
<i>West Contra Costa Unified</i>	<i>None</i>	

**10. To deter truancy, some school districts have implemented curfews during school hours.**

**Responses:**

<i>School District</i>	<i>Response</i>	<i>Comments</i>
<i>Acalanes Union</i>	<i>Received</i>	<i>All school activities end prior to any local curfews</i>
<i>Antioch Unified</i>	<i>None</i>	
<i>Brentwood Union</i>	<i>Received</i>	<i>Under the Civil Code curfews may be implemented by cities and enforced by the police. We are unaware of any legal authority allowing the governing boards of school districts to enact or enforce curfews.</i>
<i>Byron Union</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Canyon Elementary</i>	<i>Disagrees</i>	<i>Canyon district does not have a curfew because truancy has not been a problem.</i>
<i>John Swett Unified</i>	<i>None</i>	
<i>Knightsen</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Lafayette</i>	<i>Disagrees</i>	<i>Has not implemented such a practice.</i>
<i>Liberty Union High School</i>	<i>Agrees</i>	<i>Our police and sheriff departments work closely with our schools to ensure that students are in attendance during school hours. All of our schools have a School Resource Officer assigned to them.</i>
<i>Martinez Unified</i>	<i>Agrees</i>	<i>At this time a curfew during school hours has not implemented.</i>
<i>Moraga</i>	<i>None</i>	
<i>Mt. Diablo Unified</i>	<i>Agrees</i>	
<i>Oakley Union Elementary</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Orinda Union</i>	<i>Received</i>	<i>The OUSD schools do not have nor plan to have curfews. The Orinda Police would enforce any local curfews. OUSD parents value education greatly and are the district's best support for having their children home on school nights.</i>
<i>Pittsburg Unified</i>	<i>Agrees</i>	<i>The City of Pittsburg has a Daytime Truancy Ordinance 99-1162 that states "Minors under 18 years of age that are subject to compulsory education must be in school between the hours of 8:30am and 1:30pm on days the minor's school is in session."</i>
<i>San Ramon Valley Unified</i>	<i>None</i>	
<i>Walnut Creek</i>	<i>Agrees</i>	<i>I was not aware of curfews in some districts, but if this is what was reported, I agree.</i>
<i>West Contra Costa Unified</i>	<i>None</i>	

**11. Not all school districts comply with EC Section 48260.5 for the reporting of truancy and subsequent parental notification.**

**Responses:**

<b>School District</b>	<b>Response</b>	<b>Comments</b>
<i>Acalanes Union</i>	<i>None</i>	
<i>Antioch Unified</i>	<i>None</i>	
<i>Brentwood Union</i>	<i>Received</i>	<i>The four responding Districts do comply with the requirement of 48260.5. The SARB established for these Districts has also enhanced the ability of the Districts to comply with all Education Code requirements as it relates to student attendance and truancy issues.</i>
<i>Byron Union</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Canyon Elementary</i>	<i>Disagrees</i>	<i>Would comply with EC section 48260.5 if truancy became a problem.</i>
<i>John Swett Unif.</i>	<i>None</i>	
<i>Knightsen</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Lafayette</i>	<i>Disagrees</i>	<i>We comply with notification requirements.</i>
<i>Liberty Union High School</i>	<i>Disagrees</i>	<i>Our district complies with EC Section 48260.5 regarding the reporting of truancy and notification to parents. We have a procedural system in place to notify parents verbally and in written form upon a pupil's initial classification as a truant.</i>
<i>Martinez Unified</i>	<i>Disagrees</i>	<i>Complies with Education Code section 48260.5 for reporting truancy and subsequent parental notification. Each school in MUSD sends letters to parents regarding excessive absences.</i>
<i>Moraga</i>	<i>None</i>	
<i>Mt. Diablo Unified</i>	<i>Partially disagrees</i>	<i>Mt. Diablo Unified does comply with EC48260.5. Letters with the required language and elements are printed automatically as part of the electronic student information system. We cannot speak for other districts.</i>
<i>Oakley Union Elementary</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Orinda Union</i>	<i>Received</i>	<i>The OUSD has not had the need to convene a SARB process. Attendance rates in the Orinda schools exceed 97%. School procedures are used to address any attendance issues. School principals also send truancy notification letters to parents when appropriate.</i>
<i>Pittsburg Unified</i>	<i>Disagrees</i>	<i>The district uses E-truancy – a service that sends letters to all parents of truant students. District Child Welfare and Attendance Person and Director of Student Services follows up on truant students. School Sites (administrators, dean and counselors) follow up on truant students.</i>
<i>San Ramon Valley Unified</i>	<i>None</i>	
<i>Walnut Creek</i>	<i>Agrees</i>	<i>I agree if it was found that not all school districts comply with reporting of truancy.</i>
<i>West Contra Costa Unified</i>	<i>None</i>	

**12. Truancy is detrimental to student achievement, promotions, graduation, self-esteem, and employment potential. Students lose the benefit of instruction, districts lose income and communities suffer.**

**Responses:**

<i>School District</i>	<i>Response</i>	<i>Comments</i>
<i>Acalanes Union</i>	<i>None</i>	
<i>Antioch Unified</i>	<i>None</i>	
<i>Brentwood Union</i>	<i>Received</i>	<i>The Districts acknowledge that parental control is critical. However, many parents have no influence or control over their children. Some wish to have control and don't know how to get it. Some do not care to gain control.</i>
<i>Byron Union</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Canyon Elementary</i>	<i>Agrees</i>	
<i>John Swett Unified</i>	<i>None</i>	
<i>Knightsen</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Lafayette</i>	<i>Agrees</i>	
<i>Liberty Union High School</i>	<i>Agrees</i>	
<i>Martinez Unified</i>	<i>Agrees</i>	
<i>Moraga</i>	<i>None</i>	
<i>Mt. Diablo Unified</i>	<i>Agrees</i>	
<i>Oakley Union Elementary</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Orinda Union</i>	<i>Received</i>	<i>All in the school district would agree with the Grand Jury's finding. The fact that API scores for all Orinda schools exceeding 900 is clear evidence of across the board support for this finding.</i>
<i>Pittsburg Unified</i>	<i>Agrees</i>	<i>We strongly agree, that is why we have a SARB board of 30 plus members, of which the average of 16 at each meeting. Our SARB meetings are professionally conducted with titles of each member who provide free resources, services and support for students; and sometimes consequences. The goal of the Pittsburg Unified School District SARB Board is to provide resources for behavior and attendance challenged students that will increase their academic performance, improve attendance, and reduce negative behavior referrals that affect learning. We provide on campus support, district support, and community resources/services for students as needed.</i>
<i>San Ramon Valley Unified</i>	<i>None</i>	

Walnut Creek	Agrees	<i>Truancy is detrimental to student achievement.</i>
West Contra Costa Unified	None	

**13. Exhibit 1 to this report shows the number of students referred to SARB, the gender of the referred students, the reason for the referrals, the number of students referred to the court, and the total enrollment for each identified school district.**

**Responses:**

<b><i>School District</i></b>	<b><i>Response</i></b>	<b><i>Comments</i></b>
<i>Acalanes Union</i>	<i>None</i>	
<i>Antioch Union</i>	<i>None</i>	
<i>Brentwood Union</i>	<i>Received</i>	<i>We assume that Exhibit 1 is accurate.</i>
<i>Byron Union</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Canyon Elementary</i>	<i>Agrees</i>	
<i>John Swett Unified</i>	<i>None</i>	
<i>Knightsen</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Lafayette</i>	<i>Agrees</i>	
<i>Liberty Union High School</i>	<i>Agrees</i>	
<i>Martinez Unified</i>	<i>Disagrees</i>	<i>The record of the 2008-2009 end of year summary for SARB is not consistent with the numbers listed in Exhibit 1.</i>
<i>Moraga</i>	<i>None</i>	
<i>Mt. Diablo Unified</i>	<i>Agrees</i>	
<i>Oakley Union Elementary</i>	<i>Received</i>	<i>Identical to Brentwood Union response.</i>
<i>Orinda Union</i>	<i>Received</i>	<i>Exhibit 1 accurately displays attendance results for the OUSD.</i>
<i>Pittsburg Unified</i>	<i>Agrees</i>	<i>We always keep the required information in a database and update it accordingly.</i>
<i>San Ramon Valley Unified</i>	<i>None</i>	
<i>Walnut Creek</i>	<i>Agrees</i>	
<i>West Contra Costa Unified</i>	<i>None</i>	

**RECOMMENDATIONS:**

- 1. All School Districts shall strictly and uniformly enforce the Education Code Section 48260.5 regarding truancy tracking and parental notification.**

**Responses:**

**Brentwood Union, Byron Union, Knightsen and Oakley Union Elementary:** the four East County elementary school Districts have a variety of ways of communicating about attendance problems with parents. Those activities include annual notification of all parents regarding the law governing attendance and truancy, inclusion of this kind of information in Parent and/or Student Handbooks which are also reviewed at schools, letters to specific parents, home visits and referrals to SARB. SARB also undertakes activities to notify parents and work with families in a variety of ways before referring a case to court.

**John Swett Unified:** JSUSD has implemented the recommendation with revised and uniform truancy notification letters for both parents and students. These letters are hand delivered (requiring signature of student) and through the mail. Additionally, site attendance supervisors and administrators make regular phone calls to parents with students that are habitual truants or have irregular attendance. The SARB board, attendance supervisors, and administrators met twice this year to review and revise procedures and will meet at the start of next year (September 2010) to work on identifying areas of weakness and to ensure consistent, systematic implementation of this recommendation at all schools.

**Lafayette:** The recommendation has been implemented. The district's Student Services Director has set up systems in working with principals to track truancy and notify parents.

**Liberty Union High School:** The recommendation has been implemented: Students are classified as a truant if absent from school without a valid excuse for three or more days. Our district uses a four step tracking and intervention process. The first letter is a warning notifying the parents of (a) through (h) in EC Section 48266.5. If a student continues to be truant, a second letter results in a meeting with an Assistant Principal. The third letter results in a meeting with our School Attendance Response Team (SART) to provide intensive intervention and support to parents. If a student is still truant, then they are referred to SARB.

**Martinez Unified:** The recommendation has been implemented. Within our database system each school has absence letters created and sent to students throughout the school year. These letters specify the student as being classified as truant. In addition, these letters specify other possible actions regarding continued truancy.

**Mt. Diablo Unified:** The recommendation has been implemented. This is ongoing in MUSD. Letters with the required language and elements are printed automatically during the attendance cycle as part of the electronic student information system.

**Orinda Union:** All attendance processes are uniformly enforced in the Orinda schools. Attendance is carefully monitored, parent notifications are provided annually, truancy notification letters are sent when appropriate and school administrators work effectively with parents to resolve attendance problems.

**Pittsburg Unified:** Has been implemented.

**Walnut Creek:** Walnut Creek School District will ensure this in 2010-11 with a new person overseeing this.

**West Contra Costa Unified:** Within the first month of the school year, each school in the WCCUSD must submit a site plan for attendance improvement and truant recovery. This plan must include goals/objectives, a step-by-step plan for early identification/prevention and persons responsible, and incentive programs for improved attendance. These plans are

*reviewed by the SARB (School Attendance Review Board) chairperson and meetings are held to discuss the plans with the schools. Each school's Attendance Clerk runs reports and identifies truant students for the "first notice" mandated cost letters. Other key staff members at a school also help to identify truants under the site plan. Students whose truancy persists are referred to the next step in the school's plan.*

*A school-level intervention often used at secondary schools is a Truancy Mediation or "Group" meeting. The WCCUSD has successfully utilized a truancy mediation program adapted from the Santa Clara County Model. Due to the limited availability of personnel from the District Attorney's (DA) office, more often schools will use a "Group" meeting which is similar in format to the Truancy Mediation but without the assistance of the D.A.'s office. A group meeting may involve 40-50 families. Individual student attendance, behavior, and academic data is available and a panel to address the families may be made up of the principal, a district-level official, gang-intervention specialist, School Resource Officer (SRO), and a community person such as a city council member.*

*When a school has exhausted its resources without resolving a student's truancy, a referral may be made to the district Student Welfare and Attendance Team (SWAT). A formal referral form must be submitted which requires: student demographic information, attendance record, and a listing of actions taken by the site. There are check-off boxes and required dates and results indicated for the following actions: phone calls, letters, conferences, referrals to the School Success Team (SST) Student Attendance Review Team (SART) and other (i.e., program change, testing, referral to outside agency, etc.).*

*Referrals to the Student Welfare and Attendance Office are first screened by the Staff Secretary. If the documentation or actions taken are not adequate, the school is notified. If the referral meets all criteria it is assigned to an Assistant of Truancy Prevention. If the truancy worker is not able to help resolve the student's truancy, the case will be considered for a SARB referral. At the weekly Monday morning staff meeting, truancy workers and the SARB chairperson collaboratively review cases and decisions are made to start the communication process for the following week's SARB cases.*

*Attendance data is screened carefully at both the school and district level. Truancy Prevention Assistants work closely with the site Attendance Clerks to be sure that students are being referred. Monthly attendance reports are provided to the schools which compare two years of data to identify trends, successes, and challenges. The SARB chair and even our Information Technology Department (since attendance improvement is everyone's concern) will contact schools to make sure that truant students are being referred.*

*The following is demonstrating the referral process in the W.C.C.U.S.D. School Plan I.D. Truants – Student Welfare & Attendance Interventions – SARB Interventions – Judicial System Community Service*

- 2. All School Districts shall initiate a stronger link between SARB and the courts to provide an opportunity for timely intervention.**

**Responses:**

**Brentwood Union, Byron Union, Knightsen and Oakley Union Elementary:** As mentioned above the SARB for these elementary Districts has enacted a system for bringing truancy cases to court on a monthly basis.

**John Swett Unified:** JSUSD has partially implemented the recommendation. The District truancy officer made early contact with the courts to investigate any changes in the courts for the 2009-2010 school year. JSUSD did make several court referrals but the process is slow and cumbersome. After meeting in September 2010, the District SARB coordinator will develop a streamlined process for reporting necessary court referrals and the appropriate evidence/documentation to the truancy officer for reporting to the District Attorney. Additionally, the District is in the process of adopting new board policy that clarifies truancy policy and implements a clear policy of consequences and responses for implementation by each site administrator and attendance supervisor. Included in the policy are the implementation of a uniform SARB referral process and also the elimination of steps for referral to the SARB board. This adoption will take place before the start of the 2010-2011 school year.

**Lafayette:** The recommendation has been implemented. The district's Student Services Director shall utilize the courts when necessary.

**Liberty Union High School:** The recommendation requires further analysis. With our district's early identification and intervention process we have not found it necessary to refer a student to the court. Also, as a high school district, we have several alternative education programs for students to achieve success. However, the Assistant Superintendent of Administrative Services will meet with site principals within the next two months to discuss whether this recommendation will benefit some students.

**Martinez Unified:** The recommendation has not yet been implemented. Of the four cases from MUSD referred to the court for action, all four cases were presented to the court by the district SARB coordinator. However, MUSD agrees that a stronger link between SARB and the courts will provide more effective intervention for students. To establish a stronger connection the Director of Student Services and SARB Chairperson will meet with a representative of the courts during each semester of the 2010-2011 school year.

**Mt. Diablo Unified:** The recommendation has been implemented. MDUSD referred 54 cases to court in 2008-09 and 94 in 2009-10. Representatives attended hearings and present cases each month.

**Orinda Union:** The OUSD has not had the need to convene a SARB process. Attendance rates in the Orinda schools exceed 97%. School procedures are used to address any attendance issues.

**Pittsburg Unified:** We would be happy to work with the Courts. However, prior calls to the Courts and through our probation department have indicated to us that the Court is not interested in this low level "crime".

**Walnut Creek:** This is implemented. Our Special Services Director oversees this linkage.

**West Contra Costa Unified:** The WCCUSD operates two SARB panels (each meeting on alternate Thursdays) and a concerted effort is made to see that each panel is diverse. A number of our panel members serve on both panels. The WCCUSD SARB has evolved over a period of more than 15 years. When first established, a concerted effort was made to recruit panel members from agencies that provide services for different ethnic groups that reflect our school population. Over the years, we have had members representing the

*N.A.A.C.P., Lao Family, Asian Pacific Psychological Services, and Familias Unidas. Many of our panel members first partnered with the district on a State Targeted Truancy Grant which required that the district work with agencies offering services matching the diversity of our students.*

*Our current panel reflects a number of agencies that work with diverse community populations. They also network and make confidential, culturally sensitive referrals to agencies not represented on the panel, for example, County Mental Health, Asian Pacific Psychological Services, and Familias Unidas. A wonderful addition to our panel two years ago was the district's Community Engagement Coordinator who has contact with all vital community services and updates an annual listing of those services.*

*Our SARB interacts effectively in the district's cultural environment because our panel "looks like" our families. When families enter our meeting room, they readily identify because our panel members look like them and can speak their language. Our panel has a good male/female mix and a number of "young" members from 25-35 years old. Many panel members were raised in our school district, attended our schools, and still live in and care deeply about our community. Our school/district based members help families navigate school resources whether it is related to discipline, transfer, alternative programs, S.S.T, or Individualized Education Plans (IEP).*

**3. All School Districts shall provide a Certified Attendance Supervisor in each school pursuant to EC Section 48241.**

***Responses:***

***Brentwood Union, Byron Union, Knightsen, and Oakley Union Elementary:*** *The four elementary Districts meet this requirement through the efforts of administrators and through the East County SARB's activities.*

***Canyon Elementary:*** *The district is so small that the staff is immediately aware of absent or tardy students. The secretary telephones families to verify absences. The district will look into a staff member becoming a certified attendance supervisor.*

***John Swett Unified School District:*** *JSUSD has continuously implemented this recommendation. Next year, each school site will have an attendance clerk for four hours a day.*

***Lafayette:*** *The recommendation has been implemented. The district's Student Services Director oversees all SARB matters, interventions and alternative school placements. The district's attendance and accounting specialist, site administrators and school office managers assist in monitoring and accountability.*

***Liberty Union High School:*** *The recommendation has been implemented. The Assistant Principals at each of our sites serve as our Certified Attendance Supervisor per EC Section 48241. They are supported by our district's SARB Coordinator and the Assistant Superintendent of Administrative Services.*

***Martinez Unified:*** *The recommendation has been implemented. MUSD has an administrator at each school site that meets the criteria of Certified Attendance Supervisor.*

**Mt. Diablo Unified:** *The recommendation has not yet been fully implemented. Neither EC 48240 nor 48241 requires that each school have a Certified Attendance Supervisor. In MDUSD, the Director of Student Services is the appointed Attendance Supervisor. Mt. Diablo Unified also has an Assistant Director of Student Services and four Child Welfare and Attendance Liaisons who assist the Director in these duties. In addition, each school has an administrator assigned to support the attendance process and each school completes a yearly attendance plan. The County Board of Education has not taken action to certify any individuals in this role.*

**Orinda Union:** *In the OUSD, the school principal is considered the Certified Attendance Supervisor for the school. The principal monitors student attendance and makes all final decisions regarding student truancy.*

**Pittsburg Unified:** *Has been implemented.*

**San Ramon Valley Unified:** *This recommendation has been implemented in the SRVUSD. Although we are not certain what is meant by a "Certified Attendance Supervisor," the district does have personnel at each school site responsible for tracking school attendance. There is a district level administrator who is responsible for reporting truancy for the district. We cannot comment on other school districts.*

**Walnut Creek:** *This is not fully implemented, but we will ensure that our Office Managers provide support as the Certified Attendance Supervisor.*

**West Contra Costa Unified:** *Generally the primary case management responsibility lies with the Truancy Prevention Assistants. Before being referred to SARB, the Assistant has already initiated case management services with the student and family. After SARB directives, the Assistant will continue overall case management which might consist of monitoring, counseling, helping to initiate intervention, or assisting with referrals to agencies. Other SARB members may take on case management when appropriate. They may become the primary service provider and work collaboratively with the school and the Assistant. Referrals to law enforcement and alternative education programs are monitored by the Truancy Prevention Assistants and reported to SARB. Also, law enforcement representatives on SARB might report back to the panel. Services to high-risk youth are evaluated by feedback from students/families and reports from the Assistant and other panel members. Mid-year and year-end summary reports are also used to evaluate the overall effectiveness of services.*

*The need for student support services may be identified at the SARB hearing. If there has not already been an S.S.T. or an I.E.P. needs to be updated, that may become part of a SARB directive. District students that commit drug or alcohol violations are to be referred to the district's intervention program. Students that come before SARB are monitored to be certain that they are referred and complete the program. Families that appear before SARB must return in two weeks to determine whether SARB directives have been followed. This is accomplished by self-reporting from the student and family, a report from the Truancy Prevention Assistants and/or agency representatives, and an examination of the student's attendance record. At that point, a student may be released from SARB, referred to court, or asked to return for another two-week follow-up.*

*SARB's authority and structure to refer high-risk youth to local programs both within the district and to outside agencies is fairly informal. As mentioned in prior content areas, many*

key agency representatives are either current or former SARB members. SARB referrals are given a high priority. The Truancy Prevention Assistant is generally the SARB liaison for school or district-based interventions. Whether it is a program change, request for testing, or a counseling program, the Assistant is careful to involve the appropriate school-based personnel. Principals and other school staff consider SARB and the Assistant as a welcome support to the school in seeing that students don't "fall through the cracks." SARB provides data, strategies, support programs, and services to the schools. SARB has been the lead agency with local police departments in establishing truancy sweeps. SARB has been the lead agency in several collaborative grant projects with community based organizations.

Information regarding SARB is disseminated to the community in a number of ways: a tri-fold Student Welfare & Attendance Brochure made available to all families and agencies; and presentations to parents at school orientations, P.T.A.s, or the District Bilingual Advisory Committee.

**4. All School Districts shall notify parents and students of school attendance policies and truancy consequences.**

**Responses:**

**Brentwood Union, Byron Union, Knightsen and Oakley Union Elementary:** Each District complies with this requirement through annual notifications to parents provided every year, parent and/or student handbooks as described in response to recommendation number 1.

**John Swett Unified:** JSUSD has continuously implemented this policy through three methods. First, each school site sends out District and school information in the summer before the start of each new school year. Included in this packet of information are materials outlining attendance policies and truancy consequences. Second, each site has an updated website that includes information related to truancy and attendance. Lastly, SARB and attendance supervisors constantly review information with students and parents regarding truancy and attendance. The packets will be updated with the new board policy regarding truancy before they are sent out in August.

**Lafayette:** The recommendation has been implemented. This is included in annual parent notifications as well as on an as-needed basis.

**Liberty Union High School:** The recommendation has been implemented. At the start of every school year, parents receive the "Annual Notification to Parents and Guardians" document. New students throughout the year upon enrollment also receive this document. It notifies parents of the importance of school attendance and policies. In addition, students and parents are required to review the school's Student Handbook which includes information regarding attendance policies and truancy consequences.

**Martinez Unified:** The recommendation has not been implemented. All seven schools subject to compulsory full time attendance in MUSD notify students and parents of attendance policies and truancy consequences. This notification is done through student handbooks, parent handbooks and via the district website.

**Mt. Diablo Unified:** The recommendation has been implemented. This information is sent to parents in Spanish and English, annually in the Parent Information Packet (PIP) that is also posted on the district website. Sites also inform parents as part of their attendance plan implementation.

**Orinda Union:** Parents and students are notified of attendance policies in a variety of ways. OUSD Board Policies and Administrative Regulations provide the basis for the district's attendance policies. Student handbooks include attendance policies and are reviewed with students by school principals and teachers. Newsletter articles on the importance of attendance are used to consistently reinforce policies.

**Pittsburg Unified:** Has been implemented.

**San Ramon Valley Unified:** The recommendation has been implemented in the SRVUSD. The district provides an Annual Parent Information Packet available both in print and online wherein information regarding attendance requirements and consequences for truancy, including Ed Code, is provided to parents.

**Walnut Creek:** This is implemented concerning notification.

**West Contra Costa Unified:** Each year, parents are provided with a revised edition of the Parent Student Handbook which contains detailed district and school information including, but not limited to, attendance policies and truancy procedures. This handbook is disseminated at the beginning of each school year.

**5. CCCOE shall conduct an annual or semi-annual county-wide SARB conference to evaluate, discuss and share program strength and weaknesses.**

*Response by Contra Costa County Office of Education*

*The recommendation was implemented prior to the SARB Grand Jury Report Findings and Recommendations.*

*The Contra Costa County Office of Education hosts a state-wide SARB teleconference on an annual basis. All 18 districts within Contra Costa County are invited to participate. The last SARB teleconference was held on April 27, 2010. Twelve of the 18 districts within Contra Costa County attended the conference and participated in the follow-up discussion and evaluation. The Contra Costa County Office of Education has hosted the annual State-wide SARB teleconference since its inception in 2001.*

**Responses (not required):**

**John Swett Unified:** JSUSD supports and will participate in the CCOCE conference program for the 2010-2011 school year.

**Martinez Unified:** The recommendation has not yet been implemented. Over the course of the 2010-2011 school year MUSD will analyze the projected impact of implementing a curfew during school hours. The focus of the analysis will be in the following areas: a) Will a curfew during school hours within the MUSD attendance area decrease the level of truancy for students? b) If implemented, who would be responsible for enforcing the curfew? c) Are there sufficient resources available within the city of Martinez and the MUSD to effectively implement and enforce a curfew during school hours? d) Does a curfew within school hours reflect the mission of our independent study programs and student learning academies that promote project based learning within the community and natural environment?

**Mt. Diablo Unified:** The recommendation has been implemented. CCCOE holds multiple County Coordinating Council meetings each year to evaluate, discuss and share program strengths and weaknesses regarding SARB. One meeting each year is broadcast statewide.

**Orinda Union:** The OUSD has not had the need to convene a SARB process. Attendance rates in the Orinda schools exceed 97%. School procedures are used to address any attendance issues. OUSD would be interested in participating in a county-wide SARB process in order to learn more about the strengths and weaknesses of the program.

**Pittsburg Unified:** This recommendation does not relate to our agency.

**San Ramon Valley Unified:** This recommendation does not involve the school district and should be referred to the county.

**Walnut Creek:** If CCCOE conducts a SARB conference will implement.

**West Contra Costa:** This recommendation will not be implemented at the district level however we are unaware of any such conferences offered by the County.

**6. All School Districts in the County shall consider implementing curfews during school hours.**

**Responses:**

**Acalanes Union:** All of our school activities that take place Monday through Friday evenings end prior to any local curfews.

**Brentwood Union, Byron Union, Knightsen, and Oakley Union Elementary:** The Districts do not believe they have the legal authority to implement curfews.

**John Swett Unified:** The JSUSD believes that this recommendation is a worthy one and expects to pursue this recommendation during the summer of 2010 and during the school year of 2010-2011. Currently our truancy officer is working with deputies and resources officers from the County Sheriffs Office on crafting a county wide curfew law for all areas of the county. He is also looking at adoption of a JSUSD curfew ordinance. He plans on presenting to the JSUSD school board during the fall of 2010.

**Lafayette:** The recommendation requires further analysis. Not applicable, but the district would consider if problems emerged.

**Liberty Union High School:** The recommendation requires further analysis. A formal written policy regarding curfews during school hours is not currently in place. However, we have an excellent relationship with both our police and sheriff departments. We work together to ensure that students are in attendance during school hours. Within the next three months, we will explore this recommendation with our board, cities and law enforcement agencies.

**Mt. Diablo Unified:** The recommendation requires further analysis. Any curfew would need to be coordinated with the cities where districts are located. Mt. Diablo is located within 7 (seven) different municipalities. Coordinating a curfew among all entities would be complex and require county support and fiscal support for implementation. Some of the municipalities host multiple school districts. Essentially this would need to be a county-led effort. Note that all Mt. Diablo district schools are closed campuses.

**Orinda Union:** Due to substantial variations in school district demographics and locations, curfews may not be effective in all communities. The OUSD would work cooperatively with the Orinda Police Department to review the magnitude of this problem in Orinda and to identify possible solutions that fit the local problems. The OUSD and Orinda PD work very

*effectively and cooperatively on many issues. The police department provides very effective support for the schools.*

***Pittsburg Unified:*** *Has been implemented.*

***San Ramon Valley Unified:*** *This recommendation has not been implemented. It is not clear what is meant by “implementing curfews during school hours.” We believe a curfew is an order by a government for certain persons to return home daily before a certain time. If the intent of this statement is to require students to be on school campuses during school hours, this is complicated by several factors including the following: some of our schools allow students to go off campus during lunch hours; some students are home schooled and are not bound by set school hours; some students attend an independent study school and do not have set school hours; students who take independent physical education have a shorter school day; some high school students participate in a work-study program; some special education students age 18-22 take the bus on their own to Diablo Valley College for classes as part of their Transition program; many students in the community attend private schools. While the district has a close working relationship with the police force of the Town of Danville and the City of San Ramon, it does not have the authority to require them to act as truancy officers.*

***Walnut Creek:*** *Curfews – This is not presently implemented. We will discuss this with the Board.*

***West Contra Costa Unified:*** *Recently, WCCUSD has provided input and support to the City of Richmond in implementing a juvenile daytime curfew ordinance when school is in session. The District will work in conjunction with the city and local law enforcement to enforce this curfew. Other cities within our district including El Cerrito, Hercules, Pinole and San Pablo have also implemented similar ordinances.*

CONTRA COSTA COUNTY GRAND JURY REPORT NO. 1013

THE CRUMBLING PILLERS OF HERCULES

*Response from City of Hercules*

**FINDINGS**

- 1. Awarding agreements to NEO without competitive bidding does not ensure the City is administering its programs in the most cost effective manner.**

*Response: The City is satisfied that it has received good value for the amounts expended and the results obtained. It will reserve its right to obtain competitive bids in order to secure appropriate contracts. The City, therefore, disagrees with the finding.*

- 2. Since 2003, the City of Hercules has executed agreements with NEO, previously owned by the current City Manager.**

*Response: This is true, but not longer an issue. The City Manager divested himself of ownership of NEO in 2007, before he became City Manager. The City Manager's family members have since divested themselves of all interest in NEO, are not longer members of its board of directors, and are no longer employed by the company. It is now an independently owned company. The City agrees with this finding.*

- 3. NEO currently employs immediate family members of the City Manager and staff.**

*Response: All family members of the City Manager have resigned from their employment positions with NEO. The City, therefore, agrees that this finding was once true, but no longer is.*

- 4. In late 2009, the City purchased homes of nine affordable housing program loan recipients who defaulted on their original mortgage and redevelopment loans.**

*Response: This is correct and the City agrees with this finding. The homes were purchased under the City's publicly approved loss mitigation program. Overall, the City acquired the properties for much less than their average purchase price and preserved its stock of available affordable housing units.*

- 5. The City then sold three of the homes back to the same recipients for less than an original purchase price, again utilizing the affordable housing loan program.**

*Response: This is correct and the City agrees with this finding. The City was able to reduce the combined principal balance on the three residences by more than \$275,000 and pass that reduction on to its affordable housing clients. That is exactly what the program was designed to do. The City also re-purchased and rented five other units to participants in its affordable housing program. The alternative, which nobody would find acceptable, would be*

to remove these individuals from the residences. That would not be in keeping with the City's moral or legal obligations or the policies established by the City Council. These transactions also increased the number of affordable housing units available to eligible program participants and will assist the City in its ongoing efforts to provide affordable housing to qualified residents.

**6. Homes purchased from affordable housing loan recipients were resold by the City without being advertised for sale or rent on the City's website. In addition, they did not appear on the MLS.**

*Response:* This is correct and the City agrees with this finding. The City used its available means of advertising, but did not list the properties on the MLS. The properties in question were deed restricted. They could only be sold or rented to individuals qualified under the City's many programs. Thus, using the MLS is not appropriate.

**7. In 2008 and 2009, redevelopment loans were made to relatives of Hercules City Council members.**

*Response:* One loan was made to one daughter of one City Council Member, so the City partially agrees with this finding. That Council Member was never involved in one facet of the transaction. The individual qualified on her own, obtained the required commercial financing, and received a \$50,000 second loan from the affordable housing program. It would not be appropriate to exclude any qualified individual from participating in the program; a relative of a duly elected City official would be no exception. Excluding such an individual from participation in the program would subject the City to legal liability for unlawful discrimination and would jeopardize its sources of state and federal funding.

**8. The Transportation and Housing Subcommittee neither publishes minutes, nor posts agendas regarding the affordable housing program.**

*Response:* The finding that the Transportation and Housing Subcommittee does not post agendas regarding the affordable housing program is complete false and the City disagrees with this finding. Agendas for all subcommittee meetings are posted and notice is given as required by law. Subcommittee meetings are public meetings at which the public is welcome and invited to attend. Subcommittees do not keep minutes because they are not required to and the City does not have sufficient resources to do so. As reflected in the response to Recommendation 5, the City will develop a program for keeping a record of key committee meetings within six months from the date of publication of the Grand Jury report.

## **RECOMMENDATIONS**

**1. The City of Hercules shall expand ethics and conflict of interest training beyond the minimum two hours required by the California Attorney General's memorandum, Ethics Training for Local Officials, and avail themselves of additional resources.**

*Response: The City presently complies with this recommendation and will continue to do so. Further, Council Members and key staff participate in ethics training through various boards, commissions and entities beyond that required by the City. This recommendation has been implemented. The City will continue to review and update its policies regarding such training.*

**2. The Hercules City Council shall direct the City Manager to invite open bidding on all contracts with NEO and other service providers.**

*Response: Competitive bidding is not appropriate for all service providers; thus, the City will invoke competitive bidding on a case-by-case basis. However, the City will commit to competitively bidding the next renewal of NEO agreements. This recommendation has not been implemented but will be implemented when the NEO agreements are next considered for renewal toward the end of the current fiscal year.*

**3. City Council Members shall restrict their participation with regard to affordable housing issues to policy direction and budget allocation. Final approval of individual loans shall be delegated to appropriate City Staff.**

*Response: This is, indeed, the historical and current practice and it will continue to be followed into the foreseeable future. This recommendation was implemented long ago.*

**4. In the future, the City Council shall operate its affordable housing program by openly publicizing available properties for sale by the City and listing them on the MLS.**

*Response: The City will expand its outreach and, to that extent, the commendation will be implemented. The MLS is not an appropriate venue for listing properties within the affordable housing program so this aspect of the recommendation will not be implemented. Those properties are deed restricted and must first be offered to qualified individuals in the Hercules Affordable Housing Program.*

**5. Minutes shall be recorded for all City Council committee meetings.**

*Response: The City Council will develop a program for keeping a record of key committee meetings. The recommendation has not been implemented but will be implemented within six months from the date of publication of the Grand Jury report pending further analysis and funding. The analysis will include determining the proper method, technology and format for recording committee meetings, the meetings for which a record will be kept and the necessary source(s) of funding.*