Contra Costa County Civil Grand Jury Report Summaries 2025-2026

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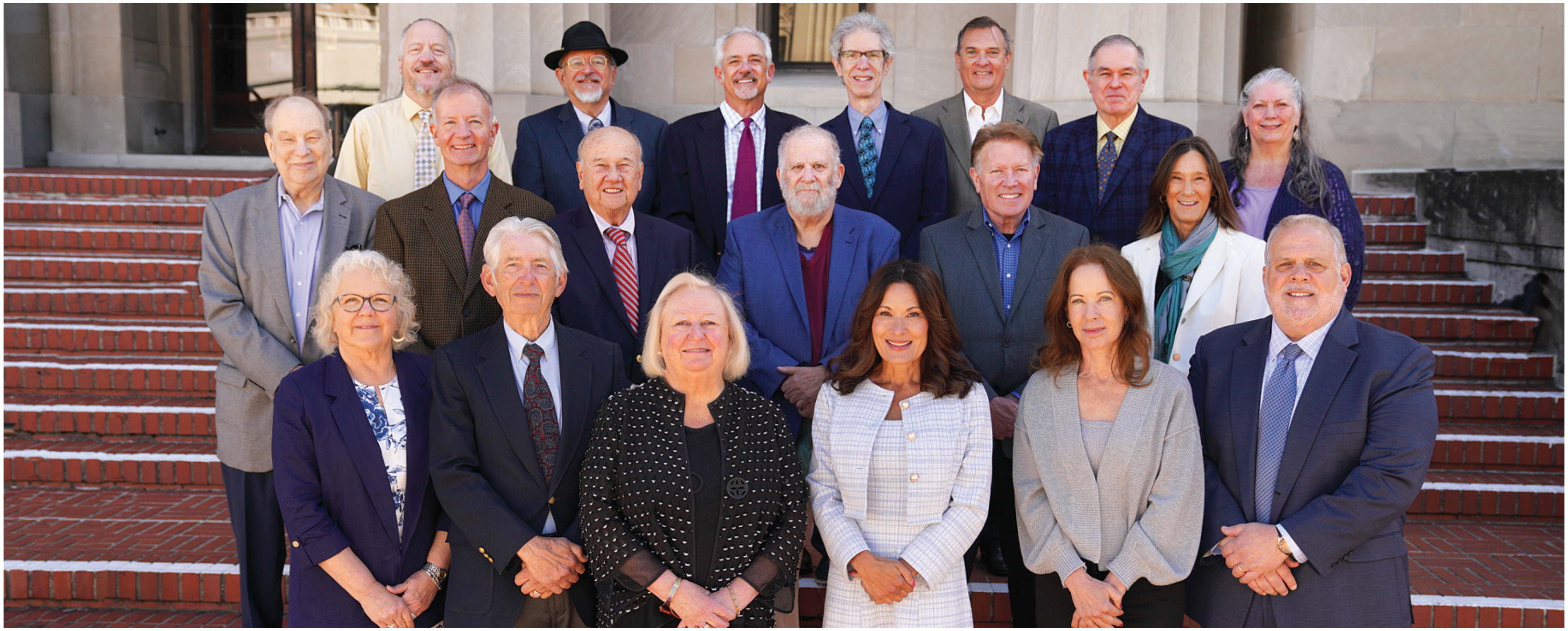
Contra Costa County
Civil Grand Jury

Report Summaries 2025-2026



Back row, left to right: George Cleveland (El Sobrante), Edi Birsan (Concord), Stephen McLin (Moraga)
Mark Peters, Foreperson Pro Tempore (Walnut Creek), Jack Nelson (Orinda), Jim Martinez (Brentwood), Demetria Callejas (Pittsburg)

Middle row, left to right: Neil Librock (Lafayette), Craig Isom (San Ramon), Louis Willett (Danville), Michael Swernoff (Orinda), Dale Richardson (Lafayette),
Antonia Fannin (Lafayette)

Front row, left to right: Rene Steinpress (Concord), Robert Lamb (Danville), Ruthie Norton (Lafayette), Brenda Balingit, Foreperson, (Danville),
Mary Jolls (Walnut Creek), Barry Collins (Concord)

June 1, 2026

Contra Costa County
2025-2026 Civil Grand Jury
725 Court Street Martinez, CA 94553

Dear Judge Mockler,

On behalf of the 2025-2026 Contra Costa County Civil Grand Jury, I am honored to present to you and the citizens of Contra Costa County our final reports. These reports reflect our findings and recommendations on government agencies within our jurisdiction, and we hope they serve the public well and support continued improvement across the County.

Thank you for your oversight and support of the Jury throughout this term. Your guidance made a meaningful difference in our work.

We are also very grateful to Elisa Pantaleon and Melissa Zuniga from Court Administration for their consistent support behind the scenes. And a special thank you to Hannah Shafsky and Rebecca Hooley from County Counsel. Their guidance, responsiveness, and feedback were invaluable to us. The quality of their work is reflected in the strength and clarity of these reports.

We sincerely appreciate the cooperation of the many public officials who took the time to respond to our questions and provide information. Their professionalism and commitment to public service did not go unnoticed. We are equally thankful to those who welcomed us into their facilities and took the time to walk us through their operations.

Finally, I want to recognize this year's Grand Jurors. This was a group that showed up consistently and thoughtfully. Through teamwork, perseverance, and mutual respect, they produced work they can truly stand behind. I am proud of what we accomplished together, and it has been a privilege to serve alongside them.

Sincerely,

Brenda Balingit
Contra Costa County Civil Grand Jury
Foreperson

BART OFFICE OF INSPECTOR GENERAL: INDEPENDENCE DELAYED IS INDEPENDENCE DENIED

In 2017, the California Legislature passed a bill providing for a vote by residents of the nine Bay Area counties whether to finance a $4.45 billion slate of highway and transit improvements with an increase in tolls on Bay Area bridges other than the Golden Gate. The proposal went to voters as Regional Measure 3 (RM3). RM3 also called for creation of an independent oversight committee operating across all nine counties and, separately, the creation of an independent Office of Inspector General (OIG) for the San Francisco Bay Area Rapid Transit District (BART). RM3 passed in June 2018 and has been codified in California Public Utilities Code Sections 28840-28845. Public Utilities Code Section 28841 broadly outlines the authority and responsibilities of the BART OIG. They include requirements that the OIG:

1. Examine BART's operating practices to identify fraud, waste, or abuse, and opportunities for efficiencies in administration of its programs and operations.
2. Ensure the BART administration, the Board of Directors, and the public are fully informed of the OIG's findings and recommendations.
3. Identify opportunities to improve data used to make BART's allocations of its resources more efficient.
4. Conduct, supervise, and coordinate audits and investigations relating to BART's programs and operations, including, but not limited to, toll-funded programs.
5. Identify best practices for delivering capital projects and recommend policies to enable BART to adopt these practices when practicable.
6. Recommend policies that promote efficiency in the administration of programs and operations.
7. Review and recommend best practices that BART should follow to maintain positive and productive relations with its employees and the collective bargaining units representing those employees.
8. Provide a report, at least annually, to the Board of Directors and the California Legislature that summarizes significant problems identified in audits and investigations and whether BART has implemented the resulting recommendations.

In the years following voter approval of RM3, there have been discussions between the OIG and the BART Board of Directors regarding a formal charter for the OIG that would provide specific details regarding the OIG's scope and exercise of authority and responsibilities beyond the outline created by RM3. The OIG has presented the Board with at least two versions of a formal charter. The Board, however, has not acted to approve a charter for the OIG. The Grand Jury examined the history of the OIG, its work, and the proposals and discussions regarding an OIG charter. Our findings highlight a lack of written clarity regarding the OIG's.

BART at a Crossroads: Structural Deficit, Governance Accountability, and the Choices Ahead

The Contra Costa County Civil Grand Jury investigated the financial condition, cost structure, and governance of the San Francisco Bay Area Rapid Transit District (BART), a regional transit system serving Contra Costa County residents. BART faces a $375 million structural operating deficit beginning in Fiscal Year (FY) 2027. BART's five-year (FY2027-FY2031) financial forecast does not identify a path to structural balance without new dedicated revenue, additional cost reductions, or both. The Grand Jury's investigation identified three interrelated factors driving the crisis: a fare-dependent revenue model, sustained changes in ridership patterns following the COVID-19 pandemic, and a cost structure in which 63% of expenses do not proportionally decline with reduced service levels. A glossary of financial, operational, and transit-related terms used in this report is provided in Appendix A.

BART's financial model has relied heavily on passenger fares to fund operating costs—a model that performed well under conditions of strong, concentrated commute demand. Ridership declines that began before the pandemic, combined with the shift to hybrid work patterns, have fundamentally altered demand for traditional peak-hour service. In FY2025, BART operated 18.5% more service hours than in FY2019 while recording only 44.6% of pre-pandemic passenger miles—a gap between service supplied and ridership demand that has not materially narrowed in recent years. Annual ridership has declined from approximately 128 million trips to 59 million trips, while staffing has increased 7.8% since FY2019.

BART's FY2027 Preliminary Operating Budget projects a $375 million structural operating deficit in FY2027, the first fiscal year in which approximately $2 billion in one-time federal and state emergency assistance used to sustain operations since FY2020 will be exhausted, exposing the underlying imbalance between revenues and operating costs. In response, BART has pursued cost reductions and revenue initiatives that are estimated to address approximately 11% of the projected structural deficit. Due to the fixed-cost nature of BART as a heavy rail system, service reductions alone produce limited savings and risk accelerating ridership loss.

Senate Bill 63, the Connect Bay Area Act, authorized a regional sales tax measure for the November 2026 ballot. BART has identified the resulting Connect Bay Area Measure (Measure) as the primary mechanism to address its projected structural deficit. Even if the Measure passes, BART's five-year financial forecast projects cumulative residual deficits of approximately $192 million through FY2031. This indicates the Measure alone will not achieve structural balance and additional cost reductions will be required.

Three governance structures support the Board's oversight responsibilities. The Grand Jury's investigation identified governance and oversight conditions that affect the reliability, completeness, and timeliness of information available to the BART Board of Directors (Board). Internal Audit's organizational placement within management, and the Audit Committee's lack of authority to review rather than approve audit plans and charters, create conditions inconsistent with professional auditing standards. Internal Audit has appeared before the Audit Committee at only 10 of 28 meetings since the Committee's inception in January 2021, and complete audit reports were not routinely distributed to the Committee as a standard practice. 2 of 30

The Grand Jury's review of BART's Quarterly Financial Reports found that overtime expenditure drivers are not identified by cause or category in BART's financial reporting—a finding consistent with the Office of Inspector General's (OIG) 2025 overtime audit. Nine of ten OIG recommendations on overtime management and organizational structure remain unimplemented at the time of this report. The Audit Committee has not conducted required biennial reviews of the Employee Code of Conduct since its inception in 2021, despite a charter obligation to do so.

This report addresses both BART's structural financial crisis and the governance conditions that affect the Board's capacity to manage it. These subjects are presented in a single report because they are causally connected: the fiscal crisis demands a Board and oversight apparatus capable of receiving complete, timely, and independent analyses of agency performance. The investigation found conditions in which that capability is not fully supported.

The Cost of Adult Detention Facilities

In 2025, the Average Daily Population (ADP) of the jails operated by Contra Costa County was less than 50% of capacity. This is due to a number of complex and overlapping factors: public policy shifts, changing incarceration philosophy post-Covid, and a reduction in crime requiring jail time. Despite the declining populations, the cost of maintaining the jails remains relatively constant. The Sheriff's Office (which manages adult custody) balances ensuring sufficient staff and space should incarceration needs increase and being stewards of the resources the County expends to keep that space available. Staffing the facilities and providing the physical and mental health resources required by the incarcerated population in 2025 resulted in an average daily cost per inmate of $396, or $144,635 on an annual basis. These costs merit the attention of County residents and the Board of Supervisors (Board).

Electronic Home Detention

Electronic Home Detention (EHD) is a form of custodial alternative that provides for pre-trial or post-sentencing participants to be monitored outside of a jail facility. The Custody Alternative Facility (CAF) is managed by the Sheriff's Office. In 2025, 801 adults in Contra Costa County were enrolled in external monitoring by "ankle bracelet," either EHD or an ankle bracelet that monitors alcohol level. Although 77% of CAF clients complete their sentences or comply with court-ordered appearances, the Grand Jury identified room for improvement with respect to how EHD is administered, particularly regarding appeals and data collection.

Ambulance Patient Offload Delays: Time Is of the Essence

In a medical emergency, residents of Contra Costa County (the County) depend on ambulance services to transport patients to a hospital. Patients expect the hospital emergency department to provide immediate care. In practice, monthly measures of the time it takes to transfer a patient from the ambulance to an emergency department regularly exceed time standards set by both the County Emergency Medical Services Agency (EMS) and the State's Emergency Medical Services Authority (EMSA). This patient transfer time is referred to as Ambulance Patient Offload Time (APOT). The time starts when the ambulance arrives at the hospital and ends when the emergency department accepts the patient. When the time exceeds local or state patient offload time standards, it is referred to as an Ambulance Patient Offload Delay (APOD).

APODs occur when the emergency department has both reached capacity, and the arriving patient does not require immediate medical attention. The emergency department may not accept the patient immediately and instead, the patient is either held in the ambulance or "parked" meaning placed in whatever space is available in the emergency department or elsewhere in the hospital. The ambulance personnel generally stay with the patient until the patient is accepted by the hospital. Ambulances and the ambulance personnel are unable to respond to other emergencies while they are at the hospital with a patient. This impacts the overall availability of ambulances within the emergency medical services system. Once an emergency department accepts a patient who does not require immediate care, the patient may still have to wait before treatment.

No single entity has jurisdiction or control over all the parts of the ambulance patient offload system. This means public and private organizations including local emergency medical services agencies and hospitals must collaborate to address the issues. In Contra Costa County, this collaboration is longstanding and ongoing. Although APOT data demonstrates improvements over the last year, APODs continue.

Contra Costa County's Internal Audit Division: Time for a Transformation

Internal auditing is a key component of government accountability. Internal auditors provide independent evaluations of financial processes, internal controls, and compliance with laws and policies—giving governing bodies and senior management the information they need to identify risks, strengthen controls, and improve public services. California Government Code Section 1236 recognizes this importance by requiring that all county employees who conduct audits comply with the professional auditing standards of either the Institute of Internal Auditors (IIA) or U.S. Government Accountability Office (Generally Accepted Government Auditing Standards or GAGAS). Contra Costa County's Internal Audit Division (IAD) does not meet this statutory requirement. The IAD has not undergone an external quality assessment—the primary means of evaluating standards compliance—in more than 25 years. IIA and GAGAS standards require such assessments every three to five years. The IAD's Policies and Procedures Manual directs compliance with IIA and GAGAS standards; the IAD's departure from those standards contradicts both its own governing document and California law. The Grand Jury's review identified the following significant deficiencies relative to these standards.

Martinez: Developing a Vibrant and Sustainable Waterfront

The City of Martinez includes 67 acres of land along the southern shore of the Carquinez Strait. Beginning in the 1960s, the City developed a marina at the waterfront, providing boat slips, piers, and commercial development to support public enjoyment. Over the years, due to budgetary constraints, the City deferred necessary maintenance of the marina.

The marina facilities exhibit substantial deterioration. The deterioration extends to a crumbling sea wall and rotted docks. Dredging will be required in the next year, and future sea level rise is a threat requiring mitigation. The marina has experienced serious flooding in the past. The City acknowledges the assessment of experts who have evaluated the marina and concluded that repair and restoration will not remedy the situation. Substantial investment will be required to perform all the necessary work.

The marina must borrow from the City's General Fund to operate and maintain its facilities. The marina independently does not generate sufficient revenue. City officials estimate that the annual subsidy required by the marina to maintain operations is $650,000. At this level of financial subsidy, the City will be challenged to support its core services and might have to draw upon its reserves.

The City Council's vision is to develop a "vibrant and sustainable waterfront." The Council recognizes that it does not have the financial resources to achieve its vision and must seek a development partner that can fund both the creation of landside attractions for tourism and the long-delayed rehabilitation of the entire marina infrastructure.

Martinez seeks a public-private partnership, an arrangement between a government entity and a private business. The City Council has voted to explore such a partnership with Tucker Sadler, a firm with experience in the development of marinas. To fully assess the options for a partnership, the two parties have entered an Exclusive Negotiating Agreement (ENA). An ENA is a framework for the city and the developer to negotiate only with each other for the development of a proposed project.

Either party may exit the negotiation at any time during its two-year term without penalty. Meanwhile, Martinez must continue to subsidize marina operations at significant cost to its General Fund. If the parties are unable to reach an agreement for development of the marina, Martinez will be obligated to continue the subsidy, threatening its financial position. Martinez should consider identifying an alternative in case the Tucker Sadler partnership does not come to fruition. One option would be closing the marina. However, that would not be without costs: steps to mitigate periodic flooding and longer-term sea-level rise would still be required.

Pinole's Financial Future: It's a Rough Road

The City of Pinole faces a growing and potentially severe financial crisis driven by structural budget imbalances, rising long-term liabilities, and substantial unfunded infrastructure needs. For multiple years, Pinole has not aligned ongoing expenditures with ongoing revenues. Instead, it has relied on one-time funds and reserve withdrawals to offset annual operating deficits. This approach is contrary to Pinole's published financial policies and is unsustainable.

In February 2026, the Pinole City Council (Council) reviewed a "Preliminary General Fund Long-Term Financial Forecast" prepared by Pinole staff that projected annual operating fund deficits starting at $700,000 in Fiscal Year 2026/27. These deficits are projected to grow to $5.6 million in Fiscal Year 2030/31 when Pinole's pension and retiree healthcare trust funds are projected to be exhausted. Financial forecasts prepared by outside experts are consistent with Pinole's projections.

At the same time, Pinole faces mounting long-term financial obligations that will place additional strain on its General Fund. Pinole's unfunded pension liability has grown to approximately $45 million, and its unfunded retiree healthcare liability is approximately $35 million. Pinole also has road rehabilitation and other deteriorating infrastructure that will cost an estimated additional $60 million to eventually repair or replace.

The Grand Jury assessed Pinole's overall financial condition using publicly reported financial data, including audited Annual Comprehensive Financial Reports. These data demonstrate pressure on General Fund reserves resulting from persistent structural budget imbalances and growing liabilities for pensions and retiree healthcare. A fiscal dashboard developed by the California Policy Center applies standardized metrics to the same data and classifies Pinole as financially distressed.

Pinole's current financial trajectory poses serious risks to its long-term fiscal stability and its ability to maintain essential public services. Choices made by Pinole's leadership in the next few years will be consequential for the financial and operational health of Pinole.

Join the CONTRA COSTA CIVIL GRAND JURY

Make a meaningful difference, not just for today, but for future generations.

ELIGIBILITY

Grand Jury candidates are:

• Citizens of the United States • Residents of Contra Costa County for at least one year • Willing to make a one-year commitment • Team players • At least eighteen years of age • Ready to become great volunteers!

Support justice, transparency, and accountability.

BE PART OF A LEGACY!

There are 19 members of the Contra Costa Civil Grand Jury.

The Civil Grand Jury works independently of politicians and administrators.

Through investigations, we develop findings and recommendations that entities must legally respond to in writing.

Martinez Superior Court
725 Court Street, Martinez, CA 94553
(925) 608-2621
https://contracosta.courts.ca.gov/divisions/civil/civil-grand-jury