

Responses to the 2021-2022 Sonoma County Civil Grand Jury Reports

Providing Continuity and Accountability

INTRODUCTION

The primary job of the Sonoma County Civil Grand Jury (Grand Jury) is to investigate areas within local government where there is potential for operational improvement. The investigations are carried out using a rigorous combination of interviews with people with relevant knowledge of, and experience with, the subject of the investigation, as well as extensive review and evaluation of related documents. The end product of these investigations is a series of reports that outline the findings of the investigations, and more importantly, the grand jury's recommendations for operational improvements.

These reports are distributed to various interested parties, including the media, the Superior Court of California (Sonoma County), and the people or agencies that are responsible for the implementation of the recommendations. Responses are invited from officials and government entities affected by the recommendations. Some responses are required by law, and others are optional, depending on the position of the respondents within the government. Responses are required from governing boards and elected county officials (Penal Code § 933). Responses are invited, but not required, from other officials or governing bodies.

The members of the grand jury are empaneled for a one-year term. The reports with findings and recommendations are published near the end of that term. As a result, there is no time for the grand jury preparing the report to follow-up on how the recommendations are being addressed. Given the importance of the recommendations, appropriate follow-up is critical. For that reason, the grand jury empaneled the following year is tasked with the follow-up of recommendations from the previous grand jury. The report that follows is the result of the follow-up of recommendations made by the 2021-2022 Grand Jury.

When the report is issued to an agency or official directly affected by the recommendations, a request is made for a response to each recommendation, to be submitted to the Sonoma County Superior Court within 60 or 90 days, depending on the position of the respondent within the government structure. The California Penal Code details the requirements for the responses, which must be one of these listed below (Penal Code § 933.05):

- The recommendation has been implemented, with a summary.
- It will be implemented, with a schedule for implementation.
- It requires further analysis (described), and a timeframe for a response (up to six months from the date of publication of the grand jury report).
- It will not be implemented, with an explanation.

The 2022-2023 Grand Jury reviewed responses received to the reports from the 2021-2022 Grand Jury, to ensure that these requirements were met. This review also assessed the content of the responses to determine whether each one adequately addresses the problem outlined in the recommendation.

The table that follows discusses only those responses deemed to be non-compliant* with the requirements of the California Penal Code. This table summarizes the initial recommendations, the responses received to those recommendations, and the reason that the response has been deemed to be non-compliant. The reader can find the complete 2021-2022 report and the responses to the recommendations, [Sonoma County Civil Grand Jury Final Report 2021-2022](#), at the Superior Court website.

**Note that if a response is not in complete conformance with the above requirements, it is described in the table as non-compliant.*

The 2022-2023 Grand Jury thanks the respondents for their mostly compliant responses.

2021-2022 Grand Jury Response Summary Table

Affordable Housing: Past, Present, and Future

RES = Respondent CLV = Cloverdale COT = Cotati HLD = Healdsburg
 PET = Petaluma RP = Rohnert Park SEB = Sebastopol SR = Santa Rosa
 WIN = Windsor SON = City of Sonoma

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
CLV	R1. By December 31, 2022, Permit Sonoma and the nine cities should begin to streamline their procedures, from preliminary review through the permitting process, related to the development of Affordable Housing.	This recommendation has been implemented to some extent. The City will give the issues described in the recommendation a higher level of attention and commitment.	As to recommendation having been implemented “to some extent”, there is no summary of the action taken. As to issues getting a “higher level of attention and commitment”, there is no timeframe for future implementation. This response is not compliant.
COT	R2. By December 31, 2022, Permit Sonoma and the nine cities should meet to consider standardizing their procedures related to the development of Affordable Housing. R3. By December 31, 2022, Permit Sonoma and the nine cities should meet to discuss the coordination of fee reduction standards for Affordable Housing throughout the County. R6. By June 1, 2023, Permit Sonoma and the nine Cities should develop permit ready accessory dwelling unit and junior accessory dwelling unit plans.	The City is willing to discuss standardizing procedures but there may be only limited opportunity for standardizing due to unique requirements and varied priorities of each jurisdiction. The City is willing to meet with other entities to discuss coordination of fee reduction standards. This recommendation requires further analysis and involvement by the regional ADU Center. This is anticipated to be implemented by June 1, 2023.	There is no timeframe for future implementation. This response is not compliant. There is no timeline for future implementation. This response is not compliant. This response calls for further analysis with anticipated implementation date of June 1, 2023, which is not within the required six-month timeframe. This response is not compliant.
HLD	R1. By December 31, 2022, Permit Sonoma and the nine Cities should begin to streamline their procedures, from preliminary review through the permitting process, related to the development of Affordable Housing.	This recommendation will be implemented in the future.	There is no timeframe for future implementation. This response is not compliant.

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
<p>PET</p>	<p>R5. By December 31, 2022, Permit Sonoma and the nine Cities should identify properties within their jurisdictions and Spheres of Influence that are likely opportunities for rehabilitation or repurposing to increase availability of Affordable Housing.</p> <p>R6. By June 1, 2023, Permit Sonoma and 9 Cities should develop permit ready accessory dwelling unit and junior accessory dwelling unit plans.</p> <p>R7. By December 31, 2022, Permit Sonoma and 9 Cities should discuss integration of preliminary design review committees with their planning commissions to help expedite the construction of Affordable Housing.</p> <p>R8. By December 31, 2022, Permit Sonoma and 9 cities should review permitting requirements to allow nontraditional options such as manufactured homes, factory-built homes, and tiny houses to increase housing supply.</p>	<p>Recommendations R5, R6, and R7 have been partially implemented and the City will continue working with community partners and other agencies to secure funding and to facilitate the development of accessory dwelling units and other types of affordable housing projects in the future.</p> <p>This recommendation will be implemented through updates to the City’s Housing Element and Zoning Code, which are currently underway.</p>	<p>While there is a summary of implementation efforts taken so far, there is no timeframe for future implementation of the remainder. These responses to R5, R6, and R7 are not compliant.</p> <p>There is no timeframe for future implementation. This response is not compliant.</p>
<p>SR</p>	<p>R2. By December 31, 2022, Permit Sonoma and the nine cities should consider standardizing their procedures related to the development of Affordable Housing.</p> <p>R3. By December 31, 2022, Permit Sonoma and the nine cities should meet to discuss the coordination of fee reduction standards for Affordable Housing throughout the County.</p>	<p>The City will discuss standardizing procedures. The City will respond to the Grand Jury by December 31, 2022, about the outcomes of any meetings.</p> <p>The City will meet to discuss fee reduction standards. The City will respond to the Grand Jury by December 31, 2022, about the outcome of any meetings.</p>	<p>The City never responded as indicated. While there is a summary of implementation efforts taken so far, there is no timeframe for future implementation of the remainder. These responses to R2, R3, and R6 are not compliant.</p>

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
SR	<p>R6. By June 1, 2023, Permit Sonoma and the nine cities should develop permit ready accessory dwelling unit and junior accessory dwelling unit plans.</p>	<p>This recommendation has been partially implemented. The City will continue working with coordinating agencies to facilitate ADU development. The City will report status of permit ready plans to the Grand Jury by December 31, 2022.</p>	
SEB	<p>R3. By December 31, 2022, Permit Sonoma and the nine cities should meet to discuss the coordination of fee reduction standards for Affordable Housing throughout the County.</p> <p>R5. By December 31, 2022, Permit Sonoma and the nine cities should identify properties within their jurisdictions and Spheres of Influence that are likely opportunities for rehabilitation or repurposing to increase the availability of affordable housing.</p>	<p>This recommendation has not been implemented but the City is open to discussions with other agencies to implement it and will actively participate in any such discussion.</p> <p>This recommendation has been partially implemented by identifying potential properties as part of its Housing Element. The City is considering additional modification of regulations to redevelopment to include workforce housing.</p>	<p>There is no timeframe for future implementation. This response is not compliant.</p> <p>While there is a summary of implementation efforts taken so far, there is no timeframe for future implementation. This response is not compliant.</p>
SON	<p>R3. By December 31, 2022, Permit Sonoma and the nine cities should meet to discuss the coordination of fee reduction standards for Affordable Housing throughout the County.</p>	<p>The City agrees with this recommendation and acknowledges that it would be beneficial to see how fees could be reduced to increase housing production.</p>	<p>Although the City agrees with this recommendation, this does not commit Sonoma to implementing this recommendation. This response is not compliant.</p>
WIN	<p>R1. By December 31, 2022, Permit Sonoma and the nine cities should begin to streamline procedures, from preliminary review through the permitting process, related to the development of Affordable Housing.</p> <p>R2. By December 31, 2022, Permit Sonoma and the nine cities should meet to consider standardizing their procedures related to the development of Affordable Housing.</p>	<p>Recommendations R1, R2, and R3 have been partially implemented. The City will participate in any subsequent meetings to discuss the findings and the recommendations of the Grand Jury.</p> <p>Recommendations R1, R2, and R3 have been partially implemented. The City will participate in any subsequent meetings to discuss the findings and the recommendations of the Grand Jury.</p>	<p>While there is a summary of implementation efforts taken so far, there is no timeframe for future implementation of the remainder. Responses R1, R2, and R3 are not compliant.</p>

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
WIN	<p>R3. By December 31, 2022, Permit Sonoma and the nine cities should meet to discuss the coordination of fee reduction standards for Affordable Housing throughout the County.</p> <p>R5. By December 31, 2022, Permit Sonoma and the nine cities should identify properties within their jurisdictions and Spheres of Influence that are likely opportunities for rehabilitation or repurposing to increase the availability of Affordable Housing.</p>	<p>Recommendations R1, R2, and R3 have been partially implemented. The City will participate in any subsequent meetings to discuss the findings and the recommendations of the Grand Jury.</p> <p>Recommendation will be implemented in the future as state and federal funding become available.</p>	<p>There is no timeframe for future implementation. This response is not compliant.</p>

Note: The 2021-2022 Grand Jury required Permit Sonoma to respond to this report. By law, Permit Sonoma is not required to respond to the Grand Jury reports. However, responses to this report were received from Permit Sonoma. Because it is not a "required responder", Permit Sonoma's responses are not included here.

Affordable Housing: Monitoring and Compliance

RES = Respondent CLV = Cloverdale COT = Cotati HLD = Healdsburg
 PET = Petaluma RP = Rohnert Park SEB = Sebastopol SR = Santa Rosa
 WIN = Windsor SON = City of Sonoma

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
CLV	R3. By January 1, 2023, the Sonoma County Community Development Commission and the nine cities review and ensure that they have sufficient personnel to conduct on-site monitoring and process self-reported monitoring data to meet future Regional Housing Needs Allocations.	This recommendation has been implemented. The City does not presently have sufficient personnel to conduct onsite monitoring and process self-reported data. However, the City will consider hiring a third-party consultant to perform monitoring and compliance of affordable housing units in the City.	This response is contradictory. The recommendation could not have been implemented if the City doesn't have sufficient staff. We question whether the appropriate response is either "the recommendation will be implemented" or the "recommendation requires further analysis." Regardless, there is no timeframe or description of the further analysis. This response is noncompliant.
	R5. By January 1, 2023, the nine cities develop informational documents and policies to provide both upfront and ongoing training in the monitoring and compliance procedures for developers and managers of Affordable Housing projects.	This recommendation will be implemented if the City hires a third-party consultant to perform affordable housing monitoring and compliance.	This qualified response does not indicate that the recommendation will be implemented, nor is there a timeframe to hire a third-party consultant. This response is not compliant.
COT	R1. By December 31, 2022, the Sonoma County Community Development Commission and the nine cities meet and develop agreed-upon standards and procedures for the monitoring of Affordable Housing.	This recommendation requires further analysis.	There is no timeframe for further analysis. This response is not compliant.
	R5. By January 1, 2023, the nine cities develop informational documents and policies to provide both upfront and ongoing training in the monitoring and compliance procedures for developers and managers of Affordable Housing projects.	This recommendation requires additional analysis and has already been partially complied with by the City (regarding upfront training).	There is no timeframe for further analysis. This response is not compliant.

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
COT	<p>R8. By December 31, 2022, the Sonoma County Community Development Commission and the nine cities should update and maintain their inventory of Affordable homes within their jurisdictions and verify that all their property titles are flagged for restricted sale.</p>	<p>This recommendation has been implemented by the City.</p>	<p>There is no summary of the implementation. This response is not compliant.</p>
HLD	<p>R1. By December 31, 2022, the Sonoma County Community Development Commission and the nine cities meet and develop agreed-upon standards and procedures for the monitoring of Affordable Housing.</p> <p>R3. By January 1, 2023, the Sonoma County Community Development Commission and the nine cities review and ensure that they have sufficient personnel to conduct on-site monitoring and process self-reported monitoring data to meet future Regional Housing Needs Allocations.</p> <p>R5. By January 1, 2023, the nine cities develop informational documents and policies to provide both upfront and ongoing training in the monitoring and compliance procedures for developers and managers of Affordable Housing.</p>	<p>This recommendation requires additional analysis as one standard may not apply to all funding programs or agreements, especially if deed restrictions involve local programs.</p> <p>The City adopted a housing department budget that includes funding for monitoring activities and will hire a full-time employee to oversee the program.</p> <p>The City will hire a full-time employee in the Housing Department that will be responsible for monitoring and compliance.</p>	<p>There is no timeframe for further analysis. This response is not compliant.</p> <p>There is no timeframe for future implementation. This response is not compliant.</p> <p>There is no timeframe for future implementation. This response is not compliant.</p>
PET	<p>R1. By December 31, 2022, the Sonoma County Community Development Commission and the nine cities meet and develop agreed-upon standards and procedures for the monitoring of Affordable Housing.</p> <p>R5. By January 1, 2023, the nine cities develop informational documents and policies to provide both upfront and ongoing training in the monitoring and compliance procedures for developers and managers of Affordable Housing projects.</p>	<p>This recommendation requires further analysis.</p> <p>This recommendation will be implemented in the future.</p>	<p>There is no timeframe for further analysis. This response is not compliant.</p> <p>There is no timeframe for future implementation. This response is not compliant.</p>

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
PET	<p>R7. By November 1, 2022, the nine cities meet and discuss pooling resources to fulfill their monitoring responsibilities, through either a consultant or designated employees.</p> <p>R8. By December 31, 2022, the Sonoma County Community Development Commission and the nine cities should update and maintain their inventory of Affordable houses within their jurisdictions and verify that all their property titles are flagged for restricted sale.</p>	<p>This recommendation requires further analysis.</p> <p>This recommendation will be implemented in the future.</p>	<p>There is no timeframe for further analysis. This response is not compliant.</p> <p>There is no timeframe for implementation. This response is not compliant.</p>
RP	<p>R8. By December 31, 2022, the Sonoma County Community Development Commission and the nine cities should update and maintain their inventory of Affordable houses within their jurisdictions and verify that all their property titles are flagged for restricted sale.</p>	<p>This recommendation has been implemented by the City.</p>	<p>There is no summary of the implementation. This response is not compliant.</p>

Note: The 2021-2022 Grand Jury required Sonoma County’s Community Development Commission (CDC) to respond to this report. By law, the CDC is not required to respond to the Grand Jury reports. However, responses to this report were received from the CDC. Because it is not a “required responder”, the CDC’s responses are not included here.

Department of Health Services

RES = Respondent BOS = Board of Supervisors CAO = County Administrator's Office
 DHS = Department of Health Services HRD = Human Resources Department

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
BOS	R8. By December 31, 2022, the Board of Supervisors consult with the Human Resources Department to consider establishing an Ombudsperson for County employees to provide a neutral means to voice issues of concern.	This recommendation requires further analysis. Further evaluation may be explored through the County's strategic plan work focused on organizational effectiveness.	There is no timeframe for further analysis. This response is not compliant.
	R13. By December 31, 2022, the Board of Supervisors and County Administrator's Office work with the Department of Health Services executive leadership team in developing an actionable plan to address work culture issues, including retaliation, harassment, and bullying.	This recommendation requires further analysis. The CAO will collaborate with DHS to further understand this issue.	There is no timeframe for further analysis. This response is not compliant.
	R14. By December 31, 2022, the Board of Supervisors direct the County Administrator's Office to work with the Department of Health Services' executive leadership team to develop a clearly defined and actionable plan for internal communication that includes greater transparency and staff participation throughout the department.	This recommendation requires further analysis. The CAO will collaborate with the DHS and HRD to further understand this issue.	There is no timeframe for further analysis. This response is not compliant.
	R16. By March 1, 2023, the Board of Supervisors direct the County Administrator's Office and the County Human Resources Department to develop a plan for the Board's review and consideration whereby the County Human Resources Department has oversight authority over all satellite human resources divisions.	This recommendation requires further analysis. The CAO will work with HRD to review a centralized human resources structure.	There is no timeframe for further analysis. This response is not compliant.

Note: The 2021-2022 Grand Jury required Sonoma County's County Administrator's Office, the Department of Health Services, and the Human Resources Department to respond to this report. By law, the CAO, DHS, and HRD are not required to respond to the Grand Jury reports. However, responses to this report were received from the CAO, DHS, and HRD. Because they are not "required responders", their responses are not included here.

SMART Decision Making

RES = Respondent

BOD = SMART Board of Directors

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
BOD	<p>R1. By January 31, 2023, the Board of Directors expand the role of the Citizens Oversight Committee beyond the minimal requirements of the Measure Q Expenditure Plan to achieve expectations of citizen oversight and accountability.</p> <p>R2. By January 31, 2023, the Board of Directors consider additional advisory committees to generate informed, independent advice on important matters under consideration, including but not limited to increasing ridership, building public trust, new lines of business, sale of assets, finance, and other significant decisions.</p> <p>R3. By January 31, 2023, the Board of Directors reassess the SMART organizational structure such that the Citizens Oversight Committee and any future advisory committees report directly to the Board.</p> <p>R4. By January 31, 2023, the Board of Directors require written Citizens Oversight Committee analysis and recommendations prior to all strategic decisions whether or not incorporated in the five-year Strategic Plan.</p>	<p>This recommendation will be implemented.</p> <p>This recommendation will be implemented.</p> <p>This recommendation will be implemented.</p> <p>Some of the recommendations will be implemented.</p>	<p>There is no timeframe for future implementation. This response is not compliant.</p> <p>There is no timeframe for future implementation. This response is not compliant.</p> <p>There is no timeframe for future implementation. This response is not compliant.</p> <p>The BOD may have misunderstood the recommendation, which requires written analysis and recommendations from the Citizens Oversight Committee, and which is only a single recommendation. If the BOD intended to say that some aspects of this recommendation will be implemented, the BOD should provide an explanation of what aspects will be implemented, and when. Additionally, an explanation should be given for the reasons why some aspects will not be implemented. Since these explanations were not given, the response is not compliant.</p>

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
BOD	<p>R5. The Board of Directors define and implement advisory committee bylaws for the Citizens Oversight Committee by January 31, 2023.</p> <p>R6. The Board of Directors define the length of terms for Citizens Oversight Committee members, by January 31, 2023.</p> <p>R7. By January 31, 2023, the Board of Directors develop suitable training programs for new and existing members of the Citizens Oversight Committee regarding their newly defined role and proper public committee protocols, such as the Brown Act rules.</p> <p>R8. By December 31, 2022, the Board of Directors direct the Citizens Oversight Committee to prepare written recommendation reports to be presented at or entered into the record of the Board of Directors meetings.</p> <p>R10. The Board of Directors and the General Manager establish separate bank accounts for the monies associated with passenger transit (Measure Q, et al.) and freight or other future ventures.</p> <p>R11. The Board of Directors direct advisory committees to develop and implement a policy to keep documents and information related to their advisory role centrally located and remotely accessible, by January 31, 2023.</p>	<p>This recommendation will be implemented.</p> <p>This recommendation will be implemented.</p> <p>This recommendation will be implemented.</p> <p>This recommendation will be implemented.</p> <p>This recommendation will not be implemented because it is not warranted.</p> <p>This recommendation will be implemented.</p>	<p>There is no timeframe for future implementation. This response is not compliant.</p> <p>There is no timeframe for future implementation. This response is not compliant.</p> <p>There is no timeframe for future implementation. This response is not compliant.</p> <p>There is no timeframe for future implementation. This response is not compliant.</p> <p>There is no explanation why this recommendation is not warranted. This response is not compliant.</p> <p>There is no timeframe for future implementation. This response is not compliant.</p>

Note: The chairperson of the Citizens Oversight Committee was given a copy of the report before publication, with the invitation to respond to the recommendations. No response was received from that invitation. Responses were received only from the SMART Chairman of the Board of Directors (required) and the SMART General Manager (invited).

DISCLAIMER

This report was issued by the grand jury, with the exception of a juror who has a conflict of interest with the jurisdiction in this report. This juror was excluded from all parts of the investigation and the writing and approval of the report.