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June 2003

The Honorable Scott L. Kays
Presiding Judge
Solano County Superior Court
600 Union Ave
Fairfield CA 94533

Dear Judge Kays:

In compliance with the State of California Penal Code §933, the 2002-2003 Grand Jury proudly submits their Final Report. Please permit me this rare opportunity to express my sincere appreciation that you appointed me to serve as Foreperson for the subject term. It was, indeed, an honor and a pleasure to serve you, the courts, county departments and above all, the citizens throughout the County of Solano.

I would be remiss not to include my highest thanks and gratitude to the eighteen impaneled fellow Grand Jurors who, at all times, performed in an exemplary manner. As anticipated, procedural obstacles did arise from time-to-time, which was seldom. In both instances of administration or investigations, County Counsel played an important role to resolve any given situation.

I use the term "we" to the entire Solano County Departments, of our sincere appreciation of the cooperation they often offered during investigations. This is also equally extended to the cities and special districts to support our efforts to correct those areas of concern, brought to the attention of the Grand Jury utilizing the citizen complaint system.

Many of the investigations were categorized as follow-up cases from the previous three years. These cases were never closed, but were considered to a very high degree, to pursue further investigation leading to subsequent close-out.

The 2002-2003 was the second year of the annual meeting between Supervisors, Department Heads and the newly impaneled Grand Jury. Both meetings proved to be a resounding success. The obvious goals and objectives of the meeting were met. It is the belief that these meetings initiate the ground work for a better understanding of mutual respective responsibilities to subsequently result beneficial to all parties concerned.

In conclusion, special thanks go out to former juror, Joanne Johnston, who served as Special District Committee Chair and Pro Tem for the greater portion of this year. Her performance was truly outstanding.

The members of the 2002-2003 Grand Jury are honored to have served the Solano County Community from Vallejo to Rio Vista, and sincerely hope our efforts have contributed to the betterment of county operations.

Sincerely,

Jack Morris
Foreman
2002-2003 Grand Jury

2002-2003 SOLANO COUNTY GRAND JURY



Front Row: Joe A. Della Zoppa, Foreman Jack Morris, Presiding Judge Scott L. Kays, Phyllis Hollomon, Edwina Morgan.

Middle Row: Kenneth Barden, Ann Lawhead, Larry La Fleur, Donald Bond, Bert Gaulke, Roberta Beers, Victor Salting.

Back Row: Benardo Villarreal, Carol Williams, Melanie Ross, Jim Sams, Earl Heal, Administrative Assistant Jamielynn Harrison, Thomas Hansen.

Not Present: Derek Flores

**MEMBERS OF THE
2002-2003 SOLANO COUNTY GRAND JURY**

Kenneth Barden Vallejo

Donald Bond Fairfield

Derek Flores Suisun

Thomas Hansen Vacaville

Phyllis Hollomon Vallejo

Ann Lawhead Vacaville

Jack Morris Vallejo

Victor Salting Vallejo

Benardo Villarreal Benicia

Roberta Beers Dixon

Joe A. Della Zoppa Suisun

Bert Gaulke Dixon

Earl Heal Vacaville

Larry LaFleur Rio Vista

Edwina Morgan Vallejo

Melanie Ross Benicia

Jim Sams Fairfield

Carol Williams Vallejo

Note: To All Affected Agencies

California Penal Code §933.05 is summarized as follows:

Findings §933.05 (a)

For each finding in the Grand Jury Report, the responding party must give one of the following two responses:

- Responding party agrees with the finding.
- Responding party disagrees wholly or partially, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for disagreement.

Recommendations §933.05 (b)

For each recommendation in the Grand Jury Report, the responding party must state that one on the following four actions has been taken:

- Recommendation has been implemented with a summary of implemented action
- Recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation
- Recommendation requires further analysis or entity requires detailed explanation of analysis or study with timeframe not to exceed six (6) months; analysis/study submitted to officer, director or governing body of the agency being investigated.
- Recommendation will not be implemented because it is not warranted, is not reasonable, with an explanation included.

Budgetary and Personnel Matters §933.05 (c)

If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county department head by an elected officer, both the department head and Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only budgetary or personnel matters over which it has some decision making authority. The response of the elected department head shall address all aspects of the findings and recommendations affecting his/her department.

Advance release of a report is prohibited before public release.

Response Time and Responding Party

- **Public Agency:** governing body of any public agency must respond within 90 days.
- **Elected Officer or Agency Head:** elected officers or heads of agencies and department heads are required to respond in 60 days.
- **City or County:** The mayor shall also comment on the findings and recommendations.

INDEX OF AFFECTED AGENCIES

Black Infant Health Program
California Department of Corrections
California Medical Facility
California State Prison Solano
City of Benicia – City Manager
City of Benicia Fire Department
City of Benicia Police Department
City of Dixon City Manager
City of Dixon Fire Department
City of Dixon Police Department
City of Dixon Unified School District
City of Fairfield – Armijo High School
City of Fairfield City Manager
City of Fairfield Fire Department
City of Fairfield Police Department
City of Rio Vista City Manager
City of Rio Vista Fire Department
City of Rio Vista Police Department
City of Suisun - City Manager
City of Suisun – Mayor
City of Suisun City Council
City of Suisun Fire Department
City of Suisun –Park and Recreation Committee
City of Suisun Police Department
City of Vacaville – Buckingham Charter School
City of Vacaville – Jean Callison Elementary School
City of Vacaville – Vaca Peña Middle School
City of Vacaville – Vacaville Unified School District
City of Vacaville City Manager
City of Vacaville Fire Department
City of Vacaville Police Department
City of Vacaville Unified School District
City of Vallejo – John F. Kennedy Library
City of Vallejo – Mare Island Elementary School
City of Vallejo – Solano Middle School
City of Vallejo – Steffan Manor Elementary School
City of Vallejo – Vallejo City Council
City of Vallejo City Manager
City of Vallejo Fire Department
City of Vallejo Police Department
Cordelia Fire Protection District
Dixon Fire Protection District
East Vallejo Fire Protection District
Montezuma Fire Protection District
Ryer Island Fire Protection District
Solano Community College Police Department
Solano County – County Counsel
Solano County Communications Department
Solano County Department of Child Support Services
Solano County Department of Environmental Management
Solano County Juvenile Hall
Solano County Office of Emergency Services
Solano County Probation Department
Suisun Fire Protection District
Vacaville Fire Protection District

Solano County Registrar of Voters
Absentee Ballot Instructions
2002-2003 Grand Jury Report

I. REASON FOR INVESTIGATION

The Grand Jury received a complaint that a voter had been denied constitutional voting rights to vote for local candidates and issues.

II. PROCEDURE

The Grand Jury:

- Interviewed the Solano County Registrar of Voters
- Reviewed Voter Registration procedures

III. BACKGROUND:

1. The complainant (a U.S. citizen) was outside the U.S. on an extended five-month vacation. An absentee ballot was requested, and received, from the Solano County Registrar of Voters with a letter enclosed. The letter stated that the recipient could only vote for Federal offices, not for any State or local office or issues. The complainant cast the absentee ballot per instructions.

2. The Grand Jury asked the Registrar's staff about the rights and limitations for casting an absentee ballot while outside the country. The answer given was "you can vote for all offices if you are registered and voted in the last General Election."

3. The Grand Jury was provided with a document titled "Voting Residency Guidelines for Overseas Citizens." This document defines the procedure for voting and where to find assistance.

4. The Grand Jury then reviewed the "60 Day – Special Absentee Voter" form. The Grand Jury examined all non-military applications for absentee ballots for the last general election.

IV. FINDINGS AND RECOMMENDATIONS:

Each finding is referenced to the background paragraph numbers

Finding #1 - The citizen was properly registered and had voted in the last General Election. (2)

Finding #2 – Upon review of the non-military absentee ballot applications it became clear that an error had been made regarding the instruction sent to this voter. (3)

Recommendation - The form currently used for non-military absentee ballot applications be modified to include additional question(s) as necessary to eliminate this type of error.

V. COMMENTS

The Solano County Registrar's Office appears to be operated in an efficient and open atmosphere. The staff was available to answer questions. When the error was discovered, they were quick to accept responsibility and look for ways to avoid it happening again. In a subsequent follow-up, the Grand Jury was provided with a copy of the revised application form.

Affected Agencies

- Solano County Registrar of Voters

City of Suisun – Lawler Ranch Park 2002-2003 Grand Jury Report

I. Reason for Investigation

This year's Grand Jury investigated the actions of the City of Suisun City at the recommendation of the 2001-2002 Grand Jury as a follow-up on the ten acre park in Lawler Ranch. That investigation was due to a citizen complaint that park fees collected from the Lawler Ranch homeowners through the developer were not being used to develop the ten acre park as promised when the property was purchased.

II. Procedure

- Attended City Council meeting
- Attended meeting of Parks and Recreation Committee

The Grand Jury used all of the information from the 2001-2002 Solano County Grand Jury Final Report and the City Responses to this report. That report was published in local public newspapers and copies are available in public libraries.

III. Background

1. In the responses from last year's report, the City of Suisun City acknowledged using fees for park development but did not indicate that the developer constructed a small park while the City constructed a five acre park. The ten acre park is still not developed while the residents have been paying annual fees to the Park Development Fund Maintenance Advisory District. The purchase contract signed by the original buyers of Lawler Ranch properties originated in 1987 indicated that those development fees would be used for all three parks. The City has transferred funds from the account earmarked for park development in order to build a sports complex and a boat ramp.

2. The community was well represented at a meeting held by the Parks and Recreation Commission on March 20, 2002. The Grand Jury was also present. The Commission heard suggestions from the community as to their wishes for the park design.

3. At the conclusion of that meeting, the Commission stated that the design plans for that park would be completed by the end of summer 2002. A meeting would then be held to present design plans to the community. The Commission indicated that if members of the audience would leave their name

and address, a notice of that future meeting would be mailed to them. The results of the park design would be then presented to the City Council for approval and implementation.

4. The Parks and Recreation Commission meeting on April 17, 2002, under the General Business section of the agenda, states “the director indicated that he requested the Commissioners keep a tally of residents’ comments of their wants and not wants for the ten acre park design. He stated that there will be future meetings as the design process progresses.”

5. At the end of summer 2002, the Grand Jury contacted the City Manager, asked that an updated status on the ten acre park be included on the next Parks & Recreation Commission agenda and stated that members of the current Grand Jury would be in attendance.

6. Notices of the meeting were posted throughout the community. The meeting was held on October 2, 2002 with the Grand Jury present. No design plans were presented for the ten acre park.

7. Staff stated that park development funds were kept separate while annual fees become part of the Parks & Recreation general fund.

IV. Findings and Recommendations

Each finding is referenced to the background paragraph numbers

Finding #1 - As of October, 2002 no design plans had been presented for the acre park. (6)

Recommendation #1 - The ten acre park be put on a fast tract schedule for completion. The City of Suisun City should establish an oversight committee to oversee the acre park development. This committee should include Lawler Ranch residents.

Finding #2 - It was stated by the Parks and Recreation Commission that the funds were used for the Sports Complex and boat ramp. (1)

Recommendation #2 - Reinstate the 10 acre park development funds.

V. Comments

The 2002-2003 Grand Jury recommends that the 2003-2004 Grand Jury review the progress made by the City of Suisun City Parks and Recreation Department.

Affected Agencies

- Suisun City Mayor
- Suisun City Council
- Suisun City Manager
- Suisun City Park and Recreation Department

GREATER VALLEJO RECREATION DISTRICT
2002-2003 Grand Jury Report

I. REASON FOR INVESTIGATION

The Grand Jury received numerous citizen complaints regarding the operation and policies of the Greater Vallejo Recreation District relating to the November 2000 ballot initiative to establish an additional special assessment to support the Greater Vallejo Recreation District.

II. PROCEDURE

The Grand Jury reviewed:

- Taxing and balloting authority for Special Districts
- Authority for initiative process
- Official Ballot and instructions
- Greater Vallejo Recreation District (GVRD) Board of Directors
- Meeting Minutes for the last two years
- GVRD Applications to City of Vallejo for Park Dedication Fees
- Three years of audited budgets
- GVRD Manager's Board Report for each of the last eighteen months

Attended:

- GVRD Board Meeting

Examined:

- Procedures and policies regarding Park Dedication Fees

Interviewed:

- Complainants
- GVRD Staff
- GVRD Board Member

III. BACKGROUND

1. The Grand Jury limited this investigation to the procedures used in the recent ballot initiative process. This particular item was chosen because it was current, parties involved were available and testimony would be fresh in all parties' minds.

2. GVRD is a Special District that was formed to provide parks and recreational services to the City of Vallejo. It receives its funding from a variety of public sources as well as private donations. A Board of Directors governs GVRD and the General Manager conducts day-to-day operations. The General Manager is under contract to the Board of Directors. GVRD has an annual budget of approximately \$4.6 M. It services 37 park sites, four community centers and numerous recreational activities. The Board meets publicly on the second Wednesday and the fourth Thursday of each month. GVRD has all the rights and authority designated by the State Legislature to Special Districts.

3. The first reference in the Board minutes to the ballot measure was on February 13, 2002. The FY 2001-02 budget had a line item of \$15,000 for a community-wide needs assessment. The purpose for these funds was changed by the GVRD Board and used for a survey of property owners in support of an additional assessment to support GVRD. Fifteen thousand dollars was not enough to pay for this survey. An additional \$4,775 was authorized by the GVRD Board to be expended from Park Dedication Fees. The survey of property owners was completed and indicated a 57% approval by property owners with a + or - 5% error factor.

4. The GVRD Board approved proceeding with the ballot initiative based on the survey results. The ballot initiative vote was held in November of 2002 and failed. The measure received 40.4% support with only 25.8% of the mail-in ballots returned. The final cost for the survey and ballot measure was \$87,039.17.

5. Two companies were hired for the survey and ballot process. Company "A" recommended Company "B" to do the survey. Company "B" conducted the favorable survey and Company "A" received a contract to conduct the ballot initiative. The two companies completed their respective contracts.

6. Park Dedication Fees are restricted funds. GVRD staff makes application for these funds and specifies their proposed use. The City of Vallejo provides these funds to GVRD in accordance with the Municipal Code (Chapter 3.18). Applications for these funds for 2001-2002 and 2002-2003 were examined by the Grand Jury. Although an application for ballot funds was submitted in 2001-2002, no application for ballots funds was submitted for 2002-2003.

7. Accounting records submitted to the Grand Jury show the total ballot measure was paid out of Park Dedication Fees. Board minutes do not show any approval of payment from Park Dedication Fees for the actual ballot costs. Testimony received indicated that GVRD Staff informed the Board that this was a proper use of Park Dedication Fees. Staff went on to state to the Board that Legal Counsel supported the use of these fees.

8. Staff was asked to provide the Grand Jury with a copy of Legal Counsel's opinion and declined citing "attorney client privilege."

IV. FINDINGS & RECOMMENDATIONS

Each finding is referenced to the background with a number.

Finding #1 - GVRD Staff filed no application for the use of Park Dedication Fees for the cost of the ballot measure for fiscal year 2002-2003. (6, 7)

Recommendation #1A - The City of Vallejo determine if the ballot measure was an appropriate expenditure.

Recommendation #1B - The GVRD Board inquire of Staff why no application to the City of Vallejo was submitted for this expenditure and where the money came from to pay for it.

Recommendation #1C - The GVRD Board minutes reflect all expenditures of restricted funds

Finding #2 - Two companies hired for the survey and ballot process had the potential for a conflict of interest. (5)

Recommendation #2 - Avoid the public concern over possible conflicts or collusion by limiting single-source contracts.

Finding #3 -Both companies appear to have performed their tasks completely and professionally without any conflict. (5)

Recommendation #3 - No recommendation needed.

IV. COMMENTS

The GVRD Board minutes for 2002 reflect one member asking at numerous meetings for clarification of Park Dedication Fees. Each time the answer was avoided. It is unclear if an adequate answer was ever given. It is easy for a Board to become “staff driven” when questions go unanswered.

“Attorney client privilege” is a constitutional right. However, citizens and the Grand Jury view with suspicion the use of this “privilege” when invoked by a public servant conducting public business when the attorney is paid with public funds. The right to know how decisions are made is paramount in establishing trust within the community.

Affected Agencies:

- City of Vallejo
- Greater Vallejo Recreation District

Vacaville Unified School District 2002-2003 Grand Jury Report

Reason for Investigation

The Grand Jury investigated citizens’ complaints alleging fraud and budgeting mismanagement by the Vacaville Unified School District Administration and Board of Education for the 2001-2002 school year. Over two million dollars were alleged to be missing and layoff notices were sent to 49 teachers in March 2002.

Procedure

The Grand Jury:

Reviewed:

- Citizens’ complaints
- Vacaville Unified School District (VUSD) 2001-2002 Budget

Interviewed:

- Members of VUSD Administrative and Budget office
- Current members of VUSD Board of Education
- Vacaville Teachers Association member

- Solano County Office of Education Administrative Services personnel
- Toured VUSD Administrative offices

Background

1. Testimony indicates a series of events beginning in 1999 resulted in the shortfall of monies in the later years. From 1999 to 2002, revenues decreased and expenditures increased, resulting in the decline of the District's unrestricted fund balances. Two major components that affect a school district's revenue and costs are students' average daily attendance and the cost of employees' salaries and benefits.

2. During teacher union contract negotiations in the 1999-2000 school year, a salary increase of 2% above the original salary offer with a corresponding cap on future medical benefits costs was agreed upon through mediation. This affected other district employees due to the "me-too clause," which also increased personnel costs. The increase was paid for out of non-recurring funds with the thought that California had a surplus and was expected to give a generous increase in revenue limit per student, which would cover these budget shortfalls for the future. In addition to the additional 2% increase negotiated in 1999-2000 budget year, a grievance was brought forward regarding an incorrect future medical benefits formula. This resulted in an additional 1.5% salary increase in the 2000-2001 budget year. The "me-too clause" also affected other district employees and was paid out of non-recurring funds. These increased costs would have to be paid out of recurring monies in 2001-2002 budget year.

3. Testimony indicated other significant events took place which contributed to the budget shortfall. Personnel changes in the district office took place creating vacant positions in late November 2000 and January 2001. Testimony stated that important monitoring of attendance and cash flow was not being accomplished in a timely manner. Account books were delayed in being closed and consequently the time had passed when actions could be taken to cut spending, freeze purchase orders and freeze hiring replacements for vacant positions. Partnered with attendance going down, budget projections resulted in shortfall of revenues. In November 2001 when the account books were closed for the year, a restated accounting resulted in a \$1.8 Million reduction of unrestricted funds for the 2000-2001 fiscal year.

4. Testimony indicated that enrollment and attendance projections for fiscal year 2001-2002 were based on a best-case scenario. The attendance increases became less than projections. Given the restated final books for 2000-2001, the 2001-2002 budget was fast becoming a concern. In January 2002 the State made heavy midyear cuts to revenue already appropriated to schools. The VUSD "self-qualified" their 2002 projections based on not meeting the mandatory 3% reserve. The first interim budget report, which was due in December of 2001, was not submitted until February of 2002. New accounting procedures directed by the State were put in place and caused a delay in the report. The second interim budget report, which was submitted in March 2002, adjusted for mid-year cuts and loss of attendance revenues. At this point, the Administration recommended staff and program reductions in order to balance the budget and restore the mandated reserve for the 2002-2003 budget. Layoff notices were issued, but no actual layoffs took place. Reductions were made through attrition, "Golden Handshake" retirements and resignations.

5. Testimony and facts indicated there was no money missing or unaccounted for in the VUSD 2001-2002 budget. The lack of timely communication and understanding of the budget shortfalls appeared to be an issue among employees, the Board and the Administration that contributed to mistrust and misunderstanding.

IV. Findings and Recommendations

Each finding is referenced to the background paragraph number

Finding #1 - Salary increases were paid for with non-recurring funds with the expectation of additional funding from the State for the two years (1999-2000 and 2000-2001). (2,3)

Recommendation #1 -VUSD not commit non-recurring funds for recurring requirements.

Finding #2 - Enrollment and attendance projections for determining the fiscal year 2001-2002 budget assumed a best-case scenario. (4)

Recommendation #2 - The VUSD develop a realistic model to predict enrollment and attendance for budget planning.

Finding #3 - No money was missing or unaccounted for in the 2001-2002 VUSD budget. Layoff notices were issued, but no actual layoffs took place. (4,5)

Recommendation #3 - No action required.

V. Comments

Investigations and interviews revealed a lack of timely and/or accurate information and communication. This created mistrust among teachers, Administration and the Board. The economy, projected enrollment, reductions in state programs, new accounting procedures, vacant strategic positions and the limited ability to monitor and provide timely reports contributed to the budget shortfalls.

The VUSD should prepare simple and up-to-date monthly reports showing actual expenses to budget, forecasts for the year given, highlights of budget issues and reasons why. These reports should be available on the District's website and copies distributed to the Teachers' Union officers. Meetings should be held with Board, Administration and the Union so all employees are informed and understand the budget process. Public information meetings should also be held.

Affected Agencies

- Vacaville Unified School District
- Solano County Office of Education

Steffan Manor Elementary School
2002-2003 Grand Jury Report

Reason for Investigation

Each year the Grand Jury visits a random selection of schools in the County.

Procedure

The Grand Jury:

- Toured school facilities
- Talked with administrators, teachers, support staff, students and parents
- Observed students in classes, moving from class- to- class and on the playground
- Observed library, computer lab, gymnasium and classrooms
- Reviewed health, safety and emergency evacuation procedures

Background

1. As a result of an arson fire in April 2001, Steffan Manor Elementary School was relocated to temporary trailers on the parking lot of Pennycook Elementary School in Vallejo. They are projected to return to their original rebuilt location in September 2003.

2. Despite the chaos created by the fire, the Vallejo Unified School District Administration, the administrative staff, support staff and the teachers, with the help of people in the community, managed to boost morale and continue a viable education program. Today Steffan Manor Elementary School is a clean, orderly, happy, achieving school. This school, a designated Target School due to its low Academic Performance Index (API), has increased its API despite the fire and ensuing adverse conditions. Innovative programs in math, reading and computer learning have been established. The Parents Club has been an active and productive participant throughout. The administrative staff, teachers, support personnel, students and parents are to be highly commended.

IV. Finding and Recommendation

Each finding is referenced to the background paragraph number

Finding #1 - Steffan Manor Elementary School has developed a well-rounded program, under adverse conditions, to meet the needs of the student population. (1, 2)

Recommendation #1 - Continue these admirable programs.

Affected Agencies

- Solano County Office of Education
- Vallejo Unified School District
- Steffan Manor Elementary School

Mare Island Elementary School 2002-2003 Grand Jury Report

I. Reason for Investigation

Each year the Grand Jury visits a random selection of schools in the county.

II. Procedure

The Grand Jury:

- Toured the school facility
- Talked with administrators, teachers, classified personnel, students and parents
- Got a feel of the general tenor of the school
- Observed students in classes, passing class-to-class, and on the playground
- Visited the library, computer lab, gymnasium, cafeteria and classrooms
- Reviewed health, safety and emergency evacuation procedures.

III. Background

Mare Island Elementary School was built by the Navy and opened in 1988. It was in April 1996 that Mare Island Naval Shipyard closed. However, Mare Island Elementary School survived and is still open today and is part of the Vallejo Unified School District. The school enrollment is just shy of 500. There is a teaching staff of 25 and a classified staff of 13. Ninety Five percent of the students are bused across the causeway from Vallejo to the school. Breakfast and lunch are transported by van. Despite this and even though many of the students are of low social economic status, Mare Island Elementary provides an excellent education for its students. It has received API awards.

There is little parent participation largely because City of Vallejo does not provide city bus transportation across the causeway to the school. Consequently, many of the parents, particularly those on welfare etc., have no way to get to the school. The school staff has attempted to overcome this by providing transportation and holding spaghetti feed nights, Grandparents' Days, Mother's Days and Father's Days. This has met with success.

The Vallejo Unified School District established Mare Island Elementary School based on overflow from other elementary schools in the district. This creates problems for the administration and teachers in developing cohesiveness, identity and loyalty to Mare Island on the part of both students and parents.

IV. Findings and Recommendations

Each finding is referenced to the background paragraph number

Finding #1 - The Vallejo Unified School District has chose to establish the school population at Mare Island Elementary based on overflow from other elementary schools in the District. The assumption being that students will eventually return to their home school. This creates a problem for the administration and teachers in developing a cohesiveness, identity and loyalty to Mare Island Elementary on the part of both students and parents.

Recommendation #1 - Vallejo Unified School District needs to re-examine the way it establishes its school population at Mare Island Elementary by restructuring school boundary lines.

Finding #2 - There is a great need for city bus transportation to Mare Island.

Recommendation #2 - The City of Vallejo (City Council) needs to explore funding sources that would allow regularly scheduled city bus transportation to Mare Island.

Affected Agencies

- Solano County Office of Education
 - Vallejo Unified School District
 - Mare Island Elementary School
 - City of Vallejo City Council
-

Solano Middle School 2002-2003 Grand Jury Report

Reason for Investigation

Each year the Grand Jury visits a random selection of schools in the County.

Procedure

The Grand Jury:

- Toured school facilities
- Talked with administrators, teachers, support staff, students and parents
- Observed students in classes and moving from class-to-class
- Observed library, computer lab, gymnasium and classrooms
- Reviewed health, safety and emergency evacuation procedures

Background

1. Solano Middle School is located in Vallejo. The current school enrollment is approximately 948 students in the 6th-7th-8th grades. The school offers free or reduced cost breakfast and lunch programs to needy students under Title I. Participation in this program is low due to lack of parent support. Testimony indicated low parent involvement in school functions and activities.

2. The original campus is over 40 years old and has been augmented with portable classrooms. The school has never had a cafeteria. A central yard is used as a student gathering place and outdoor lunch room. Students eat in the gymnasium when weather is inclement.

3. The overall housekeeping of the campus is good. Everyday maintenance has been deferred. Examples: removal of graffiti, painting on walls and removal of broken glass in a display case.

4. Solano Middle School recently experienced an increase of Academic Performance Index (API) scores after the "I Believe" program was instituted by the Principal. This program is designed to instill morale, self confidence and character building in students. The goal for 2002-2003 is to increase API scores in reading/language arts and math. The school applied for a Comprehensive School Reform Demonstration grant in May 2002.

Findings and Recommendations

Each finding is referenced to the background paragraph number

Finding #1 - The Academic Performance Index scores have increased after the incentive program, "I Believe," was put in place at the school. (4)

Recommendation #1 - Continue the “I Believe” program.

Finding #2 - There is low parent involvement in school functions and activities. (1)

Recommendation #2 - Encourage more parents to become involved by giving them recognition.

Finding #3 - The school offers free or reduced cost breakfast and lunch programs. Few eligible students take advantage of this program. (1)

Recommendation #3 - Encourage parents and students to take advantage of these meal programs. Provide informational brochures about the program in appropriate languages representing the diverse ethnic makeup of students.

Finding #4 - The school has never had a cafeteria. Students eat outside or in the gymnasium. (2)

Recommendation #4 - Create an indoor cafeteria.

Affected Agencies

- Solano County Office of Education
- Vallejo Unified School District
- Solano Middle School

Jean Callison Elementary School 2002-2003 Grand Jury Report

Reason for Investigation

Each year the Grand Jury visits a random selection of schools in the County.

II. Procedure

The Grand Jury:

- Toured school facilities
- Talked with administrators, teachers, and students
- Observed students in classes, and moving from class to class
- Observed libraries, computer labs, gymnasiums, cafeterias, and classrooms
- Reviewed health and safety procedures

III. Background

1. Jean Callison Elementary is located on the south side of Vacaville. Many parents locate here and commute to the larger metropolitan areas. Quite a few military families, who are assigned to Travis AFB, also reside in this district. Travis AFB is located approximately five miles from the campus.

2. The campus opened in 1990 and currently has 751 students in its K-6th grade programs. Despite the reduction of custodial staff the campus is very clean and well maintained. Long-term maintenance needs are a concern with reduced staff in custodial jobs. The K-3rd grades are limited to 20 students per class. All teachers are certificated except for one.

3. Callison's Academic Performance Index (API) score of 798 is one of the highest in the Vacaville Unified School District. In addition to basic core curriculum the following programs are offered: Gifted and Talented Education (GATE), English Learner (EL), Miller Unruh Reading Specialist, Resource Specialist Program (RSP), Special Day Class, and a Speech and Language Program. A dedicated and experienced staff provides several before and after school clubs for the students. Some of the clubs offered to students include Student Council, Homework Club, Art Club, Choir, Sports Card Club, Math Club, Peace Partners and Friday Night Live Kids. Activities that promote a positive learning environment include weekly Student of the Week assemblies, Caught Being Good program, weekly math contests, writing contests, reading incentive programs, public display of student work and a popular Doughnuts with the Principal program.

4. Callison has an active Parent Teacher Club that sponsors activities throughout the year. These opportunities provide social interaction among the families and enhance the education process. These activities include, but are not limited to, Muffins for Mom, Doughnuts for Dad, Grandparents Day, Spaghetti Feed, Callison Craft Fair, Book Fairs, Clean-Up Day and Parent Art Project. In addition, parents contribute time to volunteer in classrooms on a regular basis. Parent involvement is a key element of the student's success at school.

5. The school Safety Plan was in the process of being updated when the Grand Jury visited the campus. An updated, comprehensive school safety plan was received by the Grand Jury in February 2003. This plan is individualized for Callison to meet the needs of its students, parents, and staff in order to promote a safe and disciplined environment conducive to learning. The plan integrates its mission of providing a strong academic foundation for every student. It is evident many hours were spent to develop a plan that is easily understood, complies with district policies, and yet meets the specific environment of Callison Elementary. Despite not having an updated plan prior to the Grand Jury visit; the school took action to address safety issues in the past year. They constructed a chain-link fence to close the school off from the adjacent park and all gates are locked during school hours. A crosswalk was painted in front of the school and a crossing guard is on duty before and after school. The raised plant-wall in front of the school is variegated to keep skateboarders off.

IV. Findings and Recommendations

Each Finding is referenced to the background paragraph numbers

Finding #1 – Callison's 2003 School Safety Plan is comprehensive and integrates its mission to provide a strong academic foundation for every student. (5)

Recommendation #1 – The school should share their ideas and processes for a school safety plan with other schools and districts.

V. Comments

Long-term maintenance needs could become a low priority because of staff reduction in the custodial staff. It is recognized that budget issues are the reasons for reduced staff; however, an action plan that would involve the prioritization of long-term maintenance and utilization of district wide staff could preclude expensive repairs that result when work is not done in a timely manner.

Affected Agencies

- Solano County Office of Education
 - Vacaville Unified School District
 - Jean Callison Elementary School
-

Vaca Peña Middle School 2002-2003 Grand Jury Report

Reason for Investigation

Each year the Grand Jury visits a random selection of schools in the County.

Procedure

The Grand Jury:

- Toured school facilities
- Talked with administrators, teachers, and students
- Observed students in classes, and moving from class to class
- Observed libraries, computer labs, gymnasiums, cafeterias and classrooms
- Reviewed health and safety procedures

Background

1. Vaca Peña Middle School is located in a residential neighborhood in Vacaville. It is an open (no fences) campus located on the corner of two streets. The site is twenty years old and well maintained. There are approximately 1200 7th & 8th grade students.
2. Vaca Peña's mission is to foster a healthy, safe learning environment conducive to developing essential skills, attitudes, knowledge and respect. This is achieved by utilizing a strong instructional program with a dedicated long-term staff. Only two teachers out of 65 are on emergency credentials and those two are working on their credentials. Vaca Peña received a grant to establish language and reading labs. This enables teachers to develop more individualized programs. The school is committed to learning through technology. Teachers wired the school for Internet access in all rooms on their own time.
3. Vaca Peña's Parent Teacher Club is active and provides student planners to every student at the beginning of the year. They installed the marquee and completed the outside track.
4. The after school programs vary and appeal to a variety of interests. They include, but are not limited to, chess club, art club, speech and drama, student leadership, soccer, basketball, volleyball, flag football, wrestling, and track. Vaca Peña's music program is strong in orchestra, band, and jazz. The students participate in fundraisers during the year.
5. Vaca Peña is innovative in preventing vandalism. A video monitoring system for the outside was installed with safety grants. This addition has greatly reduced vandalism and provides an extra safety measure for the school. At present there is no central phone system; however plans exist to install one.

Findings and Recommendations

Each paragraph is referenced to the background paragraph numbers

Finding #1 – Vaca Peña is innovative in preventing vandalism. (5)

Recommendation #1 – Other schools should look into safety grants and model Vaca Peña’s program.

Finding #2 – At present there is not central phone system, however plans exist to install one. (5)

Recommendation #2 – Central phone system plans should remain a priority in getting installed.

Affected Agencies

- Solano County Office of Education
- Vacaville Unified School District
- Vaca Peña Middle School

Armijo High School 2002-2003 Grand Jury Report

Reason for Investigation

Each year the Grand Jury visits a random selection of schools in the County.

Procedure

The Grand Jury:

- Toured school facilities
- Talked with administrators, teachers, support staff, students and parents
- Observed students in classes and moving from class-to-class
- Observed libraries, computer labs, gymnasiums, classrooms and cafeteria
- Reviewed health, safety and emergency evacuation procedures

Background

1. Armijo High School is located in downtown Fairfield. The campus is very large and is easily accessible to the general public. Testimony revealed security concerns due to this accessibility. The school is over 45 years old and is due for major renovation starting in the summer of 2003 utilizing available bond funds. Despite the fact that Armijo has a large school population (approximately 2,315 students), and a large staff, there is only one handicapped parking space and limited parking otherwise. The school inter-com system is not presently working. Air horn blast signals are used in case of emergency.

2. The school population is almost equally divided among three ethnic groups. Gang activity is minimal according to the School Administration. The Fairfield Police Department assigns a School Resource Officer full time to the school and there are six Campus Supervisors. Armijo High School has an extensive video surveillance monitoring system that can literally view any part of the campus. The equipment is located in a small closet-like room with poor ventilation. When the equipment is turned on,

heat is generated to the point that the door has to be left open. This could cause the equipment to be compromised or damaged. The day the Grand Jury visited, the room was open and unattended.

3. Armijo High School has many innovative programs for its students:

- Women in Technology
- Academic Decathlon
- Building Trades Certification Curriculum and Program
- International Baccalaureate Program
- Public Service Academy Program
- Early Graduation Program (in conjunction with Solano Community College)

4. Armijo High School has an active Parents Club with many fund raising activities. Money grants to teachers and other facility/curriculum improvements have resulted. This is commendable.

Findings and Recommendations

Each finding is referenced to the background paragraph numbers

Finding #1 - Armijo High School has excellent, innovative programs for its students. (3)

Recommendation #1 – Continue these innovative programs.

Finding #2 - Handicapped and general public parking spaces are inadequate. (1)

Recommendation #2 - Correct the inadequate parking situation.

Finding #3 - The Video Monitoring Surveillance Equipment Room lacks adequate ventilation and security for the equipment. (2)

Recommendation #3 - Correct the Video Monitoring Surveillance Equipment Room's inadequate ventilation and security problems.

Finding #4 - Armijo High School has an inoperable inter-com system. (1)

Recommendations #4 - Immediately repair the inter-com/loud-speaker system.

Affected Agencies

- Solano County Office of Education
 - Fairfield-Suisun Unified School District
 - Armijo High School
-

Buckingham Charter School 2002-2003 Grand Jury Report

Reason for Investigation

Each year the Grand Jury visits a random selection of schools in the County.

Procedure

The Grand Jury:

- Toured school facilities
- Talked with administrators, teachers, and students
- Observed students in classes, and moving from class to class
- Observed libraries, computer labs, and classrooms
- Reviewed health and safety procedures

Background

1. Elise P. Buckingham Charter School started as an alternative educational program in 1992. The school is located in a Vacaville business park and is open to all Solano County students. Its purpose is to provide a choice for Vacaville Unified School (VUSD) students other than traditional or continuation schools. Buckingham is a district dependent charter facility, which reports to VUSD. The education curriculum is performance based and can serve K-12th grades with a staff of 115. The enrollment is approximately 950 students, the majority in the 9th-12th grade classes.

2. Buckingham offers three instructional platforms to its students, (A) onsite courses taught primarily in state of the art computer-equipped classrooms, (B) community-based curriculum where instruction takes place in the community or field, and (C) career pathways which focuses on specific skills to enable students to be successful in the 21st century workplace. Supervising teachers design a Personal Learning Plan for each student. All courses meet California State frameworks and VUSD standards. Students must meet weekly with their instructional manager on an individualized basis, complete 100% of all assignments, maintain competency levels of 70% or better in all work and adhere to Buckingham's academic and behavioral expectations. Since Buckingham is a school of choice there are few discipline problems. Classes are offered on a college model blocked schedule. This flex scheduling enables students to learn in a non-traditional environment based on their needs outside the traditional school day.

3. School highlights include an active Student Leadership class, year-long student activities, Cisco Networking Academy, A+ Certification Program, Student Technology Assistant internships, Young Image Maker film Academy, Advanced Placement Program, and the requirement of every Senior to complete a Senior Portfolio. With a new state of the art digital/sound-recording studio the students can expand their opportunities to experience the art of filmmaking at its highest level. In September of 2002 their short film, "Little Star", was screened at the prestigious New York International Film and Video Festival. This film was selected from over thirteen thousand entries. Only 150 were chosen for the festival. The Cisco Networking Academy and A+ Certification equip students with the knowledge and certification to compete for high paying jobs right out of high school.

Findings and Recommendations

Each finding is referenced to the background paragraph numbers

Finding #1 – Buckingham Charter School is open to all Solano County students and provides a variety of learning opportunities that meet the needs of students who want a non-traditional school-learning environment. (1,2)

Recommendation #1 - The public should be aware of Buckingham's success in defining and administering this non-traditional school and the choices it provides for Solano County's student population.

Finding #2 – Buckingham’s Young Image Maker Academy is unique and provides an opportunity to equip students for a future in the film industry. (3)

Recommendation #2 – Buckingham should continue to expand this program and the public should be aware of this successful elective highlight offered by the school.

Affected Agencies

- Solano County Office of Education
- Vacaville Unified School District
- Buckingham Charter School

**John F. Kennedy Library
2002–2003 Grand Jury Report**

I. Reason for Investigation

The Grand Jury has the responsibility to examine all areas of county and city government to ensure that the best interest of the citizens is being served. This year the Grand Jury visited the John F. Kennedy Library in Vallejo.

II. Procedure

The Grand Jury:

- Toured the John F. Kennedy Library in Vallejo
- Interviewed administrator, librarians and volunteers
- Evaluated the general condition of the library and facilities
- Observed the computer labs, literacy department, the Joseph Room and McCune Room.

III. Background

1. The John F. Kennedy Library is a member of the Solano-Napa and Partners Library Consortium (SNAP), which serves the residents of Napa and Solano Counties. This consortium provides library patrons access to information and publications through fourteen libraries.

2. The John F. Kennedy Library, located in the City of Vallejo, was opened on September 10, 1970. The original intent was to use the whole building as a library; however, the City of Vallejo (which owns the building) decided to sublease space to other entities. Those currently leasing space are Fighting Back Partnership, the Vallejo Police Department and Solano Community College.

3. The building is over thirty years old and the construction does not meet modern standards.

- The only restrooms to serve the three levels of the library are located in the basement.
- The elevator is old, slow and inefficient.
- The library’s carpets are spotted, torn and need to be replaced.

4. The library has a paid staff of thirty with many volunteers. The library offers a large variety of programs for the public that includes arts and crafts, story time, computer labs, reach out and read, literacy programs for kids, young adults, adults and families. Afternoon concerts are held in the Joseph Room. The McCune Museum Room stores rare books of history and the McCune Collection. There is also a Lawyer in the Library Program, where attorneys come to the library once weekly to provide free brief legal advice and referral service. The Solano County Library and Solano County Bar Association sponsor this program.

5. Funding to operate the library comes from a variety of resources:

- Measure B passed in 1988 provides 1/8 of a cent from sales tax to the library thru 2004
- Property Taxes
- State funded Public Library Fund
- City of Vallejo Redevelopment Agency funds
- Friends of the Library – an organization of volunteers that have fund raisers and donate part of their funds to the library.

IV. Findings and Recommendations

Each finding is referenced to the background paragraph numbers

Finding #1 – The building is run down and old. The original carpet which is 33 years old, is worn, torn and creates a safety hazard. (3)

Recommendation #1 – The City of Vallejo allocate funds to upgrade the building, including replacing the carpet.

Finding #2 – Space allocated for library services is inadequate. (2)

Recommendation #2 – The City of Vallejo make more space available for library use.

Affected Agencies

- John F. Kennedy Library
- City of Vallejo

Solano County Department of Child Support Services 2002-2003 Grand Jury Report

Reason for Investigation

The Grand Jury elected to review the Solano County Department of Child Support Services.

Procedure

The Grand Jury:

- Toured Department of Child Support Services
- Interviewed Department of Child Support Services Director

- Reviewed information on Complaint and Resolution and Outreach Services

Background

1. The mission of the Department of Child Support Services (CSS) is to ensure that court ordered child support payments are made as directed. State and Federal law mandate all functions, programs and services of the Department.

2. The functions of CSS are to provide child support services when requested by the custodial parent. The Department:

- Locates non-custodial parent
- Identifies their assets
- Establishes paternity or maternity
- Establishes support orders through traditional legal process
- Enforces support orders through customary creditors remedies with significant emphasis on wage withholding
- Collects/distributes support
- Enforces payment within mandated time frames

3. Some accomplishments of the Department for 2001-2002 were:

- Expanding their community outreach program
- Collecting and distributing \$32.1 million in support payments (an 11% increase over the prior year)
- Providing 24 hour access to account information by installing a telephone voice response unit
- Establishing a Memorandum of Understanding with Solano County's Responsible Fathers Program
- Achieving the highest monthly collection in history (\$3,541,642 for April 2001)

For 2001-2002, the Department of Child Support Services had an estimated active caseload of 22,900.

On a monthly basis, an average of:

- 390 cases opened
- 450 cases closed
- 11,000 appointments made
- 22,500 documents generated
- 4,000 civil court filings
- 26,000 telephone calls received
- 315 court hearings held

The projected active caseload for the years 2002-2003 is 23,700.

4. Testimony indicated for the increase case load more space is required.

5. Funding is being requested by CSS to lease additional office space to accommodate the Department's needs. The Department is negotiating for a full service office in the city of Vallejo.

6. The Department has Customer Service, Complaint Resolution and Outreach Units. Approximately 1000 customers are seen in the Fairfield office each month. Clerical staff receives payments, answers general questions and gives referrals to the Family Law Facilitator or other agencies. Forty percent of the customers sit down with a case worker to discuss their concerns. Approximately 2000 phone calls per month are routed through Customer Service and answered by "live" clerical staff. The Department's web page is now available at www.childsup.ca.gov and provides general information, downloadable forms and driving directions. Customers will soon be able to e-mail their concerns directly to the Customer Service Unit in Fairfield.

7. There are four case workers in the Vallejo office serving approximately 180 customers each month. All staff has received Complaint Resolution Training. The Department attempts to resolve complaints informally.

8. CSS sponsors a Child Support Awareness Month where information tables are set up. Other social service agencies (e.g., Responsible Fathers Program) attend and there are games and projects for the families. This event is advertised in local newspapers and in public announcements on local radio stations.

9. CSS staff attends Responsible Fathers Support Group meetings to answer child support questions. There are also events where Parole and Community Services outreach to recently paroled men and women. One of their goals is to reduce recidivism.

Finding and Recommendation

Each finding is referenced to the background paragraph number

Finding #1 - The Department of Child Support Services needs additional space. (4, 5)

Recommendation #1 - Funds be allocated for additional space.

Comments

The Director and staff are to be commended for the services and programs they provide to the public.

Affected Agencies

- Solano County Department of Child Support Services
- Solano County Board of Supervisors

Black Infant Health Program 2002-2003 Grand Jury Report

I. Reason for Investigation

The Grand jury elected to review the Black Infant Health Program.

II. Procedure

The Grand Jury:

- Interviewed manager and administrator of the Black Infant Health Program
- Toured Vallejo facility
- Reviewed program planning and implementation evaluation reports for 1994, 1998 and 2001

III. Background

1. The Black Infant Health Program (BIHP) in Solano County Health and Social Services Department, receives federal, state and county funds. The average cost is \$2,000.00 per year for one mother and infant. The Board of Supervisors appoints the African-American Health Committee which serves as an advisory board to the program.

2. The program was established to address the high death rate of black infants in Vallejo and Fairfield and to ensure that black babies are born healthy. There are 17 similar programs in counties throughout the State.

3. Eligibility for BIHP is that the mother must be black, age 19 or older and reside in one of the designated Zip Codes (94589, 94590, 94591 and 94533). Three hundred individuals are served each year by helping the mothers obtain prenatal care through such service as Medi-Cal and Medicare. Black Infant Health Program provides life skills training and is a part of the Federal Welfare-to-Work program.

4. BIHP has shown some success. In 1989, the Solano County death rate for black infants was 157 per thousand (16%). In 2002, the death rate was 108 per thousand (11%).

IV. Finding and Recommendation

Each finding is referenced to the background paragraph number

Finding # 1 – The Black Infant Health Program in the Solano County Health and Social Services Department has shown some success. (4)

Recommendation – Continue this program.

Affected Agency

- Black Infant Health Program

Solano County Juvenile Hall Inspection

2002-2003 Grand Jury Report

I. Reason for Investigation

In accordance with California State Penal Code §919 (b) the Grand Jury is required to inspect all County detention facilities.

II. Procedure

The Grand Jury:

- Visited Solano County Juvenile Hall
- Interviewed Juvenile Hall staff

III. Background

1. After being arrested or detained, juveniles (Wards) are admitted to Juvenile Hall in Fairfield. They are examined by medical staff before acceptance. After processing through the automated fingerprint system (LiveScan), they are held at the facility no longer than 72 hours awaiting a court appearance. While being held at the facility, they are given additional examinations for their physical and mental health prior to their court appearance. The County spends an average of \$102 per day for each Ward. An average of 16 juveniles are transported by van from Juvenile Hall to court each court day. After court, they are brought back to Juvenile Hall where they are either released to a parent/guardian or detained. Sixty-five to seventy percent of the juveniles are released after their court appearance.

2. The staff advised that the most critical issue is transporting juveniles to court. Transportation is the responsibility of the Probation Department which operates Juvenile Hall. Some juveniles have escaped during transportation to-and-from court. Initially, Juvenile Court was held at the Juvenile Hall facility. This was later changed and Juvenile Court is now held at the Superior Court building.

3. A new Juvenile Hall, now under construction, is scheduled for completion in 2004, which will add modern cells and classrooms, better visitation facilities and a larger library. A Juvenile Court will be at the facility which will eliminate transporting the juveniles. Juvenile Hall staff will monitor the progress of the new facility.

4. Juvenile Hall is an old facility, but in good condition and is very clean. Some cells have an extra solid plastic bunk to provide for overcrowding. These bunks were not in use when the Grand Jury toured the facility. Two cells were used for storage.

5. The Grand Jury visited the mess hall during lunch. All food is examined and prepared under the supervision of a dietician.

6. The Grand Jury toured the facility and viewed several classrooms in session. They appeared in order and the Wards were well behaved. Some Wards were using computers. The Wards are placed in classes at the same learning level as prior to their detention. A craft course is offered and the Wards are allowed to sell their products to earn extra funds. The physical education area was well monitored. Religious services for all faiths are conducted at least twice a week. After services, a one-on-one dialogue is encouraged with a religious leader. The staff takes the Wards on tours outside the facility for business needs and recreational activities.

IV. Findings and Recommendations

Each finding is referenced to the background paragraph number

Finding #1 - The Solano County Juvenile Hall is in good condition. (4)

Recommendation #1 - No recommendation is needed.

Finding #2- Transporting juveniles to Juvenile Court is a critical issue. (2)

Recommendation #2 - Hold court at the Juvenile Hall facility. If this is not feasible, the Sheriff's Office be responsible for transportation until the new facility is completed.

Affected Agencies

- Solano County Probation Department
- Solano County Juvenile Hall
- Solano County Sheriff's Office

Detention / Holding Facilities 2002 – 2003 Grand Jury Report

I. Reason for Investigation

In accordance with California State Penal Code §919(b) the Grand Jury is required to inspect all county detention facilities.

II. Procedure

The Grand Jury inspected detention/holding facilities in each of the following:

- City of Benicia
- City of Dixon
- City of Fairfield
- City of Rio Vista
- City of Suisun City
- City of Vacaville
- City of Vallejo
- Solano County Superior Court

III. Background

1. The California Board of Corrections, in accordance with the California Code of Regulations "Title 15 Crime Prevention and Corrections" guidelines, closely monitors the various detention/holding facilities. The Grand Jury conducted visits to the various facilities throughout the County. The local police departments control the detention/holding facilities in their cities. These are facilities where detainees are held temporarily until transported to the County Jail in Fairfield.

2. Local Fire Marshals and the Board of Corrections annually inspect these facilities. The Grand Jury also inspects these facilities to ensure compliance with Title 15.

IV. Findings and Recommendations

Benicia Police Department

Finding #1 – There are no toilet facilities in the holding cells or in the holding cell area. Prisoners are escorted to the main police department toilets and share facilities with the staff. This requires officer time in escorting prisoners and creates possible health risks to police personnel from exposure to bodily fluids from prisoners.

Recommendation #1 – Install separate toilets for prisoners in the holding cells or in the holding cell area.

Dixon Police Department

Finding #1 – The Sally Port, an enclosed secure parking area used for transferring a prisoner from a vehicle to the detention facility, is not in use. Items were stored in the area.

Recommendation #1 – The Sally Port area should be cleared of stored material and used as intended.

Finding #2 - There is no restraining bar to handcuff prisoners during the booking process.

Recommendation #2 – Install a safety bar to restrain prisoners during the booking process to ensure staff and prisoner safety.

Fairfield Police Department

Finding #1 – The Captain did not know the combination to the holding cell area. This would be a problem in an emergency.

Recommendation #1 – All personnel authorized to enter the holding cell area be required to know the combination.

Finding #2 – There are two holding cells. One was not being used because of repairs. The other cell was not currently occupied and had a piece of wood dangerously protruding from the ceiling vent.

Recommendation #2 – Repairs be made to eliminate any dangerous conditions and performed in a timely manner.

Finding # 3 – Fluid was noted on the floor of the empty holding cell.

Recommendation # 3 – The holding cells be cleaned and inspected after each use.

Finding # 4 – The Sally Port, in addition to its intended use, is used for storage and auto repair.

Recommendation # 4 – To ensure safety to the staff and prisoners, the Sally Port area be cleared and used only as intended.

Rio Vista Police Department

Finding #1 – Rio Vista does not have a holding cell. It also does not have a restraining bar to handcuff prisoners during the booking process.

Recommendation #1 – A restraining bar be installed.

Suisun City Police Department

Finding #1 – The holding cell and toilet were filthy. Once-a-week janitorial service is not adequate.

Recommendation #1 – Clean and inspect the holding cell after use.

Finding #2 – The Sally Port contained several objects (boat propeller and other items) that could be used by a violent prisoner as a weapon and cause injury to an officer.

Recommendation #2 – To ensure safety to the staff and prisoners, the Sally Port area be cleared and used only as intended.

Vacaville Police Department

Finding #1 – The holding cells have built-in tables and benches with sharp edges that can cause injury to prisoners and staff.

Recommendation #1 – Round edges on tables and benches.

Vallejo Police Department

Finding #1 – Holding cells were clean and well monitored with cameras. The Sally Port area was clean and well maintained.

Recommendation #1 – Continue to maintain required standards.

Finding #2 – An officer was observed entering the holding cell without removing a side arm in violation of police procedures.

Recommendation #2 – Follow established procedures.

Solano County Superior Court

Finding #1 – The holding cells used for the Solano County Superior Court were clean and well maintained.

Recommendation #1 – Continue to maintain required standards.

V. Comments

When the Grand Jury visited the various detention/holding cell facilities, it was noted that some officers indicated resistance to the use of the newly installed LiveScan automated equipment. This is part of the Automated Fingerprint Identification System (AFIS) used throughout the County. Concerns

were also expressed with the time involved in the booking process from arrest to acceptance at the County jail. At the October 4, 2002, monthly Solano County Police Chiefs' Association meeting held in Dixon, the Grand Jury related these concerns to the Chiefs present.

Affected Agencies

- Benicia Police Department
 - Dixon Police Department
 - Fairfield Police Department
 - Rio Vista Police Department
 - Suisun City Police Department
 - Vacaville Police Department
 - Vallejo Police Department
 - Solano County Sheriff's Office
-

California State Prison Solano/California Medical Facility 2002-2003 Grand Jury Report

I. Reason for Investigation

The California State Penal Code §919(b) mandates that the Grand Jury inquire into the condition and management of public prisons within the County.

II. Procedure

The Grand Jury:

- Interviewed the wardens and staff of both facilities
- Inspected the facilities
- Observed on-site health care facilities
- Reviewed vocational and educational programs
- Participated in on-going Youth Diversion/Prisoner Outreach Program

III. Background

1. The California State Prison Solano in Vacaville was originally designed to house 2,110 inmates but has been reconfigured to house 6,287 inmates through double bunking and other methods. This has created an overcrowded condition. At the time of the inspection, the facility currently houses 5,934 inmates. The facility was clean, well organized and orderly.

2. The Prison provides a comprehensive work-training program for medium security inmates with academic training, vocational training and assignments in various industries within the prison.

3. The Prison Industry Authority (PIA) program offers meaningful work and occupational training for inmates who qualify. This program offers 60 manufacturing and services enterprises such as the manufacture of specialized vehicle equipment for Caltrans, disabled person placards for Department of Motor Vehicles, prescription eye glasses fabrication (450 pairs/day) for MediCal recipients and inmates. The program is totally

self-supporting. The sales and revenues of prison goods go toward wages and court-ordered restitution fines and are transferred to the Crime Victims Restitution Fund. No state funds or public tax dollars are used.

4. Inmate programs offered include adult basic education (high school/G.E.D.), English as a second language, literacy program, pre-release program, substance abuse programs, PIA and Youth Diversion/Prisoner Outreach Program.

5. The Grand Jury observed the Youth Diversion/Prisoner Outreach Program which is designed for at-risk teens. This one-day program consists of a tour through the prison led by inmates, which provides the youth a firsthand view of prison life. They wear uniforms and are treated like prisoners for a day. Primary participants are at-risk Vacaville youth facilitated through the Vacaville Police Department. However, other agencies from as far away as San Jose are taking advantage of this program.

6. The California Medical Facility provides a centrally located medical and psychiatric institution for the health care needs of the male felon population in California's prisons. This facility was designed to house 2,315 inmates of security levels I (minimum), II (medium A) and III (medium B), but has been reconfigured to house 3,503 inmates through double bunking and other methods. This has created an overcrowded condition. At the time of inspection the facility currently houses 3,341 inmates. The facility operates a hospice unit, as well as a licensed acute-care program. The facility was clean and well managed.

IV. Finding and Recommendation

Each finding is referenced to the background paragraph number

Finding #1 – Both the California State Prison Solano and the California Medical Facility are overcrowded. (1, 6)

Recommendation #1- The overcrowding be addressed by the affected agencies.

V. Comments

The Warden of the California State Prison Solano is to be commended for his “hands-on” style of leadership and excellent management of the facility.

The Youth Diversion/Prisoner Outreach Program is designed to divert at-risk teens from entering into the criminal justice system. The program appears to be an effective deterrent from crime for these teens and is administered by a dedicated team of inmates and law enforcement personnel. The Grand Jury applauds this program.

Affected Agencies

- California State Prison Solano
- California Medical Facility
- California Department of Corrections

Solano County Sheriff/Coroner's Office
Facility Inspection and Tour
2002-2003 Grand Jury Report

V. Reason for Investigation

In accordance with California State Penal Code §919 (b) the Grand Jury is required to inspect all County detention facilities. In addition, the Grand Jury elected to tour the Coroner's facility.

VI. Procedure

The Grand Jury:

- Met with Solano County Sheriff and senior staff
- Reviewed documents provided by staff
- Toured and inspected Sheriff's Office and detention facilities
- Toured Coroner's facility
- Observed an autopsy

VII. Background

1. The Solano County Jail (Fairfield and Claybank) and the Coroner's Office are under the control of the Sheriff. All facilities were inspected and found to be clean. The Grand Jury met with the Sheriff and senior staff and received a video presentation and documentation outlining the department's day-to-day activities, budget, projections and staff vacancies.

2. The Fairfield facility has an authorized capacity of 735 beds. The average inmate population often exceeds the authorized capacity of the jail. Inmates are housed in common areas on the floor when this happens. One of the contributing factors to the overcrowding problem is that inmates are often too violent to be housed together. The Sheriff projects the overcrowding problem will grow.

VIII. Finding and Recommendation

Each finding is referenced to the background paragraph number

Finding #1 - The Fairfield facility often exceeds its inmate capacity and houses inmates on the floor. (2)

Recommendation #1 - The Sheriff develop a plan to deal with the overcrowding and present it to the Board of Supervisors in a timely manner.

Affected Agencies

- Solano County Sheriff/Coroner
- Solano County Board of Supervisors

Solano County Sheriff – Coroners Office
Next of Kin Notification Policy
2002-2003 Grand Jury Report

I. Reason for Investigation

The Solano County Grand Jury investigated a citizen's complaint alleging the Coroner failed to make a timely death notification. The accident occurred at 1600 hour but complainant was not notified until 2230 hours.

II. Procedure

The Grand Jury:

- Interviewed the Chief Deputy County Coroner
- Interviewed the Complainant
- Obtained and reviewed the Coroner's "Next of Kin Notification Policy"
- Obtained and reviewed the Deceased Coroner's Death Reports
- Reviewed the California Highway Patrol's (CHP) Accident Report.

III. Background

1. The Complainant's spouse and son were killed in a highway accident at 1600 hours, as shown in the CHP Report and 1435 hours, as shown in the Coroner's Report. The Complainant alleges there was ample evidence at the accident site to identify the victims such as the auto registration and that some of the emergency personnel knew this family. The Coroner says no identification was found at the site.

2. The Sheriff's Department General Order No. 7009 – Notification of Next of Kin states:

"Death notifications shall be made as soon as possible after identification of the decedent. If notification is delayed, the delay and reasons for that delay shall be documented in the Coroner's Report."

It further states that "Notification shall be made in person whenever possible."

3. The Grand Jury reviewed the Coroner's Report which states the Coroner, while still at the site of the accident, received a call to report to another fatal accident in Benicia. The Coroner and its transportation service van went directly to the site of the second accident prior to delivering bodies to the morgue. The report does not clearly show times of events. Some of the victim's personal belongings from the accident scene were returned to the family in a garbage bag.

IV. Findings and Recommendations

Each finding is referenced to the background paragraph number

Finding # 1 - The Solano County Coroner did not follow its own Death Notification Policy. The notification was delayed because the Coroner did not deliver the bodies to the morgue before reporting to the second accident. Bodies from both accidents were delivered to the morgue at 2145 hours by the Coroner's vehicles and two contract transporter vehicles. (2) (3)

Recommendation # 1 - In instances of multiple accidents such as this, the contract transporter delivers bodies to the morgue. Then the on-site Coroner, en route to the second accident, calls and apprises the supervisor of the situation. The supervisor should then take on the responsibility of identification and notification.

Finding # 2 - Returning victim's belongings to family in a garbage bag conveyed the image that belongings were perceived by the Coroner as trash. (4)

Recommendation # 2 - Belongings should be returned to families in a box or neatly wrapped in paper.

Finding # 3 - The Grand Jury found the Coroner's Report to be incomplete, with errors and not consistent with the CHP Report or the Transporter statements. (3)

Recommendation # 3 - The Coroner's Report should detail times of events accurately to ensure completeness and correctness in its reports. All reports and revisions should be dated and timelines noted.

V. Comments

The Grand Jury recognizes that multiple fatality accidents are not the norm for the Coroner to handle. However, the handling of bodies and notification in instances such as this should be addressed in its General Order No. 7009.

Affected Agencies

- Solano County Board of Supervisors
 - Solano County Sheriff – Coroner
-

County Law Enforcement Compensation and Staffing Levels 2002-2003 Grand Jury Report

I. Reason for Investigation

The Solano County Sheriff's Office expressed concern that disparity of pay levels and benefits compared to area police departments was causing high attrition rates and difficulty in recruiting qualified law enforcement personnel.

II. Procedure

The Grand Jury:

- Conducted a survey of eight law enforcement agencies within Solano County
- Interviewed County and City law enforcement personnel
- Reviewed labor agreements

III. Background

1. The Grand Jury conducted a survey of law enforcement agencies in the seven cities of the County and the Solano County Sheriff's Office for pay ranges, salary steps, retirement benefits, personnel attrition rates, overtime expenses, staffing levels, length of labor contracts and average/median ages. The data provided is current as of November 1, 2002. For a complete summary of the survey see attachments. The data for Solano County Correctional Officers, who are not sworn officers and do not carry firearms, is shown for information purposes only as there were no comparable positions within the scope of the survey.

2. Solano County law enforcement agency staffing levels are shown below:

<u>Agency</u>	<u>Authorized Staffing</u>	<u>Staffing 11-1-2002</u>
Solano County Sheriff's Office		
Deputy Sheriffs	115	104 + 7 Temporary
Correction Officers	233	221
Vallejo Police Department	158	154
Fairfield Police Department	107	104
Vacaville Police Department	107	106
Benicia Police Department	37	33
Suisun City Police Department	28	29
Dixon Police Department	23	22
Rio Vista Police Department	13	13

3. Most pay and benefit contracts are negotiated between the law enforcement agencies and groups representing the officers such as the Police Officers Association. Surveys of pay and benefits in comparable sized agencies are used in the negotiation of contracts. A formula such as percentage of the average pay of the compared agencies is commonly used to set pay levels.

4. Comments were solicited from individuals at each agency regarding pay, recruiting and suggested improvements. Selected responses are listed below:

- A. “Regarding the difficulty in recruiting personnel, I do not feel that we are experiencing any difficulties beyond those experienced by other law enforcement agencies. Recruitment, in my opinion, ebbs and flows based on several societal factors. Some of these include the image of law enforcement in general economic conditions, availability of more lucrative opportunities/professions, etc. Also included in this is the size of the police agency, number of specialty assignments, shift rotations and promotional opportunities.”
- B. “Our concern is the quality of those applicants. We are not experiencing a higher percentage of candidates that are not suitable to be a police officer. Our challenge is to attract those people that meet our standards. This challenge requires a “quality not quantity” approach in our recruitment strategy.”
- C. “The City ... is a desirable place to work, live and raise a family. Employees are treated as our most valuable asset; they are empowered, constantly trained and seen as partners in the success of the Police Department.”
- D. “The ability to talk to other Solano County agencies and share radio frequencies would be a huge benefit to law enforcement. Law enforcement agencies of Solano County should consider using POST (Police Officer Standards and Training) recruitment symposium information and PSA’s (Public Service Announcements) to increase the overall interest in the law enforcement profession.” (See the 2002-2003 Grand Jury report on Public Safety Radio Interoperability)
- E. “The ... Department has recently implemented a police intern position. This approach is a developmental recruitment strategy intended to provide future police officer candidates with the opportunity to work in a law enforcement environment while encouraging their ongoing college studies. This will improve the overall quality of our applicant pool.”
- F. “Funding is the most critical issue facing law enforcement agencies over the next several years. With the projected multi billion dollar State budget deficit, we are all going to feel some pain. Further budget cuts for local government will seriously impact law enforcement efforts in the City...”
- G. Suggested improvements from one Department were:
- Interoperable regional radio
 - Hazmat team administered in Solano County
 - JPA (Joint Powers Authority) funding for regional safety needs
 - Assistance in fending off potential budget cuts to law enforcement money, VLF (Vehicle License Fee) and booking fee reimbursement funds

5. The Solano County Sheriff’s Office had eleven positions (ten percent) of their authorized Deputy Sheriff positions vacant as of November 1, 2002. Seven of the eleven vacant positions were filled with temporary personnel leaving a net of four vacancies. The maximum of the Deputy Sheriff’s pay range was fifth from the top out of the eight agencies surveyed. Deputies can receive increased pay with bilingual skills, training, career incentives and longevity. Increasing the retirement formula to the same level as other law enforcement agencies in the area is under study. The Sheriff has added 38 Deputies over the last two years and lost 14 to attrition over the same period. It should be noted that four of the 14 left to go to another law enforcement agency. Based on demographics provided by seven of the eight agencies surveyed, the Deputy Sheriffs’ average age is 3.7 years higher than the weighted average of six

agencies (41.5 versus 37.8) and their average service is 1.0 year higher than the weighted average (11.2 versus 10.2). This indicates a more mature workforce at the Sheriff's Office.

IV. Finding and Recommendation

Each finding is referenced to the background paragraph number

Finding #1 – The number of unfilled Deputy positions in the Solano County Sheriff's Office is not disproportional with unfilled positions in the other agencies surveyed when adjusted for agency size. (1, 2, 5)

Recommendation #1 - The Sheriff's Office continue their aggressive recruiting programs to fill the vacancies.

V. Comments

Law enforcement agencies should consider reviewing the cost effectiveness of adding personnel versus current high overtime expenditures. (See attachments)

Five of the eight agencies surveyed had or are scheduled to have a retirement formula that, after attaining age 50, five years service and retirement, provides retirees three percent of pay times years of service. Increasing the formula from the current two percent for Deputies and Correction Officers to three percent is under study by the Sheriff's Office.

All agencies were cooperative in providing data for this survey.

Affected Agency

- Solano County Sheriff's Office
-

Solano County Grand Jury Law Enforcement Survey									
Deputy Sheriff/Police Officer - Data as of 11-1-2002									
Agency	<i>(Reference Information) Solano County Sheriff's Office</i>	Solano County Sheriff's Office	Vallejo Police Department	Fairfield Police Department	Vacaville Police Department	Benicia Police Department	Suisun City Police Department	Dixon Police Department	Rio Vista Police Department
	<i>Correctional Officers</i>	Deputy Sheriffs							
Authorized Number	233	115	158	107	107	37	28	23	13
Vacancies	12	4	4	3	1	4	0	1	0
Current Active total (Includes those on disability, temporary or military duty)	221	104+ 7 temp	154	104	106	33	29	22	13
Average Age	41.3	41.5	na	37.0	37.5	41.5	36.0	39.5	38.0
Median Age	40.7	40.5	na	36.0	36.0	42.0	38.0	38.0	39.0
Average Service	9.9	11.2	na	9.8	11.2	11.6	9.0	10.2	5.0
Median Service	11.7	8.7	na	7.0	9.0	13.0	12.0	9.0	3.0
Total on Disability	18	3	7	0	1	0	0	0	0
Total on Military leave	0	1	0	0	0	0	1	0	0
Temporary/Relief personnel	0	7	0		0	1	1	0	0
Total OT \$ FY 2001-2002	\$ 1,491,971	\$ 589,423	\$2,021,000*	\$ 530,703	\$ 604,000	\$ 165,000	\$ 163,499	\$ 117,615	\$ 48,133
Avg yearly OT \$ per employee	\$ 7,038	\$ 5,613	\$ 8,942	\$ 5,307	\$ 5,980	\$ 3,750	\$ 5,839	\$ 5,114	\$ 3,703
Total OT \$ (to date) FY 2002-2003	\$ 913,779	\$ 409,896	\$840,958*	\$ 261,712	\$ 241,000	\$ 174,000	\$ 150,272	\$ 43,858	\$ 25,379
Avg OT (to date) per employee	\$ 4,393	\$ 4,058	\$ 5,322	\$ 2,617	\$ 2,020	\$ 3,955	\$ 5,366	\$ 1,907	\$ 1,952
			* Dept wide						

Solano County Grand Jury Law Enforcement Survey									
Deputy Sheriff/Police Officer - Data as of 11-1-2002									
Agency	<i>(Reference Information)</i> Solano County Sheriff's Office	Solano County Sheriff's Office	Vallejo Police Department	Fairfield Police Department	Vacaville Police Department	Benicia Police Department	Suisun City Police Department	Dixon Police Department	Rio Vista Police Department
	<i>Correction Officers</i>	Deputy Sheriffs							
Hiring									
Number Hired									
FY 2000-2001						3			
FY 2001-2002	16	26	11	18	5	4	2	1	0
FY 2002-2003	14	12		9	3		5	3	0
Attrition									
Number Normal Retirement									
FY 2000-2001						1			
FY 2001-2002	5	3	6	7	0	1	1	0	0
FY 2002-2003	4	0		1	0		0	0	0
Number moving to another law enforcement agency									
FY 2000-2001						8			
FY 2001-2002	2	3	0	0	0	2	2	1	0
FY 2002-2003	0	1		2	0		3	2	0
Number Leaving Law Enforcement Profession									
FY 2000-2001						0			
FY 2001-2002	2	4		0	1	1	1	0	0
FY 2002-2003	1	0		0	1		0	0	0
Number leaving for other reasons									
FY 2000-2001						2			
FY 2001-2002	5	1	1	1	0	0	0	0	0
FY 2002-2003	0	2		0	0		0	2	0

Solano County Grand Jury Law Enforcement Survey									
Deputy Sheriff/Police Officer - Data as of 11-1-2002									
Agency	(Reference Information) Solano County Sheriff's Dept Correctional Officers	Solano County Sheriff's Office Deputy Sheriffs	Vallejo Police Department	Fairfield Police Department	Vacaville Police Department	Benicia Police Department	Suisun City Police Department	Dixon Police Department	Rio Vista Police Department
Police Officer/Deputy Sheriff									
Number of Salary Steps	5	5	5	10	5	5	5	6	5
Salary Range (\$/month)									
minimum	\$ 3,428	\$ 3,846	\$ 5,520.2	\$ 3,433	\$ 4,700	\$ 4,518	\$ 3,576	\$ 3,454	\$ 3,016
maximum	\$ 4,167	\$ 4,675	\$ 6,709.8	\$ 5,430	\$ 5,709	\$ 5,491	\$ 4,347	\$ 4,408	\$ 3,666
Entry									
minimum	\$ 2,744	\$ 3,458							
maximum	\$ 3,335	\$ 4,203							
	Incentives paid for bilingual, training, career incentive and longevity	Incentives paid for bilingual, training, career incentive and longevity			Incentives paid for Sr. Officer and other programs		With Sr. & Master classifications salary max =\$5283		
Surveys		7 comparable counties: 97% of average	All compensation is negotiated. 14 comparison cities	13 agencies ; +5.5% of survey mean salary	Median of compared comparable cities	20 agencies listed; average of survey	Budget and negotiations set pay levels	13 agencies; no formula	Negotiations with POA
Labor Contract	3 years (exp 10/2002)	3 years (exp 10/2002)	5 years (exp 6/30/05)	8 years (exp 12/31/08)	4 years (exp 6/30/06)	5 years (exp 6/30/2005)	3 years (exp 6/30/04)	2 years (exp 7/7/2004)	1 year (exp 6/30/02)
Retirement Formula	Safety: 2% after age 50 and 5 years PERS service (3% after 50 under study) Misc: 2.7% after age 55 and 5 years PERS service	Safety: 2% after age 50 and 5 years PERS service (3% after 50 under study) Misc: 2.7% after age 55 and 5 years PERS service	3% after age 50 and 5 years PERS service	3% after age 50 and 5 years PERS service	2% after age 50 and 5 years PERS service. Effective 7/1/06 rate is 3%.	3% after age 50 and 5 years PERS service	2% after age 50 and 5 years service. Effective 1/1/04 rate is 3%.	2% after age 50 and 5 years PERS service	2% after age 50 and 5 years PERS service

Public Safety Radio Interoperability

2002 - 2003 Grand Jury Report

I. Reason for Investigation

The Solano County Grand Jury identified a serious problem that currently exists within Solano County concerning the public safety radio and communication systems. These systems operate independently with no coordination and little interoperability among police, fire and medical agencies.

II. Procedure

The Grand Jury:

- Discussed issue during its annual visit to Police Departments
- Visited the Sheriff's Office and subsequently received a letter from the Sheriff concerning radio interoperability
- Interviewed Solano County General Services Communications Manager
- Conducted a "Survey of Law Enforcement" with all law enforcement agencies in Solano County
- Attended a monthly meeting of the Solano County Police Chiefs' Association
- Reviewed a document dated February 23, 2003, on "Public Safety Interoperability" issued by the Public Safety Working Group of Solano County
- Reviewed a copy of the consultant contract issued to RCC Consultants, Inc. on October 1, 2002

III Background

1. Based on discussions and information received from law enforcement personnel, the Sheriff's Office and the Solano County General Services Communications Manager, the Grand Jury was made aware of a fragmented communications system that presently exists in Solano County. This communication system restricts effective emergency communication between local law enforcement and emergency service providers.

2. The Benicia Police Department, Dixon Police Department, Suisun City Police Department, Vallejo Police Department and the Sheriff's Office presently operate within a range of frequencies that provides a less than acceptable level of inter-agency communication. The Vacaville Police Department and the Fairfield Police Department are using a different technology which eliminates their ability to communicate directly with other law enforcement agencies. The Rio Vista Police Department contracts with Contra Costa County for law enforcement communications services which also eliminates their ability to communicate directly with other law enforcement agencies. The Grand Jury was informed that local fire departments operate with a similarly fragmented system, which in many cases, prevents inter-agency communications among fire services. Thus, the existing emergency communications system will not be effective in the event of a catastrophic event or a major incident.

3. In 1994, a contract in the amount of \$65,000 was issued to a consulting firm (The Warner Group) to study and report on the following areas:

- Radio Interoperability through shared frequencies - To move away from the various platforms currently used to common frequencies allowing voice and data transmissions in a coordinated fashion
- Enhancing data sharing through integrated Computer Aided Dispatch and Records Management Systems (CAD-RMS) - To utilize existing and planned technology structures, especially CAD-RMS
- The consolidation or reorganizing of safety dispatching - To move away from placing individual Public Safety Answering Points (Dispatch Centers) at different municipal or County sites, toward a consolidation of dispatch centers into one or two regional entities

4. The Warner Group's study determined a project to resolve the noted concerns was feasible, and that it would be best approached if conceived as three interrelated efforts:

- Enhancing data sharing through integrated CAD-RMS - To utilize existing and planned technology structures to allow sharing of data, reports and related public safety information amongst participating agencies
- Radio Interoperability through shared frequencies - To move to common radio frequencies to allow for voice and data transmissions in a coordinated fashion
- The consolidation or reorganization of public safety dispatching - To move toward a consolidation of dispatch centers in one or two regional entities

5. No significant changes recommended in the above study were implemented.

6. Under the direction of the city managers and the County Administrator, a work group was formed in 2001 to address the incompatibility of the various radio systems within Solano County and to identify funding options for a new communications system. The work group consists of police chiefs, fire chiefs, representatives from County fire districts, Emergency Medical Services Division of Health and Social Services, Sheriff's Office and the Health and Social Services Department of General Services.

The work group developed the following three objectives for public agencies in Solano County:

- An interoperable radio communications system
- Consolidation of dispatch centers
- Integration of data networks

7. The work group determined that a consultant should be hired to conduct a county-wide needs assessment, provide a high-level conceptual radio system design and study the feasibility of a Joint Powers Agreement for Solano County. A contract in the amount of \$109,477 was issued to RCC Consultants Inc. on October 1, 2002. This study is due to be completed in June 2003.

8. A dispatch center receives and provides local 911 emergency services for police and fire departments. A full functional dispatch center, in addition to providing local police and fire emergency services, provides emergency services to other outside agencies (e.g. rural fire districts, irrigation districts, etc.). The Grand Jury noted that each law enforcement agency operates or contracts out dispatch services. The Fairfield Police Department, Suisun City Police Department and the Sheriff's Office each operates and maintains separate dispatch centers within a one-and-one-half mile radius of one another. The cities of Vallejo and Benicia have a similar situation, each operating a dispatch center in a relatively close proximity to each other. The City of Dixon contracts with the Sheriff's Office for full-time dispatch services. The City of Suisun City has its own dispatch center. In addition, it contracts with the Sheriff's Office for late-night hour dispatch. The City of Vacaville operates its own independent dispatch center and the City of Rio Vista contracts to Contra Costa County for their dispatch services. None of the County or city fire departments operate or maintain a dispatch center. All dispatch services for fire are provided by the law enforcement dispatch centers.

9. Testimony indicates that with increasing population growth, independent dispatch centers are no longer efficient. The employees' salary cost to operate independent dispatch centers is high based on the data supplied by the local law enforcement agencies. This data was received in response to the 2002 - 2003 Solano County Grand Jury "Survey of Law Enforcement." (See Attachment)

10. The average value of the minimum and maximum salaries for Level 1 dispatchers was calculated for the six agencies operating independent dispatch centers. Using the median monthly salary of \$3,648 multiplied by the 88 authorized dispatchers for these agencies equals \$321,024 per month. On an annualized basis, the basic salaries for the six agencies are \$3,852,288. The over-time cost shown in Attachment for 2001-2002 for these agencies was \$260,679. Vallejo and Benicia over-time costs for dispatchers are not shown separately as they are included in the department overtime charges. Dixon and Rio Vista, who contract out their dispatch services, reported a yearly combined cost of \$128,060. Thus the total cost for Level 1 dispatching services in the County came to at least \$4,241,027 for Fiscal Year 2001 - 2002. This figure does not include senior or supervisory personnel, employee benefits or overhead expenses.

11. Testimony expressed concern that ownership of any form of consolidated dispatch centers is going to become a significant obstacle to consolidation. An argument heard by the Grand Jury was that a consolidated approach to provide dispatch services would not work because dispatchers would not have local area knowledge. While local area knowledge is often desirable, the availability of advanced technology today has minimized the need for geographic familiarity. Several cities in the County currently contract out police and fire dispatch services with no identified degradation of services. Testimony concerning the existing shortage of dispatchers indicates a consolidated approach for dispatching services would eliminate the current practice among local agencies of competing against one another for a limited number of employable candidates. Further testimony indicated that there are a number of significant issues that would need to be resolved prior to establishing a consolidated dispatch center(s) for Solano County; however, none of these issues are insurmountable.

12. The Warner Group Report issued in 1994 studied full consolidation extensively. Their assessment at the time was that it was feasible to consolidate the dispatch centers. The cost recovery would be six to eight years from the start-up date.

IV. Findings and Recommendations

Each finding is referenced to the background paragraph number

Finding # 1 - The radio communication system presently used throughout Solano County prevents effective emergency communication between local emergency providers. (1,2,8)

Recommendation # IA – A coordinated radio communication system be implemented within Solano County to allow interoperability between public safety agencies.

Recommendation # IB - A permanent Joint Powers Authority be formed to oversee, coordinate and implement the emergency communication needs of Solano County. The Joint Powers Authority should consist of representatives from:

- Solano County
- Solano Emergency Medical Services Cooperative
- The Cities of Benicia, Dixon, Fairfield, Rio Vista, Suisun City, Vacaville, and Vallejo
- All Fire Districts within Solano County
- Solano Community College Police Department.
- Solano County Office of Emergency Services

Finding # 2 – Consolidation of dispatch centers would be more efficient and provide a significant overall cost savings. (9, 10, 11)

Recommendation # 2 – A plan be formulated to implement two regional dispatch services in Solano County. This would provide a back-up in case one center becomes temporarily inoperable.

V. Comments

At the time this report was written, Solano County had entered into a consulting contract with RCC Consultants, Inc. to address the issues noted in this report. The consultant's final report is scheduled to be issued by June 30, 2003.

Each of the law enforcement agencies currently operating independent dispatch centers exercises and enjoys control of their dispatch services. The failure of the County to have previously implemented radio interoperability and dispatch consolidation reflected parochial interests that still exist. Support has been noted by numerous affected agencies but the ability to replace the existing systems is dependent on support of the Board of Supervisors and the City Councils.

Implementation of the radio interoperability recommendation will also significantly benefit the County Emergency Operations Center in the event of its activation. (See report on Standardized Emergency Management Systems)

Affected Agencies

- Solano County Administrator
- Solano County Sheriff's Office
- Solano County Department of General Services
- City of Benicia City Manager
- Benicia Police Department
- Benicia Fire Department
- City of Dixon City Manager
- Dixon Police Department
- Dixon Fire Department
- City of Fairfield City Manager

- Fairfield Police Department
 - Fairfield Fire Department
 - City of Rio Vista City Manager
 - Rio Vista Police Department
 - Rio Vista Fire Department
 - City of Suisun City - City Manager
 - Suisun City Police Department
 - Suisun City Fire Department
 - City of Vacaville City Manager
 - Vacaville Police Department
 - Vacaville Fire Department
 - City of Vallejo City Manager
 - Vallejo Police Department
 - Vallejo Fire Department
 - Solano Community College Police Department
 - Solano County Office of Emergency Services
 - East Vallejo Fire Protection District
 - Cordelia Fire Protection District
 - Suisun Fire Protection District
 - Montezuma Fire Protection District
 - Dixon Fire Protection District
 - Vacaville Fire Protection District
 - Ryer Island Fire Protection District
-

SOLANO COUNTY GRAND JURY
LAW ENFORCEMENT SURVEY

Agency	Sheriff Dept.	Vallejo P.D.	Fairfield P.D.	Vacaville P.D.	Benicia P.D.	Suisun City P.D.	Dixon P.D.	Rio Vista P.D.
Dispatchers Authorized #	17	23	17	16	10	5	Contracts with Sheriffs Dept.	Contracts with Contra Costa Co.
Dispatchers Salary Range \$ / month								
Minimum	\$3199.	\$3334.	\$3405.	\$3645.	\$3368.	\$2659.		
Maximum	\$3889.	\$4053.	\$4138.	\$4430.	\$4093.	\$3563.		
Lead/Supv/Sr Salary Range \$ / month								
Minimum	\$3471.	\$4062.	\$3758.	N/A	\$4244.			
Maximum	\$4671.	\$4937.	\$4568.	N/A	\$5158.			
Total OT \$ FY 2001-2002	\$69,942.	Included in Dept. OT	\$74,571.	\$98,000.	Included in Officer OT	\$18,166.		
Contracted Out \$ Per Year							\$97,000.	\$31,060.

**Standardized Emergency Management System
County of Solano
2002-2003 Grand Jury Report**

I. Reason for Investigation

The Grand Jury, after reviewing previous Grand Jury Reports, elected to review the effectiveness and continued development of the Solano County Emergency Management System.

II. Procedure

The Grand Jury:

- Reviewed Grand Jury reports completed in 1999 and 2000
- Interviewed Solano Manager and Assistant Manager, County Office of Emergency Services
- Interviewed Solano County Sheriff
- Interviewed Communications Manager, County General Services Department
- Analyzed Solano County Operations Hazardous Material Area Plan
- Toured Solano County Emergency Operations Center

III. Background

1. Development of emergency management systems continues to evolve as new and changing needs are recognized. The 1991 Oakland fire led to legislative Bill 1841 that specified a common organization structure must be used by governmental agencies. Unites States Code (USC) §8607 now requires all state agencies to operate under the Standardized Emergency Management System (SEMS). Federal funding for reimbursement of disaster expenses is not available to cities and counties not operating in accordance with SEMS. SEMS functions at five levels: field, local government, operation area (Solano County's operational area includes seven cities and 40 districts), regional and state. Recent world events led to increased interest in public response capability.

2. Solano County fulfills State and Federal standards for SEMS. The County Emergency Operations Center (EOC) is established in the Sheriff's facility in Fairfield. There is no regulatory requirement to have an alternate EOC but testimony emphasized strong logic in having an alternate capability in the event that the primary site was in the disaster area. A mobile unit is currently equipped to function as a backup operations center. Authorities testified that this mobile unit would have space and equipment limitations to operate during a major disaster. Limited alternate EOC capability is also identified in space leased at Nut Tree Airport. No equipment has been installed in that site due to lack of funding. Evacuation shelters are identified by each city at public schools and other locations. The County Emergency Operation Plan (CEOP) establishes procedures and organizational requirements for disasters such as earthquakes and major fire incidents.

3. The EOC operates with five functions: Management, Operations, Planning and Intelligence, Logistics and Finance and Administration. Representatives from each appropriate agency and affected district report to the EOC when it is activated. Activities represented include fire, law, medical and others. The EOC is activated anytime the Incident Center of a city or any two districts is activated. The space in the Sheriff's Office used by EOC is assigned dual use for departmental training and, therefore, must be "set up" at each EOC activation, a process that requires 60 to 90 minutes. The space is utilized daily by the Sheriff's Office for training activities so activation of the EOC for training or emergencies requires cancellation of the Sheriff's Office programmed use. "Setting up" requires arrangement of furniture, mounting of appropriate maps and charts, preparation of

status boards and activation of communication equipment. Planning officials expect to have dedicated space for the EOC after the current upgrade of county buildings is completed.

4. Training is essential to ensure competent response by the EOC. All county employees are subject to call for EOC duty. All new employees receive one hour of indoctrination training. Four hours of training are provided to management personnel. Sixty-seven employees are designated and trained to staff the EOC. Refresher training is required each two years. City Fire Department Chiefs are responsible for appropriate city employee training. Tabletop exercises are conducted several times annually to develop personnel, as well as procedural capabilities. Two exercises were successfully conducted in January 2003. One was with only law enforcement units to test coordination procedures. The second was a test by the Terrorism Working Group involving police and fire departments, ambulance service, military units, environmental services and commercial operations. Field exercises are infrequent but have been conducted with county agencies, as well as military units.

5. Communications capability is an essential requirement of SEMS. A significant number of telephone lines must be available for the many functions within the EOC that would be called to action for a major emergency. Backup capability now includes HAM radio, portable radios, cell phones and satellite communication with the State EOC. Radio contact with field units is critical. Discrete (dedicated) radio frequencies must be authorized for field-to-field unit communication, as well as field-to unit to the EOC. Without this capability, a complex emergency would generate interfering radio chatter that would degrade field units' response. Advance planning and management ensures effectiveness for both daily and emergency situations. The recommendations for radio interoperability as reported in the separate 2002-2003 Grand Jury investigation, "Public Safety Radio Inoperability," are also applicable to the EOC. The EOC could be included in that recommendation at little extra cost to the initial investment and would provide the above identified capability to emergency services.

6. The Solano County Sheriff's Office administers the SEMS budget and provides facilities for the County Emergency Services Manager. The current annual budget for the OES is \$300,000.00.

7. City Watch is an automated telephone system that targets specific groups of telephones or whole geographic areas for emergency management or evacuation purposes. It can operate in conjunction with, or independent of, the EOC.

8. An Early Alert System is in place and provides capability to broadcast emergency management information within the County by radio and television.

9. The Solano County Sheriff's Office established a civilian volunteer corps named Citizens Emergency Response Team (CERT), located within the unincorporated area of Vallejo. CERT volunteers receive training through the Sheriff's Office and the Vallejo Fire Department. The CERT mission is to affect search and rescue after a major disaster of large proportions such as an earthquake with large casualties causing municipal and county police and fire departments to be overburdened.

10. Emergency responses to hazardous material (Hazmat) incidents and accidents require personnel with special training. Response is categorized as analysis, entry and stabilize, decontamination of people and equipment and cleanup. The Solano County Department of Environmental Management (DEM) is actively involved through its Hazmat Section. This Section has responsibility, as prescribed by law, for regulatory compliance in the storage, handling and transportation of hazardous material within the County and for emergency response capability.

11. Hazmat incidents occurred 82 times in the five years from 1998-2002. Seventy-seven of those events were controlled with County resources. Fire departments assume site responsibility (jointly with Unified

Command on County or State roadways) and are qualified to recognize the hazard through use of placards or other information, secure the scene, control fire, remove persons from harm, provide emergency medical aid and to perform initial decontamination of victims. Their capability to enter and stabilize a site is variable according to training and equipment. DEM's Hazmat Section has five specially trained members who respond with field kits to provide material identification and recommend appropriate response actions to Fire Departments at the site of a hazmat incident. Cleanup of a hazmat incident site is coordinated by the Hazmat Section staff who contract with appropriate commercial agencies that possess the necessary capabilities. Serious incidents requiring specially trained Hazmat Entry Teams are less common. Five such incidents have occurred in the County since January 1998. The Hazmat Entry Teams are certified in accordance with federal requirements for training and equipment to enter and stabilize hazardous material situations. Solano County does not have a Hazmat Entry Team. Hazmat Entry Teams are available from the City of Sacramento, Napa County (operated by California Department of Forestry in conjunction with Napa and Vallejo), Yolo County and San Joaquin County. For the five aforementioned incidents the City of Sacramento or Napa County were called and provided appropriate responses.

12. Fulfilling Hazmat Entry Team requirements can be satisfied by varying methods. Yolo County has a multi-agency team formed under cooperative agreements with the various cities each developing a capability in one or more functions. San Joaquin County is organized in a similar manner. A fully capable Hazmat Entry Team would have forty individuals trained and certified for respective duties and equipped with protective suits. The estimated costs of establishing this team are \$2 million and annual recurring costs would be approximately \$350,000. Testimony did not indicate a consensus that the County should fund an entry-level team. Another option is to continue unchanged with Memorandums of Understanding utilizing resources from neighboring counties.

IV. Findings and Recommendations

Each finding is referenced to the background reference number

Finding #1 - The Emergency Operations Center (EOC) requires dedicated space to ensure complete operational capability is immediately available upon activation. (3)

Recommendation #1 - The Solano County Board of Supervisors monitor the building assignments plan during the renovation period of County buildings to ensure that the space currently planned for the EOC is not assigned to a less critical function.

Finding #2 - Communications capabilities of the EOC do not satisfy requirements to control a complex emergency. (5)

Recommendation #2 - Ensure the EOC needs are incorporated in the current County study that is developing interoperability of radio communication between dispatch centers and mobile units of County and city agencies.

Finding #3 - Both the designated alternate EOC site and the mobile unit EOC require upgrade to provide an appropriate level of control during a major disaster in the event the primary EOC became unusable. (2)

Recommendation #3 - Evaluate the choice between a fixed or a mobile alternate EOC and consolidate all efforts into the better choice.

Finding #4 - Of 82 hazardous material incidents that occurred within Solano County since January 1998, five exceeded the capability of Solano County agencies. These incidents were satisfactorily controlled by trained Hazmat Entry Teams from the City of Sacramento and Napa County in accordance with Memorandums of Understanding. (11, 12)

Recommendation #4 - The Solano County Board of Supervisors carefully evaluate the comparative financial and response advantages of establishing a certified Hazmat Entry Team, of developing multi-agency teams, or of continuing Memorandums of Understanding with certified Hazmat Entry Teams from non-county resources.

V. Comments

The Solano County General Services Communications Department is completing a study of communications requirements and capabilities that will be applicable to Fire, Law, Medical and Emergency Management agencies. Though installation of the desired capabilities will have a major financial investment, the benefits in personnel efficiency and savings of life and property will be comparatively impressive. More details are presented in the 2002-2003 Grand Jury Public Safety Radio Interoperability Report. The potential of this study is to provide the Emergency Management Services, along with the other concerned agencies, tremendous improvements in response capabilities within budgetary constraints.

The determination process for the appropriate Hazmat Entry Team operating level must be initiated by cataloging personnel and equipment resources of city and County agencies as well as commercial resources. Thereafter, the determination can be facilitated by analyzing established procedures such as those used in Napa, Yolo and San Joaquin Counties and the City of Sacramento. Decision options should include multi-agency teams with a combination of capabilities from various agencies, continuing Memorandums of Understanding with adjacent county teams, or building a central response capability. Substantial federal grants are possible for start-up costs but there can be no assurance that federal aid would or should be expected for continuing costs.

Affected Agencies

- Solano County Board of Supervisors
- Solano County Sheriff's Office
- Solano County Department of Environmental Management
- Solano County Communications Department
- Solano County General Services Department

SOLANO COUNTY ZONING CODE ENFORCEMENT 2002-2003 Grand Jury Report

I. Reason for Investigation

The Grand Jury elected to investigate progress in resolving issues found in the 2001-2002 Grand Jury investigation into zoning code enforcement. Many responses were incomplete and indicated need for additional time to resolve.

II. Procedures

The Grand Jury:

- Reviewed 2001-2002 Grand Jury Final Report and Responses for Zoning Code Enforcement

- Visited unincorporated residential areas of Homeacres, Starr and Allendale

Studied:

- Summary of current business licenses and applicable County codes
- Summary of tax assessments

Interviewed:

- Solano County Board of Supervisors (BOS) members
- Solano County County Counsel
- Solano County District Attorney (DA)
- Solano County Department of Environmental Management (DEM) Director
- Solano County Department of General Services Assistant Manager
- Solano County Assessor - Recorder
- Solano County Treasurer - Tax Collector - County Clerk

III. Background

1. The 2001-2002 Grand Jury investigation into County zoning code enforcement identified a lengthy list of problems in Homeacres, Starr and Allendale areas. From the implementation of a County zoning code in 1959, enforcement actions were nearly nonexistent until the early 1990s. The Homeacres area was officially declared blighted in 1983. Current testimony and Department of Environmental Management correspondence in 1996 affirmed the blighted status. No declaration removing the blight status has been found. The only written zoning code enforcement policy found was 1996 direction by the BOS that enforcement action would only be prosecuted against egregious cases involving safety and health issues about which numerous complaints had been received. Two zoning code violations were successfully prosecuted in the 1990's but were not subsequently enforced and the violations continued. Another egregious offender of that time was filmed telling the BOS that he would continue to operate his business as he wanted. He has never been successfully prosecuted. The first designated code enforcement officer was authorized by the BOS in 1993. That authorization was increased in recent years to two full-time positions plus a half-time position but the stated 1996 enforcement policy has never been redefined by the BOS. Understanding of County policy regarding zoning code enforcement was identified by testimony of enforcement officials as ambiguous.

2. Other problems for the areas were presumed in the 2001-2002 Grand Jury investigation to be related to the sanctioned non-enforcement of code. One-third of 20 surveyed businesses were operating with no business permits and no accurate tax assessments. County employees, when asked, all testified that there was no requirement that businesses contracting with the County be in compliance with County laws. Major expenses incurred by the Sheriff's Office to control crime in the referenced neighborhoods were identified. Depressed property values reduced property assessments and County tax revenue as well as causing financial loss to the invested property owner. Homeacres Homeowner Association complaints and requests were ignored or delayed by County officials for years.

3. The complexity of this County problem will require significant time and study to correct. The responses to the 2001-2002 Grand Jury Final Report were applied as a guide for this investigation and to measure progress.

4. Recommendation #1 was that the BOS should change policy or enforce the law as written. Though departments were given verbal direction for some code enforcement, the BOS has not provided written guidance to counter the previous written restricted policy. The BOS response stated that an additional

position for code enforcement was in the Fiscal Year 2002-2003 Budget. Though a position was established on paper and funds were initially authorized, the position has not been filled due to budget priorities so the response is incorrect. The Department is far from being adequately staffed to enforce its responsibilities. Testimony reveals County Counsel also has an intensive involvement in code enforcement and requires additional staffing.

5. Recommendation #2 was that the BOS direct the DEM, District Attorney (DA), and County Counsel to review neighboring county enforcement procedures to develop a fair and more efficient administrative process for code enforcement. Testimony indicated some local improvements had already been implemented by legal staff. Current Grand Jury members visited and affirmed positive effects of those beginning actions. An internal review of County penalty procedures (County Code Chapters 14 and 28) will be reported to the BOS in May 2003. The opportunity to learn from successful experience of neighboring counties has not yet been adopted. Testimony denied that any study was underway of the neighboring counties procedures even though the previous investigation reported significant procedural differences, more active enforcement and increased agency coordination.

6. Recommendation #3 proposed development by DEM of a broad education program to make residents more appreciative of zoning code enforcement advantages. The DEM response anticipated this recommendation would be included as part of expanded enforcement. Improvements in enforcement procedures have allowed some increase in enforcement actions but no advances in the education program were yet implemented.

7. Recommendation #6 stated that procedures should be established by the BOS to ensure all businesses meet the requirement to procure an operating license. A major factor contributing to the failure of the licensing system is the complex interface required between several County agencies. The Treasurer-Tax Collector is responsible under Solano County Code Chapter 14 for receiving the application, collecting the fee, and issuing the license. Between those actions, however, approval requirements must come from the DEM, Sheriff and applicable fire protection district. The code provides no enforcement authority or personnel authorization to the Treasurer-Tax Collector so enforcement must be delegated to the Sheriff. The BOS response was to direct staff to be more aggressive. The affected Departments have separately studied the license problem but no joint program is being developed nine months after the study was recommended. DEM is reviewing land use codes to ensure that businesses operating without a business license are not also in violation of the zoning code. Since last year's investigation, the number of businesses from the same sample group operating without a license has increased from seven to eight. The first step in apprehending these violators, a letter from the Treasurer-Tax Collector requesting the Sheriff to visit the business site, was issued in April 2003.

8. Testimony received indicated that DEM could more efficiently perform the Treasurer-Tax Collector's administrative duties of processing business licenses. The DEM already has some primary requirements in the procedure. Interface between computer systems of the affected offices is, according to testimony, being studied to further simplify the approval and enforcement process.

9. Recommendation #7 suggested that the BOS direct actions to ensure that all businesses which exceeded the minimum requirements for filing business property statements are identified and assessments and penalties are collected. The BOS response was that the resolution was contingent upon correction of the aforementioned business license problem. Testimony confirms that the response was incorrect. The County Assessor works independently of business license issuance. If tax assessment was contingent upon business licenses, no property tax assessments would be levied on unlicensed properties. The number of delinquent businesses has now been reduced to four and notices have been dispatched to those. The Grand Jury was assured by the Assessor-Recorders Office that taxes will be collected for current and past years in accordance with the standard assessment code.

10. Recommendation #8 noted the need to establish procedures to ensure that all bidders for County contracts are in compliance with county laws. The BOS response explained that boilerplate language in each contract included a statement certifying the contractor is in compliance with all federal, state and local laws and that all appropriate licenses are filed with the Department. Compliance remained questionable since testimony of witnesses revealed unawareness of the fine print. The BOS response stated that General Services would be directed to require certification from all prospective bidders at time of bidding that they are in compliance with all County laws. Testimony revealed that no written direction was received by General Services and the County Policy Manual is currently being reviewed. Testimony states that there is no penalty for a contractor found in compliance violation. Another county, Santa Clara, utilizes a procedure to provide easily verifiable assurance of compliance; each bid application must identify the applicant's contractor and business license number.

11. Testimony to the 2002-2003 Grand Jury could not identify any attempt to affirm or deny the analysis done by the 2001-2002 Grand Jury that non-enforcement of zoning laws was losing more County long-term revenue than enforcement costs would create.

IV. Findings and Recommendations

Each finding is referenced to the background paragraph number

Finding #1 - The last written guidance for County zoning code enforcement, provided by the Solano County Board of Supervisors (BOS) in 1996, is contradictory to the law and to varying and inconsistent policies since that time. (1, 4)

Recommendation #1 - The BOS publish an updated written policy to enforce the law as written.

Finding #2 - The BOS has not provided Solano County Department of Environmental Management (DEM) and the County legal staff with sufficient staffing to enforce zoning codes. (4)

Recommendation #2 - The BOS increase and fund personnel authorizations to the level necessary to effectively enforce zoning codes.

Finding #3 - The BOS has not utilized the opportunity to study and learn zoning enforcement procedures from neighboring counties in order to incorporate any useful ideas. (5)

Recommendation #3 - The BOS direct the DEM, Solano County District Attorney (DA) and County Counsel to review enforcement procedures and interdepartmental coordination of the neighboring counties and provide recommended changes to the county procedures.

Finding #4 - One-third of businesses surveyed in the Homeacres area have no business license. (2, 7, 8)

Recommendation #4 - The BOS direct revision of Solano County Code Chapter 14 to:

- Eliminate the Treasurer-Tax Collector from the business license process
- Assign the administrative processes of receiving the application and issuing the license to DEM

- Direct the development of computer interface between the offices of DEM, Solano County Assessor-Recorder, Solano County Treasurer-Tax Collector and the Solano County Sheriff's Office so that license requirements can be quickly and accurately verified.

Finding #5 - Delinquent business taxpayers have been identified and assessments are being collected. (2, 9)

Recommendation #5 - Continue aggressive enforcement of the law.

Finding #6 - Solano County procedures do not ensure that businesses bidding on County contracts are in compliance with County laws. (2, 10)

Recommendation #6 - Ensure procedures in the Solano County Policy Manual revision clearly identify all lawful requirements of the bidder.

Finding #7 - The BOS has not evaluated the direct cost to the County, economic cost to the residents, and morale costs to the community, of the sanctioned disregard of County zoning laws. (11)

Recommendation #7 -The BOS direct a study to evaluate the referenced costs.

V. Comments

Many of the residents of the three studied unincorporated areas deserve special commendation for their efforts in beautifying their properties even while a small portion of the residents degrade the effect for all. The Board of Supervisors' expressed desire to improve the communities through "voluntary compliance" has had limited success. The more egregious offenders in Homeacres have become even more flagrant violators since the Grand Jury inspected their properties in April 2002. One BOS member testified that enforcement is a very low priority. The recommended cost analysis will hopefully alleviate that concern. Other testimony recognizes that law enforcement for the common good should not be evaluated by cost. Time proven principles of applying the laws equally to all will eventually benefit the large majority of residents.

Affected agencies

- Solano County Board of Supervisors
- Solano County Department of Environmental Management
- Solano County Sheriff's Office
- Solano County Assessor - Recorder
- Solano County Treasurer - Tax Collector - County Clerk
- Solano County District Attorney
- Solano County -County Counsel
- Solano County Department of General Services

County Building Code Enforcement in Allendale Area

2002 – 2003 Grand Jury Report

I. Reason for Investigation

The Grand Jury investigated a complaint submitted by four citizens pertaining to actions taken by the County to enforce building code requirements in the Allendale unincorporated area.

II. Procedure

The Grand Jury:

- Interviewed one of the complainants
- Interviewed staff and members of Solano County Department of Environmental Management (DEM)
- Interviewed staff of the Vacaville Seventh Day Adventist Church in Allendale
- Reviewed enforcement records by the DEM
- Reviewed sewer disposal system requirements
- Evaluated surface contours and water flow in subject area
- Visited the subject site to view surface water flow patterns and control procedures implemented

III. Background

1. The Vacaville Seventh Day Adventist Church requested and received permits to build on their undeveloped property on Allendale Road in June 1995. The overall plan was to build in two phases. Phase I was to build four buildings: a 10,500 sq. ft. gathering facility, a 1,400 sq. ft. office, a 1,400 sq. ft. school and a 4,500 sq. ft. caretaker and community services structure. The approved design was to accommodate 200 congregation members and 13 school students and staff. Phase II would add approximately 12,000 sq. ft. of church space and 7,500 sq. ft. of school space.

2. A year later a revision to the plan was submitted to the County Planning Commission to consolidate the Phase I gathering facility with the Phase II church for a total area of 22,168 sq. ft., all to be erected in Phase II. It also consolidated the two proposed school facilities into a single 10,904 sq. ft. building to be constructed in Phase I. The revision was approved in January 1997.

3. In 1997 a 2,500 sq. ft. modular building was erected on the property without permits or compliance with building codes. In February 1998, a plan revision was submitted proposing a use not in compliance with zoning codes. The zoning code issue is presently in court litigation, and therefore, not a subject of this investigation. The DEM issued a stop order on the modular building until corrective actions brought the structure into building code compliance. The owner then requested a revision to the building plan to change the previously approved 4,500 sq. ft. community services/caretaker building into two separate buildings with a modular building to serve as the caretaker residence. That request was approved by the Planning Commission in July 2000. At the time of this investigation, the modular building was not being used for a caretaker residence.

4. The above-referenced construction caused several neighborhood concerns. Initially, a lack of public information contributed to the anxiety. In accordance with County notification requirements only neighbors within 500 ft. of a petitioning property were notified of the public hearings. That will normally encompass four or fewer property owners in rural areas. As word eventually spread and more affected neighbors requested the DEM to notify them, the DEM personnel voluntarily provided notification to these additional residents. However, the complaint indicates that a level of mistrust had already been established. When code violations were found, the DEM issued appropriate stop orders until corrective actions were completed.

5. The north portion of the Allendale area is very flat with attendant poor surface water drainage. Natural surface water movement in the area is toward the southeast from the subject property so suspicions arose that properties in the direction of flow would possibly receive polluted surface water that might flow over the septic system leach field installed for the church and school. Earth that was moved, without permits, to provide an increased elevation for the buildings was assumed by the complainants to have altered and increased the surface flow.

6. DEM records indicate that the initial septic system design was inadequate. That system was subsequently redesigned by an engineering firm to meet all standards including recognition of the very poor percolation qualities of the leach field soils. Investigative field observations by the Grand Jury confirmed that there is little possibility of surface water movement from the leach field toward neighbors to the southeast. The church property has a collection pond in its center that intercepts surface water moving from the building area and, by means of an automatic pump, moves that water north to the Allendale Road drainage ditch. Additionally, the church group, at their own expense, had a culvert installed under Allendale Road to divert the water from the south drainage ditch to the north drainage ditch. All water, even in periods of heavy rains, is therefore routed completely around the residential zone directly to Sweeney Creek. This is a significant improvement over the natural movement.

7. No evidence could be found to support the allegation of uneven treatment of residents in code enforcement. If an accused violator appeals enforcement action to the county departments or the courts, DEM is constrained from further enforcement actions until resolved, unless safety or health is a factor.

IV. Finding and Recommendation

Each finding is referenced to the background paragraph number

Finding #1: The County requirement of providing direct notification of public hearings for permit procedures does not meet the needs of rural property owners. The current code only requires that property owners within 500 feet of the affected property are to be notified ten days prior to the hearing and notices are to be published in the local newspaper.(4)

Recommendation #1: All applicable county codes be changed for rural properties to require notification of all property owners within one-half mile of the affected properties.

V. Comment

The Grand Jury commends the DEM staff and the Vacaville Seventh Day Adventist Church members for exceeding requirements to ensure all issues were resolved.

Affected Agencies

- Solano County Department of Environmental Management
- Solano County Board of Supervisors

HOMEACRES HOUSING REHABILITATION PROGRAM

2002-2003 Grand Jury Report

I. Reason for Investigation

The Grand Jury elected to reopen the investigation into the Homeacres Housing Rehabilitation Program. Some responses to the Grand Jury 2001-2002 Final Report were incomplete and the complainant's property damage was still uncorrected.

II. Procedure

The Grand Jury:

- Reviewed the Grand Jury 2001-2002 Final Report and Responses of the subject investigation
- Inspected properties in Homeacres
- Interviewed residents of Homeacres

Interviewed staff members of:

- Solano County Board of Supervisors
- Solano County - County Counsel
- Solano County District Attorney's Office
- Solano County Department of Environmental Management
- Mercy Housing
- Contractors State License Board

III. Background

1. The Homeacres and Starr unincorporated areas, surrounded by the City of Vallejo, have been the recipients of several rehabilitation programs to correct blighted conditions declared officially in 1983. Federal and State funded Community Development Block Grants (CDBG) benefited 26 homeowners of low income in the 1980s with low interest loans (sometimes becoming grants). Additional CDBG grants were obtained with 1999 and 2000 funding which have been applied to 11 projects.

2. In November 1995 Solano County, in partnership with the Southeast Redevelopment Agency, authorized a two-year contract with Rural California Housing Corporation, subsequently renamed as Mercy Housing, to administer a \$1.8 million rehabilitation program for Homeacres. The funding source was redevelopment funds. The program has been extended incrementally through June 2003. It provides deferred and low interest loans to low and moderate income homeowners and to other landlord owners who agree to rent only to low and moderate income tenants. Since 1995, 32 homes have been rehabilitated under this program.

3. Funds for the above programs have been nearly expended and, due to lack of community interest and participation in recent years, additional funding is not being sought at this time.

4. The investigation of these programs by the 2001-2002 Grand Jury was initiated because of a citizen complaint. The current investigation focused on the progress into resolving incomplete responses to the 2001-2002 investigation. The 2002-2003 Grand Jury investigation was restricted

because the original complainant case had been adjudicated by court action – an area outside the Grand Jury’s jurisdiction.

5. The findings and recommendations of the 2001-2002 Grand Jury Final Report were applied as a guide for this investigation and to measure progress.

6. Finding #1 of the 2001-2002 Final Report identified that the Mercy Housing inspector had provided little or no assistance to homeowners during interim and final inspections of contractor work under the rehabilitation project. It recommended that the contractor provide the homeowner and inspector with a list of all work to be inspected and that the inspector accompany and assist the owner in completing his inspection. Testimony to the 2002-2003 Grand Jury confirms that the inspector has been removed from working Solano County projects and the contract procedures have been amended to require the Mercy Housing inspector to pre-inspect both progressive and final inspections prior to the homeowner’s inspections.

7. Finding #3 noted that Mercy Housing failed to demand the contractor correct workmanship and materials specified in the contract. The original scope of the work by Mercy Housing did not address inspecting for industry standards as a measure of workmanship and material quality. The contract between the owner and the general contractor, as required by Contractors State License Board (CSLB), specified compliance with industry standards and numerous specific scope-of-work items that were not met. The recommendation was that Mercy Housing management take appropriate action to ensure correction of all inferior workmanship and materials in the complainant’s home. Mercy Housing has now implemented appropriate changes to the scope-of-work document to include industry standards. Court directed mediation partially resolved the issue of inferior workmanship and materials for the complainant. Inspection by the 2002-2003 Grand Jury found shoddy workmanship that was never corrected and some materials now have been replaced by the owner at his expense. No further action of the contractor or other parties can be required by the owner because of the finality of the mediation process.

8. The recommendation to finding #4 stated that the Board of Supervisors (BOS) ensure that its agents and contractors meet all contract requirements. The review and change to the contract administrator’s procedures are attempts to prevent recurrence of this problem for future homeowner participants. The following mistakes, made by all parties, including the owner, were not addressed in that response and could recur in this or future programs.

- Liquidated damages are clearly defined in the contract. No testimony nor record can be found that indicates the owner was advised to seek liquidation damages from the contractor, even though the contract administrator (Mercy Housing) was required to advise the owner.
- The owner, frustrated at the construction contractor’s poor workmanship and perceived non-support elsewhere, at one time prevented the contractor from entering the property.
- The contractor filed suit against the owner to recover disputed claims in violation of the contract which specified other procedures (the suit was later set aside). The owner then felt it necessary to file a counter suit against the contractor and eventually paid over \$33,800 in legal fees.
- The County failed to take timely action, per contract, against the contract administrator to force contract compliance. There are no legal requirements for the County or its agents to reimburse the damaged party after the court-directed mediation.

9. Finding #5 found procedures were not adequate and not followed with specific regard to both building code requirements and industry standards of workmanship and material quality. The recommendation was that the BOS establish procedures to ensure adherence to building code requirements and industry standards. The 2002-2003 Grand Jury observed that all building code deficiencies have now been corrected by the court-directed mediation. Building code requirements are inspected by both the contract administrator (Mercy Housing) and the County inspector. This has been verified by current Grand Jury inspection of Mercy Housing documents. The contract requirement to meet industry standards and other performance factors, requirements previously overlooked by officials, have now been emphasized in the program requirements of the contract administrator. However, the owner has no enforcement review for industry standards if he/she disputes the first inspector. County enforcement officers are qualified in building code inspections but are not trained in measuring industry standards. An alternate solution is available through CSLB. That agency provides an impartial inspection, at no expense to the owner, when a formal complaint is filed by the owner with CSLB.

IV. Findings and Recommendations

Each finding is referenced to the background paragraph number

Finding #1 - The contract administrator for the Homeacres Rehabilitation Program, Mercy Housing, replaced their inspector and amended written inspection procedures. (6)

Recommendation #1 - None required.

Finding #2 - Mercy Housing has implemented actions to ensure their management requires that contractors correct inferior materials and workmanship. (7)

Recommendation #2 - No additional action required.

Finding #3 - The response to the 2001-2002 Grand Jury Final Report and current testimony does not indicate any action by the County to revise contracting procedures to ensure contract enforcement by County officials. (8)

Recommendation #3 - The Solano County Board of Supervisors take appropriate action to ensure its agents and contractors meet all contract requirements.

Finding #4 - No alternate procedure regarding contract requirements for industry standards is established to provide homeowner assistance if the individual disputes the contract administrator inspector's decision. (9)

Recommendation #4 - The Solano County Board of Supervisors direct an addition to the program contracts that specifies an alternate procedure to resolve contract and industry standards disputes.

V. Comments

The Homeacres Rehabilitation Program will be suspended on June 30, 2003 with 38 projects completed. The original funds have now been nearly depleted over the seven and one-half year period and there is lack of interest by residents to apply for additional projects.

The official belief is that the program was successful because only one formal complaint has been received. County officials concede that the one homeowner was damaged significantly but believe that the one case is not symptomatic. However, the 2002-2003 Grand Jury was approached by a

construction contractor and two other homeowners with similar problems. One of the homeowners was subsequently satisfied with corrective action and the other sold the house after making repairs to correct damages created by the rehabilitation project contractor.

The Grand Jury believes that the impact of these cases may have played a significant role in the inability of the contract administrator to solicit more applicants. The Grand Jury believes that the mistakes in three identified cases logically have deterred other residents from applying for rehabilitation projects for their homes. It is important that County officials maintain this case as a reference to ensure, before a similar program is instituted, that the weaknesses of this program are corrected.

The County should be aware of the demographics when promoting future projects. It should recognize that elderly citizens occasionally require or anticipate more assistance and protection than is normally provided. A mistaken assumption about such assistance has caused one elderly citizen to experience three years of disputes, incur a substantial mortgage on a home that is now substandard and expend in excess of \$30,000 in legal fees.

Affected Agencies

- Solano County Board of Supervisors
 - Solano County Department of Environmental Management
 - Solano County - County Counsel
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SOLANO COUNTY FLOOD CONTROL 2002-2003 Grand Jury Report

I. Reason for Investigation

The Grand Jury elected to continue the investigation into County flood control policies and procedures initiated by the 2001-2002 Grand Jury. Many issues are unresolved and residents of some areas remain at risk.

II. Procedures

The Grand Jury:

- Reviewed 2001-2002 Grand Jury Report and Responses for County Flooding
- Analyzed Solano County Watershed Management Study - 1997 and 1998
- Attended Solano County Water Agency Board of Directors meetings
- Attended Flood Control Advisory Committee meetings
- Conducted a neighborhood meeting of flood area residents
- Toured County areas subject to frequent flooding
- Compared flood control procedures of six neighboring counties

Interviewed staff members of:

- Solano County Water Agency
- Solano County Department of Environmental Management

- SCWA Board of Directors
- SCWA Flood Control Advisory Committee
- SCWA Strategic Planning Committee
- Solano County Resource Conservation District
- Suisun Resource Conservation District Conservationist
- Natural Resources Conservation Service
- U. S. Fish and Wildlife Service
- California Department of Fish and Game
- U.S. Corps of Engineers
- Solano County Department of Transportation
- California State Assembly
- Consultant Ecologist
- Public Utilities Counsel

III. Background

1. Flood control and water distribution systems within Solano County were actively developed beginning in the 1950s. The Solano Project (Berryessa Dam), establishment of Solano Irrigation District, construction of the Putah South Canal and local distribution canals and excavation of drainage channels were major projects that contributed much to the County economy and welfare. Among several legislative actions that contributed to these projects were the Solano County Flood Control and Water Conservation Act of 1951. Under authority of this Act, the Board of Supervisors addressed flood control measures such as removing vegetation, sediment and debris from waterways. Testimony confirms that much of the work was completed by County agencies on an informal basis.

2. According to testimony the amount of waterway maintenance decreased in the 1980s. Records of funds expended in earlier years are apparently unreliable since testimony indicates work was frequently completed informally without documentation, but the work was considered adequate. The exact reasons for the maintenance decrease are unknown but development of environmental restrictions and increasingly unfriendly court decisions regarding liability of public utilities have been offered as reasons. The Solano County Water Agency Act of 1988 established the Solano County Water Agency (SCWA) with a Board of Directors consisting of the five county supervisors, seven mayors and three representatives of the irrigation districts. Testimony from individuals involved in the development of the 1988 legislation stated that the water for cities, including the North Bay Aqueduct, was the primary objective of the participants. Although the legislation thoroughly recognized the importance of flood control procedures to life and property, it only provided optional authority to SCWA to perform flood control procedures. Despite that expressed concern, this legislation established neither responsibility for flood control on SCWA nor any other County agency. SCWA funds expended for flood control averaged \$1,460. annually from 1988 until 1996 but increased dramatically thereafter to an annual average of \$205,387. Testimony concludes that the effect of those expenditures is very minor because only a small portion has been used for waterway maintenance. Most of the funds went toward watershed studies and other indirect benefits.

3. Testimony by numerous officials stated their belief that there is both public and private responsibility to take actions to prevent and control flooding. However, these same officials each stated that neither the County nor any agency therein has any legal requirement to take actions to control floodwaters except as required by existing easements. Legal advice states that doing no maintenance incurs no legal responsibility, whereas doing any waterway maintenance would subject the County to legal liability if a resident alleged that waterway repairs changed the flow and thereby increased flooding in adjacent or downstream areas.

4. A consultant study in 1998 (entitled Flood Control Master Plan) recommended aerial photography of appropriate County areas immediately after a flood producing storm to permit an immediate, accurate and economical assessment. No action to implement that recommendation has been found.

5. Flooding events rank high in economic loss and frequency of occurrence in Solano County. However, procedures for directing emergency assistance and recording data related to flooding events are ineffective. The Office of Emergency Services (OES) maintains 24 hour/7 day capability for receiving emergency reports of flooding but the OES office phone number is not identified in telephone directories as an emergency number. This office contacts appropriate agencies for assistance to the person in need but makes no record of the flooding event. An office within the Department of Environmental Management (DEM) is tasked to record flooding events but only if the event is declared by the State of California to be a disaster. By contrast, Santa Clara County has a common telephone number (listed as Flood Control Hot Line) to which all residents can report flooding situations and thereby permit the County to provide immediate response, as well as catalog the information for long term analysis.

6. SCWA has performed waterway maintenance when required by previous legal agreements, i.e. waterways developed under control of the Bureau of Reclamation with the Ulatis Project specified continuing maintenance that must be assumed by SCWA and the Green Valley Project where easements were obtained as a precondition. Many studies of flooding problems have been completed in the past 20 years by various agencies of or within the County and by the Corps of Engineers. Most of the study recommendations have not been implemented. The most comprehensive study, Solano County Flood Control Master Plan, was completed in 1997 and 1998 by a consultant firm in contract with SCWA. Forty-one flood risk areas were identified according to damage type and frequency factors as high, medium or low priority for funding. That study is being followed with specific studies of various watersheds on which SCWA has spent \$550,000 since 1995. Testimony received by the Grand Jury states that the five watershed studies completed to date are only engineering studies and, therefore, will need to be completed for environmental, human and resource factors before maintenance actions can commence.

7. The County Department of Transportation has a continuing inspection program to determine potential flooding problems in relation to roadways. The Department accomplishes appropriate waterway maintenance but only within their road right-of-ways. For example, the bridge over Sweeney Creek at Hartley Road, which may have contributed to local flooding in December 2002, has since been cleared of sedimentary deposits and some rip rapping (netting, vegetation, etc. to stabilize the banks) has been applied. The Department also performs waterway maintenance under contract to SCWA.

8. The County Department of Environmental Management has procedures that will reduce or prevent flood damage but these can only be required in specified situations. New buildings must be built on elevated pads to stay above projected floodwaters if the site is designated by the Federal Emergency Management Agency (FEMA) as a flood plain. New owners in undesignated areas may reject or not recognize the threat and the County cannot require appropriate preventative methods. Testimony states that FEMA flood plain maps are historically very inaccurate and require two to seven years to update. Several County areas have flooded two or three times in the past eight years and are not identified by FEMA as being in a flood plain. Two homes in Solano County that received extensive damage in December 2002 are not identified as being in a flood plain. One house had berms for flood protection because of a long history of area flooding. The floodwaters exceeded anything previously known and breached the berms, forcing the parents to swim through the rapidly rising waters in the darkness to save their three young children. The second incident occurred on a site with no identified history of flooding. The new landowners recognized the flood potential when constructing their home and built berms for protection. Their berms were also breached so the house and outbuildings were inundated with three ft. of water. Some County officials are considering the identification of chronic flooding areas that do not meet the FEMA definition of a flood plain as flood prone and developing code requirements thereon to minimize flood potential.

9. Controlling surface water runoff to prevent flooding is another well-known procedure that is not fully utilized in Solano County. The County appropriately requires a developer of subdivisions to build retention basins or use other methods such as vegetative cover, with capability to temporarily hold the excess runoff from roofs and pavements; a successful program that is used in some cities. The problem is that a series of individual landowners could build the same number of homes collectively with no County requirement for retention basins because it is impractical to expect each landowner to build a basin. This single builder construction will remain the expected future building practice for the upper reaches of some watersheds and the County has no program for providing public protection, or requiring private protection, in this situation. The SCWA Flood Control Advisory Committee is recommending a County moratorium on issuing unincorporated area building permits until flood control procedures are implemented for flood prone areas.

10. SCWA accepts applications from landowners for grants to improve waterways. This program, entitled Small Project Grant Program, provides applicants a grant, not normally exceeding \$10,000, toward approved waterway projects. Requirements are that more than one landowner must benefit from the project, landowners must waive liability, there is no adverse downstream effect and the grantee must maintain the improvement. The maintenance condition of the agreement has not been enforced other than that the landowner cannot reapply for a grant on that waterway. A landowner, who previously received a grant for removal of sediment from his segment of Sweeney Creek, was advised not to apply for removal of fresh deposits of sediment from upstream locations even though the deposits were beyond his control. Local residents testified that these deposits contributed to the December 2002 flooding at Timm Road. The maximum amount budgeted annually by SCWA has been \$100,000. This is considered by some interviewees to be too small to have any significant impact on flood conditions.

11. Incorporated areas are not evaluated in this report other than two observations. First, that extensive coordination between city and County agencies is essential for flood prevention. Testimony has expressed concern that this coordination was lacking in the past but discussions following the December 2002 flooding give hope that this situation has now been recognized and will be corrected. Second, inspection of city creeks by the Grand Jury indicate the need for much more aggressive programs to clear both public and private accessible creeks of impediments to water flow.

12. Individual landowner participation in flood prevention is minimal. Though liability laws exist that indicate individuals may be held responsible if their action or inaction creates flooding of nearby properties, testimony states that enforcement cases are rare in central California. Solano County has no ordinance on this subject. By contrast, San Joaquin County has an ordinance code which requires every property owner of a ditch or channel for drainage water to ". . . maintain the same free from obstacles . . ."

13. Testimony reveals that fear of environmental regulations is a strong deterrent for individual landowners and even some governing officials who are considering waterway maintenance. Testimony by environmental officials denied the reality of those fears. Examples follow, Maintenance on a typical field drainage ditch would generally be permitted with only a visual inspection. Fish and Game Department rules require that any accepted request not evaluated within 30 days is automatically approved. The U.S. Fish and Wildlife Service is less responsive with a normal processing time of 135 days but they work simultaneously with the other agencies to minimize the impact. The Corps of Engineers does not regulate sediment removal from non-navigable streams providing the debris is completely removed from the waterway and not deposited on wetlands. However, the maze of agencies and regulations is complex and includes California Environmental Quality Act, California Department of Fish and Game, U. S. Fish and Wildlife Service, Sacramento or San Francisco Division of U. S. Corps of Engineers, San Francisco or Sacramento Regional Water Quality Board, National Marine Fisheries Service, Natural Resources Conservation Service and Bay Conservation and Development Commission. Staff members of resource conservation districts in Solano County are very knowledgeable and will assist landowners in their districts in preparation of necessary request forms to insure no laws are overlooked.

14. SCWA annually receives approximately \$3.4 million from unrestricted property tax revenues plus \$440 thousand restricted for the Ulatis Project, \$5.2 million for the Solano Project, and \$22.5 thousand for the Green Valley Project. Of the unrestricted total, \$3 million is spent on water distribution projects or retained as reserve and \$400,000 (11.66%) is budgeted annually for flood control. \$100,000.00 (maximum) is designated for small project grants to landowners and the remainder for studies, implementation of watershed plans and miscellaneous expenses. The reserve account exceeded \$13.5 million at the end of the 2002 fiscal year.

15. SCWA has recently designated a Strategic Planning Committee that is tasked to study and present options to the Board of Directors. Their initial efforts indicate potential for significant improvements in flood control measures.

16. Testimony indicated that SCWA has not provided effective flood control for three reasons: the staff believes that flood control was not their responsibility except when easements specifically assigned responsibility, the need to increase SCWA staffing by one full time person assigned to flood control and the need for more use of consultants. SCWA has, according to this testimony, expressed more interest in flood control since September 2002.

17. The SCWA Board of Directors meets monthly for water distribution and flood control issues. In the years 2001 and 2002 five meetings were canceled in advance and the average duration of the 19 actual meetings was 50 minutes. Flood control issues were only discussed at three of those meetings for an estimated discussion time of less than two hours in two years. Testimony expressed concern that some Board members represent only direct interests of their voting constituents and will not fairly consider county-wide flooding problems. Testimony from numerous sources confirms that the Board is heavily staff directed, i.e., the Board approves most staff presentations with little input or question. Since the December 2002 flood event the SCWA Board meetings have been well attended by concerned citizens and news media and flood control has been a major discussion topic.

18. The SCWA Board directed the formation of a Flood Control Task Force following the 1996 floods. The Flood Control Advisory Committee was implemented in 1998 as a result of Task Force recommendations. Testimony received indicated that the Committee is not effective for several reasons. Committee reports are modified by the SCWA staff before presentation to the Board of Directors. The Committee consists of unpaid members who do not have the necessary available time to evaluate five major watersheds. A full time staff member has been recommended by the Committee to implement actions requested by the Committee. Two examples of the Committee limitations were demonstrated at the February 27, 2003 public meeting of the Committee. Discussions revealed that some members were unaware of chronic flooding problems near Timm Road at Sweeney Creek and Mills Lane. Second, when members were told that some Sweeney Creek landowners continually refused to grant easements so SCWA could perform waterway maintenance, the Committee quickly passed a motion to advise the Board of Directors to pursue a claim of eminent domain against the reluctant landowners if they did not sign within 30 days. An appeal from the audience to first talk to the landowners was ignored. No one questioned and no one explained the landowners' refusal. The Grand Jury has addressed several Flood Advisory Committee and SCWA Board members regarding the easement from the SCWA staff was attempting to impose on the landowners and did not find one member (Committee or Board) who had seen it. Of the several Committee and Board members who have been shown the easement and asked if they would sign it, one avoided an answer and all others said they would not sign without changes.

IV. Findings and Recommendations

Each finding is referenced to the background paragraph number

Finding #1 - The Solano County Water Agency Act of 1988 identifies the need for flood control within Solano County but does not assign responsibility to any agency, regardless of threat risk. (2, 3, 6)

Recommendation #1- The Solano County Board of Supervisors and Solano County Water Agency (SCWA) request State legislation to establish direct responsibility on a County agency for flood control at specified levels of risk.

Finding #2- Flood control within Solano County is an optional responsibility of the SCWA that has received little attention. It has recently received increased interest because of near loss of life from the December floods but continued long term interest against the more visible interest of water distribution is unlikely. (2, 3, 4, 6, 14, 15, 16, 17, 18).

Recommendation #2 – The Solano County Board of Supervisors and SCWA request State legislation mandating that flood control responsibility be assigned to the Solano County Department of Environmental Management (DEM).

Finding #3- Solano County residents have no readily identified procedure for reporting flooding situations. (5, 8).

Recommendation #3A - The Solano County Office of Emergency Services (OES) establish a single and clearly identifiable countywide telephone listing for receiving reports of flooding. The listing should be presented on the emergency page of telephone directories.

Recommendations. #3B - The OES institute a public information program at the approach of each rainy season to insure the public is aware of the reporting procedures.

Finding #4 - No agency within the County has procedures for recording a complete history and data base of flooding within the County. (5)

Recommendation #4A -The OES, upon receiving a report of flooding, should record the event for long term analysis.

Recommendation #4B - The County adopt the 1998 Flood Control Master Plan recommendation to obtain aerial photographs of all flooded areas immediately after a flooding event.

Recommendation #4C - The DEM review all reports and photographs of flooding for long term analysis to determine appropriate flood prevention and control measures.

Finding #5 - Solano County has an ordinance that specifies flood prevention requirements (water runoff control) for homes constructed in subdivisions that is not required for homes constructed on individually owned sites. (9)

Recommendation #5 - The County establish or amend an ordinance to require equal flood prevention procedures for individually owned properties as for subdivision developments. (Funding through local assessment districts may be appropriate.)

Finding #6 - Solano County cannot require landowners in flood prone areas to install flood protection (berms or building pads) when building in areas not designated by Federal Emergency Management Agency (FEMA) as a flood plain. (8)

Recommendation #6 - The County establish or amend an ordinance to establish engineering requirements for new homes being built in areas defined by historical analysis as flood prone.

Finding #7 - A Small Project Grant Program recipient cannot receive an additional grant for a similar project whether or not the condition was caused by factors beyond the landowner's control. (10)

Recommendation #7 - Revise the Small Project Grant Program to permit additional grants when the condition was caused by factors beyond the landowner's control.

Finding #8 -The large number of environmental agencies and a widespread lack of understanding of environmental laws and procedures deters individual landowners and some governing officials from employing appropriate waterway maintenance. (13)

Recommendation #8A - Appropriate agencies (SCWA, DEM, Irrigation Districts, and Resource Conservation Districts) coordinate the development of informative bulletins explaining environmental agencies' functions and require distribution to concerned landowners.

Recommendation #8B - The Resource Conservation Districts promote a direct assistance program to help individuals complete required applications to the numerous environmental agencies. The DEM provide the same assistance for individuals not residing in a resource conservation district.

Finding #9 - Waterways on private urban and rural property are often not cleared of debris by the landowners. (3, 12)

Recommendation #9 - The Solano County Board of Supervisors establish an ordinance to require the maintenance by the property owner of waterways for which public agencies have no easement granted access.

Finding #10 - The Flood Control Advisory Committee lacks adequate staff support. (18)

Recommendation #10 - Provide staff assistance for flood control purposes.

V. Comments

The responsibilities of water distribution and flood control both have complex problems which have very little in common. Water distribution is primarily a business proposition of receipts and expenditures that serves most of the County population. Flood control is a process of expenditures using different resources and is only for a small portion of the population. The SCWA directors and staff have produced excellent results in managing the water distribution for both urban and rural requirements. Their motivation for flood control has been severely lacking because there is no legal requirement or financial advantage for the Agency in treating flood issues.

Establishing an organization that has a single responsibility for flood control would reduce the existing overload of the current SCWA staff and, more importantly, would exclusively focus attention on flood control. The two functions of water distribution and flood control are not handled uniformly in neighboring counties but typically the functions are separated or a single agency has a much larger staff. Two neighboring counties separate the two functions. Another county provides common flood control in both urban and rural areas.

The DEM already operates two functions related to flood control, building permitting and county flood plain administration to the Federal Emergency Management Agency. Assigning DEM the responsibility for flood control would provide more efficient development of flood control and flood prevention procedures, corresponding building codes, and analyses of flood prone and flood plain areas. Regardless of organizational changes, DEM involvement in flood control will increase significantly as increased building in unincorporated areas of the watersheds increases surface water discharge.

A reason given for not implementing the above reorganizing recommendation for flood control is that a legislative change would be required and that would be time consuming and difficult to obtain. However, testimony from legislative sources states that the legislation process would be swift and automatic once the County officials reached consensus.

A small population of the County has repeatedly suffered thousands of dollars in flood damages to each household but their concerns have not been addressed. The majority of the County population lives in cities which provide their own flood control through separate funding. City representatives to the SCWA Board, the largest voting block, have generally voiced the opinion that cities generate most of the tax revenue and receive relatively little in flood control benefit. The recent past flooding and the December 16, 2002 flood have brought increased recognition of the concept that water flows across city boundaries and flood control is a common problem. The concern of the Grand Jury, based on well documented previous history, is that the issues of flooding will again not be addressed after the December 16, 2002 flood recedes in memory.

Geographical and political considerations have contributed to the numerical size of the SCWA Board of Directors (15 members) and the FCAC (13 members). Large membership structures tend to lose effectiveness because individual involvement and sense of responsibility are diluted. Much testimony to the Grand Jury alluded to these existing problems. The written record of the Board of Directors' meetings fully substantiates that testimony. (See background paragraph 17, this report). Assigning flood control responsibility to the DEM will resolve this problem and allow the SCWA Board of Directors to concentrate on their primary area of concern.

A recently resolved legal case may contribute to the decisions of all parties to the County flooding problems. The case is James Arreola et al. v. Monterey County, filed June 25, 2002 by the Sixth Appellate District Court of Appeal of California. In this case, the defendants (Monterey and Santa Cruz Counties and their water agencies) were found liable to approximately 300 plaintiffs for flooding damage. The claim was that the defendants had failed to maintain a water channel and the defense was that increasing environmental laws prevented previous maintenance procedures.

Affected Agencies

- Solano County Board of Supervisors
- Solano County Water Agency
- Solano County Department of Environmental Management
- Dixon Resource Conservation District
- Suisun Resource Conservation District
- Solano Resource Conservation District
- Solano County Sheriff's Office
- Solano County Office of Emergency Services

FLOODING ALONG SWEENEY CREEK 2002-2003 Grand Jury Report

I. Reason for Investigation

The Grand Jury investigated the current status of flood control in the Sweeney Creek area in northern Allendale. The 2001-2002 Grand Jury conducted a countywide flood control investigation that identified

unresolved issues in the county and specifically in the Sweeney Creek watershed. A more comprehensive investigation for flood control in the entire County will be reported separately but the unique problems faced by the residents near Sweeney Creek validate the immediate need for this separate report.

II. Procedure

The Grand Jury:

- Reviewed 2001-2002 Grand Jury Report and agency responses on Solano County flooding problems
- Interviewed General Manager, Solano County Water Agency (SCWA)
- Interviewed two members of the SCWA Board of Directors
- Interviewed President, Solano County Resource Conservation District
- Interviewed member of the Flood Control Advisory Committee to the SCWA
- Interviewed conservation officer of the Natural Resource Conservation Service
- Interviewed official of the California Department of Fish and Game
- Attended SCWA Board of Directors meeting
- Reviewed County Recorder records of Sweeney Creek properties
- Conducted group meeting of 22 residents of Sweeney Creek area
- Reviewed SCWA standard easement forms
- Reviewed legal requirements with a public agency lawyer
- Visited Sweeney Creek area during the dry season and during the December 2002 flooding

III. Background

1. Sweeney Creek flows from the hills west of English Hills easterly to Interstate 505 at a point between Allendale and Midway roads and continues east and southeast to Ulatis Creek. Flooding has increased in frequency and severity in several areas. Collective landowner memory stated that the areas have flooded six times in 28 years but three of those incidents are within the past eight years. The December 2002 storms caused considerable damage to properties, particularly near Timm Road and directly west of Interstate 505, and reached the highest flood level in 28 years. Many residents, who must provide their own water supply from wells, suffered from contaminated water, caused by the surface flow, with related expenses and inconveniences until the wells could be cleaned and purified. The problem area is well identified in the County Master Flood Control Plan that was completed in 1998.

2. Two unique circumstances exacerbate the flooding potential near the Sweeney Creek area between Putah South Canal and the Interstate. Long-term residents testified that the Creek was formerly an open creek, dry throughout each summer, with only grass growing on the creek banks. Winter water flows were

generally unimpeded. The Solano Irrigation District (SID) under contract from SCWA has used Sweeney Creek for the transport of water from the Putah South Canal east to the Main Prairie District since the early 1960s. The continuous flow of water, augmented by irrigation overflow rich in fertilizer from further upstream, has now developed heavy vegetation, including a top cover of large trees, on the creek banks. Testimony to the Grand Jury by the landowners stated that the County, until 1988, provided maintenance service to ensure unimpeded flows through the rainy season and to control erosion including riprapping (i. e., stabilizing the banks) when appropriate. The amount of maintenance provided, however, reduced in scope during the late 1970s and 1980s. The second unique circumstance is that about half of the landowners in the 1950s granted easements to the US Bureau of Reclamation which stated, "its successors and assigns, the right, privilege, and easement to . . . use the channel of Sweeney Creek for the flow of water, to alter and improve said channel . . . for the prevention of erosion . . ." A records search by the Grand Jury found no similar easements for the other properties. The County had, prior to 1988, performed clearing maintenance whether or not an easement had been granted by the landowner. The SCWA, since inception in 1988, has not performed creek maintenance, other than a one-time limited cleaning of debris in the mid 1990's, for the expressed reason that all landowners have not granted easements.

3. The current situation is that the uncontrolled growth of vegetation has grossly changed the character of this portion of Sweeney Creek. The restriction of high water flows caused by increased vegetation has, according to long-term residents, raised the creek bed (sediment level) under the bridge at Hartley Road approximately two feet. The December 16, 2002 flood backed onto upstream properties higher than any flood level previously seen by long-term residents. Lack of maintenance in recent years has eroded some portions of the bank to the degree that one resident in the area without easements has lost use of 15 feet of land. Contrary to the statement made by SCWA in the response to last year's Grand Jury report that, "Initial vegetation removal in the channel has already taken place but no further work such as excavation or slope protection was done pending a master management plan . . .," all of the residents interviewed by the Grand Jury denied that SCWA has performed any maintenance other than removing a few fallen trees and one Volkswagen. Investigation found that the County Department of Transportation has responsibility for evaluating and correcting conditions under and around the Hartley Bridge.

4. SCWA states that they would like to clear the growth from the Creek but cite several reasons for not doing so.

- a. SCWA stated that the landowners will not sign easements to give SCWA contractors legal access to the Creek. It can be noted that the upper half of this portion of the Creek have easements granted but likewise have not received maintenance other than minor clearing activity since 1988. The landowners strongly insisted to the Grand Jury that SCWA is welcome onto their land for creek maintenance with or without easements, but the perpetual easements presented by SCWA for landowners signature are too broad in scope.
- b. SCWA stated that Fish and Game maintenance permits are very difficult to obtain. A SCWA Board member stated that by the time a permit is processed the season is past (creek work is preferred in September-October when conditions are driest). However, Fish and Game Department officials say their rules are that a permit must be processed within 30 days or it is automatically approved. Furthermore, the Fish and Game Department encourages a five-year permit request by charging the same approval fee for a complete five-year maintenance program as for a single action.
- c. SCWA stated that environmental restrictions hampered maintenance. However, a 1997 environmental study of the area for endangered species found only two elderberry bushes and no other endangered plant or animal. Interviews with Fish and Game Department officials indicated that Sweeney Creek presents no special environmental problems.

5. The SCWA general manager emphasized that they are very willing to assume responsibility for maintenance of this portion of Sweeney Creek if all landowners will grant easements. SCWA has maintained that they have continuously tried to get the landowners to grant the easements. Every landowner who has testified before the Grand Jury has said that they would grant an easement but not with the conditions SCWA has attached. One landowner testified that he independently negotiated with SCWA for a year, with legal fees totaling \$1200, and signed a mutually agreeable easement. This agreement was returned unsigned by SCWA over one year later with the explanation that because other neighbors would not sign easements the (clearing) project would not move forward. This property is downstream of all those neighbors and connects to the Ulatis Project portion of the Creek which is maintained by SCWA.

6. The easement required by SCWA has the expected grants (provisions) to construct, widen, and deepen channels, etc., and to the maintenance and inspection of the channels. The SCWA easement form also includes other grants that are less easily understood.

- a. Example. A grant states ". . . not limited to, the location, construction, and maintenance of roads, fencing and/or gates. . . ." The word "road" suggests a surface condition that would inhibit the landowners use. Maintenance of the creek is done with equipment in a manner such that any suggestion of a prepared surface seems unnecessary for SCWA and restrictive to the landowner. Landowners say that they have been told by SCWA that fences and roads would not be built but the obvious question then is: "Why have this provision in the contract?" Intense distrust of SCWA by area landowners is widespread among the people interviewed by the Grand Jury. They all have stories to explain why they will not sign an agreement with SCWA that has any questionable restriction. Furthermore, the need for grantee access is understood but the need for fencing which would restrict the landowner's use of his own property is not understood, except for a special circumstance such as an entry from a public road.
- b. Example. Another grant states, ". . . the flowage of water in, over, upon, and through.... for the purpose of flood control.. and water supply delivery." The transport of water for commercial use, as has been done for forty years, may raise legal issues. Laws of water rights are a separate body of law and recognize a right that permits water to be transported through the Sweeney channel by the SCWA. However, that law does specify the use must be non-injurious. The continuous flow of water has changed the plant life of the creek banks, which has then slowed the flow velocity and caused significant sedimentary deposits in the Creek. Though the SCWA staff states that this change in the creek banks has not intensified flooding, the restricted flow, as proven by the sedimentary deposits, and the increasing frequency of flooding strongly challenges that position.
- c. Example. Another grant reserves the ". . . grantee's free use of . . . easments ." To respect the landowners' right to use their property, when not in conflict with SCWA maintenance needs, prior notification is a reasonable expectation. Since maintenance is normally a planned event this should not be a problem for SCWA to include in the easement.
- d. Example. Another grant states ". . . shall not be assigned without prior consent without the prior consent of the other party." The restriction on assignments is puzzling. The SCWA staff agreed that this provision could be rewritten and clarified.

- e. Example. Another grant states “. . . Grantee is not and shall not be liable for injuries to, or death of persons, or damage to, or destruction of, property arising out of Grantee’s use of the easements . . .” A release of liability is to be expected but this release seems excessive and in need of some protection for the landowner. The SCWA staff agreed that this provision could be rewritten and clarified.

7. The SCWA staff, in testimony to the Grand Jury, stated that they had internally discussed these disputed grant restrictions in 1999 and agreed to remove or change them. In November 1999 the SCWA staff, by written memo to the Board of Directors:

- a. Recognized that an ongoing maintenance in that part of Sweeney Creek would at least reduce the flooding,
- b. Compared the rejected Sweeney Creek easements to those granted in Green Valley and Ulatis Flood Control Projects by saying they were all non-exclusive (but the SCWA form still has an exclusive limitation),
- c. Recognized that unique aspects require flexibility in the preparation of each landowner's easement, and
- d. Stated that exceptions would be made to the general conditions such as an agreement to construct no roads or fences without landowner's request, work around permanent structures, etc

8. Those decisions have not been put into practice. SCWA's starting point in approaching a landowner is the standard form. Complaints are common among landowners that SCWA staff refuses to negotiate written changes to the easement form. The most recent incident occurred in January 2003.

9. SCWA has recognized the need, and is willing, to assume responsibility for all maintenance of Sweeney Creek between the Putah Canal and the beginning of the Ulatis Project below Interstate 505 after easements are granted. The reasons given are the increased vegetative growth and because, through existing easements, they already have legal responsibility for maintenance of the Creek both above and below the contested area.

IV. Findings and Recommendations

Each finding is referenced to the background paragraph number.

Finding #1: Residents adjacent to Sweeney Creek in northern Solano County have experienced flooding with increased frequency and severity. Flooding occurred six times in 28 years and three times in the most recent eight years. The December 2002 flood reached the highest level of flooding in 28 years. (1)

Finding #2: Summertime water flow through the Creek, which did not occur prior to operation of SCWA and its predecessor delivering water through the creek (approximately 1960), has changed the vegetation cover near Sweeney Creek from grassy banks to heavy growth of trees, shrubs, and grass. (2)

Finding #3: Sediment deposits from impeded water movement in high flow situations has decreased the channel depth significantly and by at least two feet under the Hartley Road Bridge, further impeding flow. (3,6)

Finding #4: Clearing and preventative Creek maintenance were performed by the Solano County Department of Transportation prior to 1988, albeit at a reduced scope after 1970. (2)

Finding #5: The SCWA, which has optional authority for County flood control measures and is willing to provide ongoing maintenance, has elected not to maintain Sweeney Creek because appropriate easements have not been granted by all landowners. (2, 3, 9)

Finding #6: The easements required by SCWA of the landowners specify grants of more rights than are necessary for SCWA to maintain the Creek for unimpeded flow. (6)

Finding #7: Intense distrust of SCWA officials by area landowners is widespread among the Sweeney Creek people interviewed by the Grand Jury. (5, 6)

Recommendation

Landowners grant easements to SCWA to allow appropriate maintenance of Sweeney Creek by the following procedure.

- a. Landowners select a spokesperson
- b. Spokesperson and SCWA mutually agree on an outside third party negotiator.
- c. SCWA, each individual landowner and the negotiator reach agreement on the appropriate easements.

V. Comments

All parties recognize that the solution is the need to have a common maintenance program for Sweeney Creek and the crux of the problem is the failure to get the easements signed. SCWA says that the landowners refuse to sign easements but the landowners say they are ready anytime to sign appropriate easements and let SCWA enter their property for Creek maintenance. The Grand Jury understands why few people would sign the easements offered. These easements are perpetual and there are strong reasons to not sign away ownership rights other than what is needed by SCWA to perform a good maintenance program. The Grand Jury believes that, if both sides cooperate as they said they would, a negotiator could obtain all easements promptly so that SCWA can obtain the necessary permits and, at a minimum, start clearing the Creek in the fall of 2003.

Individual landowner responsibility for maintaining banks of Sweeney Creek has not been found of great interest to parties on either side of this issue. The Grand Jury can only speculate about the reasons for these attitudes. California law is, perhaps, not as forthright as some other states about this landowner responsibility. The practice of the County to provide maintenance (prior to the strong increase in liability issues and in environmental impact laws) may have created an unrealistic landowner expectation of governmental support. These same environmental impact laws, as noted in landowners' testimony, create a widespread feeling of being unable to do any helpful work without risking legal opposition. Contrary to outside allegations, the Grand Jury saw no significant evidence of landowners' "dumping" on the creek banks. Neither was there any evidence seen or heard of concerted landowner efforts to open the stream banks and reduce the flooding that they all experienced.

Several alternatives to this impasse, heard by the Grand Jury, are available to SCWA but all are far less desirable than negotiated individual easements.

- a. Purchase the easement for a monetary consideration over and above the reasonable consideration of maintaining the Creek.

- b. Purchase the portion of land encompassing the Creek adequate in size for maintenance requirements.
- c. Reroute all irrigation water to bypass Sweeney Creek (this would neither reduce the flooding potential nor relieve SCWA of obligations under the easements previously assumed).
- d. Condemnation by eminent domain (a policy strongly disfavored by SCWA Board and Staff).
- e. Abandon all maintenance in the contested area (this would significantly limit maintenance in the upstream area where easements exist to avoid downstream impacts).

Affected Agency

- Solano County Water Agency
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SCWA RESPONSE TO GRAND JURY INTERIM REPORT FLOODING ALONG SWEENEY CREEK

The report, *Flooding Along Sweeney Creek*, was released on February 28, 2003, as an interim report to acknowledge widespread concern over increasingly serious flooding problems in northern Solano County. The Solano County Water Agency (SCWA), by letter of April 10, 2003, provided the following responses.

SCWA Response to Interim Grand Jury Report

Finding #1 – Residents adjacent to Sweeney Creek in Northern Solano County have experienced flooding with increased frequency and severity. Flooding occurred six times in 28 years and three times in the most recent years. The December 2002 flood reached the highest level of flooding in 28 years.

SCWA Response – SCWA does not have records of specific flooding events in the Sweeney Creek area. However, the occurrences listed in Finding #1 seem accurate. We agree that the December 2002 flood was the highest and most widespread that we are familiar with.

Finding #2 – Summertime water flow through the creek which did not occur prior to operation of SCWA and its predecessor delivering water through the creek (approximately 1960), has changed the vegetation cover near Sweeney Creek from grassy banks to heavy growth of trees, shrubs and grass.

SCWA Response – The finding is correct that the use of Sweeney Creek to transport Solano Project water to the Main Prairie Water District has resulted in increased summertime water flows through the creek. We do not have any information as to whether that summertime water flow was the sole reason for the change in vegetation in Sweeney Creek. There could be other factors such as plantings by area residents and changes in maintenance practices that have resulted in increased vegetation.

Finding #3 – Sediment deposits from impeded water movement in high flow situations has decreased the channel depth significantly by at least 2 ft. under the Hartley Road Bridge, further impeding flow.

SCWA Response – SCWA has not done measurements under Hartley Road Bridge but we agree that sediment has accumulated at the Hartley Road Bridge and other areas of Sweeney Creek. We believe that sediment deposition occurs continuously, not just during high flow events.

Finding #4 – Clearing and preventative creek maintenance were performed by the Solano County Department of Transportation prior to 1988, albeit at a reduced scope after 1970.

SCWA Response – Our records are not complete; however, we believe that the creek maintenance was stopped prior to 1988, in the early 1980's. Use of the date 1988, that coincidentally is that same date that the Water Agency Board of Directors changed to include the cities and districts, gives an impression that there was a change in policy regarding maintenance in Sweeney Creek with that change in the Board of Directors. The change in creek maintenance occurred well before the change in the Board of Directors.

Finding #5 – SCWA, which has optional authority for county flood control measures and is willing to provide ongoing maintenance, has elected not to maintain Sweeney Creek because appropriate easements have not been granted by all land owners.

SCWA Response – SCWA agrees with the Grand Jury that SCWA has optional authority to perform flood control measures. There are five parcels that SCWA can and has done channel maintenance work to a limited extent. We have not maintained other parts of Sweeney Creek because we have been unable to obtain easements to perform the work. We are still hopeful that we will be able to obtain the easements during 2003.

Finding #6 – The easements required by SCWA and the land owners specifically grants of more rights than are necessary for SCWA to maintain the creek for unimpeded flow.

SCWA Response – SCWA feels that all the terms in the easement agreements are necessary. Upon a recommendation from the Grand Jury and others, we have revised the easement documents to make them more acceptable to the landowners. Initial responses to the revised easements form from some of the landowners have been positive.

Finding #7 – Intense distrust of SCWA officials by area residents is widespread among Sweeney Creek people interviewed by the Grand Jury.

SCWA Response – Since SCWA was not involved in the interviews, we have no ability to judge whether this finding is correct. Certainly, many of the landowners are dissatisfied by lack of action by public agencies in dealing with flood control matters in Sweeney Creek.

Recommendation – Landowners grant easements to SCWA to allow appropriate maintenance of Sweeney Creek by the following procedures:

- a. Landowners elect a spokesperson
- b. Spokesperson and SCWA mutually agree on an outside third party negotiator
- c. SCWA, each individual landowner and the negotiator reach an agreement on appropriate easements

SCWA Response to Recommendation – The SCWA Board has directed staff to attempt to negotiate individual easements with landowners and report back to the Water Agency Board of Directors on May 8, 2003. If negotiations are not complete on all necessary easements, the SCWA Board of Directors will consider the Grand Jury's recommendation at that time or consider condemnation actions on remaining landowners.

Comments on Part III Background – In several places there are references to the additional summer flow of water delivered from the Putah South Canal to the Main Prairie Water District resulting in a change in the vegetation in Sweeney Creek, reducing its flood-carrying capacity and causing increased sedimentation. While we acknowledge that the additional water in the summer does affect vegetation in the creek, we do not

have any knowledge or evidence that it is the sole cause of the change in vegetation in Sweeney Creek. Plantings by landowners and changes in maintenance practices could also significantly contribute to the change in vegetation in the creek.

We wish to clarify Section 4b and 4c regarding environmental restrictions. While current laws and regulations require numerous permits for creek maintenance work, we are confident that we can acquire the necessary permits in a timely manner from the California Department of Fish and Game and other agencies. We have obtained these permits for other similar projects in Solano County.

The suggestions in Item #6, regarding the wording in the easements, were helpful to identify areas that need changes or clarification. We have developed a new easement form which addresses most of the concerns identified by the Grand Jury and is currently being reviewed by the landowners. We do want to comment that although we had been circulating the standard easement agreement that the Water Agency has used in other parts of Ulatis Project, we have always transmitted those easements with a cover letter explaining that the terms of the easements are negotiable (within some bounds) for use on Sweeney Creek. Specifically, we have repeatedly told residents that roads and fencing and gates do not need to be included in the ultimately negotiated easement.

Grand Jury Comments

Comments: Testimony confirms SCWA's response is currently negotiating in good faith with Sweeney Creek landowners. No additional findings are noted.

The Interim Report is thereby the Final Report, Flooding Along Sweeney Creek, as required by California Penal Code.

The above responses provided by the Solano County Water Agency satisfy the requirement of California Penal Code §933.0