Contra Costa County

Civil Grand Jury

Final Report

2024 - 2025

The Contra Costa Civil Grand Jury Roster

Peter Appert, Foreperson (Lafayette)
Elizabeth Berke-Dreyfuss, Foreperson Pro Tempore (Moraga)

MEMBERS

John Anderson, PhD (Richmond)
Peter Appert, Foreperson (Lafayette)
Brenda Balingit (Danville)
Elizabeth Berke-Dreyfuss,
Foreperson Pro Tempore (Moraga)

George Cleveland (El Sobrante)
Louie Gonzalez (El Sobrante)
Stephen McLin (Moraga)
Bruce McManus (Concord)
Tavane Payne (Pittsburg)

Mark Peters (Walnut Creek)
Susan Rainey (Walnut Creek) OBJ
Edward Sarubbi (San Ramon)
William Swenson (Oakley)
Weldon Theobald (Danville)

Joseph Vorderbrueggen (Martinez)
Patrick Walsh (Oakley)
Linda Waters (Pleasant Hill)
Deborah Wiener (Alamo)

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CIVIL GRAND JURY REPORTS

(2507 – 2508 titles/slots are tentative)

SUPERVISING JUDGE OF THE
CONTRA COSTA COUNTY
CIVIL GRAND JURY

HONORABLE TERRI MOCKLER

Contra Costa County
2024-2025 Civil Grand Jury
725 Court Street
Martinez, CA 94553

May 27, 2025

Dear Civil Grand Jury Members,

On behalf of the Contra Costa Superior Court and the citizens of Contra Costa County, I extend my sincere gratitude for your exceptional service as civil grand jurors for the 2024-2025 term.

The selfless commitment of your time and energy to the concerns of the Contra Costa County community is reflected in each of your thorough investigations and published reports. Under the outstanding leadership of your foreperson, Mr. Peter Appert, you have dedicated thousands of hours for the betterment of our county, its governance, and the allocation of public resources. Your many reports reflect the remarkable service you provided to our community.

I commend all of you on the vital role you filled as civil grand jurors. I congratulate you on your service and hope that the experience has enriched your lives as much or more than it has benefited our County. Thank you all.

Sincerely,

Terri Mockler
Contra Costa County
Civil Grand Jury Supervising Judge

Grand Jury

Contra Costa County

725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

June 3, 2025

Honorable Terri Mockler
Judge of the Superior Court, Contra Costa County
725 Court Street
Martinez, California 94553

Dear Judge Mockler,

On behalf of the 2024-2025 Contra Costa County Civil Grand Jury, I am honored to present to you and the citizens of Contra Costa County the Grand Jury's final reports. These reports contain our findings and recommendations regarding government agencies within our jurisdiction. We hope they will help inform the public and contribute to continued improvement of local government.

I would like to express my appreciation for your assistance and oversight of the Jury. We are also grateful for the enthusiastic support of Kenia Zarco, Elisa Pantaleon and Melissa Zuniga of Court Administration. In addition, we thank Hannah Shafsky and Rebecca Hooley, County Counsel, for the countless hours they devoted to providing advice, guidance, and thoughtful feedback throughout the investigative and report writing process.

The Jury greatly appreciates the cooperation of the many public officials who responded to our questions and requests for information. We commend their dedication and expertise. We are also grateful to those who facilitated tours of their facilities and demonstrated such professionalism and pride in their work.

Finally, I want to thank the 2024-2025 Grand Jurors for their exceptional dedication and hard work over the past 12 months. Through team work, perseverance and mutual respect, the Jury was able to produce the excellent reports included in this publication. It has been a privilege to work alongside these outstanding jurors.

Respectfully,

Peter Appert, Foreperson
2024-2025 Contra Costa Civil Grand Jury

CIVIL GRAND JURY ROSTER
2024-2025

Front row, left to right:
Edward Sarubbi (San Ramon)
Hon. Judge Terri Mockler
Susan Rainey (Walnut Creek)
Peter Appert, Foreperson (Lafayette)

Middle row, left to right:
Louie Gonzalez (El Sobrante)
Tavane Payne (Pittsburg)
Elizabeth Berke-Dreyfuss
Foreperson Pro Tempore (Moraga)
Weldon Theobald (Danville)
Brenda Balingit (Danville)
Deborah Wiener (Alamo)
Patrick Walsh (Oakley)

Back row, left to right:
George Cleveland (El Sobrante)
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Mark Peters (Walnut Creek)
Stephen McLin (Moraga)
Linda Waters (Pleasant Hill)
John Anderson, PhD (Richmond)
Joseph Vorderbrueggen (Martinez)
William Swenson (Oakley)

The 2024-2025 Contra Costa County
Civil Grand Jury

Approved this Final Report
On June 13, 2025

Peter Appert
Foreperson

I accept for filing this Final Report of the 2024-2025
Contra Costa County Civil Grand Jury
On June 13, 2024

Hon. Terri Mockler
Supervising Judge of the 2024-2025 Civil Grand Jury

2024-2025 Contra Costa County Civil Grand Jury

Activities Report

Summary of General Activities

TOURS / OBSERVATIONAL VISITS

- Martinez Detention Facility
- Richmond Detention Facility
- Contra Costa County Juvenile Hall
- Emergency Control Center
- Sheriff's Office
- Election Office
- GoMentum Station
- Food Bank of Contra Costa & Solano Counties
- Mt. Diablo High School Vocational Program (Serendipity restaurant)

PRESENTATIONS GIVEN

- February 2025 Board of Supervisor's Meeting
- 2025-2026 Jury Applicant Orientation
- 2024-2025 Juror Orientation

TRAINING ATTENDED

- Contra Costa Civil Grand Jury Association (Jurors, Foreperson, & Report Writing)
- CPR

Summary of Committee Activities

Committees	Topics/ Complaints	Number Investigated	Reports Published
Continuity	**4**	**4**	**1**
City	**12**	**10**	**2**
County	**13**	**10**	**2**
Health & Human Services	**11**	**6**	**1**
Law & Justice	**11**	**10**	**0**
Special Districts	**11**	**8**	**3**
Ad hoc	**1**	**1**	**0**
Totals	**63**	**49**	**9**

2501

The 2024 – 2025 Contra Costa County Civil Grand Jury

725 Court Street
Martinez, California 94553

Compliance and Continuity Report

Report 2501
March 13, 2025

Contact:
Peter Appert
Grand Jury Foreperson
(925) 608-2621

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

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Compliance and Continuity Report

BACKGROUND

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

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

> *The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county... (Section 925)*
>
> *The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county…. (Section 925a)*
>
> *Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. (Section 933a)*

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

Response timing:

> *No later than 90 days after the grand jury submits a final report on the operations of any public agency ..., the governing body of the public agency shall comment … on the findings and recommendations... (Section 933c)*
>
> and
>
> *...every elected county officer or agency head …. shall comment within 60 days … on the findings and recommendations…* (Section 933c)

Response format for findings:

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

> *(1) The respondent **agrees** with the finding.*
>
> *(2) The respondent **disagrees** wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.*

Response format for recommendations:

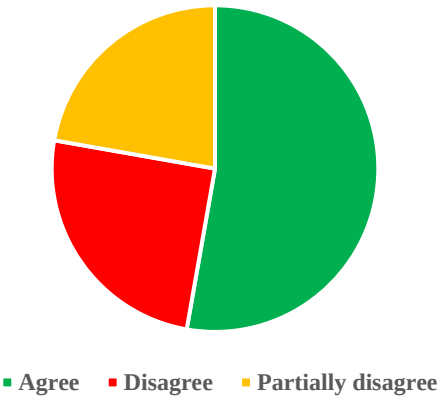
Penal Code Section 933.05 lists the following allowable responses. The words in **bold** are used to signify a correct response in the body of this report.

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

SUMMARY

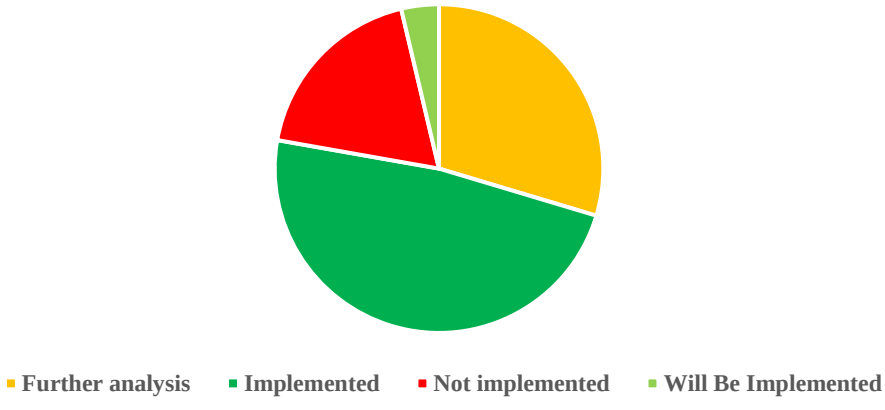
We reviewed responses to 70 findings and 27 recommendations in the 2023-2024 Grand Jury reports from four agencies. All responses were on time. Of the responses, 44 (63%) agreed with the findings, 11 (16%) partially disagreed, and 15 (21%) disagreed, as shown in Figure 1.

Figure 1
Findings Summary
2023-2024 Reports



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

Figure 2
Recommendations Summary
2023-2024 Reports



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

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

SUMMARIES OF INDIVIDUAL REPORTS

Report #2402 The Contra Costa Community Warning System.

Will Everyone Get a Warning in Time?

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

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

Figure 3
Report 2402
Response to Findings

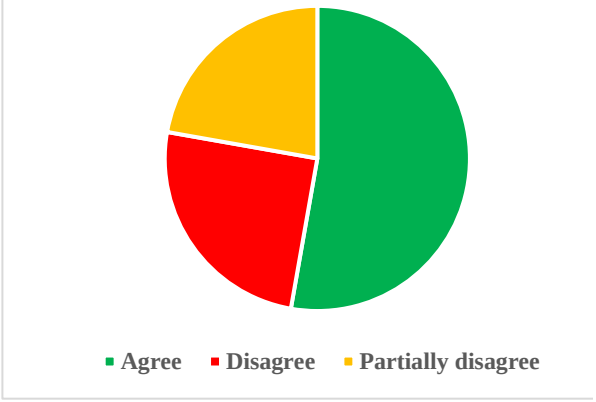
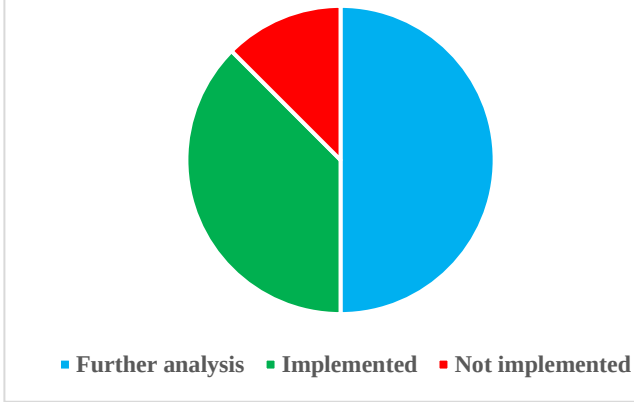


Figure 4
Report 2402
Response to Recommendations



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

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

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

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

Figure 5
Report 2403
Response to Findings

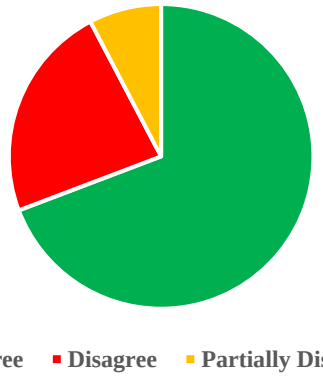
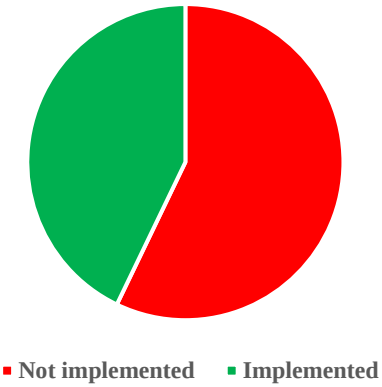


Figure 6
Report 2403
Response to Recommendations



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

Report #2404 County Petroleum Refineries and Hazardous Material Releases

Improving the Hazmat Response

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

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

Figure 7
Report 2404
Response to Findings

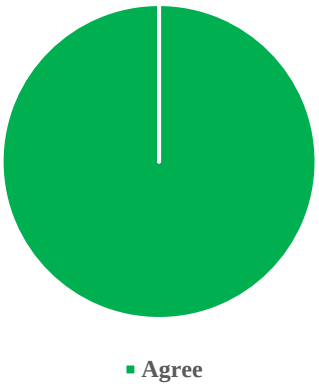
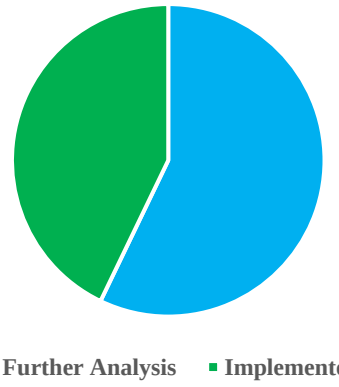


Figure 8
Report 2404
Response to Recommendations



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

Report #2405 Challenges Facing the City of Antioch

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

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

Figure 9
Report 2405
Response to Findings

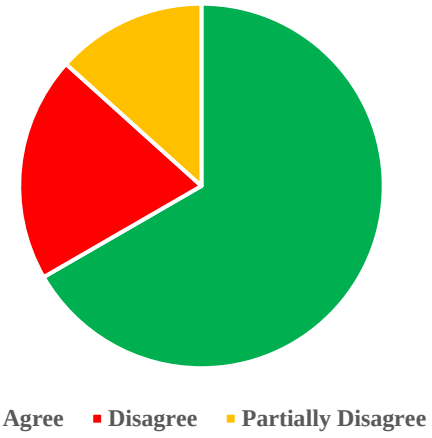
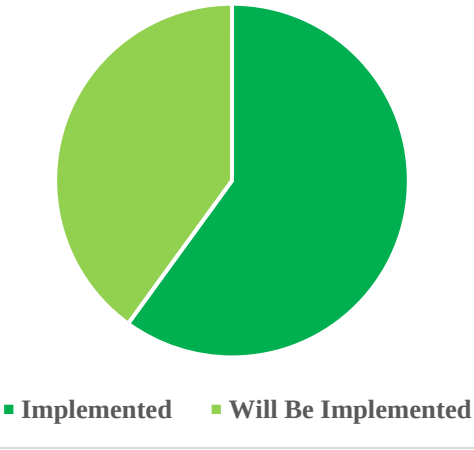


Figure 10
Report 2405
Response to Recommendations



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

METHODOLOGY

Compliance

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

Continuity

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

APPENDIX A: TABLES SHOWING FINDINGS, RECOMMENDATIONS, AND RESPONSES

Table 1

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

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

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

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

Table 2

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

R7. By March 31, 2025, the Board of Supervisors should direct the County's Chief Administrative Officer to establish a CWS advisory subcommittee of the Emergency Services Policy Board.	**Not implemented**
R8. By June 30, 2025, the Office of the Sheriff should implement a process to ensure that first responders in County agencies who take the CWS training certify they have reviewed and understood the training materials.	**Further analysis**

Table 3

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

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

F10. DCD, as of 2022, had used less than 28% of the Accessibility Compliance Fund. The expenditure was used for training.	**Agree**
F11. The staff being trained for CASp certification are primarily senior staff and may not be involved in most construction-related accessibility reviews.	**Disagree**
F12. The Grand Jury has not been able to independently verify that DCD staff have been adequately trained to review building plans and building inspections for compliance with the accessibility requirements in the Building Code as none have been certified by DSA [Division of the State Architect].	**Disagree**
F13. Building permit fees and the Accessibility Compliance Fund are both allowable sources of funding for review of the effective use of CASps in the building department.	**Partially Disagree**

Table 4

Report 2403 Construction-Related Accessibility Standards and the Department of Conservation and Development	
Recommendations	**Response**
R1. By December 31, 2024, the Board of Supervisors should consider commissioning an independent CASp review of how DCD is ensuring that the building permit process enforces federal and state accessibility requirements.	**Not implemented**
R2. By December 31, 2024, the Board of Supervisors should consider commissioning an independent CASp review to determine how many CASps is a sufficient number to conduct permitting and plan check services at DCD.	**Not implemented**
R3. By March 31, 2025, the Board of Supervisors should consider directing DCD to employ or retain the sufficient number of CASps to conduct permitting and plan check services.	**Not implemented**
R4. By September 30, 2024, the Board of Supervisors should consider directing DCD to report to the County Administrator periodically to confirm the number of CASps employed or retained.	**Not implemented**
R5. By December 31, 2024, the Board of Supervisors should consider directing DCD to have a procedure in the building permit approval process that identifies those situations where a CASp review is required.	**Implemented**
R6. By September 30, 2024, the Board of Supervisors should direct DCD to develop the informational notice required by California Code 4469.5 for current and new commercial building permit applications.	**Implemented**
R7. By September 30, 2024, the Board of Supervisors should direct DCD to provide the informational notice required by California Code 4469.5 to current and new commercial building permit applications.	**Implemented**

Table 5

Report 2404 County Petroleum Refineries And Hazardous Material Releases Improving The Hazmat Response	
Findings	**Response**
F1. An opt-out rather than an opt-in system for all cell phone numbers of county residents should increase the percentage of residents receiving accurate and timely information regarding hazardous material releases.	**Agree**
F2. A Level One incident that may include flaring, fire/smoke/plume, odors, or other conditions that can be observed or sensed by the public off site is not presently reported by CWS to landline telephones or registered cell phones, and the system can be modified to do so.	**Agree**
F3. Contra Costa Health Services has hired an outside contractor to perform a CUPA [Certified Unified Program Agency] fee study which in draft status and currently not available for inclusion in this report.	**Agree**
F4. One purpose of the new CUPA fee study is to support the request from Contra Costa Health Services for a change in its organizational structure to establish the job classification of Supervising Hazardous Materials Specialist.	**Agree**
F5. Contra Costa Health Services is in the process of receiving approval from the Board of Supervisors to add three Supervising Hazardous Materials Specialists to its staff.	**Agree**
F6. Placing a toxicologist on retainer would enable Contra Costa Health Services to obtain a toxicology report needed for some hazardous material release incidents without the delay of the current procedure.	**Agree**

Table 6

Report 2404 County Petroleum Refineries And Hazardous Material Releases Improving The Hazmat Response	
Recommendations	**Response**
R1. By March 31, 2025, the Board of Supervisors should develop a plan to modify CWS so that it automatically registers all available contact data for all county residents and businesses into CWS and provides a mechanism for residents and businesses to opt out of the automatic registration process.	**Further Analysis**
R2. By December 31, 2025, the Board of Supervisors should complete the implementation of the plan to modify CWS so that it automatically registers all available contact data for all county residents and businesses into CWS and provides a mechanism for residents and businesses to opt out of the automatic registration process.	**Further Analysis**
R3. By December 31, 2024, the Board of Supervisors should approve a modification to HMINP [Hazardous Materials Incident Notification Policy] giving residents the option to receive awareness messaging from CWS for Level One incidents that can be observed or sensed by the public off site.	**Implemented**
R4. By December 31, 2024, the Board of Supervisors should consider approval of the request from Contra Costa Health Services to establish the job classification of Supervising Hazardous Materials Specialist.	**Implemented**
R5. By December 31, 2024, the Board of Supervisors should consider approval of the request from Contra Costa Health Services to add three Supervising Hazardous Materials Specialists to the staff at HazMat.	**Implemented**
R6. By December 31, 2024, the Board of Supervisors should consider approval of the retention on retainer of a toxicologist by Contra Costa Health Services.	**Further Analysis**
R7. By December 31, 2024, the Board of Supervisors should consider approval of the new CUPA permit fee schedule proposed by Contra Costa Health Services.	**Further Analysis**

Table 7

Report 2405 Challenges Facing the City of Antioch	
Findings	**Response**
F1. Antioch's City Manager has broad responsibility to ensure the efficient operation of the city, including supervision of an approximately $100 million general fund budget and an authorized staff of over 400 employees.	**Agree**
F2. The city began the process of recruiting a new permanent City Manager in January 2024. As of June 10, 2024, no hiring decision has been announced.	**Agree**
F3. As outlined in both the City Manager job description and in city recruitment materials, the City Manager position requires a qualified and experienced individual.	**Agree**
F4. There has been a lack of continuity in City Managers in Antioch, with six City Managers or Acting City Manager since December 2013.	**Partially Disagree**
F5. Under city ordinances, the City Council, including the Mayor, has no direct authority to direct, supervise, hire, or fire any city employees, other than the City Manager and City Attorney (Ordinance 246-A).	**Agree**
F6. The Mayor and City Council members have on occasion overstepped their authority in seeking to make personnel decisions, including terminating the then Public Works Director in December 2022, in ways not permitted by city ordinance (Antioch City Code § 2-2.06 and § 2-2.10).	**Disagree**
F7. The Mayor and City Council members have on occasion sought to conduct meetings with City Staff without approval or involvement of the City Manager, as required by city ordinance (Antioch City Code § 2-2.10).	**Disagree**
F8. Antioch's city government had a 21.6% employee vacancy rate as of February 2024, roughly four times the national average for government agencies.	**Agree**

F9. In the absence of a permanent City Manager since March 2023, the city has deferred hiring new department heads when openings occur.	**Agree**
F10. The Police, Public Works and Community Development departments currently are without permanent department heads.	**Agree**
F11. Seven of the eleven most senior positions in Antioch city government are currently held by acting or part-time personnel, including City Manager, Assistant City Manager, Directors of Community Development, Police Services, and Public Works (all acting) and the Directors of Economic Development and Recreation (both part-time).	**Agree**
F12. The employee vacancy rate is above the city-wide average in the Public Works Department (26% vacancy rate) and Community Development Department (35% vacancy rate), both of which currently do not have permanent directors.	**Partially Disagree**
F13. Recruitment and retention of staff has been impacted by the absence of a permanent City Manager and the lack of permanent department heads in multiple city departments.	**Disagree**
F14. The Contra Costa County District Attorney's Office conducted an investigation into alleged Brown Act violations by Mayor Lamar Hernandez-Thorpe and Council Members Tamisha Torres-Walker and Monica Wilson, which was forwarded to the Grand Jury.	**Agree**
F15. The District Attorney's Office noted serious concerns that noncompliance with the Brown Act may have occurred, however, there was insufficient evidence to prove beyond a reasonable doubt intentional violations of the statute occurred.	**Agree**

Table 8

Report 2405 Challenges Facing the City of Antioch

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

2502

2024 – 2025 Contra Costa County Civil Grand Jury

County Boards, Commissions, Councils and Committees

Improving Transparency for the Public

Report 2502
April 30, 2025

Approved by the Grand Jury

Peter Appert
GRAND JURY FOREPERSON

5/2/25
Date

Accepted for Filing

Hon. Terri Mockler
JUDGE OF THE SUPERIOR COURT

5/1/25
Date

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

SUMMARY

Boards, commissions, councils and committees (BCCs) in Contra Costa County play a crucial role in the democratic and efficient functioning of the County. Each BCC, while distinct in its mission, contributes to the overall governance framework in ways that ensure local government remains responsive and accountable to the needs and preferences of county citizens.

Our examination shows that Contra Costa County is working to support the effectiveness of county BCCs. Most County BCCs have a website with access to their data. And the County has a review process such that it reviews one-third of all advisory BCCs each year. In this way, the County examines, with some exceptions, all BCCs within a three-year period.

However, public access to County BCC information is hindered by a challenging and inconsistent online presence that can make it difficult to find and access BCC information. Eight percent of the BCCs do not have a website. For those that do, their websites are hosted by individual County departments and spread across the main County website. Multiple lists of BCCs, most with links to the respective websites, are available on the County website. However, each list contains only a subset of all the County BCCs depending on the type of BCC and who the BCC advises. Figuring out which list to use requires a basic knowledge of County BCCs that residents may not possess.

BCC websites usually provide access to BCC meeting agendas and minutes by including links to one or both of two different search applications, AgendaCenter and Legistar, into which the agenda and minutes .pdf files are posted. Although BCCs are transitioning to Legistar, the County's new web-based repository for agendas and minutes, as of January 19, 2025, 42 percent lag in this effort. There are also 24 instances where a BCC has created a custom website that contains no links to AgendaCenter or Legistar. In these cases, agenda and minutes files are posted directly onto the custom site with no links the County website at all.

The Grand Jury commends the County for its continuing efforts to oversee BCCs and ensure BCC information is available. At the same time, the Grand Jury discovered some deficiencies and recommends the County consider the following improvements.

All County BCCs should first post their agendas and minutes in only one database source, Legistar. Secondly, each BCC should have and maintain a website with a link to Legistar and a link to AgendaCenter in cases where the BCC continues to use AgendaCenter to access old data. Thirdly, County staff should create and maintain on the County's main webpage a single complete list of all County BCCs with links to each BCC website. This enables every BCC website, wherever it is hosted, to link to a single launch point on the County website. Finally, Legistar should also contain a link to the master list of BCCs.

These actions will help make the process of finding BCC information fast, easy, and effective for everyone.

BACKGROUND

Contra Costa County is governed by a five-member Board of Supervisors (BOS) elected by citizens of the County. The work of the BOS is augmented by various boards, commissions, councils and committees (BCCs). Committees are advisory BCCs. They provide support and input by making recommendations on various issues to non-advisory, decision making BCCs like the BOS or other boards, councils and commissions. Non-advisory BCCs make policy decisions and do not formally report or make recommendation to another BCC.

Even though they serve the County, some BCCs are considered external because their governance is fully independent. These BCCs support community services such as parks, regional planning, fire protection, vector abatement and transportation systems that are often shared by nearby counties.

County BCCs are created for several reasons. Sometimes they arise in response to specific community needs or because of state or federal legislation. Other times they are initiated by contractual agreements with other public agencies. BCCs serve as direct links between governing bodies and the community. They expand communication between the public and County government and thereby enhance the quality of life for residents.

Imagine you are a Contra Costa County resident who would like to volunteer to support county efforts to improve public safety awareness. With that in mind you visit the County website and manage to find a county board, The Community Advisory Board for Safety Realignment, that addresses community involvement in public safety issues. You are eager to see the meeting schedule and review agendas and minutes to understand your opportunities.

However, to your frustration, you encounter roadblocks and dead ends. Instead of finding a clear path to the information you need, you find broken and hard-to-find weblinks, outdated web pages and missing or incomplete data. The agendas and minutes from the previous meetings may exist, but for you, they are nowhere to be found.

This storyline reflects the persistent challenge of navigating public bureaucracies to obtain information that should be readily available. It underscores the crucial role that accessibility of public records, like meeting minutes and agendas, play in the transparency and accountability of county governance.

Unfortunately, this example is not that far from what the Grand Jury experienced while trying to evaluate the operation of County BCCs.

METHODOLOGY

For this investigation, the Grand Jury interviewed County employees. Additionally, Grand Jury members searched the internet for information about County BCCs.

The Grand Jury reviewed the following reports and resolutions:

- Triennial Advisory BCC Review-Phase I Report, dated May 13, 2024
- Triennial Advisory BCC Review-Phase II Report, dated May 9, 2022
- Triennial Advisory BCC Review-Phase III Report, dated May 8, 2023
- Contra Costa County Board of Supervisors, Triennial Sunset Review of Appointed Boards, Committees, & Commissions, Phase III, undated
- RES 2012-261, Establishing a Triennial Review Process for the Evaluation of Certain County Boards, Committees and Commissions
- RES 2024-1, Board Member Assignments to 2024 Board Committees, Special County Committees and Regional Organizations, version 1

DISCUSSION

Transparency is one of the most important traits of successful governance. Government transparency is the practice of making government actions, decisions, and data accessible to the public to promote accountability and trust. It is important because it holds officials responsible for their actions and enables citizen participation. Making agendas and minutes available to the public ensures that government actions are transparent. It allows citizens to follow discussions, provide feedback and ensure that their voices are heard.

For these reasons, the Grand Jury decided to examine the general operation of County BCCs, public ease of access to their information, and more specifically, the availability of their agendas and meeting minutes.

Finding County BCC Websites

There is no master list of all County BCCs contained on the County main website. Information regarding all existing BCCs must be compiled from multiple County website sources such as:

- Board of Supervisors Standing Committees list
  www.contracosta.ca.gov/1739/Board-Standing-Committees

- District 2 Standing Committees list
  https://ca-contracostacounty3.civicplus.com/3528/Committees

- Public Meetings Agenda Center list
  www.contracosta.ca.gov/AgendaCenter

- Board of Supervisors Appointed Boards, Commissions & Committees list (which provides a link to the Boards & Commissions Database)
  www.contracosta.ca.gov/3418/Appointed-BCCs-Committees-Commissions

- Boards & Commissions list (accessed on the County's Granicus.com web service) *http://contra-costa.granicus.com/boards/w/b7a9779a56d394f7*

- External Meeting Agendas list (custom website list from the County Clerk of the Board website, accessed from tab in Legistar) *https://www.contracosta.ca.gov/10336/External-Meeting-Agendas*

- Committees list (showing only committees staffed by the County Administrator's office) *www.contracosta.ca.gov/2285/Committees*

- Municipal Advisory Councils (MAC) list (provides input on unincorporated communities) https://www.contracosta.ca.gov/1773/Municipal-Advisory-Councils-MACs

- Municipal Advisory Councils, District 3 list *www.contracosta.ca.gov/6444/Municipal-Advisory-Councils*

- The Maddy Book and Local Appointments List for 2025 *www.contracosta.ca.gov/DocumentCenter/View/85171/2025-Local-Appointments-List-Maddy-Book*

- List of BCCs contained in the County's new meeting data repository Legistar *contra-costa.legistar.com/Calendar.aspx*

As of January 19, 2025, the Grand Jury identified 111 active BCCs in Contra Costa County (See Appendix A). Information for nine (eight percent) of those BCCs could not be accessed online because of broken links on the BCC's website or no BCC website at all.

Finding BCC Agendas and Minutes

It is one thing to find a BCC website. It is quite another to find its agendas and minutes. Online access to meeting agendas and minutes consists of several iterations. A few BCC's post their agenda and minutes files directly on their website. Whereas most BCC websites contain links to one or two of the County's repository database applications, AgendaCenter or Legistar, into which agenda and minutes files are posted and then displayed. From each of the BCC websites, the Grand Jury determined whether the site contained links to posted agenda and minutes files.

Until recently, a web-based database system called AgendaCenter was the County's legacy database for storing and displaying all BCC agendas and minutes. The County is now transitioning to a new system called Legistar. In August 2024, AgendaCenter was made unavailable for posting additional agendas and minutes. Going forward, all BCCs must post agendas and minutes in Legistar.

Of the identified County BCCs, the Grand Jury inspected each BCC's website and determined that, as of January 19, 2025:

- 42 percent (47 of 111) of BCCs do not have agendas posted in Legistar
- 56 percent (62 of 111) are not posting meeting minutes in Legistar
- Of those minutes posted in Legistar, over half (27 of 49) are posted incorrectly, with links to their approved minutes not in the Minutes column of Legistar but buried within Legistar agenda packets.

Note that some BCCs meet infrequently and may not have had the opportunity within the time frame of our investigation to approve minutes in a Legistar agenda packet and subsequently post them into the Minutes column of Legistar. However, there were many instances of BCC's that met regularly yet continued to leave links to their approved minutes files in agenda packets.

Because of the transition to Legistar, County BCC agendas and minutes are now spread across two database applications, depending on when a BCC makes the transition. New data goes into Legistar while older data remains in AgendaCenter. Both have different interfaces and search tools. For this reason, the county considered copying the data from AgendaCenter to Legistar. However, the cost to reconcile the structural differences between the two systems precluded this effort. Going forward, links to one or both applications will be included on a BCC website depending on whether it contains records in that system.

BCC Oversight

The County's Internal Operations Committee (IOC) oversees BCC operations and compliance with applicable County policies. In 2012, the BOS adopted a regular, ongoing review process, formalized by Resolution 2012/261, which directs the IOC to review all advisory BCCs every three years. The purpose of the triennial review is to allow the BOS to evaluate the purpose, performance, and effectiveness of appointed BCCs. Since the installation of the triennial review process, three full rounds, as well as the first of a second round of reviews, are complete.

The triennial report process focuses on advisory BCC's. With a few exceptions noted in the report, 17 BCCs are identified as exempt from the review because their governance is fully independent of the County, they are a temporary (ad-hoc) BCC, or they advise a body other than the BOS.

The review begins with a survey (see Appendix B) to examine BCC compliance with public meeting requirements. Each of the BCCs is required to answer a variety of questions and provide materials as part of the review. The survey includes the following topics:

- Staffing and Contact Information – basic administrative support to the BCC
- Membership – Composition, Members, Vacancies, Turnover, Recruitment
- Meetings – Schedule, Attendance, Meeting cancellation rate, Subcommittees
- Community information – Outreach, Stakeholder engagement
- Meeting notices - Postings of BCC information, meeting agendas and minutes.

- Mission and purpose – Regulations, Bylaws, Responsibilities, Consistency
- Budget – Operating budget, Supporting organizations
- Challenges – Concerns, Affected persons/organizations, Recommendations
- Impact and accomplishments – Achievements and effectiveness

Each BCC is also required to provide agendas and minutes for its previous five meetings, by-laws currently in effect, and the most recent annual report if required. The review process requires the staff of the Clerk of the Board to review the agendas for whether the agenda descriptions are adequate for a layperson or outsider to understand what would be discussed at the meeting.

The Clerk of the Board and the IOC review the responses from each BCC. From the analysis, a formal report is distributed that includes an assessment of each reviewed BCC and identifies recommendations for improved performance. Such recommendations may include a reminder that agendas must be posted to the Contra Costa County website.

For 2022, 2023 and 2024, each triennial report explains the origin of the review process and the three phases of the review. It also states the year each phase was completed and the number of BCCs reviewed in each phase. Finally, the report includes a description of the purpose and function of the advisory BCC and a summary of the IOC's findings and recommendations.

The triennial review process is providing sufficient oversight to ensure the BCCs perform as required and provide the information that is beneficial to the BOS and the community at large.

FINDINGS

F1. The current County triennial review process for County BCCs provides an effective way to measure and thereby manage their operation and oversight because it establishes a predictable, thorough examination.

F2. As of January 19, 2025, eight percent (nine of 111) of County BCCs have no website or other online presence making it difficult for the public to obtain information about the existence, purpose, membership and progress of these BCCs.

F3. The 111 existing BCC websites are spread across multiple department web pages on the County's main website, making online BCC information difficult to find.

F4. There is no master list of all County BCCs contained on the County main website.

F5. As of January 19, 2025, 42 percent (47 of 111) of County BCCs do not have agendas posted in Legistar, the County's BCC data repository, which results in a lack of transparency to the public.

F6. As of January 19, 2025, 56 percent (62 of 111) of County BCCs do not have their meeting minutes posted in Legistar on the central County website, resulting in a lack of transparency to the public.

F7. As of January 19, 2025, of the 49 County BCCs that post their minutes in Legistar, 27 (55 percent) incorporate them into the agenda packets rather than in the Minutes column of Legistar, making it difficult to locate meeting minutes.

F8. Historic County agenda and minutes data are stored and accessed in two different applications, Legistar and AgendaCenter, which can make the information difficult to find.

F9. Even though it is preferred to use only one system, Legistar, to access meeting agendas and minutes, those presently contained in AgendaCenter cannot easily be moved or copied to Legistar due to technological constraints too costly to overcome.

RECOMMENDATIONS

R1. The Board of Supervisors should consider requiring each County board, commission, and committee to create a basic internet presence by June 1, 2026, that includes, at minimum, links to their charter (if available), by-laws (if available), membership information, agendas, and minutes.

R2. The Board of Supervisors should consider directing the appropriate staff to create, by January 1, 2026, an online master list of all County BCCs where each listing contains a link to the associated BCC website and a link to the master list is made available on the home page of the main County website and on the home page of Legistar.

R3. The Board of Supervisors should consider directing each County BCC to post all meeting agendas and minutes in the appropriate section of Legistar on the central County website by January 1, 2026.

REQUEST FOR RESPONSES

Pursuant to California Penal Code § 933(b) et seq. and California Penal Code § 933.05, the 2024-2025 Contra Costa County Civil Grand Jury requests responses from the following governing BCCs:

Responding Agency	Findings	Recommendations
Contra Costa County Board of Supervisors	F1-F9	R1-R3

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

APPENDIX A

A List of All Contra Costa County Boards, Councils, Commissions & Committees As of January 19, 2025

2020 Census Complete Count (Ad Hoc) Steering Committee
Abandoned Vehicle Abatement Service Authority
Advisory Council on Aging
Affordable Housing Finance Committee
African American Holistic Wellness Hub Committee
Agricultural Advisory Task Force
Airport Committee
Airport Land Use Commission
Alamo Municipal Advisory Council
Alamo Police Services Advisory Committee (CSA P-2B)
Alamo-Lafayette Cemetery District Trustees
Alcohol and Other Drugs Advisory Board
Arts & Culture Commission (Outsourced)
Assessment Appeals Board
Aviation Advisory Committee
Bay Point Municipal Advisory Council
Behavior Health Board
Bethel Island Municipal Advisory Council
Blackhawk Police Services Citizens Advisory Committee (Area P-2A)
Board of Supervisors Compensation Committee
Byron Municipal Advisory Council
Byron-Brentwood-Knightsen Union Cemetery District Board of Trustees
Commission for Women and Girls
Community Advisory Board on Public Safety Realignment
Contra Costa Community Corrections Partnership
Contra Costa Community Corrections Partnership Executive Committee
Contra Costa Council on Homelessness
Contra Costa County Countywide Oversight Board
Contra Costa County Employees Retirement Association (CCCERA)
Contra Costa County Fire Protection District Advisory Fire Commission
Contra Costa County Transportation Authority Citizens Advisory Committee
Contra Costa Health Plan Joint Conference Committee

Contra Costa Resilient Shoreline Ad-hoc Committee
County Connection Citizens Advisory Committee
County Service Area P-2A (Blackhawk) Citizens Advisory Committee
County Service Area P-5 (Roundhill) Citizens Advisory Committee
County Service Area P-6 (Discovery Bay) Citizens Advisory Committee
Countywide Bicycle & Pedestrian Advisory Committee
Countywide Oversight Board
Covid 19 Economic Impact and Recovery Committee
Crockett-Carquinez Fire Protection District Fire Advisory Commission
Debt Affordability Advisory Committee
Development Disabilities Council (all elected members)
Diablo Municipal Advisory Council
Dougherty Valley Oversight Committee
East Bay Regional Park District's Park Advisory Committee - BOS Appointee
East Contra Costa Habitat Conservancy
East Richmond Heights Municipal Advisory Council
Economic Opportunity Council
El Sobrante Municipal Advisory Council
Emergency Medical Care Committee
Emergency Services Policy Board
Equal Employment Opportunity Advisory Council
Equity Committee (previously: Hiring Outreach Oversight Committee)
Family & Children's Trust Committee
Family and Human Services Committee
Finance Committee
First 5 Contra Cost Children and Families Committee
Fish and Wildlife Committee
Governing Body of the Green Empowerment Zone
Hazardous Materials Commission
Head Start Policy Council
Historical Landmarks Advisory Committee
Housing Authority - BOS Appointees
Illegal Dumping Ad Hoc Committee
In-Home Supportive Services Public Authority Advisory Committee
Industrial Safety Ordinance/Community Warning System Ad Hoc Committee
Integrated Pest Management Advisory Committee
Internal Operations Committee
Iron Horse Corridor Management Program Advisory Committee
Juvenile Justice Commission
Juvenile Justice Coordinating Council
Keller Canyon Mitigation Fund Review Committee
Kensington Municipal Advisory Council

Knightsen Town Advisory Council
Legislation Committee
Library Commission (BOS Appointments Only)
Local Enforcement Agency Independent Hearing Panel
Local Planning and Advisory Council for Early Care and Education (LPC)
Los Medanos Health Advisory Committee
Managed Care Commission
Measure X Community Advisory
Measure X Community Fiscal Oversight
Medical Services Joint Conference Committee
Merit Board
Mosquito and Vector Control
North Richmond Municipal Advisory Council
North Richmond Waste and Recovery Mitigation Fee Committee
Northern Waterfront Economic Development Initiative Ad Hoc Committee
Open Space/Contra Costa County and East Bay Regional Park District Liaison Committee
Pacheco Municipal Advisory Council
Planning Commission
Pleasant Hill BART Leasing Authority
Public Law Library Board of Trustees
Public Protection Committee
Racial Justice Oversight Body
Regional Measure 3 Oversight Committee
Resource Conservation District
Rodeo Municipal Advisory Council
Sustainability Committee-implement CLIMATE action plan
Sustainability Commission
TRANSPLAN- Committee
TRANSPLAN- Technical Advisory Committee
Transportation, Water and Infrastructure Committee
Treasury Oversight
Tri Delta Transit Authority BOD
Tri Valley Transportation Council
Tri Valley Transportation Council - Finance Subcommittee
Western CC County Transit Authority BOD
Workforce Development Board
Zoning Administrator

APPENDIX B

Contra Costa County Board of Supervisors
Triennial Sunset Review of Appointed Boards, Committees, & Commissions

PART I: QUESTIONS

STAFFING & CONTACT INFORMATION

Name of Advisory or Independent Body:

Name of Person Completing the Triennial Review Survey:

Chairperson Name:

Main Staff Person Name:

Staff Agency/Department:

Main Staff Telephone Number:

Main Staff Email:

Website (enter "N/A" if the body does not have a website):

How many staff members provide support for this body?

On average, how many hours per week of staff support does this body utilize?

MEMBERSHIP

1. How many authorized, voting seats are on the body?

2. How many authorized, voting seats are currently filled?

3. Does the body have a sufficient number of members to achieve its mission?

☐ Yes
☐ No

If "No", do you recommend an adjustment to the number of seats (an increase, decrease, or other restructuring)?

4. Does the body have a sufficient composition of members/types of seats to achieve its mission?

☐ Yes
☐ No

If "No", please indicate which seats you would modify and why.

5. Has the body experienced any membership challenges (i.e. high vacancy rates, trouble filling seats, high member turnover, difficulty meeting quorum, or issues with recruitment and retention)?

☐ Yes
☐ No

If "Yes", please describe the membership challenges experienced.

6. Are there special qualifications, requirements, or prerequisites for members to serve on the body?

☐ Yes
☐ No

If "Yes", please explain whether the requirements are important and necessary, or describe any issues where these requirements have limited recruitment of potential candidates.

MEETINGS

1. How many "full body" meetings were scheduled during the last 36 months?

2. How many "full body" meetings were cancelled during the last 36 months?

3. How many "full body" meetings were cancelled during the last 36 months *specifically due to lack of quorum*?

4. How many subcommittees does the body have and how frequently do they meet?

COMMUNITY INFORMATION, OUTREACH & MEETING NOTICES

1. How does the body engage stakeholders and the general public on issues and

programs within the body's area of responsibility?

2. How are stakeholder and public input incorporated into the body's mission and objectives?

3. What outreach efforts are undertaken to encourage public participation in meetings and sponsored activities?

4. How far in advance of the meeting date does the body post its meeting notice?

5. Where are meeting notices posted? Please note all locations, both physical and electronic.

6. What information is regularly presented to the body's members to keep them informed of the body's performance?

MISSION & PURPOSE

1. Is this body or its activities mandated by state or federal law or regulations?
   - ☐ Yes
   - ☐ No

   If "Yes", please provide the citation to the applicable law.

2. What is the <u>original</u> purpose and responsibility of the body, as prescribed in its establishing documents?

3. Have there been major changes to the body's responsibility (such as changes in legal mandates or in the major activities that it has undertaken)?
   - ☐ Yes
   - ☐ No

   If "Yes", please describe these changes.

4. Are the body's bylaws reflective of the body's current mission, purpose, and focus?
   - ☐ Yes
   - ☐ No
   - ☐ N/A - body does not currently have bylaws

   If "No", please describe how the body's current mission, purpose, or focus differ from the existing bylaws.

5. Do you recommend changes to the body's mission, purpose, or focus?

☐ Yes
☐ No
If "Yes", please explain the changes you would suggest and why.

6. What target population or priority communities are served by the body?

7. List activities, services, programs, and/or special projects the body delivers to achieve its current mission.

BUDGET

1. Does the body have an annual operating budget?
   ☐ Yes
   ☐ No

2. Does the body collaborate with any private organization (not the county or an associated governmental agency) that provides, holds, and/or disburses funds on behalf of the body, such as a "Friends" committee or other organization?
   ☐ Yes
   ☐ No

   If "Yes", please list the organization.

CHALLENGES

1. Are there any additional challenges or problems that the body has been unable to resolve or wishes to bring to the attention of County Administration and/or the Board of Supervisors?
   ☐ Yes
   ☐ No

   If "Yes", please provide a description of the challenge or concern.

   If "Yes", please also list who is affected by this challenge or problem.

   If "Yes", please also list what changes or other recommendations the committee has considered in response.

ACCOMPLISHMENTS & IMPACT

1. Describe the specific impact of the work of the body and its work in achieving its

mission.

2. Describe any effects the body has had on the target population or community.

3. Optional: Describe any additional comments on the effectiveness of the accomplishments and impact of the body. You may use this space to share additional comments about the work of the body, its effectiveness, the services it provides, or any other related achievements.

PART II: MATERIALS

Please attach or provide links to the following materials.

☐ Agendas from the last 5 meetings
- ☐ Attached; *or*
- ☐ Link:

☐ Minutes (or records of action) from the last 5 meetings
- ☐ Attached; *or*
- ☐ Link:

☐ Bylaws currently in effect
- ☐ This body does not have bylaws; *or*
- ☐ Attached; *or*
- ☐ Link:

☐ Annual Reports for the previous three years, if available, as submitted to the Board of Supervisors
- ☐ There are no annual reports for the previous three years; *or*
- ☐ Attached; *or*
- ☐ Link:

2024 – 2025 Contra Costa County Civil Grand Jury

Staffing Challenges Facing the Richmond Police Department: Diminishing Funds and Fewer Officers

Report 2503
April 26, 2025

Approved by the Grand Jury

Peter Appert
GRAND JURY FOREPERSON

5/1/25
Date

Accepted for Filing

Hon. Terri Mockler
JUDGE OF THE SUPERIOR COURT

4/30/25
Date

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

SUMMARY

This Grand Jury chose to undertake an investigation after becoming aware of continuing police department hiring and retention challenges following the reallocation of City of Richmond Police Department (RPD) funds.

In its investigation, the Grand Jury found that hiring RPD officers has been and continues to be a challenge. Although improved hiring results can be seen in recent years police officer staffing remains below the approved level of 146 with a current vacancy of 23 officers.

Raftelis Financial Consultants, Inc. (Raftelis) and Matrix Consulting Group (Matrix), provided the City with two expert reports on staffing levels. Both recommended an increase in RPD sworn officers. Neither report has been fully discussed by the City Council in a public meeting. The recommendations to increase RPD officers have not been implemented.

Additionally, the Raftelis report noted that the death of George Floyd in 2020 created a negative perception of police officers which increased the difficulty for police agencies across the country, including RPD, to successfully recruit, hire and retain officers. Furthermore, the Raftelis report noted that there is a perception that the majority of the City Council does not support the police department based on the reduction in staffing and budget and comments made by certain Council members.

In 2021, the City Council approved a reallocation of $3 million from the RPD budget and directed these funds to support the YouthWORKS Program, unhoused services, the Office of Neighborhood Safety (ONS), and a new alternative non-police community response team, ultimately known as the Community Crisis Response Program (CCRP). The CCRP has yet to become fully operational and has been unable to fulfill its mission to channel non-emergency calls to alternative policing methods and to reduce the demand on police services.

Based on our investigation, the City of Richmond should consider taking a two-pronged approach to addressing the issues of police staffing and implementation of an alternative non-police response program. The City should also consider continuing to invest in and move forward with implementing alternative policing methods such as the CCRP and the ONS. These groups, working together with the RPD, will help the community at large feel more supported, safer, and benefit from a better overall quality of life in the City. Additionally, the City should consider investing in and supporting the efforts of the RPD, with a goal of filling all vacancies and having enough police officers appropriate for a city of its size and complexity.

BACKGROUND

The killing of George Floyd by Minneapolis Police officers on May 25, 2020, resulted in violent protests across much of the country. In the immediate wake of Floyd’s death, protests arose in cities across the United States, some violent. Many protesters viewed the killing as racially motivated and called for either the defunding of, or complete elimination, of police forces.

While nearby Oakland and Vallejo experienced violent protests, Richmond weathered the storm with minimal violence. In October 2020, the Richmond City Council voted to establish a "Reimagining Public Safety Community Task Force." The 21-member Task Force was directed to find ways to transition the RPD from its "community policing" model (a proactive philosophy that emphasizes the importance of building community-police relationships and working together to combat crime) to an alternative consistent with a smaller police force.

In June 2021, the City Council approved four Task Force recommendations. Two of the recommendations provided additional funds to existing programs, YouthWORKS and the Office of Neighborhood Safety. Two new recommendations were aimed at finding safe spaces for the unhoused population and to create a non-police alternative to public safety using community-based resources—the CCRP.

To provide funding for these activities, the Task Force presented several choices to the City Council. The Council ultimately approved the reallocation of $3 million from the RPD budget which was achieved by leaving approximately 14 vacant sworn officer positions unfilled. Based on the reduced numbers, the RPD eliminated or downsized most of its specialized investigative units. The size of the Richmond police force had been in decline for several years, but post reallocation experienced a more significant drop. The following chart shows the number of approved sworn officer's positions over the years as well as actual filled numbers.

	FY'20	**FY'21**	**FY'22**	**FY'23**	**FY'24**
Approved	178*	157*	145*	145*	146**
Actual	149**	142**	120**	107**	113**

* From Raftelis report

** Provided by the City

Following the reallocation, the RPD experienced an increase in departures due to retirements and resignations. This table illustrates the departures.

	FY'20	**FY'21**	**FY'22**	**FY'23**	**FY'24**
Resigned	7	13	12	3	9
Retired	6	13	14	3	4
Total	**13***	**26***	**26***	**6***	**13***

***** Provided by the City

Insofar as it already was becoming difficult to attract new officers—a growing trend nationwide—the RPD was faced with an ongoing hiring crisis. Overall, the smaller RPD footprint resulted in increased mandatory overtime, leaving many officers exhausted.

The Raftelis report showed that in 2021 each patrol officer worked an average of 300 overtime hours. In 2022, the average rose to 358 hours. At the time of the report, the overtime hours in 2023 were projected to be 420 hours. This results in an additional eight hours per week,

effectively resulting in a six-day work week. The report highlighted the effects of overtime, indicating that fatigue can impact decision making and reaction time, potentially impacting the officers' effectiveness, as well as the safety of the officers and the public.

Finally, fewer officers on the force and many with less experience result in fewer Field Training Officers (FTO) to train new officers fresh out of the academy.

METHODOLOGY

The methods used by the Grand Jury in this investigation include:

- Interviews with current or previous employees and government officials of the City of Richmond
- Review of City Council agendas, staff reports, and minutes of meetings and review of the audio/video archive of the Richmond City Council's past meetings
- Review of two expert reports, "The Citywide Workforce Analysis Report" dated May 3, 2024, by Raftelis Financial Consulting Inc and "Police Department Emergency Services Review" dated March 6, 2023, by Matrix Consulting Group
- Review of various periodicals and online community websites

DISCUSSION

Reallocation of Police Funds

Following the murder of George Floyd in May of 2020, as well as other high-profile police actions resulting in deaths, there was a movement across the county to reduce or eliminate funding to police departments and to re-allocate those funds to alternative methods of policing. In 2021, the Richmond City Council re-allocated $3 million from the RPD budget. The City Council used a portion of that money to increase funding to an existing agency, the Office of Neighborhood Safety (ONS).

Established in 2007, the ONS's primary mission is to reduce gun violence and murders. The Council directed another portion of the money to create a new agency, the Community Crisis Response Program (CCRP). The CCRP's purpose is to respond to calls that do not appear to require a police response. The Council also allocated funds to the YouthWORKS program which aims to equip every Richmond youth ages 16-24 with the knowledge and experience they will need to be successful in real-world work environments through work-based learning, financial literacy/work-readiness workshops, and personalized one-on-one career counseling. Last, a portion of the re-allocated funds were used to provide more services for the unhoused.

The reallocation resulted in the loss of some officers to early retirement and transfer to other police departments due to a perceived lack of support for the RPD. This perception also made it more difficult to recruit new officers. The subsequent reduction of sworn officers resulted in the downsizing or elimination of specialized investigative units including the regulatory, robbery,

property crime, gang, and narcotics units. The loss of resources to these specialized units results in a more reactive police force in these areas. With fewer officers in these areas the RPD is unable to be proactive and attempt to prevent the crimes. Additionally, the reduction in officers resulted in mandatory overtime.

Since the 2021 reallocation, data reported by the City and RPD points to an increase in some categories of crime. Homicides have trended downward, as well as burglary, larceny-theft, and arson. However, sexual assault, robbery, aggravated assault and vehicle-theft have all increased. It is beyond the ability of this report to determine whether or to what extent the reallocation and/or reduction in police officers caused the increase in crime. Based on the reported statistics, it is undisputed that crime in Richmond has increased since 2021. The following is a chart of reported crimes on the City's monthly crime reporting website (ci.richmond.ca.us/4010/Crime-Stat-Reports). The Grand Jury added a column to show the change from 2021 to 2024.

	2021	**2022**	**2023**	**2024**	**2021-24 Change**
Homicide	18	18	8	11	-38.8%
Sexual Assault	86	114	100	104	+20.9%
Robbery	243	258	298	334	+37.4%
Aggravated Assault	832	857	941	997	+19.8%
Burglary	311	262	343	303	-2.5%
Larceny-Theft	1,849	1,993	1,696	1,741	-5.8%
Vehicle-Theft	1,044	1,068	1,258	1,139	+9.1%
Arson	44	34	30	33	-25%
Crime Totals	**4,471**	**4,604**	**4,674**	**4,662**	**+4.3%**

The FBI defines violent crimes to include homicide, sexual assault, robbery and aggravated assault. The chart below shows those crime numbers in Richmond from 2021 to 2024. It illustrates an increase in violent crimes every year since 2021 and an overall increase of 22.6% from 2021-2024.

	2021	**2022**	**2023**	**2024**	**2021-24 Change**
Homicide	18	18	8	11	-38.8%
Sexual Assault	86	114	100	104	+20.9%
Robbery	243	258	298	334	+37.4%
Aggravated Assault	832	857	941	997	+19.8%
Violent Crime Totals	**1179**	**1247**	**1347**	**1446**	**+22.6%**

RPD authorities believe that many crimes go unreported since, based on limited staffing, the RPD is unable to respond to all calls. Online reporting is the only option for reporting crimes to which the RPD cannot respond. The online system is not always available, making it impossible to report these crimes in any way. This results in frustration on the part of the citizens and a sentiment that the police are not fully supporting the community. This also suggests that the level of crime in Richmond is underreported in the statistics above.

City Council Lack of Support for RPD

The Richmond City Council is composed of six Council members elected by district who serve four-year alternating terms. The Mayor serves as a seventh member of the Council, is elected at large, and also serves a four-year term.

The City Council's lack of support for the RPD was highlighted by the Raftelis report which says, "However, many RPD officers reported a perception that the City Council wishes to reduce the number of staff in the Department, and that this perception has influenced officers to leave and has deterred potential candidates from applying to the Department. If the City opted to increase staffing, it could change this perception, potentially supporting recruitment and retention."

The Raftelis report provides further support by stating "another factor in Richmond is the perception the City Council does not support the Police Department, due to reductions in staffing and budget and comments made by some Councilmembers."

CCRP Establishment, Current Status

Following the 2021 budget reallocation, and subsequent creation of CCRP, the City did not hire a program manager for the CCRP until May 2024. As of April 2025, there are only three employees, the program manager and two staff members.

Leadership of the Richmond Police Officers Association (RPOA), the union that represents RPD officers, has expressed concerns that some of the proposed duties for CCRP infringe on those belonging to police officers. Because the CCRP incident response proposal represents a change in working conditions for the officers, the City and the RPOA must negotiate to resolve the issues before the CCRP program can be fully implemented. In addition, the RPOA has expressed disagreement with the fact that the City has determined that CCRP employees will become members of the SEIU Local 1021. The RPOA believes they should be represented by the RPOA based on the job duties. As of April 1, 2025, the issues remain unresolved, further delaying the CCRP full rollout.

The goal of the CCRP is to reduce the number of calls requiring a response of police officers to mental health calls, noise issues, and other similar quality of life incidents. Because of the slow rollout of the program, the CCRP has not been able to reduce the number of calls requiring RPD response. The CCRP has not yet achieved its stated goals.

The relationship between the CCRP and RPD is evolving. Originally, the City Council directed the CCRP to work independently of the RPD. However, the RPD has expressed concern that independent operation could result in CCRP being dispatched to a mental health call that results in an encounter with an armed and dangerous individual. Therefore, there have been discussions between the CCRP and the RPD to be more collaborative to determine how to respond to calls. The dispatchers will need to become fully trained so that the correct personnel will be sent to calls.

Raftelis and Matrix Reports-Staffing Recommendations

Matrix Consulting Group (March 2023) and Raftelis Financial Consulting Inc. (May 2024) delivered reports to the City. The Matrix report, commissioned by the City, deals specifically with staffing in the RPD. The Raftelis report was broader in scope, examining staffing in all areas of the City, including the RPD. The Raftelis report was mandated by the state of California following a report by the California State Auditor in 2022. Both studies recommended an increase in Richmond sworn officers. The Raftelis report recommended 27 additional police officers. The Matrix report recommended 30 additional patrol officers.

This recommendation for additional police officers is consistent with the Grand Jury's finding that the RPD is understaffed even if all open positions are filled. Based on national benchmarks the City should have 1.6 police officers per 1,000 residents. This translates to 182 police officers in Richmond. This exceeds the current budgeted approved level of 146 and is consistent with the recommendations made by both Raftelis and Matrix.

As of April 2025, the Council has not taken any action to increase the number of RPD sworn officers as recommended in the reports.

Police Recruiting and Hiring

The hiring of police officers in the RPD is challenging. The RPD has increased their recruiting success primarily with the use of social media. The RPD still has a 23% vacancy rate in sworn officers. To improve recruiting, at the December 17, 2024, Council meeting, the RPD presented an agenda item to offer various incentives to increase lateral hires of sworn officers. The incentives included are $45,000 bonus to new officers, allowing vacation accrual to recognize time spent in previous agencies, and a $5,000 bonus paid to current RPD officers who successfully recruit a lateral officer hired by the RPD.

Other jurisdictions in the Bay Area are using similar incentives to attract and retain officers. Some of the police agencies offering bonuses include Contra Costa County Sheriff ($15,000 per lateral officer hired), Antioch Police Department ($30,000 per lateral police officer hired), and Alameda Police Department ($75,000 per lateral police officer hired). This agenda item was tabled at the Council meeting. It has yet to come back for further discussion and decision.

The RPD lacks sufficient field training officers (FTO) who are qualified and willing to do field training of new officers. As a consequence, the RPD has the capability to train 10 new officers at a time. The number of officers qualified to perform field training is limited by two factors: the

police officers' length of service and the police officers' willingness to participate. Three years of service is required to perform the duties of an FTO. According to the RPD and the RPOA, some of those eligible to train others do not participate due to lack of incentive pay and the strain of mandatory overtime.

Chevron Settlement Funds

In August of 2024, the City reached an agreement with Chevron Corporation which will result in $550 million being paid to the City over the next 10 years. This represents approximately a 20 percent increase to the City's annual budget. This settles litigation between the City of Richmond and Chevron and results in an agreement to remove the Business Refining Tax measure from the ballot. The settlement payments will begin in June of 2025. The City Council has begun discussions on where these dollars will be allocated. Areas discussed by the City Council include road improvements and funding pension liabilities. As of April 2025, there have been no decisions made of how to use these funds.

FINDINGS

F1. Despite a decrease in absolute number of homicides from 18 to 11, violent crimes in Richmond, which include homicide, sexual assault, robbery, and aggravated assault have increased from 2021-2024.

F2. In 2021, the City of Richmond reallocated $3 million in Richmond Police Department (RPD) funding to community services and alternative policing proposals in Richmond.

F3. The City received two expert reports that studied staffing levels in Richmond, the Matrix report (March 2023) and the Raftelis report (May 2024).

F4. Both the Matrix and Raftelis reports found that there should be an increase in RPD sworn officers.

F5. The City Council has not taken any action on police staffing as recommended in the Matrix and Raftelis reports.

F6. An improvement in recruiting measures has resulted in an increase of hiring of new RPD officers, although staffing remains below approved levels.

F7. The RPD has the ability to train only 10 new officers at a time, using the available Field Training Officers, resulting in a limitation on the number of officers that could be hired.

F8. Reallocation of RPD funds resulted in the downsizing or elimination of specialized investigative units.

F9. Since the reallocation of RPD funds, mandatory overtime for police officers has increased.

F10. Subsequent to the reallocation of RPD funds in 2021 the City Council approved the formation of the Community Crisis Response Program (CCRP).

F11. The CCRP was formed to respond to calls involving mental health and quality of life incidents not requiring the RPD.

F12. As of April 2025, the CCRP is staffed with three people, a program manager and two staffers.

F13. As of April 2025, the CCRP is not receiving calls for service via police dispatch.

F14. The need for agreement between the City and RPOA on duties to be performed and union representation of the CCRP is contributing to CCRP's slow rollout.

F15. As a result of a legal settlement between the City and Chevron Corporation, $550 million will be coming to the City of Richmond over the next 10 years, starting in June 2025, resulting in increased revenue for the City.

F16. As of April 2025, The City Council has not determined how any of the Chevron settlement funds will be used.

RECOMMENDATIONS

R1. By January 1, 2026, the City Council should consider placing a review of the Matrix and Raftelis reports on a City Council agenda.

R2. By January 1, 2026, after a City Council meeting review of the reports, the City Council should consider following the recommendations for police officer staffing and hiring made in the Matrix and Raftelis reports.

R3. By January 1, 2026, the City Council should consider directing the City Manager to establish a timeline to implement the operations and functions of the CCRP.

R4. By January 1, 2026, the City Council should consider directing the City Manager to work with the RPD to establish a training program for dispatchers to enable dispatchers to properly send appropriate personnel to incidents for CCRP and RPD.

R5. By January 1, 2026, the City Council should consider directing the City Manager to work with the RPD to develop a plan to increase the number of Field Training Officers.

R6. By January 1, 2026, the City Council should consider directing the City Manager to work with the RPD to establish a plan to reduce officer mandatory overtime.

R7. By January 1, 2026, the City Council should consider whether to allocate some of the Chevron Corporation settlement funds to the RPD to hire and retain more officers.

REQUEST FOR RESPONSES

Pursuant to California Penal Code § 933(b) et seq. and California Penal Code § 933.05, the 2024-2025 Contra Costa County Civil Grand Jury requests responses from the following governing bodies:

Responding Agency	Findings	Recommendations
Richmond City Council	F1-F16	R1-R7

INVITED RESPONSES

Pursuant to California Penal Code § 933(b) et seq. and California Penal Code § 933.05, the 2024-2025 Contra Costa County Civil Grand Jury invites responses from the following governing bodies:

Responding Agency	Findings	Recommendations
Richmond Chief of Police	F1-F16	R1-R7

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson

725 Court Street

P.O. Box 431
Martinez, CA 94553-0091

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

2024–2025 Contra Costa County Civil Grand Jury

Contra Costa Mosquito and Vector Control "The Good Guys on Your Side"

Report 2504
May 15, 2025

Approved by the Grand Jury

Peter Appert
GRAND JURY FOREPERSON

5/21/25
Date

Accepted for Filing

Hon. Terri Mockler
JUDGE OF THE SUPERIOR COURT

5/19/25
Date

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SUMMARY

Mosquitos are the world's deadliest creatures. According to the Centers for Disease Control and Prevention (CDC), mosquitos kill more people than any other creature on Earth by spreading diseases like malaria, dengue fever, West Nile, yellow fever, Zika, and chikungunya. These diseases kill, sicken, disable, and cause birth defects. Local and national media have reported on the West Nile Virus, which is carried by the common Culex mosquito, since 1999, when it was discovered in the United States. But not as well-publicized is that the dangerous disease-carrying mosquitos, *Aedes aegypti*, were first discovered in Contra Costa County in 2022. These small, black mosquitos are recognized by black and white stripes on their backs and legs. They are aggressive daytime biting mosquitoes that can carry dengue fever, Zika, chikungunya, and yellow fever.

And the frightening reality is that these mosquitos are here in California to stay. They are our new neighbors, and they like to bite. Eradication is no longer feasible; suppression is now the only attainable goal.

Luckily, Contra Costa County has a well-run Mosquito and Vector Control District (MVCD). The problem is that county residents largely do not know about the MVCD, or they do not know what services the MVCD provides. The MVCD needs the public's help and support to meet its public health goals.

How can the public help the "good guys"—the MVCD—to do its job? They can identify and report invasive mosquitos. In Martinez in 2022, the *Aedes* danger was quickly eliminated by MVCD because a resident reported *Aedes* mosquitos before they spread to a wide area. So, too, in Antioch, a resident reported unusual day-biting mosquitos. That report was instrumental in the MVCD's large scale effort to curtail the spread of *Aedes* in Antioch in 2024.

But in May 2025, *Aedes* mosquitos were again discovered breeding in Antioch. This illustrates the need for consistent diligence in taking steps to prevent continued growth and spread.

Public awareness is an essential first step in stopping the spread. The MVCD needs residents to report suspected *Aedes* mosquitos and to be at the forefront of the fight by learning how to eliminate breeding in their yards and homes.

City leaders, schools, and other local organizations need to be supportive of the MVCD and assist in that effort. In that way, mosquito and other vector-borne diseases can be controlled before they cause widespread and difficult to stop outbreaks. An ounce of prevention is worth a pound of pesticide!

Mosquitos bite…but they do not have to suck.

CONTRA COSTA MOSQUITO & VECTOR CONTROL DISTRICT

Source: Mosquito and Vector Control District

BACKGROUND

Intrigued by news reports of the dangerous and invasive tropical *Aedes* mosquitos in neighboring counties, the Grand Jury undertook to learn more about the MVCD and the local mosquito invasion status. In particular, the Grand Jury sought to know what danger, if any, our county faces, what is being done to mitigate any problems, whether or not the public is aware of the existence and role of the MVCD and the current status of *Aedes* mosquitos.

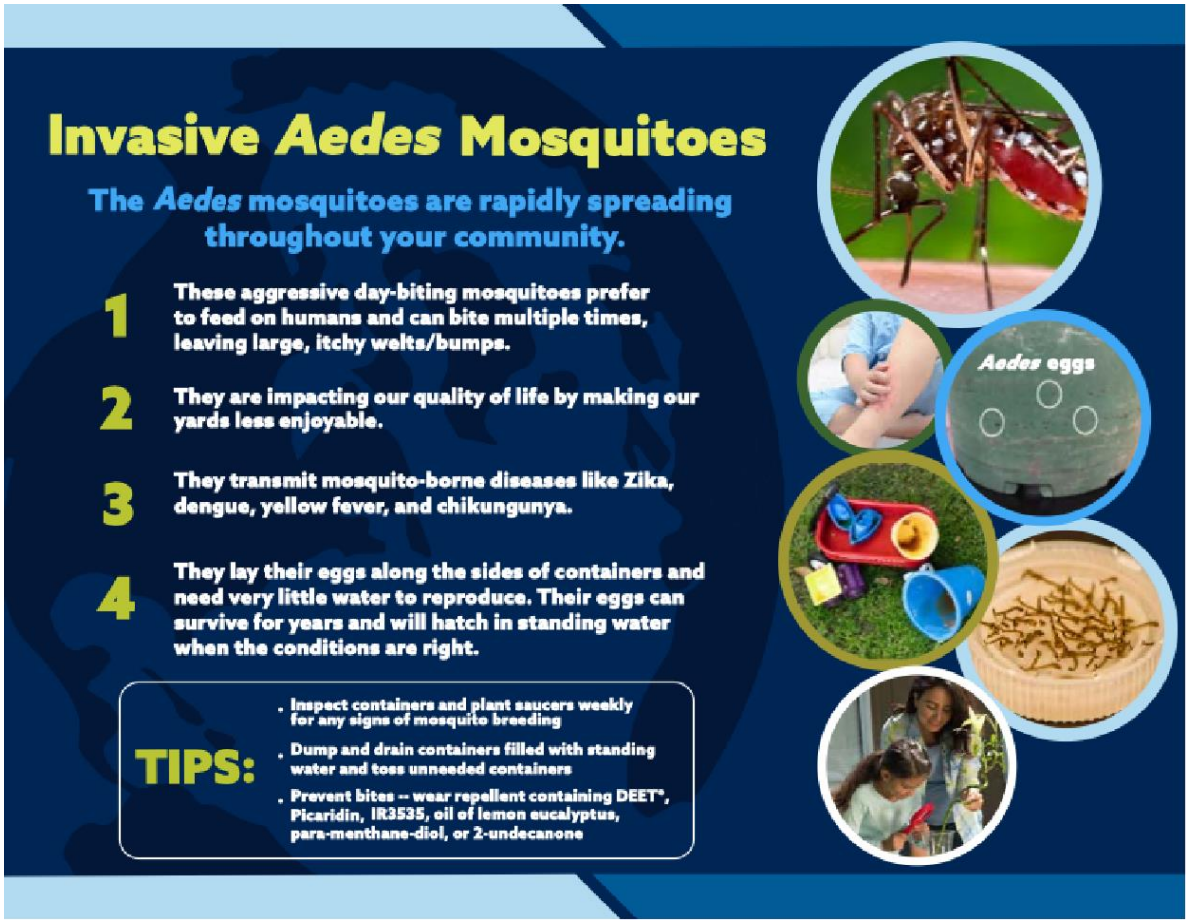
Disease-spreading mosquitos have a long history in the United States. In one year alone, 1793, yellow fever spread by the *Aedes* mosquito killed 10 percent of the population of Philadelphia-5,000 people. As a result, a large-scale government and public eradication effort was undertaken that largely eliminated *Aedes* by the mid-20th century.

However, lack of public commitment and governmental investment allowed *Aedes* varieties to reestablish in the United States. Additionally, microclimate changes are allowing *Aedes* to gain territory and survive in previously inhospitable places, such as Contra Costa County. These mosquitos can spread dangerous diseases to humans, including Zika, dengue fever, chikungunya and yellow fever.

This invasion of *Aedes* is literally hitchhiking north from Southern California, where they are able to live and multiply year-round and have been doing so since 2011. *Aedes* mosquitos require only ¼ inch of water for breeding and they lay and affix 'armored' eggs that survive for months **without** water—all of which make it easier for them to spread in residential areas. These small, individual, dry eggs can stick to items such as pots, toys, and even clothes. They can then be moved from place to place, even indoors, by unsuspecting residents.

The *Aedes* mosquitos are unlike native mosquitos. *Aedes* prefer to feed on humans and have adapted to live near humans. These "ankle biters," as they are commonly called because they fly low and bite around the legs and ankles, are primarily active during the day when people are likely to be outdoors, and they bite aggressively and often.

As the mosquito districts in Southern California are warning residents, we humans are "juice boxes of blood" for these insects and the public absolutely must help in the fight to eradicate their spread. The mosquito districts cannot do it alone.



Source: California Mosquito and Vector Control Association

METHODOLOGY

The Grand Jury used the following investigative methods:

- Reviewed responses to requests for information from the MVCD
- Conducted interviews with employees of mosquito districts and others
- Reviewed MVCD financial reports for 2022, 2023, and 2024
- Conducted online research of government agencies and news articles
- Reviewed MVCD agendas, minutes, and meeting recordings
- Reviewed City of Antioch City Council agendas and videos for the period during their mosquito infestation, September-November 2024
- Reviewed numerous documents and reports from the MVCD, neighboring county mosquito districts, and other state mosquito districts
- Observed two home inspections

DISCUSSION

The Contra Costa Mosquito and Vector Control District

The fight against devastating mosquito-borne diseases in Contra Costa County began in 1926 with the creation of an independent special mosquito district, originally formed to provide mosquito abatement services in response to mosquito overpopulation and encephalitis and malaria outbreaks. It is known today as the MVCD and is a public health agency funded by annual parcel taxes on all properties in Contra Costa County, with additional funding from benefit assessments. It is dedicated to protecting the community from vectors, which are all living organisms that can transmit diseases. In addition to mosquitos, other vectors that the MVCD protects against include rats, mice, ticks, skunks, and ground-nesting yellow jackets. Upon request, MVCD inspectors provide individual residential inspections at no charge, and give educational information regarding the inspection to the residents.

The MVCD uses a decision-making process termed Integrated Vector Management to determine the optimal use of tools for efficient, cost-effective, and sustainable control of vectors. This is an evidence-based approach which includes public education, managing vector habitat, biological control, and chemical control. Vector habitat management includes maintenance of water sources, trapping of vectors that pose health threats, and vegetation management. Biological and chemical control includes using mosquitofish and applying select bacterial and chemical insecticides to reduce mosquitos and rodenticides to control rodent threats. MVCD also actively monitors vector populations and pathogens through trapping, laboratory analysis, and direct visual inspection. Information is shared with the public to encourage reducing or preventing vector habitats on private property.

All MVCD technicians and inspectors are certified in vector control by the California Department of Public Health and renew their certification every two years. Additionally, all MVCD employees complete annual training sessions in vector biology, control products, equipment, safety procedures, vector control innovations, updates to operating procedures, current research topics, laws and regulations relevant to vector control, and instruction on the use of new software and technology. One new state-of-the art operations software, MapVision, facilitates the use of drones (unmanned aircraft) to perform surveillance controls.

The mandated annual audit of the MVCD's budget by an outside firm shows a strong financial position, with an operating surplus (revenues exceeding expenses) of more than $2 million in each of the past three fiscal years, ending June 2024.

Invasive *Aedes* Mosquitos

The MVCD, as well as the 60+ other mosquito and vector control agencies in California, want the public to be aware of the problems associated with *Aedes* mosquitos. There are no treatments for any of the diseases that can be transmitted by *Aedes*, only supportive care. While dengue, yellow fever, Zika, and chikungunya are not common in the United States, with thousands of international travelers arriving or returning to California each year from areas where these diseases occur, the potential for local transmission is increasing.

One traveler with an active infection in an area with invasive *Aedes* mosquitos can begin the spread of that disease. There have already been 18 locally acquired and spread cases of dengue fever in 2024 in Los Angeles and San Diego counties. Dengue (commonly called break-bone fever) can cause high fever, headache, body aches, nausea and rash, and can be fatal.

Non-native, invasive *Aedes* mosquitos were first detected in Southern California in 2011. They are now established in Southern California and are spreading north. They were detected as far north as Yuba and Sutter counties in 2023.

Although the MVCD provides surveillance, including mosquito traps and laboratory analysis, they cannot monitor everywhere that mosquitos can breed in a county as large as Contra Costa. In order to get the job done, the MVCD must educate the public by instructing County residents on how to monitor their own yards to identify and report invasive mosquitos.

Once invasive mosquitos become established, the danger of mosquito-borne disease increases and the quality-of-life changes. Contra Costa County needs to be as aggressive about stopping infestations as the mosquitos are aggressive about biting. Waiting until people are directly affected is waiting too long, because it would be too late to control the spread of *Aedes*. As the California Department of Health states regarding *Aedes*, "only a small number of mosquitos can be an extreme nuisance." These mosquitos:

- Bite during the day
- Bite numerous times and will follow people indoors
- Have adapted to live near people
- Use any small container that can hold water, indoors or out, to lay their eggs
- Can carry disease

Aedes mosquitos are not good neighbors!

Aedes Discoveries in Martinez, Concord, and Antioch

Invasive *Aedes* were first discovered in Contra Costa County in Martinez in August 2022 by MVCD inspectors who responded to a service request by a resident. The MVCD then conducted extensive door-to-door inspections and eradication efforts. Under California Health and Safety Code 2053 (a) and (b), the MVCD has legal authority to inspect property and can impose fines and obtain search warrants to inspect property if residents refuse to allow inspections. In Martinez, eight search warrants and the assistance of the Martinez Police were required for just two inspections. Subsequent to the efforts of the MVCD, ongoing surveillance did not detect any *Aedes* mosquitos in Contra Costa County in 2023.

In August 2024, MVCD inspectors in Concord discovered four *Aedes* mosquitos in mosquito traps that MVCD routinely places throughout the county. No additional mosquitos were found upon subsequent trapping and door-to-door inspections, which indicated to the MVCD that the four mosquitos were "hitchhikers" who were accidentally transported from elsewhere.

Then, in September 2024, an Antioch resident requested a mosquito inspection. It was during that inspection that an MVCD inspector collected the first female *Aedes* mosquito identified in Antioch. Further trapping and extensive door-to-door inspections revealed an infestation covering an approximately 1.5 square mile boundary, as opposed to the one quarter square mile boundary in Martinez. It was the largest undertaking to stop a vector of disease to date for the MVCD. And in Antioch, as in Martinez, search warrants were obtained in cases of homeowner resistance.

MCVD uniformed inspectors reported that some residents were resistant and sometimes refused to allow them to enter and inspect their yards. This is not unique to Contra Costa and has been reported by mosquito control inspectors in other counties as well. It was a factor in Martinez and Antioch, which made abatement efforts more challenging in those communities. Increased media coverage of the beneficial role and legal authority of the MVCD to inspect residential yards may assist in obtaining public awareness and support for inspections during infestations.

Aedes are breeding again in Antioch in the same area as previously located. The need for quick response and cooperation from the city and residents is essential to stop the spread.

An Expensive Problem

The effort to stop the spread of *Aedes* in Antioch was the largest vector-control undertaking in Contra Costa County by the MVCD. It included 1,524 service requests, treatment of 298 acres with larvicide, 4,750 individual letters to residents, news releases, and community educational events.

As reported by the Mosquito and Vector Control Association of California (MVCAC), *Aedes* requires unique surveillance and control methods, and also results in more service calls. In areas in Southern California where *Aedes* are more established, agencies have had to increase staff, equipment, traps, and develop additional outreach methods and materials to fight the infestation. If *Aedes* mosquitos become as widespread here as in Southern California, Contra Costa might also face major, expensive eradication efforts such as the pilot programs in Los Angeles and Orange counties to introduce x-ray sterilized male mosquitos in addition to standard eradication efforts. A different project in Fresno County is releasing 20 million male *Aedes* that have been treated with a bacterium that makes them sterile so that when they mate, the females will lay eggs that do not hatch.

According to MVCAC, the ability of *Aedes* to exploit tiny water sources makes reducing populations a labor-intensive task, which is why vector agencies are using media and door-to-door outreach to promote source prevention and elimination by residents.

Residents – The First Line of Defense

The *Aedes* mosquito infestation in Martinez was eliminated because a resident reported the mosquitos before they spread outside of a quarter mile area. And the report of an *Aedes* mosquito in Antioch alerted the MVCD to begin a large-scale eradication effort. Resident requests for

MVCD inspection when they see an unusual, day-biting mosquito are a vital first line of defense in the fight against invasive mosquitos.

In addition to asking residents to report invasive mosquitos, the MVCD also advises the public to dump and scrub any container with standing water, no matter how small, indoors or out. Scrubbing should be done with soap and water and a brush at least once a week.

Residents can be the front-line soldiers in the war against invasive *Aedes* mosquitos.

Source: Public Health Image Library (PHIL), public domain image

Support from the Board of Trustees

The MVCD has a 22-member Board of Trustees comprised of one resident from each Contra Costa County City, appointed by their respective city council, and three appointed by the Contra Costa County Board of Supervisors.

As of April 2025, there is no trustee representing Antioch, San Pablo, or Lafayette on the MCVD Board of Trustees. According to the California Special District Board Member and Trustee Handbook, trustees are more knowledgeable about issues in their cities and how to best reach out to officials to get their attention. Therefore, the MVCD must be able to call upon trustees to provide contacts in their city and influential members of their community. A trustee's job is an important one. They represent their community, ensure delivery of essential local services, function as the General Manager's boss, and make major decisions. Having a trustee from an infested area is a valuable and effective way to influence citizens and public officials. As

residents of the cities they represent, they may also have other connections to assist MVCD in getting access to people, giving presentations, and distributing educational materials.

When *Aedes* began spreading in Antioch in September 2024, the MVCD reached out to the city multiple times to request a presentation. There was no trustee representing Antioch at that time, so the MVCD reached out to a former trustee from Antioch to assist with city contacts. The MVCD was subsequently able to present to the Antioch City Council in November, which gave only a small window of time for aggressive action against *Aedes*. By November, chances to effectively decrease the population of the invasive mosquitos decreased as female *Aedes* lay their eggs and die when the temperature drops.

Gaps in Public Understanding of the Agency's Purpose and Services

According to MVCD employees and public surveys, misinformation about the MVCD, what it does, and how it does it is widespread.

In 2021, the MVCD hired a professional research firm, Wallin Opinion Research, to assess public awareness of the MVCD and its mission. The research firm conducted a live, English and/or Spanish, 400-person telephone poll, using both land and mobile phones that represented a stratified (representative) demographic of the area.

The poll found that only 11 percent of respondents understood the term "vector." When informed that a vector is any insect or animal that can transmit disease, 66 percent were concerned about disease transmittal by vectors. Significantly, 80 percent did not know that the *Aedes* mosquito strains now exist in Contra Costa County. When asked, 88 percent felt their households' actions were important to help prevent mosquito and other dangerous vector invasions.

Nearly half, 45 percent, had never heard of the MVCD.

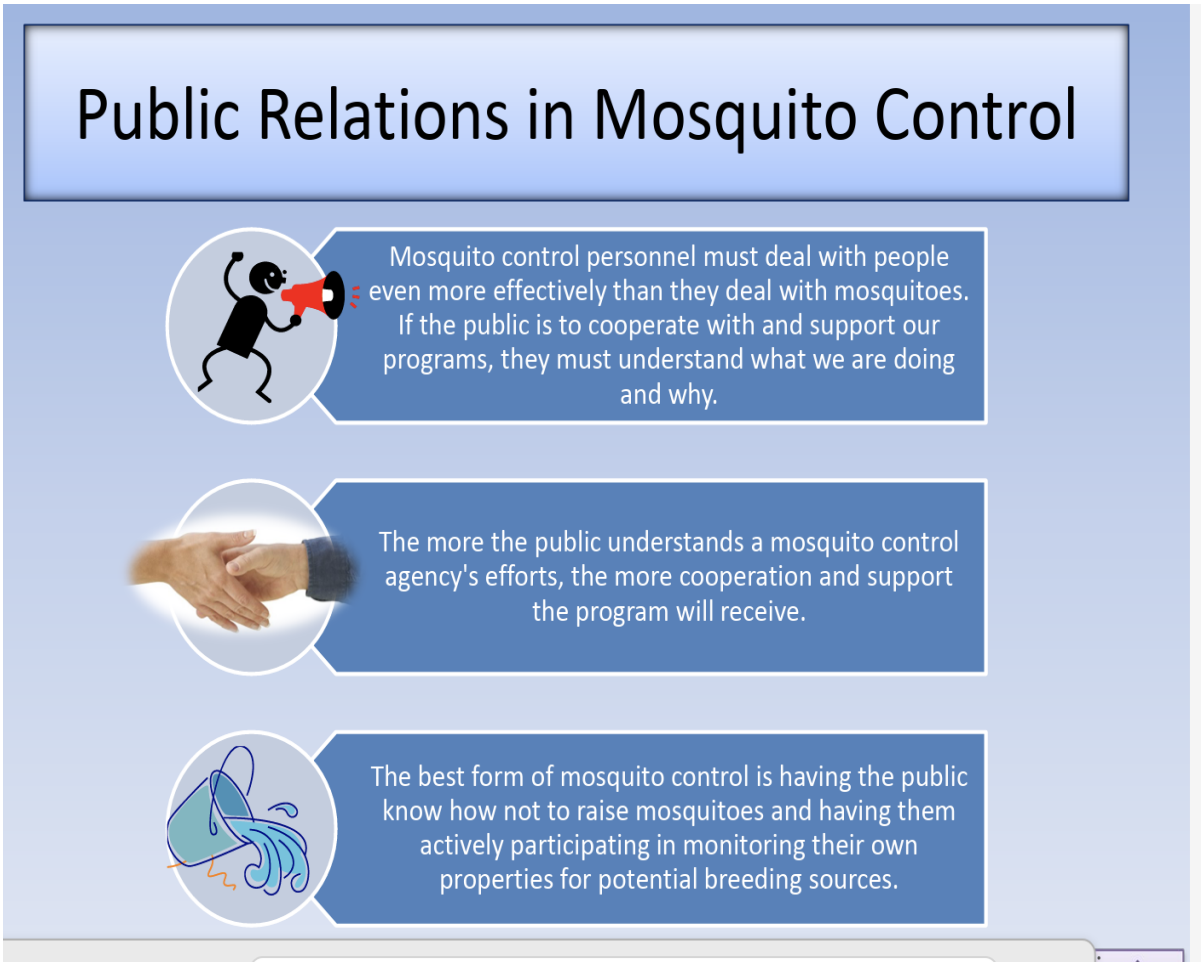
Employees of MVCD were not surprised by the lack of name recognition as they report receiving calls from citizens thinking that the MVCD is an animal control agency. And, conversely, employees of the actual animal control agency report receiving calls that should have been made to the MVCD. A stated goal of the MVCD Five Year Plan is to expand public and other agencies' understanding of the MVCD and the services it provides, as there seems to be misunderstanding. This has sometimes resulted in missed opportunities for collaboration or for providing a service.

Incomplete content on websites can contribute to this misdirection and lack of proper information. Residents often confuse the MVCD with the County's Animal Services Department, contacting one for the services provided by the other. At the same time, there is no explanation or link to Animal Services on the MVCD website, even if you type it in the search function. Similarly, there is no explanation or link to the MVCD on the Animal Services website.

Uncertainty about county services may lead to missed opportunities to detect invasive and disease-bearing mosquitos and other vectors if the public does not know which agency to

call. One uncontrolled infected yard can infect a whole neighborhood. Websites need to clearly steer the public to the correct agency.

The MCVD does not actively shine a light on its mosquito services. For example, when called to do a rodent or other vector inspection during mosquito season, the inspector does not leave the MVCD brochure on invasive mosquitos, which gives written information on how to inspect for and report *Aedes* mosquitos. Mosquitos will remain a problem in California, and the public needs to know its role in "taking the bite" out of invasive mosquitos. Inspectors have a major role in educating residents.



Source: California Department of Public Health—www.cdph.ca.org

Agency Relationship with Other Stakeholders

When it comes to invasive mosquitos, waiting until they spread diseases would be a costly, and possibly deadly, mistake. People need to information on how to avoid breeding mosquitos in their yards, and how to recognize and report them to the MVCD.

Partnerships with other government and local agencies, other counties, relevant businesses, and schools in affected areas are useful for disseminating mosquito identification and control information. A working relationship with each city council in Contra Costa County, as well as

with the Board of Supervisors for the many unincorporated areas of the County, is essential for government cooperation when there is a need to publicize an outbreak that can affect public health.

The MVCD meets with and shares information with builders and other stakeholders in new housing developments. Other opportunities include partnering with agencies such as the East Bay Municipal Utility District (EBMUD) and the Contra Costa Water District to include mosquito information in the newsletters sent to residents by these agencies that gives current mosquito alerts and suggestions for individual household mosquito abatement. In 2023, when public awareness of the West Nile virus was needed, the MVCD worked with a vendor to create custom dead bird advertising to educate the public about West Nile virus, and shared the information at events, garden stores and other relevant businesses. The MVCD also has a brochure entitled "Invasive Mosquitoes of California" that can be shared.

Regular public relations meetings with counterparts in neighboring counties are an additional and inexpensive way to increase public awareness. MVCD can collaborate with other districts by comparing news releases and social media communications as well as media sources and ideas. The MVCD's operating surplus provides a potential source of funding for promotional spending, if necessary, during public health emergencies.

Stakeholders outside of the district include all counties in California where *Aedes* is currently found. The MVCD belongs to the MVCAC, which is advocating wide-scale multi-agency cooperation to work towards new solutions for these difficult to control mosquitos. New techniques such as sterilizing male mosquitos will need wide-scale, multi-agency implementation.

Opportunities to Better Assess Public Communication Efforts

The MVCD Public Affairs department has a staff of three who utilize different avenues to educate the public. They give presentations to city councils, schools, and directly to members of the communities during events such as the Green Footprint Festival in Pittsburg, Bethel Island Boats and Berries Festival and others. They have reached out to local realtors and new housing programs to inform new residents about their services. In 2024 they hosted their first ever Cemetery Workshop on how to mitigate risks from mosquitos at cemeteries.

They also participate in the Mosquito and Vector Control Association's Legislative Day in Sacramento, and send the MVCD Annual Report to every mayor, city manager, and to each member of the Contra Costa County Board of Supervisors. They have an e-newsletter, Mosquito Bytes, to which the public can subscribe to through a page on the MVCD website, and they mail physical survey cards randomly to 30 county residents each year.

The MVCD also has a social media presence on X, Nextdoor, Facebook, and Instagram. However, the MVCD's statistics on their social media accounts show that they do not have wide coverage. Contra Costa County has a population of 1.155 million, but the MVCD has only 53 followers on Facebook, 1,432 followers on X, and 209 followers on Instagram. Its most popular

Instagram post received 100 views. They seldom use YouTube, other social media platforms, or radio and TV ads.

Posting on YouTube is a no-cost avenue to reach the public. A San Gabriel Valley Vector Control Agency YouTube public service announcement received 1,563 views. San Joaquin County Vector Control's YouTube on requesting service had 242 views. The California Association for Public Information Officials gave an award to L.A. County for its short, humorous videos that depicted relatable scenarios of people's frustrations during mosquito season.

Other mosquito districts use social media campaigns that are no-cost, community friendly initiatives that can be internally produced. Their websites include videos and games about mosquitos that appeal to children as well as contests for school students of all ages to increase mosquito awareness education. Engaging students and the public in contests to create content is not only cost-effective, it also enlightens and educates through the most currently popular avenues for each age group. World Mosquito Day, in August 2025, and Mosquito Awareness Week, in June 2026, provide opportunities for education efforts.

GovDelivery is a free, opt-in/opt-out email service that sends out public service alerts and is used by other mosquito districts.

People want to know about public health issues that can affect them; but the information needs to be simple, accessible, widespread, and repeated.

Future Concern

Rice will soon be grown on 1,700 acres of land in the Delta region of Contra Costa County (the Webb Tract and the Holland Tract) on land owned by the Metropolitan Water District of Southern California (MWD) and leased to rice farmers. The purpose of growing rice in the Delta is to stop subsidence of the land and is funded by the Delta Conservancy, a state agency (deltaconservancy.ca.gov).

Because rice provides a suitable environment for mosquitos to breed and wherever rice areas interface with urban areas mosquitos often become a public nuisance and create health problems (University of California Pest Management Publication 3465), the MVCD has educated the MWD on the MVCD's expectations regarding mosquito control and cost. The MVCD is also trying to meet with the farmer to do the same.

FINDINGS

F1. The Mosquito and Vector Control District (MVCD) uses state-of-the-art Integrative Vector Management, which includes physical, biological and chemical control of vectors, in addition to vector surveillance and public education.

F2. The MVCD had an excess of revenues over expenditures of more than two million dollars in each of the past three fiscal years.

F3. Awareness by residents of how to identify and report *Aedes* mosquitos can assist in *Aedes* control.

F4. Promotion of the MVCD's residential inspection service will aide in detection of invasive *Aedes*.

F5. Public education in how residents can eliminate *Aedes* eggs in their yards will assist in stopping the spread of invasive *Aedes*.

F6. MVCD uniformed inspectors sometimes encounter a level of misunderstanding regarding their mission, resulting in denial or delay of entry to property.

F7. When residents deny inspections, it delays mosquito identification and eradication efforts.

F8. The Antioch vacancy on the MVCD Board of Trustees contributed to a delay in the MCVD presentation on *Aedes* to the Antioch City Council.

F9. The MVCD website does not explain what activities should be reported to the Animal Services Department as opposed to the MVCD.

F10. The MVCD website does not have a link to the Animal Services Department.

F11. There are no prominent, direct links for reporting mosquitos on the home page of the MVCD website or the Animal Services Department website.

F12. The MVCD does not currently leave their educational "Invasive Mosquito Species of California" identification brochure during home inspections for other vectors.

F13. There are no current marketing partnership agreements with other counties to explore cost-effective public education and awareness.

F14. The MVCD does not currently distribute their existing *Aedes* information through relevant retail establishments and other public agencies unless requested.

F15. As of May 2025, the MVCD social media presence is limited to Facebook (60 followers), Instagram (232 followers), Nextdoor, and 1,432 followers on X.

F16. The MVCD does not cross-market educational or promotional YouTube videos on other social media platforms.

RECOMMENDATIONS

R1. By February 1, 2026, the MVCD Board of Trustees should consider directing the MVCD to explore additional avenues to educate residents on how to recognize and report *Aedes* mosquitos.

R2. By February 1, 2026, the MVCD Board of Trustees should recruit to ensure a complete Board of Trustees.

R3. By February 1, 2026, the MVCD Board of Trustees should consider directing the MVCD to work with the Animal Control Services Agency to provide a link on their websites for reporting suspected *Aedes* mosquitos to the MVCD.

R4. By February 1, 2026, the MVCD Board of Trustees should consider directing the MVCD to offer their existing brochure, "Invasive Mosquito Species of California" to residents during all requested home inspections for vectors.

R5. By February 1, 2026, the MVCD Board of Trustees should consider directing the MVCD to explore the costs of coordinating public information campaigns with neighboring counties during *Aedes* infestations.

R6. By February 1, 2026, the MVCD Board of Trustees should consider directing the MVCD to offer their existing brochure, "Invasive Mosquito Species of California" or other informational material to other public agencies and relevant retail establishments (for example garden and pool stores).

R7. By February 1, 2026, the MVCD Board of Trustees should consider directing the MVCD to provide an opt-in/opt-out email service to send alerts and news releases when *Aedes* infestations are discovered.

REQUEST FOR RESPONSES

Pursuant to California Penal Code § 933(b) et seq. and California Penal Code § 933.05, the 2023-2024 Contra Costa County Civil Grand Jury requests responses from the following governing body within 90 days of the date of the report:

Responding Agency	Findings	Recommendations
Mosquito Vector and Control Board of Trustees	F1-F16	R1-R7

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

GLOSSARY

CHIKUNGUNYA—The Chikungunya virus is spread by an infected *Aedes* mosquito. Symptoms include fever, joint pain, headache, muscle pain, joint swelling, or rash.

DENGUE FEVER—Dengue (break-bone fever) is a viral infection spread by Aedes mosquitoes. Symptoms are high fever, headache, body aches, nausea, and rash. Severe cases can be fatal.

YELLOW FEVER—Yellow fever is spread by infected *Aedes* mosquito and can be a mild febrile illness to severe, sometimes fatal disease. Vaccinations are available.

ZIKA—The Zika virus is spread by the *Aedes* mosquito and can then be spread through sex or to a fetus during pregnancy. Infection during pregnancy can cause birth defects.

The 2024 – 2025 Contra Costa County Civil Grand Jury

Clayton: Small City, Big Concerns

Clayton City Council

Report 2505
May 16, 2025

Approved by the Grand Jury

Peter Appert
GRAND JURY FOREPERSON

5/21/25
Date

Accepted for Filing

Hon. Terri Mockler
JUDGE OF THE SUPERIOR COURT

5/19/25
Date

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

SUMMARY

The Contra Costa County Civil Grand Jury investigated the operations and procedures of the Clayton City Council.

Behind the suburban face of small-town Clayton lies a City Council mired by frequent staff turnover, recurring failure to follow its own guidelines, and resistance to a revenue solution to its recurring operational budget deficit.

The Grand Jury found the turnover among the professional staff of the City exceeded that of other cities in the County. Clayton had 12 City Managers over the period 2019-2024. In comparison, the Jury found that 15 of 19 cities in Contra Costa County had one or two city managers during the same operative period of time.

Prior to 2025, the Council did not follow its own guidelines in the selection of issues to be placed on the agenda for future meetings. Moreover, the agenda-setting committee tasked with choosing items operated in a manner inconsistent with the requirements of the Brown Act.

Currently, the Council does not entertain requests by members during public meetings for items to be added to a future meeting agenda. Requests can be made only in writing and the disposition of the requests is made public only once per quarter.

The City has run a deficit in its annual operating budget since 2021, relying on its reserve funds to balance the budget. Several City Managers over this time, with expertise in public finance, have encouraged the Council to take steps to reduce or eliminate the deficit. The Council has not taken action to increase revenue.

The Council has several committees, each of which focuses on a specific area of City affairs. Some are ad hoc committees with limited scope and duration while others are subject to Brown Act requirements. The Act requires that public comment be entertained on non-agenda items during regular meetings of a Brown Act committee. In 2024, such comment was allowed during just six of 24 Brown Act committee meetings.

While Council guidelines require that committees make routine reports to the Council of their activities, this requirement was not consistently observed.

Finally, committees scheduled 48% of their meetings as special meetings during 2024. The consequence of this pattern is that the minimum public notice of the meeting is reduced from 72 to 24 hours and the committee is not required to hear any public comment on non-agenda items, limiting public participation in those meetings.

BACKGROUND

Nestled in the foothills of the Bay Area's iconic Mount Diablo, the City of Clayton is an appealing suburban community. Smallest in population (approximately 11,000) among the County's nineteen cities, Clayton offers an array of ranch-style homes, some on large lots. There are no apartment buildings. A visitor to the downtown area would find an assortment of non-chain retail shops, a post office, small offices, and a liquor shop. These are complemented by a few established restaurants and a charming central park, which includes a gazebo. Walking trails are plentiful and a private country club with a highly rated golf course lies across the main road into town. A large shopping center and grocery store in nearby Concord are about a mile and a half away.

The City is governed by a five-member Council whose members are elected at large and serve four-year overlapping terms. At the final session of the preceding year, the Council votes to appoint a Mayor from among the five Council members. The Council holds public sessions twice each month. The proceedings are live streamed, and the recordings are archived. City staff is managed by a City Manager, chosen by the City Council, and serving at the Council's pleasure.

Examination of civic newspapers, websites and town surveys reveal that the citizens of Clayton are divided between those who cherish the town's quaint, unhurried character and those who would welcome change. The City Council reflects this same philosophical divide.

METHODOLOGY

The Grand Jury referred to various sources of information to conduct its investigation.

- Interviews with subject matter experts on the issues addressed in this report
- Documents from the City dealing with personnel and finances
- Review of the online audio/video archive of the Council's past meetings, including the Council meeting agendas and minutes
- Official City documents regarding established rules and procedures for the City Council; These included the "Council Guidelines and Procedures" and applicable Municipal Code sections

DISCUSSION

High Turnover in City Staff

Qualified, experienced employees are the motive force that drives effective government. Government at all levels—state, county or city—strives to find and retain these employees to ensure the smooth execution of its mission. Poor interaction between members of a city council and their staff can lead to staff departures which, in turn, may lead to greater costs and inefficiency, as discussed below.

The Civil Grand Jury examined the level of staff turnover in the government of the City of Clayton's government, specifically the positions of City Manager, Finance Director and Community Development Director.

Since 2019, Clayton has had 12 City Managers (which includes four permanent and eight acting or interim), eight Finance Directors/Managers, and five Community Development Directors. The following tables list the names and tenures of the staff members in these offices.

Clayton City Managers 2019-2024

The City Manager is the City's chief executive officer and is responsible for implementation and enforcement of all laws the City Council adopts. The Manager hires and supervises the work of City department heads. The following table lists every City Manager since 2019:

2019	Joe Sbranti (interim)
2020	Kiani Taumoepeau
2020	Laura Hoffmeister (acting)
2020	Fran Robustelli (interim)
2021-2023	Reina Schwartz
2023	Ron Bernal (interim)
2023-2024	Bret Prebula
2024	Amy Walcker (interim)
2024	Richard McEachin (interim)
2024	Adam Politzer (interim)
2024	Regina Rubier (interim)
2024-present	Kris Lofthus

One way to put Clayton's level of City Manager turnover in perspective is to compare Clayton to other cities in Contra Costa County. As shown in the chart below, Clayton's turnover rate of 12 is more than three times that of any other city except for Antioch. Six cities had one city manager during the entire period under study.

Clayton Finance Directors/Managers* 2019-2024

The Finance Director is responsible for accounting and financial reporting, budgeting, and cash management. The table below lists every Finance Director/Manager since 2019:

2019	Kevin Mizuno
2019	Debora Allen (interim)
2020	Paul Rodrigues
2021-2022	Katherine Korsak
2023	Angeline Loeffler
2023	Natish Sharma (consultant)
2023-2024	Prapti Aryal
2024--present	Regina Rubier
	* Job title changed in 2020 from Finance Manager to Finance Director

Clayton Community Development Directors 2019-2024

The Community Development Director is responsible for administering the City's General Plan, including both business and residential elements, issuance of building permits, and code enforcement. The table below lists every Community Development Director since 2019:

2019	Mindy Gentry
2019	David Woltering

2020	Matthew Freske
2021--June 2024	Dana Ayers
July – December 2024	vacant
2025 -- present	Farhad Mortazavi (interim)

The scope of each of these positions is broad and has consequences for many City functions. Frequent turnover in these positions has these results:

- Loss of institutional knowledge.
- Low morale. Office holders are dispirited by the loss of valued colleagues and disruption of normal workflow.
- Expense of recruitment. Finding and hiring replacement employees entails costs. As an example, $26,575 was paid to Bob Murray Associates, an employment agency used by the City to recruit staff, in 2023 and 2024.

One consequence of Clayton's staff turnover is illustrated here. Following the departure of the City's Community Development Director in July 2024, the City did not hire a replacement until February 2025. One of the duties of the position is code enforcement, a responsibility that entails training and experience. The City eventually contracted with an outside professional to handle this function. The City paid 4 Leaf Inc., a contractor, $226,823 between August 2024 and April 2025 for planning staff services. Instead of continuing the contract with 4 Leaf Inc., a new position of community development technician was approved in January 2025. This position will be responsible for code enforcement as well as many other duties. The salary range is $61,000 to $75,000. Had the city not experienced turnover in the City Community Development Director position, it could have saved between $151,000 to $165,000.

The turnover in the position of Community Development Director had additional consequences for the City. This department oversees the collection of business license fees. With this position vacant, the City hired a third party to ensure collection. The firm estimated that the City had been collecting the fees from no more than 1,100 of the 2,000 businesses in the City that should be paying them. As of March 2025, the City had not yet given approval for the collection work to be performed, owing to staff turnover. According to 2023-2024 Clayton Master Fee Schedule posted on the City website, the business initial registration fee is $70. This implies lost revenue of $63,000 as there are about 900 businesses that have yet to pay the fee.

Creation of City Council Agenda

Choosing Items for Consideration

The Brown Act (Government Code, Sections 54950-54963) ensures that the deliberations and actions of California public agencies are conducted openly. To comply with the Act's intent,

public agencies, including city councils, must inform the public in advance of their regular meetings with an agenda of what topics will be discussed. Such notice must be made at least 72 hours in advance of the meeting and the Council may not deliberate or take action on any matter not on the agenda.

As the statute requires, unless a matter is placed on the agenda, the Council may not consider it at a meeting. The Council has rules for how items may be placed on the agenda.

The Clayton City Council's Guidelines, I.1.a, for agenda formation as of May 2023 were as follows:

1. The City Manager and the City Clerk will prepare a draft agenda and review it with the Mayor for finalization.
2. Any member of the Council may request that an item be placed on a future agenda by contacting the Mayor or by making a request during the Council items section of the regular meeting agenda.
3. Councilmembers who request that an item be placed on a future agenda shall provide a written description to the City Manager and the Mayor for inclusion into a future agenda report. Staff does not prepare detailed reports until directed by the City Manager or the Council as whole.
4. It is the Mayor's discretion as to which regularly scheduled meeting the requested agenda item will appear, after consultation with the City Manager regarding availability of staff time to prepare necessary reports and the extent and number of items already scheduled for each upcoming Council meeting.

Contrary to these Guidelines, the Council did not place a requested item on the agenda. Pursuant to Guideline I.1.a, one council member proposed in open session in Fall 2023 that an agenda item for the Council to direct the City Attorney to conduct an investigation of whether the Council was overstepping its bounds and creating a hostile or toxic work environment. The Council member repeated this request over the course of 15 months of Council sessions without result. The Grand Jury also reviewed a written request to the Mayor, dated March 5, 2024, making the same request for placement on the agenda. The item never was placed on the agenda.

The Guideline was amended again at the Council's meeting of January 7, 2025. Previously, a Council member could ask that an item be added to the agenda by submitting a request to either the Mayor or City Manager or by making the request during a Council meeting. The new Guideline requires that both the Mayor and City Manager be contacted in writing. Per the new Guidelines, oral requests are no longer entertained during Council meetings. In addition, the new Guidelines provide that the Mayor has sole discretion to determine whether a requested agenda item will be included in a future agenda. Previously, the Mayor's discretion was limited as to which meeting the item would be placed.

Now, the City Manager reports pending agenda items quarterly at a City Council meeting. The consequence of these changes is that members of the public no longer know in real time which agenda items have been requested and then accepted or rejected until the City Manager makes the quarterly report.

Agenda Setting Committee Meeting

Starting in early 2024, the then-City Manager implemented a new policy for agenda formation that was at variance with the Guideline above. Under the policy revision, the agenda was formulated by a committee consisting of the City Manager, City Attorney, City Clerk, Vice Mayor and Mayor. This change in policy was not announced at a Council session, nor was the change in policy incorporated into the January 7, 2025, Guidelines.

The Council's agenda setting committee acted as a sub-committee of the Council. The committee consisted of two members of the council as well as other members of staff. The committee was not established for a limited term. It met each Wednesday following City Council meetings. It had ongoing jurisdiction over specific issues. For all of these reasons the Agenda Setting Committee was subject to the notice and public meeting provisions of the Brown Act.

The Agenda Setting Committee remained operational until January 9, 2025, when, without public announcement, the agenda-setting meeting was limited to the Mayor and City Manager.

Financial Management

Citizens Financial Sustainability Committee: Establishment and Staffing

In Fall 2022, the City Council voted to approve the formation of a Citizen Financial Sustainability Committee (Resolution 76-2022). The objective given to the committee was to advise the Budget and Audit and Council on ways to reduce the City's costs and/or raise revenue to address the City's financial challenges.

The committee was formulated to be non-political and to consist of five Clayton residents approved by the City Council. Members would serve two-year terms. Applicants had to possess experience in finance, budgeting, or operations. To ensure that key experience would be represented among committee members, each of the following areas of expertise were required:

- Experience in government accounting
- Experience in government finance or budgeting
- Experience in auditing

The City Council evaluated four candidates over a period of a year and a half starting in November 2022. In Spring 2023, two members were appointed to the committee. One of the

committee members selected had a background as a certified public accountant. The second had a background in portfolio management. Neither of the areas of expertise fulfill the requirement of a government accounting background as required by Resolution 76-2022, which established this committee.

It was not until April 2024 that a third member was appointed, making a quorum. The third member had experience as a certified financial planner. The committee first met in May 2024. The committee canceled its meeting in June but did meet in August and October 2024. None of the meetings were streamed nor were minutes posted on the website. The same was true when the committee met again in February 2025. In April 2025, the City Council heard a report of the committee's activities. The committee reported that they were still waiting for information from the City, that they were not certain of their mission and were not certain that the committee should exist. In any event, in that interval of time between the committee's first meeting and their April 2025 report, the Council never reviewed the performance of the Committee nor did the Committee report to the Council contrary to the Council's guideline (N.1.h) which states "*Council shall review the performance of citizen committees no less frequently than every six months."*

Council's Failure to Heed Expert Advice on Addressing Deficit

As illustrated by the table below and according to public records, Clayton has had annual budget deficits since at least 2021.

Clayton General Fund and Expenses

	FY '20	FY '21	FY '22	FY '23
Revenue	$4,937,351	$6,509,967	$7,086,482	$5,904,558
Expenses	$5,170,437	$6,590,189	$6,810,784	$6,015,046
Net Surplus (Deficit)	($233,086)	($80,222)	$275,697	($146,483)

Although 2022-23 appears to reflect a surplus, the Clayton Annual Comprehensive Financial Report states, "Without considering the SLFRF (Coronavirus State and Local Fiscal Recovery Fund) revenue, the actual general fund expenditures for the fiscal year ending June 30, 2023, exceed the actual general fund revenue by $183,633. This deficit signifies the operational loss for the year."

Review of the Clayton Five-Year Forecast shows continued projected deficits as illustrated in the chart below:

	FY '24	FY '25	FY '26	FY '27	FY '28
Revenue	$5,411,412	$5,467,530	$5,619,336	$5,776,321	$5,989,209
Expense	$5,651,412	$6,028,710	$6,191,647	$6,572,344	$6,815,079

Net Surplus (Deficit)	($240,000)	($561,181)	($572,311)	($796,023)	($875,870)

The following statement is found in the Five-Year Forecast highlighting the need for increased revenues:

> "The structural deficit with or without the capital allocations identified above is projected to exist over the life of the forecast. The inclusion of the allocations would only grow the projected deficit to over $1 million in 2028. The City, through its recent efforts, has continued to minimize any unneeded expenses, or float in the operational budget. **If additional revenues are not achieved, the City would need to look to austerity measures to bring the budget back to structural balance [**emphasis added]. These austerity measures would not be removing any excess from the budget but rather a wholesale change in portions of the service delivery to the community. In the next section of this memo, the example of the level of reductions will be identified to allow City Council an understanding of the impact of service delivery to the community."

Between 2022 and 2024, multiple City Managers with significant education and experience in public finance advised the Council to take steps toward seeking public approval of revenue enhancement measures, such as adding a parcel tax or levying additional sales tax. The Council was advised that the City could not cut expenses as a way out of the deficit.

As of June 30, 2023, Clayton reported an unassigned General Fund (reserve) balance of $5,990,665.00. On March 5, 2024, the Council adopted a reserve policy to reduce its reserve to 40% of its General Fund expenses. In the course of its investigation, the Grand Jury confirmed that it is not advisable to rely on the unassigned General Fund balance to bridge the gap of a structurally deficit operating budget.

Since 2022, the Council has declined to take any revenue enhancement measures, saying it is waiting for direction from the Citizens Financial Sustainability Committee, but, as noted above, no such direction has been provided.

The Council's Committees

Definitions and Statewide Laws

It is the usual practice of public legislative bodies to establish committees. This allows a smaller group of individuals to study a specific topic or area with a degree of focus that would be impractical for the full legislative body.

A committee of a legislative body in California is classified either as a committee subject to the Brown Act or an ad hoc committee. (In this report, a committee subject to the rules of the Brown Act will be referred to as a "Brown Act committee.") The City Council has established seven committees.

There are four Brown Act committees:

- Budget and Audit
- City Sponsored Special Events
- Citizens Financial Sustainability
- Trails and Landscape

There are three committees that the Council refers to as ad hoc committees:

- Parking
- Clayton Business and Community Association (CBCA) Negotiation
- Governance (established February 2025, to organize a governance training workshop focusing on key topics critical to effective municipal operations)

The distinction between Brown Act and ad hoc committees is critical, as Brown Act committees must follow certain legal requirements. A Brown Act committee must do all of the following:

- Post an agenda for a regular meeting containing a brief description of each item to be addressed, at least 72 hours in advance.
- Make the meeting open to the public and hold the meeting within the body's geographic jurisdiction.
- Permit public comment on any agenda item. The public may comment on any other matters not on the agenda but limited to a time set aside for such non-agenda items.
- Limit council deliberations or actions only to those items on the agenda.

An ad hoc committee, by contrast, is not subject to the Brown Act if:

- It is composed of less than a majority of members of the legislative body;
- It is created for a limited or single purpose;
- It has a limited term and is dissolved upon completion of its charter; and
- The meeting schedule is not fixed by the legislative body.

Council-Specific Guidelines

In addition to the California requirements above, the Clayton City Council has established guidelines for the operation of its subcommittees (dated January 2025, Guidelines N.1 (a) - (i)).

1. Council Sub-Committees.

a. Sub-committee areas belong to the Council as a whole; they are not seen as territorial.

b. Sub-committees shall keep the rest of the Council fully informed. The rest of the Council is responsible for letting a sub-committee know if they want more information or to give input.

c. Before sub-committees start moving in new directions, they will obtain direction from the rest of the Council.

d. Sub-committee reports shall be submitted in writing to the City Clerk in order to be included in the next regular meeting agenda packet.

e. Sub-committee memos will be sent on an interim basis to update other Council members on: i. Issues being discussed, ii. Options being considered, iii. Progress

f. Appropriate reports will also be included in the City Manager's "Weekly Report."

g. Councilmembers may contact Department Heads or the City Manager to be briefed on any sub-committee work.

h. Council shall review the performance of citizen committees no less frequently than every six months.

i. Sub-committees are task oriented with scheduled dates of completion.

The Grand Jury reviewed the City archive for recordings and materials related to the work of the Council's committees. Our findings are presented in five sections:

Ad hoc Committee Takes Action without Council Approval

An ad hoc committee may be formed only for the study of a specific topic. Once the matter has been deliberated and reported back to the Council, the committee is disbanded. By definition, there cannot be a standing ad hoc committee.

The formation of the CBCA negotiation committee is relevant. The CBCA is a private association, formed in 1984, that supports a range of programs in the community. A portion of their revenue is raised through festivals. A Master Use Agreement between the City and the CBCA governed the duties of both parties and associated fees. On March 7, 2023, following deliberation and public comment, the Council voted 3-1 to terminate the Master Use Agreement. Two members of the City Council were then appointed to serve as an ad hoc committee to enter into a new Master Use Agreement. No mention of this committee appears on the City's website.

Committees are not decision-making bodies. They have no authority to take actions on their own. They are tasked with gathering information, conducting deliberations, formulating and providing advice and recommendations to the Council. Only the Council may direct what action, if any, may be taken. The CBCA Negotiation committee provides an example of a committee taking action without approval from the Council.

Following the termination of the Master Use Agreement between the City and the CBCA in 2023, the City Council formed an ad hoc committee to negotiate a revised agreement. The committee did not publish any agendas or minutes of any meetings that took place. The CBCA presented a best and final offer to the committee. But the committee never informed the Council of the offer in order to receive direction on whether the offer should be accepted or rejected. The CBCA Negotiation committee rejected the offer and never informed the full Council of this action at a public session. This is a violation of the Council's Guidelines concerning the scope of committee actions. At the January 7, 2025, Council meeting where other committee assignments were made, no council members were assigned to the CBCA committee indicating that it no longer exists.

Committees Fail to Report Back to Council on Activities

Committees may not operate independently of the Council. As Council Guidelines N.1.(b) and (c) state:

> "Sub-committees shall keep the rest of the Council fully informed. The rest of the Council is responsible for letting a sub-committee know if they want more information or to give input."
>
> and
>
> "Before sub-committees start moving in new directions, they will obtain direction from the rest of the Council."

The Grand Jury's review of meeting videos/minutes showed that on nine successive meetings of the full Council from February 6, 2024, through May 21, 2024, members of the City Sponsored Special Events Committee reported to the Council that they had attended the committee meeting, but there was nothing substantive to report even though a review of the City Sponsored Special Events Committee Events agenda during that period of time reflect various items were discussed.

In similar fashion, Council members reported they had participated in meeting(s) of the Parking and CBCA Negotiation Committees, but the committees provide no detail of those meetings. The Citizen Financial Sustainability Committee met three times in 2024. The committee made no report to the Council despite the requirement that they do so.

As noted, the CBCA Negotiation Committee did not report their progress to the Council as a whole. The only mentions of any negotiations are reported in Council meetings of March 15, 2023, and October 20, 2023. During those Council meetings members of the ad hoc committee simply reported that they attended meetings with the CBCA. There is no detail included about any offers made by either party. The Grand Jury found through its investigation that negotiations had taken place between the ad hoc committee and the CBCA via meetings and phone calls. These negotiations included proposals by the CBCA and subsequent rejection of the proposals by the negotiating committee. As required by the Council Guidelines, this information is required to be brought to a City Council meeting for discussion and further action.

Prior to the January 7, 2025, approval of the revised Guidelines, committee reports, even if sparse in content, were delivered to the Council orally near the end of meetings. The new Guidelines adopted on that date transition from oral reports to written form only. These written reports do not address the question of what was accomplished in these meetings. The transition to written reports only has not promoted compliance with the Guidelines nor provided transparency to the public.

Committee Meeting Minutes Not Consistently Posted

The Brown Act does not require that legislative bodies publish minutes of their meetings, but the Clayton Municipal Code (section 2.04.08.0) does require that minutes be taken. Clayton City Council committee meeting minutes sometimes are posted on the City website in a manner where they are easy to locate while at other times, they exist but are difficult to find.

The City's website contains a listing of all committee meetings held during each calendar year and indicates for each meeting if the agenda and minutes are available. As of December 17, 2024, there had been 25 meetings held across four committees during 2024. Minutes are available as a standalone document for only two of the 25 meetings. In many of these cases, minutes are attached to the agenda of the following meeting, but the practice is not consistent. The lack of consistency in reporting is demonstrated in the table below:

Committee	Meetings	Agendas	Minutes	Video
Budget & Audit	9	9	0	7
Special Events	11	11	2	0
Trails & Landscape	2	2	0	0
Financial Sustainability	3	3	0	0
Totals	25	25	2	7

Excessive Special Meetings

The Brown Act permits legislative bodies to hold special meetings subject to specific rules. The agenda must be publicly available no less than 24 hours in advance of the meeting and must clearly state what matters will be discussed. Only these specific agenda items may be discussed or acted upon during the special meeting. The meeting must be open to the public.

The following table of all committee meetings held during 2024 shows that 52% were held as special meetings:

Committee	All Meetings	Special Meetings
Budget & Audit	9	6

Special Events	11	4
Trails & Landscape	2	0
Financial Sustainability	3	3
Totals	25	13

A review of these meetings shows the only consistent fact is that they did not follow the committee's regular meeting schedule. That may seem harmless, but the end result is that the public is given only 24 hours advance notice with no opportunity for comment on non-agenda items.

Failure to agendize public comment on non-agenda items for regular meetings

Our investigation showed further that the Council does not consistently provide opportunity for public comment on non-agenda items during regular meetings of committees, as the Brown Act requires. In 2024, there were twelve regular meetings of the following committees (combined): Trails & Landscape, City Sponsored Special Events, Citizen Financial Sustainability and Budget & Audit. In only six of these 12 meetings was public comment on non-agenda items included in the agenda. The table below lists each committee, along with the number of meetings in which public comment on non-agenda items was included in the agenda over 2024:

Committee	**Regular Meetings**	**Comment on Non-Agenda Items Agendized**
Budget & Audit	3	1
Special Events	7	3
Trails & Landscape	2	2
Financial Sustainability	0	0
Totals	12	6

FINDINGS

F1: Since 2019, Clayton has had 12 City Managers, eight Finance Directors, and five Community Development Directors.

F2: The level of turnover of City Managers in Clayton is greater than other cities in the County.

F3: Prior to January 1, 2025, the City Council did not follow its established guidelines for inclusion of an agenda item despite requests over the course of 15 months by a council member to do so.

F4: Prior to January 7, 2025, the public could learn of requests for agenda item inclusion in real time when proposed by council members in open session.

F5: Subsequent to January 7, 2025, the public could learn of requests for agenda item inclusion only by an oral report of the City Manager made once per quarter.

F6: Prior to January 9, 2025, there was a City Council agenda-setting committee meeting, held regularly with the Mayor and Vice-Mayor along with the City Manager, City Clerk, and City Attorney.

F7: Committee meeting minutes are not consistently posted as a standalone document in the column provided on the City website.

F8: In 2024, 52% (13 of 25) of committee meetings were scheduled as special meetings. Consequently, opportunity for public comment on non-agenda items was eliminated.

F9: Regular meetings of committees do not consistently place on the agenda an opportunity for public comment on non-agenda items, which violates the Brown Act requirements.

F10: The CBCA Negotiation Committee neither informed nor sought approval from the Council at a public meeting for actions taken, contrary to Council Guidelines.

F11: Revenue shortfall has been identified and confirmed as an issue by several City Managers since 2022. However, while the Council has discussed the issue, it has taken no action to increase revenue.

F12: The City Council did not follow the established requirements in Resolution 76-2022 for selecting members of the Citizens Financial Sustainability Committee.

F13: Committees formed by the City Council are not authorized to take action (other than advice and recommendations) without the Council's approval.

RECOMMENDATIONS

R1: By December 1, 2025, the City Council should consider adopting a new procedure for Council Members to request items be placed on future agendas.

R2: By December 1, 2025, the City Council should consider directing the City Manager to maintain a written, on-going list—available for public view—of all items that have been requested for inclusion in the Council's agenda and either the date on which the item will be agendized or the reasons for denial of inclusion.

R3: By December 1, 2025, the City Council should consider directing all committees to post their minutes as a standalone document in the minutes column of the City website.

R4: By December 1, 2025, the City Council should consider directing all Brown Act committees to place on the agenda the opportunity for public comment on non-agenda items for all regular scheduled meetings.

R5: By December 1, 2025, the City Council should consider enforcing the Council Guidelines (City Council Guidelines and Procedures Section C.8.c) that committees come to the Council for approval of actions to be taken.

R6: By December 1, 2025, the City Council should consider directing the City Manager to conduct a study of the causes of senior staff turnover.

R7: By July 1, 2026, the City Council should consider ways to increase City revenue.

R8: By December 1, 2025, the City Council should consider following Resolution 76-2022's requirements for qualifications of members to serve on the Citizens Financial Sustainability Committee.

REQUEST FOR RESPONSES

Pursuant to California Penal Code Section 933(b) et seq. and California Penal Code Section 933.05, the 2024-2025 Contra Costa County Civil Grand Jury requests responses from the following governing bodies:

Responding Agency	Findings	Recommendations
City Council for the City of Clayton, California	F1-F13	R1-R8

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document

should be sent by email to ctaadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

2506

The 2024 – 2025 Contra Costa County Civil Grand Jury

Children and Family Services:
Challenges in Recruiting and Retaining Social Workers

Report 2506
May 16, 2025

Approved by the Grand Jury

Peter Appert
GRAND JURY FOREPERSON

5/21/25
Date

Accepted for Filing

Hon. Terri Mockler
JUDGE OF THE SUPERIOR COURT

5/20/25
Date

SUMMARY

The Children and Family Services (CFS) Bureau, a division of the Employment and Human Services Department (EHSD) of Contra Costa County, is charged with protecting and supporting children and their families. Social workers strive to ensure children's safety from abuse or neglect. They investigate reports of abuse, neglect, and exploitation and intervene when necessary, making decisions designed to serve the best interests of children. CFS does impactful and important work, and the Grand Jury commends the staff for its dedication.

Social workers can experience stress when performing their jobs. They meet with families and investigate under difficult circumstances. Parents and guardians can be wary of the inquiry, and angry at the possibility that a social worker might remove a child from the home. Those engaging in illegal activities fear the potential for discovery and arrest. When warranted, social workers recommend to the court to remove children from their families and place them with relatives, adoptive parents, or in a foster home (now referred to as a resource family). These decisions can lead to disputes with family members and other interested parties regarding the best course of action for the child.

Reflecting the difficulty of the position, CFS experiences challenges in recruiting and retaining social workers, with a current vacancy rate of 19% (31 of 167 authorized positions unoccupied), compared to an overall County average of 13%. The Grand Jury determined that CFS faces an ongoing shortage of social workers. The Jury also confirmed that understaffing increases the workload of existing staff, resulting in a negative impact on services provided to children and families, including a longer time to close cases.

This report examines the shortage of social workers at CFS. The Grand Jury identifies findings related to the understaffing of social workers, and the impact of staff shortages on children, families, and the employees themselves. The Grand Jury makes recommendations to improve the recruiting, hiring, and retention of staff to better serve children and families, and reduce the workload and stress on the existing staff.

BACKGROUND

Social workers in the Children and Family Services Bureau (CFS) of Contra Costa County have important and demanding jobs. According to the County's job description, those employed as a social worker:

> "...are responsible for dealing with an individual's or family's problems which involve abuse or neglect, with the aim of preserving adequate functioning, or improving or restoring individual or family functioning, and may include preparing and submitting written court reports and recommendations and may carry out the orders of the court. Incumbents are assigned complex and specialized caseloads which require professional skill gained through graduate studies or extensive on-the-job training. Incumbents carry cases in which the agency is under court direction or is legally responsible for the person."

In 2023, CFS received on average 1,737 reports of suspected child abuse per month. Reports of suspected abuse are processed by staff in the Emergency Response Program. Social workers and supervisors in the Program provide initial intake services and crisis intervention to children reported endangered by abuse, neglect, or exploitation. In the most serious cases, the emergency response social worker must respond within 24 hours. Intake staff refer reports of suspected child abuse to social workers for initial assessment, and those conducting the initial assessments distribute reports deemed credible to other social workers for investigation.

Social workers strive to protect at-risk children. They frequently work with families experiencing significant challenges. They provide support to parents and family members with the goal of creating a healthier environment in which the children can thrive. They keep the best interest of the child in the forefront of their actions. Occasionally, social workers investigate situations so serious they must request court approval to remove a child from the home. Social workers then identify the appropriate placement, including with a relative, or another placement such as a foster home or a group home. Social workers monitor the progress of the children and the families on their caseloads. While the desired outcome is family reunification, at times the situation calls for permanent placement outside the home.

Given the gravity of the importance of the role of social workers in protecting children, and in light of local media reports of the deaths of children in Contra Costa and other Bay Area counties, the Grand Jury chose to review CFS to ensure the protection of children in the child welfare system in Contra Costa County.

METHODOLOGY

In conducting its investigation, the Grand Jury researched information from a variety of sources, including:

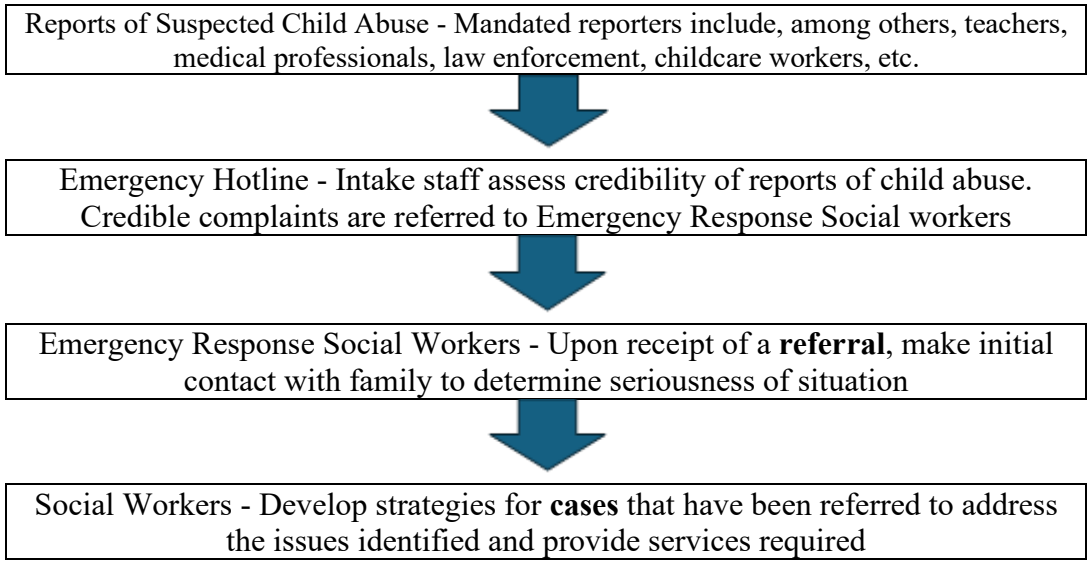
- Interviews with staff and subject matter experts with knowledge of the issues addressed in this report
- Policy and procedure documents from CFS, EHSD, and the Human Resources (HR) Department
- Websites of CFS, EHSD, and HR and other local counties
- Previous grand jury reports on the topic for background only
- Websites with recommendations on national standards for social workers
- Articles in national publications on the topics related to the child welfare system
- Data related to college attendance rates for those entering the field of social work, workplace staffing needs, and future projections of employment

DISCUSSION

CFS, a division of EHSD, serves the approximately 1.16 million residents of Contra Costa County. Nearly 39% of County residents speak a language other than English at home. Children aged 0-17 years comprise more than 250,000 County residents. Approximately 26,000 children live in a home with income below the poverty level. This socio-economic diversity increases the complexity of providing services to residents.

CFS social workers and supervisors staff an emergency response hotline 24 hours per day, seven days per week. In 2024, the hotline received more than 16,000 calls. Intake staff refer reports of suspected child abuse to social workers for initial assessment. These reports come from mandated reporters as well as anyone else who suspects child abuse. Mandated reporters include, among others, teachers, medical professionals, law enforcement, childcare workers, etc. In the most serious cases, the emergency response social worker must respond within 24 hours. CFS staff members call the initial assessments **referrals**. Approximately 41% of the reports received become referrals. When social workers assess the referrals and deem them credible, supervisors distribute them to different social workers for further investigation and resolution. At this point, they call the referrals distributed for investigation **cases**. Approximately 39% of the referrals become cases. The chart below shows the workflow:

CFS Workflow



Caseloads normally average 12-13 per social worker at any given time; this is within the guidelines for social workers recommended by the Child Welfare League of America (a coalition of hundreds of private and public agencies supporting children and families since 1920). However, social workers in the Emergency Response Unit can at times manage 30 or more referrals per social worker. The high number of referrals can contribute to job stress and potential delays in providing support to children and families in need.

Social workers have challenging and stressful jobs. They often meet with children and families in times of crisis, and in complex and traumatic situations. Social workers face a level of danger when conducting home visits. In some cases, previous instances of domestic violence and/or abuse may cause parents or guardians to fear that a social worker may remove their children from the home. Additionally, parents or guardians participating in illegal activities may fear that the investigation could lead to arrest and incarceration. In such situations, parents or guardians may feel threatened by those investigating the case. Social workers usually travel alone to homes.

CFS experiences significant challenges in recruiting and retaining social workers, in part related to the challenging nature of the job. This is a long-standing problem, both in Contra Costa County and throughout the nation. There has been extensive research on this topic[1]. As an example of this long-standing problem, in a study published by the U.S Department of Health and Human Services Children's Bureau, "Turnover of staff in social agencies has been a serious concern of agency administrators for at least the past 10 years. Repeatedly, at conferences and in the professional journals, the complaint has been heard that staff turnover (1) handicaps the agency in its efforts to provide effective social services for clients; (2) is costly and unproductively time consuming; and (3) is responsible for the weary cycle of recruitment-employment-orientation-production-resignation …" (Tollen, 1960). The Grand Jury found that these issues continue to exist in Contra Costa County in 2025.

One of the factors contributing to the difficulty in hiring social workers at CFS is a shrinking pool of students enrolled in social work majors in the western United States (California, Nevada, Arizona, Hawaii, and Guam). This leads to fewer college graduates with the credentials necessary to pursue careers in social work. The following table illustrates this trend: Today, fewer college students in the western United States (California, Nevada, Arizona, Hawaii, and Guam) enroll in social work majors, leading to fewer college graduates with the credentials necessary to pursue careers in social work. The following table illustrates this trend:

Social Worker Degree Enrollments

	Bachelor's Degree Programs				Master's Degree Programs				Total BSW & MSW Programs			
	BSW Enrolled	BSW Degrees	Western Enrolled	Est. Western BSW Degrees*	MSW Enrolled	MSW Degrees	Western Enrolled	Est. Western MSW Degrees*	Total BSW & MSW Enrolled	Total BSW & MSW Degrees Conferred	Total BSW & MSW Western Enrolled	Est. Western BSW & MSW Degrees*
2022	56,709	17,972	3,289	1,042	83,610	32,801	7,358	2,886	140,319	50,773	10,647	3,929
2021	51,951	16,780	3,325	1,074	62,888	26,514	4,025	1,697	114,839	43,294	7,350	2,771
2020	61,907	19,474	5,200	1,636	75,851	31,750	7,661	3,207	137,758	51,224	12,861	4,843
2019	56,530	18,769	3,901	1,295	68,793	29,546	8,599	3,693	125,323	48,315	12,500	4,988
2018	58,733	20,133	4,934	1,691	67,084	27,296	8,251	3,357	125,817	47,429	13,185	5,049
2017	60,306	20,295	4,885	1,644	63,569	27,270	9,218	3,954	123,875	47,565	14,102	5,598
2016	63,530	20,348	3,748	1,201	64,486	27,659	8,577	3,679	128,016	48,007	12,325	4,879
2015	62,968	19,596	3,337	1,039	60,122	25,883	8,477	3,650	123,090	45,479	11,815	4,688
2014	64,811	19,278	3,889	1,157	56,403	25,018	8,066	3,578	121,214	44,296	11,954	4,734

Source: Council on Social Work Education (cswe.org)

Notes:

(a) CSWE is the accrediting agency for Social Work degree programs
(b) Western states under CSWE definitions include California, Nevada, Arizona, Hawaii & Guam
(c) BSW = Bachelor of Social Work
(d) MSW = Master of Social Work
(e) Data for 2021 reflects the impact of Covid lockdown

*Estimated western degrees conferred assumes western enrollment percentage equals western degrees conferred percentage
Social Workers Employed in California: 92,840
Social Workers Employed in United States: 751,900
Estimated number of Social Worker Job Openings/year: 67,300 (Nationwide)

Source: U.S. Bureau of Labor Statistics

Nationally, the estimated annual demand for social workers (67,300) exceeds the annual number of graduates (50,773). Based upon U.S. Department of Labor, Bureau of Labor Statistics data, California needs approximately 8,300 new social workers per year. Currently, approximately 4,000 students graduate from colleges and universities in the western United States with degrees in social work each year. This is less than half the number of social workers needed to fill the gap in California alone. These factors contribute to reducing the pool of potential applicants from which the County may hire. Because of these issues, among others (salary issues, housing costs, limited recruiting, job stress, etc.), CFS faces challenges in hiring social worker staff.

The challenges in hiring and retaining social workers result in unfilled positions within CFS. Between 2015-2020, CFS reported an average vacancy rate of 16%. The current vacancy rate is 19%, with 31 of 167 authorized positions unoccupied. Having 31 unfilled positions negatively impacts operations within CFS. Understaffing increases the workload of existing staff, contributing to increased job stress and turnover. This was confirmed in multiple interviews with CFS staff. If all the open social worker positions were filled, there would be 31 more social workers available to share the workload. Additionally, the increased workload can result in a

negative impact on services provided to children and families, including a longer time to close cases. When a social worker leaves CFS, if that person has not entered casework notes into the computer system, the social workers taking over the open cases must re-interview and re-investigate the cases. This causes increased work for existing staff, additional stress for children and families, and delays in providing them with support.

Social Worker salaries in Contra Costa County are fractionally lower than the average of near-by counties (see table below). The differential is particularly noteworthy versus San Francisco County where the average salary for a senior social worker is approximately 13% higher than in Contra Costa. This differential has contributed to staff departures in Contra Costa for comparable positions with competing agencies offering higher compensation.

Social Worker Salary Comparisons - Child Protective Services

County	Level II	Level III	Job Title
Alameda	$97,578	$108,966	Child Welfare Worker
San Francisco	NA	$120,679	Protective Services Worker - Family & Children's Services
Solano	$96,750	$106,427	Social Worker - Adult or Child Services
Contra Costa	$95,238	$107,028	Social Worker - Adult or Child Services
Average	$96,522	$110,775	
Conta Costa vs. Avg.	99%	97%	

Notes:

Data based on 2025 salary schedules for each County

Salaries are an average of the minimum and maximum salary at each level

While job titles vary by county, the job descriptions are similar in each case

San Francisco County does not distinguish between Levels II and III in its Job Classifications

The HR department recruits social workers from colleges and universities within the Bay Area. They conduct little to no recruitment in other regions in California or other states. The hiring process is lengthy and cumbersome, which can discourage potential applicants. For example, the county hiring process includes 27 steps and hiring new staff members takes on average 113 days. Existing social workers must take on an increased workload until the HR department hires and trains the new staff.

EHSD implemented some changes to improve the hiring process. Since the 2023-24 fiscal year, three additional support staff have been added to facilitate the recruiting and hiring process within EHSD, including CFS. These support staff make a positive impact on hiring and reduce the number of vacancies. Between January 2024 and February 2025, the number of vacancies within EHSD has been reduced by 17%, reflecting these additions of staff. Additionally, to broaden the pool of applicants, the County lowered the educational requirements for social

workers newly hired into CFS from a Master of Social Work degree to a Bachelor of Science degree, plus relevant experience in the field.

As a tool to aid recruitment and retention, CFS developed an internship program to host university Master of Social Work (MSW) interns. Additionally, CFS supports their own employees in their MSW program by continuing their salary while they are in school and hosting them as interns. Since 2019, CFS hired eight of 28 university interns and promoted five of 23 employee interns into permanent social worker positions.

Due to the number of unfilled positions, CFS does not spend its entire personnel budget allocation each year. CFS could potentially re-allocate unspent funds on a variety of strategies designed to increase recruitment and retention. Some strategies might include participating at recruiting/hiring fairs nationally, developing an employee referral program, implementing hiring and retention bonuses, providing incentives such as student loan forgiveness and housing assistance, paying for transportation costs for candidates coming from outside of the area for interviews, paying for moving costs for newly hired employees, and developing/expanding motivational, recognition, and wellness programs for current employees. Some of the above suggested changes require consultation and agreement with employee unions.

Another potential source of funding is Measure X, a ½ cent county-wide sales tax. The tax was passed on November 3, 2020, and generates approximately $120 million each year to support a variety of services. The provisions of Measure X explicitly allow funding for early childhood services and protection of vulnerable populations.

CFS faces long-standing challenges like those encountered by child service agencies nationwide. In a 2019 Civil Grand Report (Report 1906: Protecting Children from Abuse and Neglect – A Review of Children and Family Services in Contra Costa County, May 2019), the Grand Jury noted a number of vacancies among social workers, a lengthy hiring process, heavy workloads, and a stressful work environment. While CFS has taken steps to address these issues, we note that many of the same challenges remain today.

FINDINGS

F1: The Children and Family Services staff is dedicated to the important work they do.

F2: The social worker job is challenging and stressful, contributing to the difficulty in recruiting and retaining of staff.

F3: Children and Family Services faces challenges in both hiring and retaining social worker staff.

F4: Social workers have resigned and taken positions with competing agencies offering higher pay.

F5: As of January 2025, Children and Family Services has a current social worker vacancy rate of 19%, with 31 of 167 authorized positions unfilled.

F6: Understaffing increases the workload for existing staff.

F7: The absence of a full staff of social workers can result in a negative impact on services provided to children and families, including delays in service, requirements for re-interviews, and the related stress on children and families.

F8: The hiring process is lengthy, with 27 steps and taking on average 113 days, which can potentially discourage applicants from completing the process and receiving an offer of employment.

F9: Fewer college students in the western United States are enrolling in social work majors, reducing the pool of potential applicants.

F10: Children and Family Services does not recruit for social workers at universities and colleges outside of the Bay Area or participate at recruiting/hiring fairs nationally.

F11: Children and Family Services has reduced the educational requirements from Master of Social Work to Bachelor of Science plus relevant experience, to increase the pool of potential applicants.

F12: Adding dedicated Human Resources staff to Employment and Human Services Department has aided hiring efforts.

F13: Children and Family Services does not reimburse new employees for relocation expenses.

F14: Children and Family Services does not reimburse interviewees for travel expenses.

F15: Children and Family Services provides limited motivational, recognition, and wellness programs for social workers.

F16: Children and Family Services does not have an employee referral program for social workers.

F17: Children and Family Services does not have a hiring or retention bonus program for social workers.

F18: Children and Family Services has university and employee internship programs. Since 2019, CFS hired eight of 28 university interns and promoted five of 23 employee interns into permanent social worker positions.

F19: Several of the challenges identified by the Grand Jury in 2019 (including a number of vacancies among social workers, a lengthy hiring process, heavy workloads, and a stressful work environment) still exist today.

RECOMMENDATIONS

R1: By January 1, 2026, the Board of Supervisors should consider directing the Human Resources Department and the Employment and Human Services Department to recruit for social workers at universities and colleges outside of Contra Costa County, participate at recruiting/hiring fairs nationally, and host virtual job fairs, potentially using Measure X funds as a source of funding.

R2: By January 1, 2026, the Board of Supervisors should consider directing the Human Resources Department and the Employment and Human Services Department to develop an employee referral program, potentially using Measure X funds as a source of funding.

R3: By July 1, 2026, the Board of Supervisors should consider directing the Human Resources Department and the Employment and Human Services Department to implement a hiring and retention bonuses program, potentially using Measure X funds as a source of funding.

R4: By January 1, 2026, the Board of Supervisors should consider directing the Human Resources Department and the Employment and Human Services Department to create other incentive programs for new and existing staff, such as student loan forgiveness programs and housing assistance, potentially using Measure X funds as a source of funding.

R5: By January 1, 2026, the Board of Supervisors should consider directing the Human Resources Department and the Employment and Human Services Department to expand internship programs to generate increased interest in working with CFS in Contra Costa.

R6: By July 1, 2026, the Board of Supervisors should consider directing the Human Resources Department and the Employment and Human Services Department to streamline the hiring process to reduce the time it takes to hire a social worker.

R7: By January 1, 2026, the Board of Supervisors should consider directing the Human Resources Department and the Employment and Human Services Department to develop and implement a program to pay for moving expenses for newly hired social workers, potentially using Measure X funds as a source of funding.

R8: By January 1, 2026, the Board of Supervisors should consider directing the Human Resources Department and the Employment and Human Services Department to develop and implement a program to pay for travel expenses of employees when recruiting social workers, potentially using Measure X funds as a source of funding.

R9: By July 1, 2026, the Board of Supervisors should consider directing the Human Resources Department and the Employment and Human Services Department to provide additional motivational, recognition, and wellness programs for social workers as an incentive in recruitment and retention, potentially using Measure X funds as a source of funding.

REQUEST FOR RESPONSES

Pursuant to California Penal Code § 933(b) et seq. and California Penal Code § 933.05, the 2024 -2025 Contra Costa County Civil Grand Jury requests responses from the following governing bodies:

Responding Agency	Findings	Recommendations
Contra Costa County Board of Supervisors	F1 - F19	R1 - R9

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

2507

2024 – 2025 Contra Costa County Civil Grand Jury

Measure J Citizen's Bond Oversight Committee Mt. Diablo Unified School District

A Case of Impeded Oversight

Report 2507
May 29, 2025

Approved by the Grand Jury

Peter Appert
GRAND JURY FOREPERSON

6/4/25
Date

Accepted for Filing

Hon. Terri Mockler
JUDGE OF THE SUPERIOR COURT

5/30/25
Date

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

SUMMARY

In November 2018, voters approved $150 million in bonds for Measure J, issued by the Mount Diablo Unified School District (MDUSD). As a condition of approval under Proposition 39, MDUSD was required to establish an independent Citizens' Bond Oversight Committee (CBOC). The CBOC is required to review and report on the expenditure of taxpayers' money for school construction and to verify that funds are only spent on authorized purposes.

However, MDUSD has failed to establish an independent oversight committee. The current CBOC is not independent as its bylaws are written and controlled by MDUSD. These bylaws give MDUSD the authority to control who is appointed as a member of the CBOC. In addition, under the bylaws, the CBOC is prohibited from amending the bylaws without MDUSD consent and approval. This undermines the principle of independence that is essential for effective oversight.

Further, under the California Education Code (EDCODE), MDUSD is obligated to provide the CBOC with the necessary technical and administrative support it requests. The CBOC has formally asked for independent legal counsel to support its review of Measure J expenditures, but MDUSD has failed to provide that support. The lack of independent legal representation has impeded the committee's ability to carry out its oversight duties.

As a result, the current structure and operation of MDUSD's Measure J CBOC does not satisfy the requirements of the EDCODE and does not meet the best practices for creation and operation of a CBOC.

This report provides recommendations for the MDUSD and the Measure J CBOC to follow the best practices and align with the EDCODE, to ensure the CBOC can function as an independent oversight committee on behalf of taxpayers.

BACKGROUND

Mt. Diablo Unified School District

The Mt. Diablo Unified School District (MDUSD) includes more than 50 school sites in Contra Costa County and serves approximately 29,000 students from kindergarten through grade 12, as well as adult learners. The school district serves the cities of Clayton, Concord, Pleasant Hill, portions of Martinez, Pittsburg, and Walnut Creek, and the unincorporated areas of Bay Point, Lafayette and Pacheco.

Bond Programs

In recent years, school districts across California have increased the use of general obligation school bonds as a source of funds for operational and capital expenditures. In contrast to parcel taxes and other types of bonds, which require 66 2/3 percent voter approval, general obligation bonds used for the purpose of constructing and improving school facilities require only 55 percent voter approval. The lower voter approval rate for these bonds was the result of Proposition 39, which was passed in 2000. A condition placed on a bond approved under Proposition 39 is that the district has to form a Citizen's Bond Oversight Committee (CBOC) to review and report on the proper expenditure of taxpayers' money for school construction.

In addition, the CBOC is charged with confirming the school district is in compliance with the provision of the California Constitution, which requires that no bond funds are used for any teacher or administrative salaries or other school operation expense. The passage of Proposition 39 resulted in the addition of sections to the California Education Code (EDCODE) that provide requirements for the establishment of an independent "citizens bond oversight committee." Sections 15278, 15280, and 15282 of the California Education Code (EDCODE) provide the details of the CBOC. (These sections are included in Appendix A.)

The MDUSD's bond program began with passage of Measure A in November 1989 for $90 million. This was followed by Measure C in June 2010 for $348 million and Measure J in November 2018 for $150 million. Measure A was passed prior to Proposition 39 and required approval of two-thirds of voters. It was a general obligation bond measure that provided a funding source for operational expenses including equipment and furniture. Measures C and J were issued for facility improvements and only required 55 percent voter approval. As of the end of 2024, Measures A and C have used all funds for the intended projects. Measure J still has approximately $50 million funds remaining. The Measure J funds are being used to improve student and campus safety and security measures; replace outdated electrical, mechanical, and plumbing systems; and upgrade career tech and science, engineering, and technology classrooms and labs.

Upon approval of Measures C and J, MDUSD established a CBOC for each measure. The Civil Grand Jury received a complaint relative to the Measure J CBOC regarding the MDUSD's reluctance in providing support to the committee's concerns over execution and expenditures of a major contract issued for Measure J.

Overview of Citizens' Bond Oversight Committees (CBOC)

CBOCs are all-volunteer, uncompensated committees composed of a cross section of district residents, including parents, seniors, businesses, and taxpayer advocacy organizations. The CBOC represents and reports to the taxpayers in the district. The CBOC is subject to the Brown Act, which requires all local government business be conducted at open and public meetings. The district is required by the EDCODE provisions to provide technical and administrative support to the CBOC as well as resources to publicize the conclusions and reports of the committee. The district is also to provide the CBOC with results of independent financial and performance audits, any information requested and responses to questions and concerns. All documents for the CBOC and reports are made available on a website maintained by the district: www.mdusd.org/departments/business-services/mo-home/divisions/facilities/measure-j/j-cboc.

The CBOC's purpose is to monitor district management of bond programs, and report at least annually to the public on whether the district has fulfilled the following requirements:

- Constructed the facilities or improvements promised in the bond ballot language
- Complied with laws regarding school bond program management
- Not spent bond funds on district operational costs or non-bond administrative salaries
- Performed annual financial and performance audits on the bond program

The EDCODE requires that a CBOC consist of a minimum of seven members, which includes the following five mandated categories:

- One member active in a business organization representing the business community located within the district
- One member active in a senior citizens' organization
- One member active in a bona fide taxpayers' organization
- One member who is the parent or guardian of a child enrolled in the district
- One member who is both a parent or guardian of a child enrolled in the district and active in a parent-teacher organization

The remaining members are "at large" community positions.

The CBOC provides after-the-fact review and analysis of how a school district is managing its bond construction program. CBOC does not have the authority to approve how bond funds will be spent nor to select or participate in the negotiation or awarding of any construction contracts. The school district has the sole power to make all of these financial decisions related to how the bond funds are to be spent.

METHODOLOGY

The methods used by the Civil Grand Jury in this investigation include:

- Interviews with individuals who have experience with issues related to the CBOC
- Review of MDUSD information including Bylaws, agendas, meeting minutes, documents and reports
- Review of State Proposition 39 (2000), the State's Proposition 39 Best Practices Handbook and associated sections of the California Education Code
- Review of the Little Hoover Commission (2009) Report: "Bond Spending: Expanding and Enhancing Oversight"
- Association of Bond Oversight Committees (CABOC) information and materials from other school districts with a CBOC
- Attendance via video of a Measure J CBOC meeting

CONFLICT OF INTEREST DISCLAIMER

One or more Grand Jurors recused themselves due to a possible conflict of interest and did not participate in the investigation, preparation or approval of this report.

DISCUSSION

Measure J CBOC

Measure J was passed by voters of the District in November 2018 and the Measure J CBOC was organized in March 2019. The Measure J CBOC has nine members who serve two-year terms and are termed out after three consecutive terms. The CBOC is composed of the five mandated members and four "at large" members. The committee meets quarterly. The CBOC committee member's applications are reviewed by the superintendent, who recommends them to the MDUSD for approval.

Support for the CBOC is provided by a staff member from the District's Facilities and Bond Division. There is also a member of MDUSD board who serves as a liaison.

Bylaws for the CBOC (Appendix B) were written and approved by the MDUSD in March 2019. The CBOC does not prepare and approve its own Bylaws; it uses those prepared and approved by the MDUSD. If the CBOC wants to change the Bylaws the modification requires approval by the MDUSD.

The CBOC webpage is in the Business Services Department section of the District website (Measure J CBOC - Mt. Diablo Unified School District). It is the only means by which the reports are disseminated to the public.

The CBOC's latest annual report issued in 2024 for the period between July 1, 2022 to June 30, 2023 was critical of the MDUSD Measure J performance. It indicated the committee has questions concerning the extension of a contract awarded for Measure J; the impact of the turnover in key staff supporting Measure J; and concern the MDUSD wasn't meeting the promises made to the taxpayers in the Measure J language in a "timely and efficient manner." Also, the CBOC made note of the fact that the MDUSD had not provided the requested independent legal advice to assist in their review of the extension for a Measure J contract.

CBOC Independence

The EDCODE requires that a CBOC be independent which means a CBOC is to be capable of acting on its own and is not influenced or controlled by others in matters of opinion, conduct or authority. An independent CBOC controls its operations. It has its own Bylaws that establish how it functions including organization, officers, meeting schedule, agenda, subcommittees, reviews, construction site observations and annual report preparation. It only relies of the board to provide it with the financial information required and/or requested to do its work. The school district is required to provide support relative to the operating budget of the committee, meeting locations, report publication and distribution, access to project constructors and consultants, site visits and independent advice for technical and administrative issues.

The California Association of Bond Oversight Committees (CABOC) has a list of questions which are indicative of an independent CBOC. The answer to each question should be yes.

1. Can you prepare your own agenda?
2. Can you meet whenever you want?
3. Can you approve your own bylaws?
4. Can you establish subcommittees?
5. Do you have your own budget?
6. Do you have ability to post documents to the CBOC website?
7. Does the District provide you with all documents requested?
8. Do you have independent legal counsel who works for the CBOC?
9. Do you receive and accept the annual financial and performance audit reports?
10. Does the CBOC prepare and issue its annual report including compliance opinion?
11. Can CBOC members talk with contractors, architects, consultants, and auditors without restriction?
12. Can CBOC members visit construction sites?

As further discussed below, the answer to questions #3 and #8 is NO, calling into question the independence of the Measure J CBOC.

Bylaws

The MDUSD has established the Bylaws (Appendix B) for the Measure J CBOC and has instructed the committee to use them. Changes or modifications have to be approved by the MDUSD. The Bylaws prepared by the MDUSD instruct the CBOC in what it is to do and not do and how the MDUSD will support the committee. It does not have the items specific to operating the committee. Also, the Measure J Bylaws contain a provision (Section 4 e) which limits CBOC activities to those directed by the MDUSD. But EDCODE Section 15278 (5) says the oversight activities are not limited to those listed in that section (see Appendix A).

While MDUSD has acknowledged that the CBOC can request changes in its bylaws, MDUSD also believes that any changes in the bylaws must be approved by the school board. The EDCODE is silent on this issue, neither granting nor denying a CBOC the right to create or change its own bylaws. MDUSD has taken the position that it controls the CBOC's bylaws. As a result, The MDUSD effectively controls the activities of the CBOC. An oversight committee is not an independent committee if it is controlled by the body it is supposed to oversee. The CBOC should prepare and control its own Bylaws.

Selection of CBOC Members

The present process for approving members for the CBOC does not align with the concept of independence. The MDUSD Board initially establishes and appoints members to the CBOC as required by the EDCODE. However, since the terms of CBOC members are two years, existing member appointments have to be renewed or new members approved. The process for approving committee members after the initial establishment of the CBOC involves the MDUSD soliciting applicants, the MDUSD superintendent reviewing applications and making recommendations to the MDUSD Board for approval. The MDUSD controls the committee's membership.

Some of the Measure J CBOC members are soon coming to the end of their terms. There is concern that MDUSD will not reappoint these members because they have been critical of the District's performance in the latest CBOC annual report.
In 2009, the Little Hoover Commission, an independent California State oversight agency charged with evaluating the structure, organization and operation of units of State government, issued a report "Bond Spending: Expanding and Enhancing Oversight." In reviewing the information in this report and data posted on the California Association of Bond Oversight Committees (CABOC) website (Home - California Association of Bond Oversight Committees),

there are a number of ways in which various districts organize their CBOCs to assure their independence.

One option to promote an independent CBOC is to develop a Memorandum of Understanding (MOU) between the district and the CBOC. Others involve variations that include participation of members of the CBOC and/or local civic organizations in the process of selecting and approving members for the committee. The MOU approach has been used by large districts such Los Angeles Unified School District and is best planned at the time the bond issue is proposed to the voters. Other districts have organized a committee consisting of CBOC representatives, district board members and staff that screens, reviews and approves members of the CBOC directly (without approval by the school board). The objective of these approaches is to provide an independent CBOC by reducing influence of the district overseen by the committee.

While most other districts in Contra Costa County that have active CBOCs still use approaches similar to MDUSD, other districts throughout the state have taken steps to assure the independence of CBOC members. Locally, the West Contra Costa Unified School District (WCCUSD), which is comparable in size to the District, recently (2023) changed its method of approving members for the CBOC by forming a selection committee consisting of two CBOC members, two Board of Education members and the superintendent or CBOC liaison.

The Little Hoover Commission report cited earlier, along with the CABOC website, provide options that other School Districts in California have used in choosing CBOC members. These should be considered by MDUSD in deciding on an approach to selecting and approving returning and new CBOC members. As noted in the 2009 report, “When bond oversight committee members are chosen by the entity they are supposed to oversee, they are much more likely to see their job as being a ‘fig leaf’ to cover the entity than be an independent oversight force.”

MDUSD CBOC Support

The MDUSD provides the CBOC with documents associated with the financials of the Measure J contract, contract documents, financial and performance audit reports, access to construction sites, as well as budget and staff support. However, during the CBOC’s 2024 review of a contract extension issued for Measure J, the committee requested consultation with an independent attorney. The issue in question had previously been prepared by MDUSD’s former counsel. When the CBOC initially requested legal consultation, the MDUSD offered their present legal counsel. The CBOC rejected this offer and the MDUSD then offered use of the legal firm that supported them on bond preparation. The CBOC reiterated their need for an independent counsel and provided the MDUSD with the name of an independent attorney and an estimate of 30 hours of effort expected for the consultation. The MDUSD refused to retain the

requested counsel and asked the CBOC volunteers to obtain two other proposals for the service. To date, the CBOC has not been able to obtain estimates from two additional attorneys that are willing to accept the assignment. The reluctance over the past year of the MDUSD to provide independent counsel has impeded the CBOC members in their effort to understand the issues of concern and perform as required by EDCODE.

EDCODE section 15280 (a) (1) requires that the MDUSD shall provide the CBOC with any necessary technical and administrative assistance. Legal support is one form of such assistance. By not providing the requested assistance the MDUSD is not providing the required support.

There is a precedent for a school district in Contra Costa County to provide the type of independent legal assistance the Measure J CBOC requested. One of the other large school districts in Contra Costa County (WCCUSD) has historically provided an independent attorney for consultation with its CBOC.

Additional Concern

The sole means of publicizing the required CBOC annual reports is via the MDUSD website. Thus, the information isn't widely distributed to the taxpayers. Other districts provide the information through local government, civic, business and taxpayer associations.

FINDINGS

F1. By the California Education Code, the Measure J CBOC is to be independent of MDUSD and represents and informs the taxpayers.

F2. The CBOC does not prepare its own Bylaws which detail how the committee operates.

F3. The MDUSD provides the CBOC Bylaws.

F4. The CBOC cannot modify the Bylaws without MDUSD approval.

F5. The MDUSD reviews and appoints CBOC renewing and new members.

F6. The MDUSD is required by the EDCODE to provide support to the CBOC.

F7. The CBOC does not have an independent legal consultant.

F8. The CBOC is not independent as intended by Proposition 39.

F9. The last annual report from CBOC presented negative findings.

F10. The CBOC reports are not widely distributed to the taxpayers and are only posted on the MDUSD website.

RECOMMENDATIONS

R1. By December 31, 2025, the MDUSD should recognize that California Education Code requires that the Measure J CBOC is an independent oversight committee reporting to the taxpayers and not controlled by the MDUSD.

R2. By December 31, 2025, the MDUSD should permit the Measure J CBOC to independently prepare, modify and approve the committee's Bylaws.

R3. By December 31, 2025, the MDUSD should provide assistance the CBOC has requested.

R4. By December 31, 2025, the MDUSD should include the CBOC in activities associated with screening, selection and approval of CBOC candidates for continuing and new members' positions.

R5. By December 31, 2025, the MDUSD should distribute CBOC annual reports electronically to taxpayers within the district via local governments, parent groups and civic organizations.

REQUEST FOR RESPONSES

Pursuant to California Penal Code § 933(b) et seq. and California Penal Code § 933.05, the 2023-2024 Contra Costa County Civil Grand Jury requests responses from the following governing bodies:

Responding Agency	Findings	Recommendations
Mt. Diablo Unified School District Board of Education	F1-F10	R1-R5

INVITED RESPONSES

Pursuant to California Penal Code § 933(b) et seq. and California Penal Code § 933.05, the 2024-2025 Contra Costa County Civil Grand Jury invites responses from the following governing bodies:

Responding Agency	Findings	Recommendations
MDUSD Measure J Citizen's Bond Oversight Committee	F1-F10	

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDIX A

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EDUCATION CODE - EDC

TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32527] *(Title 1 enacted by Stats. 1976, Ch. 1010.)*

DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32527] *(Division 1 enacted by Stats. 1976, Ch. 1010.)*

PART 10. SCHOOL BONDS [15100 - 17204] *(Part 10 repealed and added by Stats. 1996, Ch. 277, Sec. 2.)*

CHAPTER 1.5. Strict Accountability in Local School Construction Bonds Act of 2000 [15264 - 15288] *(Chapter 1.5 added by Stats. 2000, Ch. 44, Sec. 3.)*

ARTICLE 2. Citizens' Oversight Committee [15278 - 15282] *(Article 2 added by Stats. 2000, Ch. 44, Sec. 3.)*

15278. (a) If a bond measure authorized pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution is approved, the governing board of the school district or community college shall establish and appoint members to an independent citizens' oversight committee, pursuant to Section 15282, within 60 days of the date that the governing board enters the election results on its minutes pursuant to Section 15274.

(b) The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The citizens' oversight committee shall actively review and report on the proper expenditure of taxpayers' money for school construction. The citizens' oversight committee shall advise the public as to whether a school district or community college district is in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution. The citizens' oversight committee shall convene to provide oversight for, but not be limited to, both of the following:

(1) Ensuring that bond revenues are expended only for the purposes described in paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(2) Ensuring that, as prohibited by subparagraph (A) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, no funds are used for any teacher or administrative salaries or other school operating expenses.

(c) In furtherance of its purpose, the citizens' oversight committee may engage in any of the following activities:

(1) Receiving and reviewing copies of the annual, independent performance audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(2) Receiving and reviewing copies of the annual, independent financial audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(3) Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(4) Receiving and reviewing copies of any deferred maintenance proposals or plans developed by a school district or community college district, including any reports required by Section 17584.1.

(5) Reviewing efforts by the school district or community college district to maximize bond revenues by implementing cost-saving measures, including, but not limited to, all of the following:

(A) Mechanisms designed to reduce the costs of professional fees.

(B) Mechanisms designed to reduce the costs of site preparation.

(C) Recommendations regarding the joint use of core facilities.

(D) Mechanisms designed to reduce costs by incorporating efficiencies in schoolsite design.

(E) Recommendations regarding the use of cost-effective and efficient reusable facility plans.

(Added by Stats. 2000, Ch. 44, Sec. 3. Effective January 1, 2001.)

15280. (a) (1) The governing board of the district shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of its purpose and sufficient resources to publicize the conclusions of the citizens' oversight committee.

(2) The governing board of the district shall provide the citizens' oversight committee with responses to any and all findings, recommendations, and concerns addressed in the annual, independent financial and performance audits required by subparagraphs (C) and (D) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution within three months of receiving the audits.

(b) All citizens' oversight committee proceedings shall be open to the public and notice to the public shall be provided in the same manner as the proceedings of the governing board of the district. The citizens' oversight committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year. Minutes of the proceedings of the citizens' oversight committee and all documents received and reports issued shall be a matter of public record and be made available on an Internet Web site maintained by the governing board of the district.

(Amended by Stats. 2013, Ch. 91, Sec. 1. (SB 581) Effective January 1, 2014.)

15282. (a) The citizens' oversight committee shall consist of at least seven members who shall serve for a minimum term of two years without compensation and for no more than three consecutive terms. While consisting of a minimum of at least seven members, the citizens' oversight committee shall be comprised, as follows:

(1) One member shall be active in a business organization representing the business community located within the school district or community college district.

(2) One member shall be active in a senior citizens' organization.

(3) One member shall be active in a bona fide taxpayers' organization.

(4) For a school district, one member shall be the parent or guardian of a child enrolled in the school district. For a community college district, one member shall be a student who is both currently enrolled in the community college district and active in a community college group, such as student government. The community college student member may, at the discretion of the governing board of the community college district, serve up to six months after his or her graduation.

(5) For a school district, one member shall be both a parent or guardian of a child enrolled in the school district and active in a parent-teacher organization, such as the Parent Teacher Association or schoolsite council. For a community college district, one member shall be active in the support and organization of a community college or the community colleges of the district, such as a member of an advisory council or foundation.

(b) An employee or official of the school district or community college district shall not be appointed to the citizens' oversight committee. A vendor, contractor, or consultant of the school district or community college district shall not be appointed to the citizens' oversight committee. Members of the citizens' oversight committee shall, pursuant to Sections 35233 and 72533, abide by the prohibitions contained in Article 4 (commencing with Section 1090) and Article 4.7 (commencing with Section 1125) of Chapter 1 of Division 4 of Title 1 of the Government Code.

(Amended by Stats. 2013, Ch. 76, Sec. 27. (AB 383) Effective January 1, 2014.)

APPENDIX B

EXHIBIT B

CITIZEN'S OVERSIGHT COMMITTEE
BYLAWS

Section 1. Committee Established. The voters of the Mount Diablo Unified School District (the "District") have previously approved the issuance by the District of its general obligation bonds (the "Bonds") at an election held on November 6, 2018 approving Measure J which authorized $150,000,000 aggregate principal amount of general obligation bonds of the District ("Measure J").

The Bond election was conducted under Proposition 39, being chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 *et seq.* of the Education Code of the State ("Proposition 39"). Pursuant to Section 15278 of the Education Code, the Board of Trustees of the District (the "Board") has adopted its Resolution on March 25, 2019, establishing a citizens oversight committee for Measure J (the "Committee"). The Committee shall have the duties and rights set forth in these Bylaws. The Committee does not have legal capacity independent from the District.

Section 2. Purposes. The purposes of the Committee are set forth in Proposition 39, and these Bylaws are specifically made subject to the applicable provisions of Proposition 39 as to the duties and rights of the Committee. As used herein, the term "Bond Proceeds" means the proceeds of the Bonds which are issued by the District from time to time pursuant to Measure J. The Committee shall confine itself specifically to Bond Proceeds generated under Measure J. Regular and deferred maintenance projects and all monies generated under other sources shall fall outside the scope of the Committee's review.

Section 3. Duties. To carry out its stated purposes, the Committee shall perform duties to include the following:

3.1 Inform the Public. The Committee shall inform the public concerning the District's expenditure of Bond Proceeds. In fulfilling this duty, all official communications to either the Board or the public shall come from the Chair acting on behalf of the Committee. The Chair shall only release information that reflects the consensus view of the Committee.

3.2 Review Expenditures. The Committee shall review expenditure reports produced by the District to ensure that (a) Bond Proceeds were expended only for the purposes set forth in Measure J; and (b) no Bond Proceeds were used for teacher or administrative salaries or other operating expenses in compliance with Attorney General Opinion 04-110, issued on November 9, 2004.

3.3 Annual Report. The Committee shall present to the Board, in public session, an annual written report which shall include the following:

(a) a statement indicating whether the District is in compliance with the requirements of Article XIIIA, Section 1(b)(3) of the California Constitution;

(b) a summary of the Committee's proceedings and activities for the preceding year; and

(c) such other duties as may be assigned by the Board.

3.4. Duties of the Board/Superintendent. Either the Board or the Superintendent, as the Board shall determine, shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

(a) approval of construction contracts;

(b) approval of construction change orders;

(c) appropriation of construction funds;

(d) handling of legal matters;

(e) approval of construction plans and schedules;

(f) approval of deferred maintenance plans; and

(g) approval of any matters relating to the issuance and the sale of the Bonds.

If and to the extent directed by the Board in its sole discretion, the Committee shall perform the following types of activities:

(a) review of contracts;

(b) review of change orders;

(c) review of project management procedures and provide recommendations for improvement;

(d) provide recommendations on expenditures of the Bond Proceeds;

(e) provide recommendations on handling of legal matters;

(f) review of project plans and schedules;

(g) review of deferred maintenance plans; and

(h) provide recommendations relating to the issuance and sale of the Bonds.

3.5 Measure J Projects Only. In recognition of the fact that the Committee is charged with overseeing the expenditure of Bond Proceeds, the Board has not charged the Committee with responsibility for:

(a) projects financed through the State of California, developer fees, redevelopment tax increment, certificates of participation, lease/revenue bonds, the general fund or the sale of surplus property without Bond Proceeds shall be outside the authority of the Committee;

(b) the establishment of priorities and order of construction for the Bond projects, which shall be made by the Board in its sole discretion;

(c) the selection of architects, engineers, soils engineers, construction managers, project managers, CEQA consultants and such other professional service firms as are required to complete the project based on District criteria established by the Board in its sole discretion;

(d) the approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction methods (modular vs. permanent) which shall be determined by the Board in its sole discretion;

(e) the selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee; and

(f) the appointment or reappointment of qualified applicants to serve on the Committee, subject to legal limitations, and based on criteria adopted in the Board's sole discretion as part of carrying out its function under Proposition 39.

However, the Board may direct the Committee to review and provide recommendations on any of the above.

Section 4. Authorized Activities.

4.1 Authorized Activities. In order to perform the duties set forth in Section 3.0, the Committee may engage in the following authorized activities:

(a) receive and review copies of the District's annual independent performance audit and annual independent financial audit, required by Article XIIIA of the California Constitution;

(b) inspect school facilities and grounds for which Bond Proceeds have been or will be expended, in accordance with any access procedure established by the Superintendent of the District;

(c) review copies of deferred maintenance plans developed by the District;

(d) review efforts by the District to maximize Bond Proceeds by implementing various cost-saving measures; and

(e) other activities as directed by the Board.

Section 5. Membership.

5.1. Number. The Committee shall consist of a minimum of seven members appointed by the Board from a list of candidates submitting written applications, and based on criteria established by Proposition 39, to wit:

- One member shall be a parent or guardian of a child enrolled in the District.
- One member shall be both a parent or guardian of a child enrolled in the district and active in a parent-teacher organization, such as the P.T.A. or school site council.
- One member active in a business organization representing the business community located in the District.
- One member active in a senior citizen's organization.
- One member active in a bona-fide taxpayers association.
- Two members of the community at-large.
- Any other members as appointed by the Board.

5.2 Qualification Standards. To be a qualified to serve as a member on the Committee, such person must be at least 18 years of age. Preference will be given to those who reside within the District's geographic boundary, in accordance with Government Code Section 1020. The Committee may not include any employee, official of the District or any vendor, contractor or consultant of the District.

5.3. Ethics; Conflicts of Interest. Members of the Committee are not subject to Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code and the Political Reform Act (Gov. Code §§ 81000 *et seq.),* and are not required to complete the Form 700. However, each member shall comply with the Committee Ethics Policy attached to these Bylaws.

5.4 Term. Except as otherwise provided herein, each member shall serve a term of two years, commencing on the date of the first meeting of the Committee. No member may serve more than three consecutive terms. At the Committee's first meeting, members will draw lots or otherwise select a minimum of two members to serve for an initial one-year term and the remaining members for an initial two-year term.

5.5 Appointment. Members of the Committee shall be appointed by the Board through the following process: (a) the District shall advertise in local newspapers, on its website or by any other appropriate means, as well as solicit appropriate local groups for

applications; (b) the Superintendent will review the applications; and (c) the Superintendent will make recommendations to the Board.

5.6 Removal; Vacancy. The Board may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse or for failure to comply with the Committee Ethics Policy. Upon a member's removal, his or her seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee and shall use reasonable efforts to do so within 90 days. Members whose terms have expired may continue to serve on the Committee until their successor has been appointed.

5.7 Compensation. The Committee members shall not be compensated for their services.

5.8. Authority of Members. (a) Committee members shall not have the authority to direct staff of the District; (b) individual members of the Committee retain the right to address the Board, either on behalf of the Committee or as an individual; and (c) the Committee shall have the right to request and receive copies of any public records relating to projects which are funded from Measure J.

Section 6. Meetings of the Committee.

6.1 Regular Meetings. The Committee shall meet at least once a year.

6.2 Location. All meetings shall be held within the Mount Diablo Unified School District, located in Contra Costa County, California.

6.3 Procedures. All meetings shall be open to the public in accordance with the *Ralph M Brown Act,* Government Code Section 54950 *et seq.* Meetings shall be conducted according to such additional procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business.

Section 7. District Support.

7.1 Technical and Administrative Assistance. The District shall provide to the Committee necessary technical and administrative assistance as follows:

(a) preparing and posting public notices as required by the *Ralph M. Brown Act*, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the Board of Trustees;

(b) provision of a meeting room, including any necessary audio/visual equipment;

(c) preparation and copies of any documentary meeting materials, such as agendas and reports; and

(d) retention of all Committee records, and providing convenient public access to such records on an the District's

Internet website. All records shall be posted on the website in a timely manner maintained by the District.

7.2 Attendance at Meetings. District staff and/or District consultants shall attend Committee proceedings in order to report on the status of projects and the expenditure of Bond Proceeds.

Section 8. Reports. In addition to the Annual Report required in Section 3.2, the Committee may report to the Board from time to time in order in order to advise the Board on the activities of the Committee. Such reports shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

Section 9. Officers. The Committee shall elect a Chair and a Vice-Chair who shall act as Chair only when the Chair is absent. The Chair and Vice-Chair shall serve in such capacities for a term of one year and may be re-elected by vote of a majority of the members of the Committee.

Section 10. Amendment of Bylaws. Any amendment to these Bylaws shall be approved by a majority vote of the Board of the Trustees of the District.

Section 11. Termination. The Committee shall automatically terminate and disband concurrently with the Committee's submission of the final Annual Report which reflects the final accounting of the expenditure of all Bond Proceeds.

CITIZENS' BOND OVERSIGHT COMMITTEE
ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for Committee members to follow in carrying out their roles. Not all ethical issues that Committee members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

POLICY

CONFLICT OF INTEREST. A Committee member shall not make or influence a District decision related to: (1) any contract funded by bond proceeds or (2) any construction project which will benefit the committee member's outside employment, business, or provide a financial benefit to an immediate family member, such as a spouse, child or parent.

OUTSIDE EMPLOYMENT. A Committee member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by bond proceeds, or (2) any construction project. A Committee member shall not make or influence a District decision related to any construction project involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. A Committee member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee member, he or she participated in personally and substantially. A Committee member and the companies and businesses for which the member works shall be prohibited from contracting with the District with respect to: (1) bidding on projects funded by the bond proceeds; and (2) any construction project.

COMMITMENT TO UPHOLD LAW. A Committee member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California (particularly the Education Code) and all other applicable government entities, and the policies, procedures, rules and regulations of the Mount Diablo Unified School District.

COMMITMENT TO DISTRICT. A Committee member shall place the interests of the District above any personal or business interest of the member.

2024-2025 Contra Costa County Civil Grand Jury

Contra Costa County Hiring Challenges

Report 2508
June 2, 2025

Approved by the Grand Jury

Peter Appert
GRAND JURY FOREPERSON

6/4/25
Date

Accepted for Filing

Hon. Terri Mockler
JUDGE OF THE SUPERIOR COURT

6/3/25
Date

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

SUMMARY

This report offers an overview of Contra Costa County's hiring process and highlights areas for improvement to enhance its efficiency.

The hiring process in Contra Costa County is complex and lengthy. The Grand Jury found that there are 27 steps in the recruiting and hiring process. For most departments, execution of these steps is shared between the Human Resources (HR) department and the department requesting the job. To ensure progress, close coordination between the hiring department and HR is necessary. Other departments choose to be responsible for all 27 steps.

The average time to hire (the duration between a job requisition being opened and an employee being hired) for the County is 113 days. Although this has improved from levels several years ago, there are still opportunities for improvement.

The County's lean HR staff contributes to challenges in hiring. The HR department supports 50 percent more county employees per HR staff member than neighboring counties. Due to limited staff, there are sometimes delays in posting job openings. As of January 6, 2025, 74 percent of the jobs pending posting have remained in that status for 30 days or more. Until a job is posted, recruiting cannot begin.

The large number of job classifications in the County also influences the complexity of hiring. With 1,300 job classifications, recruitment becomes more challenging when job requirements are highly specific. Furthermore, maintaining and updating the job classification list adds extra work for HR.

The Grand Jury also determined that several County departments use alternative hiring methods. The first is a process called dedicated resources, employed by the Employment and Human Services Department (EHSD). Under dedicated resources, EHSD funds three positions to work in HR, with these employees focused exclusively on recruiting efforts for EHSD. The second approach, known as delegated authority, is utilized by Contra Costa Health Services and Public Works. In this approach, the department assumes full responsibility for all recruiting and hiring steps to fill their positions, with no reliance upon or coordination with HR for any part of the recruiting and hiring process. These initiatives have been well-received by the departments utilizing them, suggesting that other departments might also benefit.

This report outlines the Grand Jury's research and findings regarding the challenges in the hiring process in Contra Costa County. We conclude with recommendations to help address these challenges.

BACKGROUND

An efficient and timely hiring process is crucial for maintaining appropriate staffing levels, ensuring the provision of essential services, and addressing community needs. The Grand Jury decided to investigate the factors contributing to challenges with the hiring process and their effects on the workforce.

The Human Resources Department

Under the direction of the County Administrator, HR provides a diverse array of services to county departments and employees. The department is organized into four primary divisions:

1. **Administrative Services**: Manages the overall administrative functions of HR.
2. **Employee Benefits Services**: Develops and recommends benefits strategies and policies to ensure a competitive compensation package.
3. **Information Management**: Develops, implements, integrates and maintains all County Human Resources Information Systems.
4. **Personnel Services**: The central authority for recruitment, assessment, classification, and compensation initiatives. It publishes job openings and assessments, refers qualified candidates to departments, conducts salary surveys and job audits, and prepares class specifications and classification reports. The hiring department then interviews qualified candidates.

The focus of our investigation is Personnel Services.

METHODOLOGY

The Grand Jury used the following investigative methods:

- Interviewed employees of multiple departments in the County.
- Reviewed HR hiring procedures and documents.
- Reviewed and compared personnel data of other county HR departments.

DISCUSSION

The Human Resources Department - Personnel Services

The Contra Costa County Civil Grand Jury examined HR's personnel services, primarily focusing on the County's hiring process.

General Challenges Impacting Hiring

Based on multiple interviews, the Grand Jury learned of the following staff recruitment challenges facing the County:

- Lengthy hiring timelines: Prolonged recruitment processes can delay filling vacancies.
- Attracting qualified candidates: Finding candidates with the right mix of skills and experience can be a significant hurdle.
- High competition for talent.
- Limited resources: Insufficient HR staff or tools can hinder the efficiency of the hiring process.

- Complex job classifications: Navigating more than 1,300 job classifications can slow down or complicate recruitment efforts.

Recruitment and Hiring Process

The recruitment and hiring process represents a collaboration between the job-requesting department and HR. The requesting department and HR are each responsible for completing their assigned steps in a timely manner. Employees utilize NeoGov, a human resource management system that provides a suite of software tools and services, to assist in completing these tasks and generally manage HR functions.

The following chart of the Recruitment and Hiring Process outlines the 27 steps involved and the average time required to complete each step. The **green** steps outline the responsibilities of HR, and the **gold** steps outline the duties of the requesting department.

RECRUITMENT & HIRING PROCESS

NeoGov Reporting Crosswalk - 2024 Averages

Task	Department	Human Resources
Department internal authorization to hire process		
REQUISITION APPROVAL STEPS - 12 days		
Open a Requisition in NeoGov		
Review Requisition for available position and class		
Determine whether Job Description needs to be updated		
Determine whether a Job Analysis needs to be completed		
RECRUITMENT PLANNING/ANALYSIS - 7 days		
Develop Job Announcement and Recruitment Timeline		
Send Union Notice (union has 5 days to respond)		
Develop Exam Plan		
Select Subject Matter Experts		
JOB POSTING - 18 days		
Post Job Announcement (generally 2-4 weeks)		
ASSESSMENT PROCESS - 12 days		
Review applicants for Minimum Qualifications (MQs)		
Issue Pass/Fail Notices to Applicants After MQ Review		
Applicant Appeal Period (5 business days)		
Selection of Raters		
ELIGIBLE LIST - 16 days		
Administer first step of exam plan (oral board, tech, written, etc)		
Issue pass/fail notices to applicants after initial exam		
Create Eligible List - send candidates to Dept (Rule of 3, 5, 10, List)		
DEPARTMENTAL HIRING PROCESS - 30 days		
Schedule Departmental Interviews		
Complete and Score Departmental Interviews		
Select Candidate(s) for Hire & contact to make verbal job offer		
PRE-EMPLOYMENT PROCESS - 18 days		
Open Personnel Action Form (PAF) in NeoGov		
Send Conditional Offer - includes fingerprinting instructions		
Send notice to Equifax to initiate I-9 process self-scheduling		
Review results of criminal history search (follow up if needed)		
Dept specific pre-employment steps (physical, fitness etc)		
Departmental Final Review of PAF		
HR Final Review and Enter New Hire in PeopleSoft		

Three operational models are available for County departments and HR to follow when completing the outlined steps:

Standard: The department requesting a job is responsible for completing the **gold** steps, while HR is tasked with finishing the **green** steps. Each group must fulfill its responsibilities in a timely manner, as delays from either the department or HR will impact the hiring timeline.

Delegated Authority: Staff in the department requesting a job is responsible for all recruiting and hiring steps to fill their positions. In this way, there is no reliance on, or coordination with, HR for recruiting and hiring.

Dedicated Resources: The department requesting a job funds full-time HR staff to focus solely on their department's recruitment and hiring.

Time to Hire

The chart below shows a steady improvement in the average days to hire for the County:

Average Time to Hire (Days)					
This measure tracks the average number of days to hire.					
Calendar Year	**2020**	**2021**	**2022**	**2023**	**2024**
Average Days to Hire	217	199	158	134	113
Percent of Change	-42%	-9%	-26%	-18%	-19%

HR implemented strategies to aid in improving the time to hire. These include:

- Implementing the I-9 Anywhere program – an online program for applicants that allows for greater flexibility and ease of use to reduce time for candidates to apply.
- Providing the Dedicated Resource model to allow larger departments to work with specific HR team members 100 percent assigned to their recruitment.
- Reviewing eligible applicant lists that are cross-referenced with current department vacancies.
- Rebuilding partnership with colleges and workforce organizations for job postings, job fairs, and career fairs.
- Providing proactive vacancy data to support departments' recruitment planning.

At the same time, HR has acknowledged that there is still room for reducing the time to hire and improve recruitment and retention. Some potential improvement initiatives include:

- Multiple affordable medical plans
- Wide variety of benefit options
- Contra Costa County Employees' Retirement Association pension plan
- 457(b) deferred compensation plan that includes county contributions

- Remote work opportunities
- Cost-of-Living Adjustment pay increases competitive with the Bay Area salary market
- Generous holiday and leave accrual plans
- Progressive culture celebrating diversity, equity, inclusion and access

Impacts of HR Understaffing

The Grand Jury learned that, despite a reduction in hiring time over the past five years, the average hiring time of 113 days remains lengthy and contributes to understaffing. This extended hiring process is partly attributed to the small size of the County's HR Department.

In a county with more than 11,000 authorized positions, there are only eight HR Analysts to facilitate recruiting across 25 departments. These same HR Analysts are also responsible for classification and compensation studies countywide.

Due to the lean HR recruiting staff there can be delays in posting job openings. Each department requesting a new hire has to prioritize its requests. As of January 6, 2025, 74 percent of pending job postings remained unlisted for 30 days or longer. The following chart illustrates the delays in posting:

Jobs Pending Posting

(as of January 6, 2025)

Time Frame Since Created	Count
0-30 Days	12
30-60 Days	6
60-90 Days	7
90-180 Days	6
180-365 Days	7
365+ Days	8
Grand Total	46

Contra Costa County HR has 55 authorized positions, supporting a current employee base of 9,932. This represents a ratio of one HR staff member for every 181 County employees. In contrast, surrounding counties operate with one HR staff member per 122 employees on average, as highlighted in the table below. Contra Costa's HR supports 50 percent more employees per HR staff member than the five-county average. To address this issue, in 2024, HR requested the Board of Supervisors (BOS) approve funding for five additional full-time employees; however, that request was denied. HR will petition the BOS again in 2025.

Comparison of HR Staffing Levels

County	County Employees	HR Staff	Ratio HR Staff: Employees
Alameda	9,900	78	1:127
Marin	2,534	42	1:60
San Francisco	34,373	209	1:164
San Joaquin	8,046	51	1:158
Solano	3,279	33	1:99
Average ratio			1:122
Contra Costa	**9,932**	**55**	**1:181**

Notes:

- San Francisco employee and HR staff count includes county and city employees
- Ratio of HR Staff to Employees measures how many county employees there are for each HR staff member

Software Tools: A Need for Knowledge

PeopleSoft is a suite of enterprise applications that help businesses manage various operations, including human resources, finance, supply chain, and customer relationships. The County uses PeopleSoft to help manage its HR operations. Specifically, it is used to create reports on the following HR functions:

- recruitment, onboarding, and termination
- standard employee data
- compensation analysis
- workforce demographics
- performance management
- training and development
- turnover analysis
- benefits

HR utilizes PeopleSoft reports; however, not all County departments have knowledge of, access to, or training to run them. Additionally, departments can request custom reports from HR. Department staff are not always aware of these custom reports and/or how to request them. In addition, PeopleSoft can track why candidates decline job offers; however, the county does not utilize this feature. Not fully utilizing the capabilities of its PeopleSoft tools contributes to inefficiencies in the County's hiring process.

Job Classification Challenge

The County supports approximately 1,300 job classifications, totaling around 11,000 authorized positions. As departments specify individual job requirements, the number of job classifications increases, leading to more time required for their review and maintenance. For example, the County has 27 job classifications for accountants. More generic job classifications allow multiple departments to utilize them for similar roles. Conversely, highly specialized job specifications

often cannot be shared among departments, which limits the pool of qualified applicants. Broader specifications attract a larger number of candidates. The Grand Jury acknowledges that changes in job specifications require consultation with labor groups.

Employment Human Services Department (EHSD) Dedicated HR Staff

To expedite the hiring process, EHSD funds three full-time HR staff members. These professionals, who report to HR, focus solely on recruitment for specific roles within EHSD, thereby enhancing the department's recruitment and hiring capabilities.

In January 2024, with one full-time HR staff member, EHSD had 335 vacancies. By July 2024, the first month EHSD added the second and third full-time HR staff members, the number of vacancies decreased to 326. As of February 2025, overall vacancies had been reduced to 270, a 17 percent reduction.

The chart below shows vacancy rates of Contra Costa County departments. Those with higher vacancy rates may benefit from dedicated resources as EHSD did.

County Vacancy Rates

Department Name	Filled	% Filled	Vacant	% Vacant	Auth Positions
Agriculture-Weights/Measures	49	86.0%	8	14.0%	57
Animal Services	74	83.1%	15	16.9%	89
Assessor	91	84.3%	17	15.7%	108
Auditor-Controller	57	90.5%	6	9.5%	63
Board of Supervisors	31	93.9%	2	6.1%	33
Child Support Services	113	89.0%	14	11.0%	127
Conservation and Development	171	81.8%	38	18.2%	209
Contra Costa County Fire Distr	572	92.6%	46	7.4%	618
County Administrator	43	93.5%	3	6.5%	46
County Clerk-Recorder	71	85.5%	12	14.5%	83
County Counsel	53	93.0%	4	7.0%	57
Dept of Information Technology	97	92.4%	8	7.6%	105
District Attorney	229	94.6%	13	5.4%	242
Employment and Human Service	1660	86.1%	267	13.9%	1927
Health Services	4320	85.6%	726	14.4%	5046
Human Resources	51	92.7%	4	7.3%	55
Library	238	88.5%	31	11.5%	269
Probation	297	84.9%	53	15.1%	350
Public Defender	186	95.4%	9	4.6%	195
Public Works	478	87.4%	69	12.6%	547
Racial Equity/Social Justice	2	50.0%	2	50.0%	4
Risk Management	30	73.2%	11	26.8%	41
Sheriff-Coroner	974	84.8%	174	15.2%	1148
Treasurer-Tax Collector	32	97.0%	1	3.0%	33
Veterans Services	13	100.0%	0	0.0%	13
Grand Total	**9932**	**86.6%**	**1533**	**13.4%**	**11465**

External Consultant

EHSD collaborated with an external consultant from July 1, 2024, to June 30, 2025, to examine EHSD operations, including the hiring processes. The following are positive impacts from the consultant's recommendations related to hiring:

- Conducted assessments with the EHSD Personnel staff to identify issues and develop solutions for their hiring processes.
- Established a hiring strategy that currently guides hiring activities.
- Oversaw hiring interviews for key positions. Collaborated with HR to post vacancies, screen applicants, organize hiring panels, supply materials to hiring panels, proctor interviews, and facilitate the onboarding and development of 30-60-90 Day Onboarding Plans for new employees.
- Identified several necessary personnel procedures and documented them for EHSD's review and approval.

EHSD is currently implementing the consultant's recommendations. Given EHSD's success in improving its hiring process (as evidenced by the meaningful reduction in the number of vacancies), external consultants working with HR could provide an impartial perspective on the County's overall hiring practices. Measure X funds, as discussed below, could be used for such consulting services.

Delegated Authority

Another approach to HR hiring is known as delegated authority. In this model, the department takes full responsibility for all recruiting and hiring steps necessary to fill its positions. This involves the power granted to specific departments to oversee all 27 steps in the hiring process, eliminating the need for back-and-forth communication between HR and the department. This delegation promotes more localized decision-making and enables hiring processes tailored to the specific needs of each department. Contra Costa Health Services and Public Works employ delegated authority.

Public Works implemented delegated authority in December 2024. However, a notable weakness of the Public Works Department's implementation of delegated authority is its dependency on a single in-house employee without any backup. This individual is responsible for performing the HR tasks assigned as shown (highlighted in green) in the Recruitment and Hiring Process chart above. This singular reliance puts the hiring process at risk if that individual becomes unavailable.

Measure X Funding

The BOS placed a sales tax proposal on the November 2020 ballot with the goal of providing local funds for local priorities. The tax was passed on November 3, 2020, and generates approximately $120 million each year to support a variety of county services.
Measure X funds are for general purposes, and the BOS directs how the funds should be used. The BOS seeks input from the Measure X Community Advisory Board and the community about priorities and community needs. The ballot language for Measure X stated that the intent is "To keep Contra Costa's regional hospital open and staffed; fund community health centers; provide

timely fire and emergency response; support crucial safety-net services; invest in early childhood services; protect vulnerable populations; and for other essential county services."

As recruiting and retaining sufficient staff is necessary to maintain essential County services, use of Measure X funds to support HR is an approved use of these resources.

FINDINGS

F1. The hiring process is a complex, multi-step process involving 27 steps.

F2. The hiring process is lengthy, with an average of 113 days to hire.

F3. The Employment and Human Services Department (EHSD) has implemented dedicated resources that allocate funds for three individuals in the County Human Resources (HR) Department who are exclusively focused on recruitment and improving EHSD's hiring capabilities.

F4. Contra Costa Health and Public Works departments utilize delegated authority for recruiting and hiring, under which they assume full responsibility for the hiring process for those classifications unique to their respective departments.

F5. Public Works has one in-house person managing HR recruiting and hiring without any backup.

F6. Lean HR staffing compels departments to prioritize job postings, which can lead to delays in posting job openings.

F7. Employees in Contra Costa County responsible for hiring often lack knowledge on how to fully utilize the capabilities of PeopleSoft.

F8. The County does not track the reasons candidates decline county jobs.

F9. The time needed to maintain County job classifications grows as similar job specifications become more specialized.

F10. The County's specialized job classifications narrow the pool of potential applicants.

F11. EHSD contracted with an external consultant from July 1, 2024, to June 30, 2025, to evaluate its hiring process and make recommendations for improvements.

F12. The County HR department does not currently contract with an external consultant to review its hiring processes.

F13. The HR staff-to-employee ratio in Contra Costa County suggests that the HR department is understaffed compared to those in neighboring counties.

RECOMMENDATIONS

R1. By January 1, 2026, the Board of Supervisors (BOS) should consider using Measure X funds to hire an external consultant to assess hiring processes across the County.

R2. By July 1, 2026, the BOS should consider directing HR to work with County departments to assess whether they could benefit from delegated authority or dedicated resources to enhance the hiring process.

R3. By July 1, 2026, the BOS should consider directing HR to initiate the process of consolidating existing job classifications across departments.

R4. By January 1, 2026, the BOS should consider directing the Public Works department to ensure there is a backup for the internal HR staff member responsible for performing delegated-authority tasks.

R5. By January 1, 2026, the BOS should consider directing HR to implement a procedure to identify and track why candidates decline job offers.

R6. By January 1, 2026, the BOS should consider hiring additional HR analysts.

REQUEST FOR RESPONSES

Pursuant to California Penal Code § 933(b) et seq. and California Penal Code § 933.05, the 2024-2025 Contra Costa County Civil Grand Jury requests responses from the following governing bodies:

Responding agency	Findings	Recommendations
Contra Costa County Board of Supervisors	F1 - F13	R1 - R6

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.