Santa Cruz County
Grand Jury
2016-2017 Final Report

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June 30, 2017
Honorable John M. Gallagher
701 Ocean Street
Santa Cruz, CA 95060

Dear Judge Gallagher:

The 2016–2017 Santa Cruz Civil Grand Jury is proud to present you with our Final Report. A year ago you charged me with the responsibility of bringing 19 citizens together in order to carry out our oversight duties on behalf of more than 270,000 citizens of Santa Cruz County. It was a pleasure watching them come together, bringing dedication and passion to the task of being grand jurors. I am proud to say that the work these individuals have done has humbled me. From the smallest of details to the largest of topics, they came together and executed on the vision you had for us when we were empaneled one year ago. It was an honor to lead this fine group of people who have shown me what it means to be of service to the greater good.

We thank you for all the direction and support extended to us: the tireless work of Sharon Carey-Stronck and Jason Heath in the County Counsel's office; Adam Berg in the Jury Commissioner's role; Dante Sercey in General Services; and all those in county government who provided so much assistance, insight and time.

We grand jurors have gained a deeper understanding of county operations and profound appreciation of county staff committed to making Santa Cruz a wonderful place to live.

Our hope is these reports provide transparency for all who live, work, and play in the county and that they contribute to the work of prior grand juries in building deeper relationships among us all.

Sincerely,

Rocco Chappie, Foreperson
2016–2017 Santa Cruz Civil Grand Jury

2016-2017 Santa Cruz County Grand Jury

Collegial and Informal

Back row: John Rible, John U. Fry, Maureen Moncrieff, Joe Netro

Middle row: Tara Neier, Kathy Hatfield, Lauren Tobin, Davida Seliger, Toby Harness, Jeanette Roland

Front row: Speed Leas, Greg Joseph, Charlie Rous, Rocco Chappie, Pat Thorsby, Julie Knight, Linda Harrison

Absent: Susan Mason, Rita Wadsworth

Cover Photo: Toby Harness

Grand Jury Photo: Tosh Tanaka

NEWS RELEASE

FOR IMMEDIATE RELEASE

May 17, 2017

Santa Cruz County Grand Jury

Media Contact: Rocco Chappie, Foreperson

831-454-2099 **grandjury@scgrandjury.org**

Every Vote Counts

Fraud! Fraud! Fraud? Not Here!

SANTA CRUZ COUNTY – The Grand Jury did an exhaustive investigation of the County Elections Department. Despite claims of fraud nationally we found no such evidence here. We detail the protections that ensure the integrity of the voting process, and the impressive effort, dedication, and professionalism of our Elections Department.

The report is available here: http://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2017_final/EveryVoteCounts.pdf

The Santa Cruz County Grand Jury is a nineteen-member volunteer group chosen from the voter rolls, driver registration records, and applications submitted by the public (available at http://www.santacruzcourt.org/divisions/jury/grand%20jury). Jurors serve for one year, from July 1st through the following June 30th, and may choose to serve a second year. The Santa Cruz County Grand Jury office is located in the County Building at 701 Ocean Street, Room 318-I, Santa Cruz, CA 95060.

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NEWS RELEASE

FOR IMMEDIATE RELEASE

May 30, 2017

Santa Cruz County Grand Jury

Media Contact: Rocco Chappie, Foreperson

831-454-2099 **grandjury@scgrandjury.org**

Soquel Union Elementary School District and the Brown Act

Missing – Mutual Respect and a Shared Vision

SANTA CRUZ COUNTY – A follow-up investigation by the Grand Jury found that the SUESD Board continues to create an environment that misinforms the public, minimizes community input, and discourages citizen involvement. The goal of this report is to encourage the SUESD Board to embrace a more transparent, inclusive approach to the business of school governance.

The report is available here: http://www.co.santa-cruz.ca.us/Portals/0/County/ GrandJury/GJ2017_final/SUESDandBrownAct.pdf

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NEWS RELEASE

FOR IMMEDIATE RELEASE

June 13, 2017

Santa Cruz County Grand Jury

Media Contact: Rocco Chappie, Foreperson

831-454-2099 **grandjury@scgrandjury.org**

Assessing the Threat of Violence
in our Public Schools

Is enough being done?

SANTA CRUZ COUNTY – Violence in schools across the country is not an everyday occurrence, but when it happens it has tragic consequences. Not all school districts in Santa Cruz County are equally prepared or equipped to assess the threat of targeted school violence. Improved parental notification, planning with law enforcement, and use of School Resource Officers would better enable schools to respond to a threat.

The report is available here: http://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2017_final/SchoolThreatAssessment.pdf

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NEWS RELEASE

FOR IMMEDIATE RELEASE

June 13, 2017

Santa Cruz County Grand Jury

Media Contact: Rocco Chappie, Foreperson

831-454-2099 **grandjury@scgrandjury.org**

Pajaro Valley Unified School District
Bond Measure L
Let's Not Overlook Oversight

SANTA CRUZ COUNTY – In 2012, voters passed the $150 million Measure L facilities bond, taxing themselves for construction projects ranging from district-wide classroom technology installations to school kitchen updates. The 2016-17 Grand Jury investigated whether the Pajaro Valley Unified School District's Citizens' Oversight Committee is meeting its mandate for financial oversight of bond expenditures and its responsibility to inform the public about the expenditure of bond revenues. We have concluded that the committee's effectiveness has been minimal in informing the public, reporting to the Board, and overseeing the project.

The report is available here: http://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2017_final/PVUSDBondMeasureL.pdf

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NEWS RELEASE

FOR IMMEDIATE RELEASE

June 27, 2017

Santa Cruz County Grand Jury

Media Contact: Rocco Chappie, Foreperson

831-454-2099 **grandjury@scgrandjury.org**

Sharper Solutions

A Sticky Situation That Won't Go Away

SANTA CRUZ COUNTY – The increase of illegal injection drug use and notable rise in discarded syringes has many in Santa Cruz County alarmed. In 2013, the County started the Syringe Services Program (SSP), a clean needle exchange program, to address the dangers of contaminated needles. The Grand Jury investigated the program's policies and procedures and the effects of its implementation. Our investigation found a lack of communication and transparency surrounding the SSP's operations has created an atmosphere of distrust. In addition, inadequate permanent funding for the program and drug rehabilitation and related services, is significantly responsible for the unfulfilled promises of the SSP.

The report is available here: http://www.co.santa-cruz.ca.us/Portals/0/County/ GrandJury/GJ2017_final/SharperSolutions.pdf

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NEWS RELEASE

FOR IMMEDIATE RELEASE

June 27, 2017

Santa Cruz County Grand Jury

Media Contact: Rocco Chappie, Foreperson

831-454-2099 **grandjury@scgrandjury.org**

Jails in Santa Cruz County

Getting Ahead of the Curve

SANTA CRUZ COUNTY – Corrections is changing. The old models simply do not work in a system that has become overburdened by at-risk, in-crisis individuals that now fall under the responsibility of the criminal justice system. Measures to reduce overcrowding in state prisons, such as AB109, have impacted our county jail populations and significantly extended the length of stay of many inmates.

The Grand Jury finds that detention facilities would benefit from additional tools to measure the effectiveness of programs and services. There are a lot of changes happening right now: new facilities, multi-disciplinary inmate interventions, alternatives to detention, and more.

The report is available here: http://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2017_final/JailsInSantaCruzCounty.pdf

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NEWS RELEASE

Santa Cruz County Grand Jury

FOR IMMEDIATE RELEASE

Media Contact: Rocco Chappie, Foreperson

June 29, 2017

831-454-2099 **grandjury@scgrandjury.org**

Santa Cruz Metropolitan Transit District
The Bus Stops Here

SANTA CRUZ COUNTY – The Santa Cruz Metropolitan Transit District's purpose is to provide Santa Cruz County with a reliable transit system, delivering us where we need to be when we need to be there. Despite the efforts of the district's board, management team, and employees, significant annual budget shortfalls and decreasing ridership jeopardize the sustainability of the system. The Grand Jury evaluated actions the Santa Cruz Metropolitan Transit District could take to reverse its service decline and achieve a balanced budget.

The report is available here: http://www.co.santa-cruz.ca.us/Portals/0/County/ GrandJury/GJ2017_final/SantaCruzMetro.pdf

The Santa Cruz County Grand Jury is a civic body composed of nineteen members chosen from the voter rolls, driver registration records, and applications submitted by the public (available at http://www.santacruzcourt.org/divisions/jury/grand%20jury). Jurors serve for one year, from July 1st through the following June 30th, and may choose to serve a second year. The Santa Cruz County Grand Jury office is located in the County Building at 701 Ocean Street, Room 318-I, Santa Cruz, CA 95060.

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Every Vote Counts

A Look at Our County Elections Department

Summary

How does the county ensure that every vote is counted fairly and accurately? Is our countywide election system vulnerable to manipulation? What protections are in place to ensure the integrity of the voting process? These were the questions the 2016–2017 Santa Cruz County Grand Jury sought to answer with this investigation. With the marked increase in claims of voter fraud leading up to the 2016 presidential election, this look at how the County of Santa Cruz Elections Department conducts its business seemed timely and appropriate. We determined that, while some minor improvements could be made, the systems that are in place and the staff who execute those systems can give the public trust and confidence in the integrity and reliability of our elections.

Background

From the dawn of our democracy there have been efforts to tamper with the electoral process. Throughout the 1800s violence and intimidation at the polls were common.[1] In the mid-1800s vote buying was conducted openly.[2] In one election in New York City in 1844, the results could only have been achieved had 135% of the eligible population turned out to vote.[3] Statutory disenfranchisement of entire classes of citizens existed even after racial- and gender-based rights were guaranteed by the 15th Amendment in 1870, and the 19th Amendment in 1920, respectively. Despite these constitutional changes, the democratic promise of free and fair elections in the United States continues to be challenged by barriers in various forms.[4]

Some types of disenfranchisement that our citizens face today, such as intimidation and interference with voter registration, mirror those that have existed since the beginning of our democracy. Modern technology brings new threats, such as computer hacking and electronic unreliability, that may disenfranchise voters in ways our founding fathers could not possibly have imagined.

The advent of electronic voting systems in the mid-1970s[5] opened up a new frontier of ways to manipulate the electoral process. While in the past interference required direct action and physical access to voters, polling places, or the machinery of voting, modern technology creates opportunities for remote actors to engage in electoral interference in a variety of ways. The FBI and CIA concluded that the Russian government participated in hacking of email systems that, while not directly impacting vote tallies, sought to influence the outcome of the 2016 presidential election.[6] On a large scale, however, while technology provides opportunities for interference, the decentralized structure of our elections nationwide protects against widespread tampering with the actual vote.[7]

Throughout the country voting is done in a variety of ways, from paper ballots only, to mail-in ballots only, to all Direct Recording Electronic ("DRE" or "touchscreen") voting machines, and to some combination of these methods.[8] Experts have stated that such decentralization makes far-reaching interference nearly impossible.[9] In Santa Cruz County, all voting is done entirely offline and any tampering with the outcome would most likely be through physical access to facilities and equipment, which is highly unlikely given the multitude of protections that are in place.

Santa Cruz County has approximately 155,000 registered voters, with increasingly significant numbers voting by mail (see Fig. 1). Currently, over 90,000 voters are designated as permanent vote-by-mail, where ballots are received by mail and may be returned either by mail, at one of the county's six drop boxes, at the County Elections Department (at 701 Ocean Street, Suite 210, Santa Cruz), or at polling places on Election Day. Everyone who casts their vote at polling places on Election Day is given the option of voting either with a paper ballot or on an Edge electronic touchscreen machine. Paper ballots are scanned at the polling places by an offline Insight optical electronic scanner, with the paper ballots retained for recounts or audits. Each touchscreen machine has a printed tape, known as a voter-verified paper trail, that records every vote cast on it. All mail-in ballots are counted at the Elections Department

on centralized offline counting machines called the Optech 400C, which are also used to count ballots that could not be counted at the polling places and provisional ballots after Election Day.
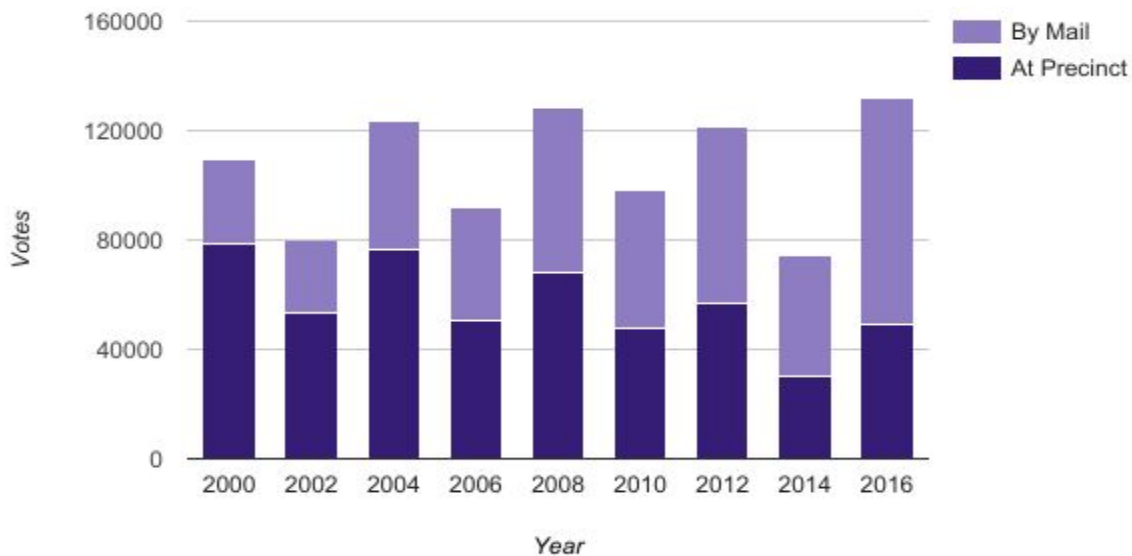

Fig. 1 **Voting Methods** (Source: votescount.com[10])

Scope

The scope of this investigation was to follow the process of conducting a full presidential election from its inception through its certification. Because of the timing of the Grand Jury cycle and the length of time required to prepare for a particular election, we were not able to witness the earliest steps in the process. When we began our investigation in September 2016, most of the early groundwork, such as definition of the election, creation of the ballots, and assignment of precincts had been completed. Members of the Grand Jury were able to witness the following steps in the execution of the 2016 presidential election:

- Programming and testing of polling place scanners, electronic touchscreens, and the 400C ballot counting machines
- Cataloguing, serializing, and RFID tagging of equipment
- Polling place kit assembly and equipment tagging for precinct assignment
- Training of inspectors and poll workers
- Specialist lab training for volunteers charged with operating the electronic equipment
- Precinct sorting of mail-in ballots
- Pre-scanning of mail-in ballots for problems requiring manual processing

- Signature verification on mail-in ballots
- Processing of overseas ballots
- Pick up of ballots and equipment by trained inspectors
- Election Day activities at multiple polling places throughout the county
- Delivery and receipt of counted ballots and memory cards to Elections Department on election night
- Election Day hotline operations
- Counting of the votes
- Online posting of votes and updates to votescount.com
- Random selection of precincts for statistical verification of the votes
- Investigation of provisional ballots

Investigation

The Grand Jury sought to better understand the process of running an election and the protections that ensure its integrity. We witnessed almost every aspect of the election process starting mid-October. We conducted formal interviews with staff members and had extensive conversations with those working at each stage of the process we observed. Our investigation included numerous site visits, poll worker training sessions, and extensive research on voting, voting systems, and voter fraud.

We observed or investigated these major issues and events in this election cycle:
- Staffing and Training
- Preparing for the Election
    - Programming, Cataloging, and Securing the Equipment
    - Testing of the Equipment
    - Investigating Concerns about the Equipment
- Voter Registration
- Vote-by-Mail
- The Election
    - Voting
    - Tabulating and Certification of the Election
- Post-Election Activities
    - Preparing for the Next Election
- Votescount.com: The County Elections Department Website
- The Future of Voting

Throughout our investigation the Elections Department provided us with unfettered access. They were cooperative, informative, and patient with our inquiries at all times.

Staffing and Training

It takes many hands to conduct a presidential election. There are 13 full-time, permanent staff in the Elections Department, including the County Clerk, the Assistant County Clerk, and the Systems Analyst. In addition, approximately 45 temporary employees were hired to help carry out the November election. Those employees work alongside hundreds of volunteers to prepare for the election, staff the polling places, and assist with processing and counting the ballots. Nearly all of the volunteers and temporary employees participate in a two-hour poll worker training, followed by an optional additional one-hour hands-on lab to ensure that they are qualified to do the job to which they are assigned. This training is conducted by the County Clerk and emphasizes maintaining the integrity of the vote and the voting process, and careful monitoring of the vote to prevent fraud.

In addition to the training, each poll worker receives a 24-page manual that covers how to handle the vast majority of issues they may face throughout the election process. Separate, specialized training is also provided to the volunteers tasked with running the scanners and touchscreen machines at each precinct, again with an emphasis on security procedures and prevention of tampering. On Election Day, a hotline is available for staff and volunteers to resolve last-minute issues.

Many employees of county departments other than the Elections Department also assist the Department on Election Day, either by working at polling places or helping staff the office. On multiple occasions, the Elections Department employees mentioned their tremendous appreciation for the support and assistance they receive from the community and other county departments.

Preparing for the Election

Every election begins many months before Election Day (see Fig. 2). The first step, known as defining the election, involves identifying each contest and ballot measure that will be decided on a particular date. This happens 180 days prior to the date of the election, or "E minus 180" (E–180) in Elections Department parlance. Next is the opening of candidate filings and the related completion of candidate paperwork. Once the contests have been defined and the candidates identified, the ballots are created, a complex process ensuring every voter receives the appropriate ballot. The ballot must include all contests in every district (e.g. congressional and special districts such as school and water) in which a particular voter resides. After this step is completed, the Elections Department determines the number of registered voters in each precinct. Precincts with fewer than 250 registered voters are designated mail-in-ballot-only precincts; in the November 2016 election there were 121 of these. The remaining precincts, 145 this past November, are assigned polling places. This part of the process, from definition of the election through consolidation and assignment of polling places, must be completed 88 days before the election (E–88).
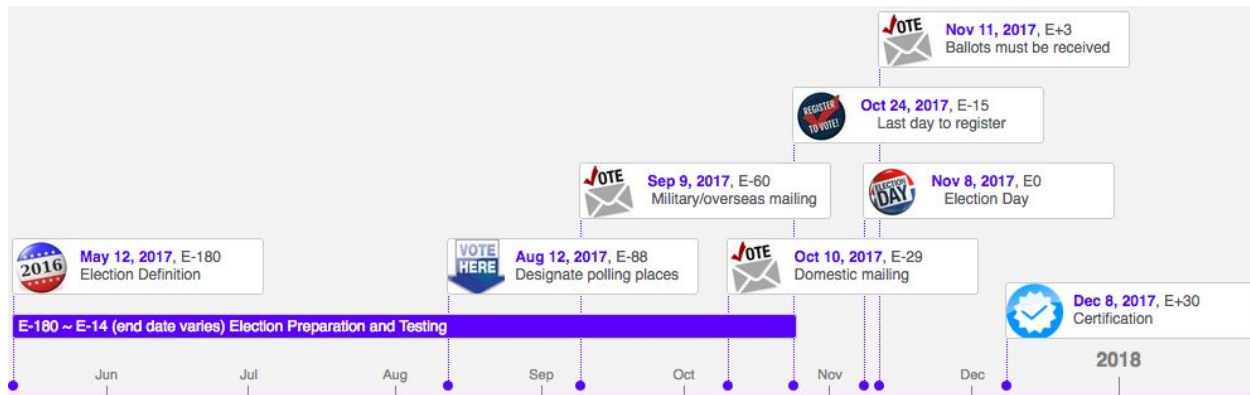
Fig. 2 **2016 Presidential Election Timeline**
(Source: Santa Cruz County Elections Department data)

After these steps have been completed, ballots are printed; the November 2016 election required 85 different ballot types representing 61 different contests and ballot measures. After printing, ballots are reviewed and inventoried before being delivered to the Elections Department Operations Center for use in testing and for secure storage until the day before Election Day. Meanwhile, at the Operations Center, polling place kits, including all supplies that will be needed on Election Day, are being prepared.

Programming and Securing the Equipment

Once the ballots have been printed, all machines that will be used on Election Day are programmed and then undergo a rigorous testing process designed to ensure that they are in working order.

The machinery used in our local election, all of which was manufactured by Sequoia Voting Systems (now Dominion Voting Systems) includes:

1. Insight electronic scanners: used to read and tally the votes cast on paper ballots at the polls
2. Edge touchscreen voting machines: DRE machines used for electronic voting at the polls
3. Optech 400C tabulation machines: used to count all mail-in and provisional ballots, and ballots that cannot be counted at polling places due to scanning issues
4. WinEDS system: centralized processing system for ballot preparation, voting machine configuration, and vote counting
5. Related memory, printing devices, software, and firmware

When not in use, the Insight and Edge machines are kept in a locked warehouse facility. The Grand Jury had access to this facility to observe the testing of the machines. We observed multiple layers of security in the form of locks and restricted access to certain areas, as well as motion detection and video surveillance. The balance of the machinery and software is housed in the Elections Department itself, in the office of the Systems Analyst. This office has restricted access and is locked after hours. During election

cycles, the office is secured at all times that designated staff members are not present. Ultimately, in all cases, security still relies on the integrity of key individuals and strict adherence to procedures.

Testing the Equipment

The Logic and Accuracy Board, comprised of experienced volunteers appointed by the County Clerk, oversees the testing of all scanners and touchscreen machines to ensure it is objective and comprehensive. The testing follows a Secretary of State approved script specific to each machine. The testing process is rigorous, involving six stages with 26 steps for the Insight Scanner and ten stages with 56 steps for the Edge touchscreen machine.[11] Once an individual machine is tested, there is a specific, detailed process, involving serial numbers, coded stickers, zip-tie seals, RFID tags, and written records of all information pertaining to that machine, to ensure it remains secure until Election Day. The same process secures the memory cards for the touchscreen voting machines. In addition, there is a clear chain of custody for every element of the voting system, and every step of the process requires at least two people.

The 400C vote counting machines, which are housed in the Elections Department, also undergoes a testing process, also reviewed by the Logic and Accuracy Board.

Investigating Concerns About the Equipment

While the electronic equipment is carefully maintained, tested, and secured when not in use, it is all over ten years old and discontinued. Dominion can provide technical support and certain replacement parts, but they no longer produce new equipment of this generation. When machines malfunction the Elections Department must either cannibalize their back-up machines to make repairs or call on nearby counties to determine if they have machines they can loan or share.

While the need for updated equipment is clear, the certification process is lengthy and the only new equipment that has been certified does not meet all of the county's standards for accessibility and translation capabilities. Other new systems, including one that could meet the county's needs, await certification. Although the Elections Department would like to purchase new equipment when a suitable system is certified, it is not clear when the funds needed might be available.

Beyond concerns about the age and reliability of the machines, studies have shown that despite the fact that they are not connected to the internet, these machines are vulnerable to other types of interference.[12] In 2007, the inherent flaws and deficiencies in these systems led Secretary of State Debra Bowen to decertify all of the machines and to conditionally re-approve them following an extensive top-to-bottom review of the electronic voting process.[13]

In the decertification the Insight scanners, Edge touchscreens, 400C vote tabulation system, and related equipment used by Santa Cruz County were found to be "defective or unacceptable" in a number of significant ways. Many of these problems relate to four broad categories: data integrity, cryptography, access control, and software

engineering, which were identified in the technical report *Source Code Review of the Sequoia Voting System*,[14] completed as part of the State's top-to-bottom review.

Secretary of State Bowen had 39 conditions for recertification and re-approval.[13] These conditions were designed to contain, mitigate, or correct the discovered flaws. Many of these remediations focus on the physical security of the machines and expanded auditing. The Elections Department's policies and procedures meet California state security standards and sufficiently address these issues to render remaining vulnerabilities in the systems manageable.

Voter Registration

Voter registration is conducted continuously until 15 days prior to a given election. Citizens may register online using the county's website,[15] which also enables voters to check registration status and voting history. Citizens may also register in person by filling out a registration card available at the Elections Department and many other public locations, including the Department of Motor Vehicles, US Post Offices, and public libraries. Registration cards may also be requested by phoning the Elections Department.

Vote-by-Mail

At E–60, ballots are mailed to overseas and military voters. At E–29, ballots are mailed to permanent vote-by-mail voters. Processing of overseas and vote-by-mail ballots, including a multi-step signature verification process, occurs as ballots are returned to the Elections Department. Given the large number of vote-by-mail ballots that are cast in every election, verifying and counting the mail-in ballots takes much of the Elections Department's time in the days and weeks leading up to Election Day. This has become increasingly cumbersome as the number of mail-in ballots has steadily grown through the years, comprising almost two-thirds of the ballots cast in the most recent election.
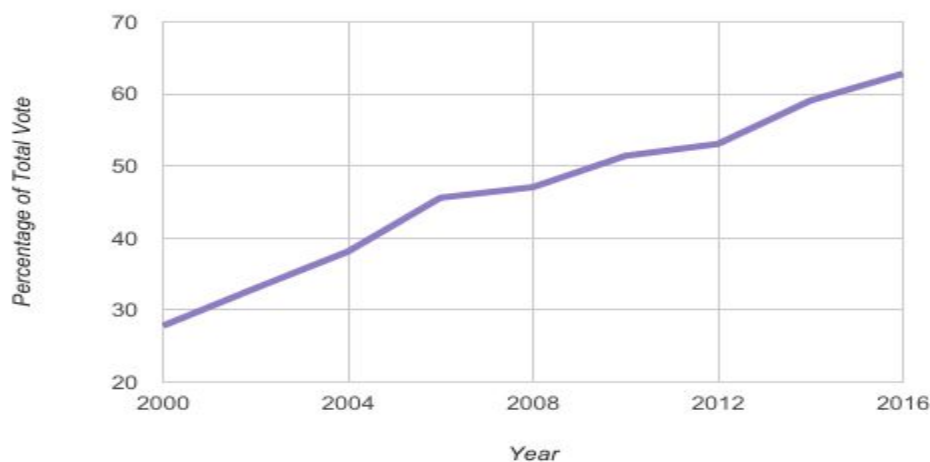

Fig. 3 **Percentage of Vote By Mail Since 2000 (**Source: votescount.com[10])

This increase in the popularity of vote-by-mail, shown in <u>Fig. 3</u>, brings with it advantages and disadvantages, for both the individual voter and the county. Votes can be cast, and counted, weeks before Election Day, but early voting precludes consideration of information and events that happen late in the election cycle. Vote-by-mail makes it easier for those with limited time or ability to get to a polling place, and reduces the need for Election Day precinct workers and volunteers, although it is possible that ballots can be delayed or get lost in the mail. While voters requiring assistance with completing their ballot benefit from vote-by-mail, the integrity of a secret ballot is harder to guarantee, increasing the risk of voter intimidation or vote selling.

The Election

The day before the election, ballots, voting machines, and related supplies and equipment are moved from the Operations Center to four distribution sites, where they are carefully inventoried and staged for pick-up. These items are distributed to inspectors, who are the trained and experienced poll workers responsible for overseeing activity at each polling place on Election Day. Inspectors must show proper identification to pick up election supplies. For each precinct pick-up, three people – two distribution clerks and the inspector – follow a clearly articulated script that involves verifying the number and types of ballots, the serial numbers and integrity of the equipment seals, and the presence of all necessary supplies before the inspector is permitted to leave the distribution location. After pick-up of the ballots, machines, and supplies, each inspector is required to maintain all of these items in a secure location overnight for delivery to the polling place the following morning. At the polling place, two poll workers, not including the inspector, are responsible for verifying the integrity of all seals and other security measures before setting the equipment up for voting.

Voting

Finally, after all the preparation, training, and testing, Election Day arrives. The polls open at 7 a.m., staffed and ready for voters. Each voter enters his or her name and address in the voter roll book. Voters attempting to vote at a precinct where their name does not appear on the voter roll will either be redirected to the proper precinct or allowed to vote using a provisional ballot. A policy of the Santa Cruz County Elections Department is that no voter is turned away on Election Day. While a particular person's vote may ultimately not be counted due to lack of registration, lack of residency, or other irregularities, the presumption at the poll is always in favor of allowing a voter to complete a ballot. At 8 p.m., the poll workers, most of whom have been working the entire day, close the polls. Any voters waiting in line at the close of the polls are allowed to cast their votes.

Members of the Grand Jury observed multiple polling places on Election Day to witness how well the process was being carried out. We had access to the log of all registered complaints, made directly at the polls and through the hotline, relating to problems at the polls. For the most part, any equipment issues, such as printers running out of paper, scanners not accepting ballots, paper jams, and frozen screens, were minor and were addressed on site or by replacement of faulty equipment. Issues relating to voters,

such as missing names, registration irregularities, or designated mail-in voters showing up to vote at the precinct, were also largely addressed at the polls, frequently by the inspectors and often through the use of provisional ballots. The Elections Department staff were available to address issues that the inspectors were unable to resolve.

Tabulation and Certification of the Election

For most of us, Election Day is the culmination of a very long election season. For the Elections Department, the intensity of the work continues. Once the polls have closed, each precinct completes an audit worksheet which itemizes the status of all ballots that were delivered to that precinct and reconciles that number with the number of voters who showed up to cast their votes. The inspector and a clerk from the same precinct deliver this worksheet to the County building, along with all voted ballots in a sealed box, all unvoted ballots in a separate sealed box, and the data transport bag holding the sealed and secured memory cards from the touchscreen and scanner. They surrender these materials to a checker, who completes an audit log. This well-organized, secure, and streamlined system is overseen by Logic and Accuracy Board members. The ballots and memory cards, still in their secure data transport bags, are then delivered to the Elections Department where the seals are broken by employees so that the data can be processed.

Memory cards from the optical scanners and touchscreen systems are read in on an offline vote tabulation system; this system is kept in a locked room with very limited access. On election night preliminary counts are transferred to a county system by hand using a [USB drive](#), and then uploaded to a public web site.[16] This update happens several times as the count progresses, and each time the same USB drive is reused. This reuse is a potential avenue for transferring viruses between the County system and the offline vote tabulation systems.

Results are separately transmitted to the California Secretary of State over a dedicated private line by manually re-typing them into a separate secure system, with verification of entries conducted over the phone. In this case, there is no direct electronic transfer of information from the county offline tabulation system.

Post Election Activities

There is still much work to be done in the days following the election. Votes that have been cast by mail-in ballot but not yet received continue to be counted as long as they are postmarked by Election Day and received within three business days after the election. Provisional ballots are reviewed by an employee of the Elections Department, who takes all the steps necessary to determine whether the voter was eligible to vote. In cases where there remains a question about eligibility, the provisional ballot is transmitted to the County Clerk or Assistant County Clerk for further review and final determination. Ballots unreadable by machine are reviewed to determine the voter's intent.

Two audits are conducted: a state mandated random audit of at least 1% of the precincts in every contest of the election, and an audit of 10% of the votes cast on the

Edge touchscreen machines. The department must certify the results by 30 days after Election Day.

Certification of the election, however, does not mean that the department's work is done. Individuals have five days after certification to request a recount, something that occasionally happens in Santa Cruz County. The department usually completes its own voluntary recount in close contests. A person requesting a recount is required to pay its cost, typically $1,000 to $1,800 a day. If the recount changes the outcome of that contest, the requester's money is refunded.

Preparing for the Next Election

Once the certification is complete and the recount period has passed, the election cycle is over but there is typically another one already in the works. The department usually conducts multiple elections each year, ranging from simple, single-issue bond measures to a full presidential election like the one that was just completed.

During the less active parts of the year, the department is engaged in ongoing voter registration, clean up of the voter rolls, file and system maintenance, and mandated reporting to the state and federal governments. Additionally, it studies and prepares for new federal and state legislation affecting elections.

Votescount.com: The County Elections Department Website

Voters unfamiliar with the county's voter website, votescount.com (see Fig. 4) are missing out.

Fig. 4 **Home page of votescount.com**

The site, maintained by the County Clerk, provides in-depth information on current and approaching elections, registration and detailed voter information, voter history, laws and guidebooks, links to other resources, a tool to track mailed-in ballots, and myriad other features. The site is well maintained with regular improvements and prompt updates.

Votescount.com is an example of the outstanding and comprehensive efforts by the Elections Department to make the voting process transparent and accessible to all residents of our county.

The Future of Voting

There are significant changes on the horizon for voting in California. Senate Bill 450,[17] which was signed by Governor Brown in September 2016, gives California counties the option of changing to a structure that utilizes "vote centers" rather than traditional precinct-based polling places. Fourteen of California's 58 counties will be able to opt in to this model in 2018; the remaining counties, including Santa Cruz County, may start using this system in 2020. Under the new vote center model, all registered voters will automatically be mailed a ballot 28 days prior to the election. Voters may then return this ballot by mail, by depositing it in a secure drop box (one will be required for every 15,000 registered voters), or by taking it to a vote center. Ten days before the election one vote center will be opened for voting for every 50,000 registered voters. The Saturday prior to the election through Election Day, this will increase to one vote center for every 10,000 voters. The vote centers, staffed by paid employees, will give voters the ability to cast their ballots, return completed ballots, do same-day registration, receive a replacement ballot, use accessible voting machines, and access language assistance and translated materials.

The intent of this bill is to make voting easier and to engage more participation in the electoral process. It opens up the window for casting ballots in person ten days prior to the election, although this change does not necessarily provide voters a longer voting period. It has been a long-standing practice in Santa Cruz County to allow voters to obtain and cast a vote-by-mail ballot at the Elections Department during business hours 29 days prior to Election Day.

SB 450 also enables same-day registration which will, presumably, result in more people being able to vote. It should ease some of the burdens of the voting process that are frequently experienced by the disabled and non-English speakers, and it gives people flexibility in where and when they cast their vote. However, for those that choose to vote in person it may mean increased travel time to, or crowds at, their polling place. For some elections departments, such as our own, the logistics of the initial set-up of this system are daunting.

A more significant change would be a shift to internet-based voting. Currently 32 states, not including California, allow some form of internet voting.[18] Most of these states use internet voting for military and voters living overseas. Alaska allows it for all absentee voters; however, they are informed their internet vote is neither anonymous nor secure.[19] While widespread internet voting would have some benefits, including saving

money, streamlining logistics, and making it easier for some voters to participate in the electoral process, the inability to ensure the security and anonymity of the vote would be a major concern. Internet voting is not under consideration in Santa Cruz County.

Conclusion

Most of us who have exercised our right to vote have probably never considered the breadth and depth of preparation and effort required to run an election. As we followed along in the process, we were consistently impressed by the layers of protection and redundancy built into the system, and the lengths to which the Elections Department goes to ensure the integrity of the vote. The Department's commitment, dedication and attention to detail shine through at every step. While the broader claims of election fraud show no signs of abating in the near future, all residents of Santa Cruz County should have faith in the integrity of our elections and the reliability and commitment of our Elections Department.

Findings

F1. Elections in Santa Cruz County are run fairly and conscientiously, with numerous procedures and safeguards that minimize the likelihood of fraud or systemic errors. Although minor problems occurred, we consider these inevitable given the number of people and the complexity of the process, and they were detected or reported and remedied expeditiously.

F2. Most equipment used to conduct the election is old, much of it nearing or past its useful life. This includes voting machines and electronic and mechanical vote counting systems. Spare parts are increasingly hard to find.

F3. Santa Cruz County uses a state certified system that meets state standards. Beyond keeping some key systems offline, this equipment does not implement adequate computer security measures.

F4. Santa Cruz County limits physical access to the ballots and the machinery used to process the ballots and conducts comprehensive audits both before and after every election.

F5. Voting equipment that the county would select to replace its aging infrastructure has not yet been certified. When the certified replacement equipment becomes available, it is not clear when funds might be provided.

F6. Re-use of USB drives on the offline vote collection systems, after being attached to an internet-connected system, is a possible avenue to compromise the offline systems.

F7. While currently not being considered in Santa Cruz County, the future possibility of internet voting is a concern due to the inability to ensure the security and anonymity of the vote.

Recommendations

R1. The Elections Department should continue to be proactive in evaluating voting systems that are safe, efficient, and available. (F2–F5, F7)

R2. In order to protect the integrity of the count, once USB drives or other equipment have been connected to the county network, they should never be reattached to the offline vote counting systems. (F6)

R3. The Board of Supervisors should begin the process of identifying and budgeting the requisite funds for replacement of election equipment once it is certified. (F2–F5)

Commendations

C1. The Grand Jury recognizes the diligence, dedication, and hard work of the Elections Department. We had their full cooperation, and observed first-hand the immense number of hours and the effort they put into running an election, while maintaining an impressive level of professionalism.

C2. The Elections Department's website, votescount.com, is a valuable and comprehensive resource.

Required Responses

Respondent	Findings	Recommendations	Respond Within/ Respond By
Santa Cruz County Clerk	F1– F7	R1, R2	60 Days July 17, 2017
Santa Cruz County Board of Supervisors	F2–F5	R3	90 Days August 15, 2017

Definitions

● **Definition of Election:** The specification of the candidates and issues that will be included in a particular election.

● **Direct Recording Electronic (DRE) machine:** A machine that presents voting options through an electronic display, processes the vote by means of a computer program, records data on memory devices, and produces a voter-verified paper trail. In Santa Cruz County, DRE machines address accessibility and foreign language requirements.

● **Edge Touchscreen:** A DRE machine produced by Sequoia Voting Systems and used by voters in Santa Cruz County to cast their votes electronically.

● **Insight Optical Scanner:** A vote counting machine produced by Sequoia Voting Systems and used to count paper ballots at polling places in Santa Cruz County.

- **Offline:** Not controlled by or directly connected to a computer network or the internet. Also known as "air-gap" systems.
- **Optech 400C:** A ballot counting machine produced by Sequoia Voting Systems and used in Santa Cruz County to count vote-by-mail and provisional ballots. Also serves as a back-up system to count ballots that could not otherwise be counted at the polls.
- **Polling place kit:** A container with all necessary office supplies and polling place signage.
- **Provisional ballot:** A ballot cast by a voter who experiences some problem or irregularity preventing them from casting a regular ballot.
- **RFID:** *Radio-Frequency IDentification*.
- **USB drive:** A removable storage device that connects to a computer's *Universal Serial Bus* (USB) port. The Elections Department uses the familiar flash-memory thumb drive style.
- **Vote-by-mail:** The process of voting by a ballot that may be cast prior to or on Election Day and returned by mail, at polling places, at the Elections Department, or at the County's drop boxes. Permanent vote-by-mail voters automatically receive their ballots by mail without requesting one each election.

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Site Visits

Santa Cruz County Elections Department, 701 Ocean Street, Rm. 210, Santa Cruz, CA 95060

County Clerk/Elections Operations Center, 2809 Mission St., Santa Cruz, CA 95060

Distribution Centers:

> 131 Kirby, Felton CA (Felton Firehouse)
>
> 326 Evergreen, Santa Cruz CA (Harvey West Scout House)
>
> 979 17th Ave, Santa Cruz CA (Simpkins Swim Center)
>
> 1432 Freedom Blvd, Watsonville CA (UC Coop Extension)

Multiple Precincts throughout the county on Election Day

Poll Worker Training, Scotts Valley Community Center, 360 Kings Village Road, Scotts Valley, California 95066

Specialist Training, County Health Center, 1080 Emeline, Santa Cruz, CA 95060

Websites

votescount.com

Soquel Union Elementary School District and the Brown Act

Missing – Mutual Respect and a Shared Vision

Summary

Separate investigations of the Soquel Union Elementary School District's Board of Trustees (SUESD Board) were conducted by both the 2015–16 and 2016–17 Santa Cruz County Civil Grand Juries. These investigations revealed that the SUESD Board has created an environment that misinforms the public, minimizes community input, and discourages citizen involvement. The 2015–16 Santa Cruz County Civil Grand Jury investigated the SUESD Board and reported on discrepancies in record keeping procedures and two instances of violations of California's open meeting laws known as the Brown Act. The SUESD Board's response to that report indicated ongoing operation outside the bounds of state law, in conflict with their own policies and bylaws, and contrary to the guidance of the California School Board Association. The goal of this follow-up report is to encourage the SUESD Board to embrace a more transparent, inclusive approach to the business of school governance.

Background

> *The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.* California Government Code (Cal Gov Code, CGC) §54950 "The Brown Act"

The legislation governing conduct by school boards and other legislative bodies is commonly referred to as The Brown Act.[1] Named for its author, former State Assemblyman Ralph M. Brown, it has been a benchmark of the people's right for governmental transparency since its enactment in 1953. It guarantees the people the right to participate in meetings of local legislative bodies. This California government code details how a local legislative body, such as a school board, must announce and conduct its meetings.[2] It also provides for the right of the people to be heard before any decisions are reached.

Violating the Brown Act is a misdemeanor. The code states:

> *Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.*[3]

School boards are also subject to the California Education Code (Cal Ed Code), which "...establishes the law of this state respecting the subjects to which it relates, and its provisions and all proceedings under it are to be liberally construed, with a view to effect its objects and to promote justice."[4] In other words, the Cal Ed Code strongly asserts that enforcing the law in instances of even the appearance of non-compliance is in the people's interest.

These government codes instruct school boards to "adopt reasonable regulations to insure that this intent is carried out."[5] The regulations, manifested in a school board's policies and bylaws, specify ways to insure the proper functioning of board meetings.[5]

Scope

In conducting this investigation, the Grand Jury reviewed the 2015–16 Grand Jury report "Soquel Union Elementary School Board – Full Disclosure is Not Optional,"[6] the SUESD Board's response to that report,[7] California Government and Education Code sections,[8] [9] SUESD Board Policies and Bylaws,[10] the SUESD Board's posted agenda packets,[11] minutes,[12] and audio recordings[13] [14] of meetings during 2015 and 2016, and the California School Board Association (CSBA) article *Defining Governance: Engaging the Community.*[15]

Investigation

Many of the findings and recommendations in the 2015–16 Grand Jury report were not related to the Brown Act and have been resolved.[6] [7] Board meeting conduct, however, is still in question. While the 2015–16 Grand Jury report asserted that there were at least two violations of the Brown Act,[6] the Board's response to that report revealed many more.[7] This investigation found the Board is also operating in violation of the Cal Ed Code[9] and in violation of its own bylaws.[10] There are four general areas of ongoing concern:

- Closed session conduct
- Trust issues and community engagement
- Standards for District Superintendent evaluation
- Incorrect agenda template

Closed Session Conduct

In June of 2014,[16] [17] and again in June of 2015,[18] the Board revised the contract of the District Superintendent in closed session, increasing the salary for their only employee. The 2015–16 Grand Jury report[6] found that the Board did not allow for public comments, as required by state law,[5] [19] prior to taking action on this revision. There is no record in the minutes of the Board announcing what would be discussed during closed session and no record of a request for public comment on closed session Items for June 18, 2014. In responding, the Board claimed that the oversight "may" have been "inadvertent" and therefore was not a violation of the Brown Act.[7]

The Grand Jury disagrees. "Inadvertent" or not, the Board's action violated state codes[5] [19] and was in conflict with their bylaw which states: "If the item is on the agenda, you will have the opportunity to speak at the time the agenda item is discussed."[20]

The Grand Jury recognizes that the agenda template used by the Board allows for "public comment on closed session items only" prior to adjourning for this portion of the regular meeting. In reviewing the Board's agendas[11] and corresponding approved minutes[12] from January, 2015 to January, 2017, the Grand Jury discovered 22 instances where "Public Comment for Closed Session Items" was on the agenda with no corresponding reference in the minutes that the public comment time occurred.

Additionally, there were 17 separate occasions where the published minutes did not report the topics discussed in closed session, although these topics had been identified on the agenda. The Board often records in the minutes: "Nothing to report out of closed session." This is not sufficient. By law, the Board may only consider in closed session items disclosed to the public in an open meeting.[21] This disclosure is usually done through numbered agenda items. These topics should then be recorded in the regular meeting minutes as a record of what took place. This "general practice" that "closed session topics listed in the agenda are not repeated in the published minutes"[7] produces an inaccurate record of action taken. On returning from closed session,

disclosure of the topics discussed would conform to the recommendations of the CSBA article *Defining Governance*.[15]

The minutes show that on two separate occasions,[22] [23] the Board adjourned the open meeting and then convened a closed session. The closed session items had been agendized, but by adjourning the meeting prior to convening closed session there was no longer an opportunity for the public to comment.[5] [19] Neither was there an opportunity for the Board to report on the items discussed and actions taken during the closed session.[21] Among the items discussed at the March 1, 2017 meeting were a review of superintendent candidate applications and a "Public Employee Discipline/Dismissal/Release/Complaint."[24] The action taken in closed session was reported at 11:29 pm by "convening open session"[23] to a meeting that had been adjourned at 8:40 pm.

Trust Issues and Community Engagement

Board policies make frequent reference to the guidance of the CSBA to support their own policies and bylaws as a management resource.[10] The Board, as noted in the minutes from January 14, 2015 through March 1, 2017, has also received training from the CSBA in the form of workshops, seminars, and governing guidance on nine separate occasions.[12] On December 7, 2016, the minutes reflect that four of the seated trustees attended an annual CSBA conference which included governance workshops.[25] The minutes of February 1, 2017 show that on January 23, 2017, the Superintendent attended a CSBA "Good Beginnings" workshop.[26]

In its five part series on *Defining Governance,* the CSBA includes an article, *Engaging the Community,*[15] which addresses a school board's responsibility for community engagement and what constitutes a healthy relationship between boards and the communities they serve.

> *School boards ensure success for all students by making decisions that fulfill legal mandates and align district systems and resources to ensure the long-term fiscal stability of the district. To do this, boards must act collectively and openly, be guided by community interests and informed by recommendations of the superintendent and professional staff.*
>
> (Ref: California School Board Association: Defining Governance, *Engaging the Community*[15]

A review of the minutes for January 6, 2016 and February 1, 2017 show that the Board has had input from the community.[26] [27] Additionally, the recently adopted "Board of Trustees Governance Handbook"[28] has a form for "Public Request for Agenda Item." The Grand Jury sees these as positive steps that engage the public as stakeholders in the district.

The Board's bylaws state the Board is mandated to hold an annual self-evaluation during an open meeting.[29] This evaluation should include whether the previous year's goals have been achieved and set new goals for the future. The Grand Jury could find no evidence in the 2015 or 2016 Board minutes that this occurred.[11] [12]]

Standards for District Superintendent Evaluation

The 2016–17 Grand Jury reviewed Board agendas and minutes[11] [12] and found that while the Board conducts evaluations of the superintendent at least annually,[30] they have not updated the responsibilities and duties of the superintendent in over 15 years.[31] [32] This is significant as the superintendent is in charge of the overall operation of a district that has seen many changes in both curriculum and funding since the Board adopted the 2012 policy detailing its responsibility for evaluating the superintendent.[26]

When evaluating the superintendent, the discussion must be kept confidential[33] and therefore be conducted in closed session, but state law mandates that:

- the agenda must disclose that a closed-session meeting is to occur and the items to be discussed[21]
- the public must be given the opportunity to address the Board regarding these items before any action is taken[5] [19]]
- any decision or action taken by the Board during the closed session must be announced during the meeting's open session[21]

All of this should also be recorded in the minutes.[34]

Incorrect Agenda Template

The template used by the Board for their meeting agenda since at least 2011, shown and discussed in further detail in Appendix A, is incorrect in the following ways:

- It prominently displays an inaccurate start time for a meeting with closed-session items
- It fails to notify the public (and District staff) of the appropriate time for them to request consideration of items on the Consent Agenda until after that time has passed
- It incorrectly uses the term "Public" session, rather than "Open" session
- It doesn't inform the public that agenda items may be moved to the beginning of the agenda until after the time to do so has passed
- The Roll Call doesn't occur until after closed session, leaving no record of who attended the closed session
- The order of business, as reflected in the agenda, is confusing and misleading

Until these issues are rectified, members of the public could be deprived of their right to comment.

Findings

F1. The June 18, 2014, SUESD Board minutes do not record that there was an opportunity for public comment prior to the superintendent's evaluation.

F2. The June 18, 2014 and June 3, 2015 SUESD Board minutes do not record that the superintendent's evaluation was discussed in closed session.

F3. The 2015 and 2016 SUESD Board minutes do not record whether the Board offered the public a chance to speak before closed sessions.

F4. In 2015 and 2016, closed session items were rarely recorded in the minutes.

F5. In 2015, 2016, and the first two months of 2017, the SUESD Board repeatedly used the statement "Nothing to report out of closed session."

F6. The Board has met twice in closed session after adjourning open session.

F7. The Board, in adopting their Governance Handbook, has shown increased acceptance of public input in the direction of the district by including an avenue for requesting items to be added to the agenda.

F8. In 2015, 2016, and the first two months of 2017, the SUESD Board minutes did not record that the Board has conducted a self-evaluation.

F9. The SUESD Board has not reviewed or revised the responsibilities and duties of the superintendent at any time between September 2001 and 2016.

F10. The SUESD Board has been using an incorrect template for its agenda for at least the past six years.

F11. The agenda template announces conflicting times for the convening of public meetings.

F12. The agenda template does not advise the public of its opportunity to pull items from the consent agenda for comment prior to the adoption of the agenda.

Recommendations

R1. The SUESD Board should record in the minutes the closed session agenda items that were discussed and any actions taken, including taking no action, on those items. (F1, F2, F4, F5)

R2. The SUESD Board should demonstrate its compliance with **CGC §54954.3(a)**, **CEC §35145.5**, and its **Bylaw 9323** to give the public an opportunity to comment by recording this offering in the minutes. (F3)

R3. The Board should comply with **CGC §54957.7.(a), CGC §54957.7.(b), CGC §54957.7.(c)** by not meeting in closed session after adjourning open session. (F6)

R4. The SUESD Board should comply with its **Bylaw 9400** by addressing in public session its self-evaluation, including whether or not the District's goals for the previous year have been achieved. (F8)

R5. The SUESD Board should conduct an official review and update of the criteria for evaluating their only employee, the superintendent. (F9)

R6. The SUESD Board should comply with **CGC §54954.3** by correcting its agenda template to reflect accurate times, locations, and content for meetings. (F10)

R7. The Board's agenda should reflect that Board meetings begin with the Call to Order. (F11)

R8. The Board should advise the public of its right to pull a Consent Agenda item for comment prior to adopting the agenda. (F12)

Commendations

C1. We commend the Board for including in their Governance Handbook a public request form to add agenda items. (F7)

Required Responses

Respondent	*Findings*	*Recommendations*	*Respond Within/ Respond By*
SUESD Board of Trustees	F1–F12	R1–R8	90 Days August 28, 2017

Definitions

- **Action Taken:** A collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance[35]
- **Agenda Packet:** The Board meeting agenda and supporting documents for items to be discussed at the meeting
- **Board:** SUESD Board of Trustees
- **Brown Act:** The Ralph M. Brown Act, California Government Code Sections 54950–54963 describing legalities of conducting meetings of local legislative bodies
- **CEC:** California Education Code is the state law relating to public education.
- **California School Board Association (CSBA):** A nonprofit education association representing the elected officials who govern public school districts and county offices of education
- **CGC:** California Government Code is the state law relating to the operation of state entities
- **Legislative Bodies:** A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body[36]
- **SUESD:** Soquel Union Elementary School District

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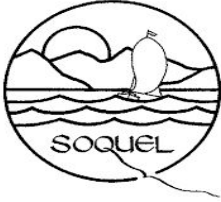
Site Visits

There were no site visits.

Websites

California Legislative Information https://leginfo.legislature.ca.gov/faces/codes.xhtml

Soquel Union Elementary School District http://www.soqueldo.santacruz.k12.ca.us/

Appendix A – Annotated SUESD Agenda

A typical agenda[37] is shown below with these misleading sections highlighted:

- The "Open Session Begins" time indicated prominently at the top of the first page, centered and bold, is not the actual start time of this meeting. The meeting actually begins with "1. CALL TO ORDER," which takes place one hour prior to the time indicated above. Following "11. Adjournment" on page three the same "Open Session Begins" phrasing is used in the notice for the next meeting. This confusion could cause people to miss their chance to comment on the closed session items offered at "1.A. Public Comment for Closed Session Items Only."

- At "3.C. Adoption of the Agenda" on the first page the parenthetical note indicates only that this is when the *Board* can pull items from the Consent Agenda. It does not indicate any right of the public or staff to make a similar request, or any requirement that they do so at this time. However, at "8.E. Consent Agenda" on the third page, the agenda states "There will be no discussion on these items prior to the time the Board votes on the motion, unless members of the Board, staff or public have requested under *Adoption of the Agenda* that specific items to [sic] be discussed and/or removed from the Consent Agenda." This creates a situation in which members of the public can unwittingly waive their right to address items on the Consent Agenda because they have not been put on notice when they need to make their request.

- At the very bottom of page three, the agenda states "VISITORS: If you wish to address an item on the agenda, please be present at the beginning of the meeting. Any item MAY be moved to the beginning of the agenda." However, as discussed above, it is not clear from the agenda whether the meeting begins at 5:30 or 6:30, again potentially causing the public to lose their chance to address an item.

SOQUEL UNION ELEMENTARY SCHOOL DISTRICT
Regular Meeting of the Board of Trustees
AGENDA

December 21, 2016

District Office Board Room
620 Monterey Avenue, Capitola, California 95010

6:30 p.m. - Open Session Begins

DISTRICT MISSION STATEMENT

Staff, students, parents and the community share the responsibility for each child's success. We are committed to ensuring that each student develops the skills and confidence for lifelong achievement and is prepared to make a positive contribution to our world.

1. CALL TO ORDER (5:30 p.m.)
Call Public Session to Order
1.A. Public Comment for Closed Session Items Only

2. CLOSED SESSION (5:30 p.m.)
Public Employee Discipline/Dismissal/Release/Complaint
2.A. Conference with Legal Counsel- Existing Litigation
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of Case: <u>State Case No. 44842- SACRCI: Gabriel Young v Soquel Union Elementary School District</u>

3. OPENING PROCEDURES FOR PUBLIC SESSION (6:30 p.m.)
3.A. Roll Call
3.B. Pledge of Allegiance
3.C. Adoption of Agenda (At this time the Board of Trustees may elect to pull items from the Consent Agenda)
3.D. Report Out of Closed Session

4. PUBLIC COMMUNICATIONS

Members of the audience are welcome to address the Board of Trustees during Public Communications regarding items not listed on this agenda.

For items not on the agenda, we request that you fill out one of the forms available at the sign-in register and submit it to the Administrative Assistant to the Superintendent prior to the opening of the meeting. Three minutes may be allotted to each speaker and a maximum of twenty minutes to each subject matter. The Trustees cannot take action on these matters unless such matters are placed on a future agenda, according to law.

If the item is on the agenda, you will have the opportunity to speak at the time the agenda item is discussed. Please address the Board President. These proceedings are audio-recorded. (Board Policy 9323)

Board members shall hold the education of students above any partisan principle, group interest, or personal interest. (Board Bylaw 9200).

COMPLETE BOARD PACKET AVAILABLE AT <u>http://www.soqueldo.santacruz.k12.ca.us/Trustees/Trustees.html</u>

COPIES OF MATERIALS PROVIDED TO THE BOARD OF TRUSTEES ONLY ARE AVAILABLE FOR PUBLIC REVIEW AT THE DISTRICT OFFICE

District Website: www.soqueldo.santacruz.k12.ca.us

5.	**STANDING REPORTS**

5.A.	Items from Superintendent and Assistant Superintendents
5.B.	Items from California School Employees Association
5.C.	Items from Soquel Education Association
5.D.	Items from Trustees: Reports on Meetings and Conferences Attended or Visits to Schools, and Public Communications
5.E.	Measure C Update

6.	**PRESENTATION/DISCUSSION/INFORMATION ITEMS**

7.A.	**Discussion Regarding Updates on the Local Control Accountability Plan (LCAP)** *Moira Barker, Assistant Superintendent, Educational Services, will discuss any updates of the LCAP.* *(Addresses LCAP Goal # 1/ High Quality Instruction)*
7.B.	**Presentation Regarding Measure C Citizens' Oversight Committee** *Scott Turnbull, Superintendent, will present on the purpose, membership, and application process of the Measure C Citizens' Oversight Committee.* *(Addresses LCAP Goal # 3/ Safe Schools)*

8.	**ACTION ITEMS**

8.A.	**Consider Approval of the Construction Management Template Contracts with Kramer Project and Development Company for the Initial Eleven Projects** *Consider approval of the Construction Management Template Contracts with Kramer Project and Development Company for the Initial Eleven Projects.* *(Addresses LCAP Goal #3/ Safe Schools or Community Partnerships)* **Recommended Action:** Approve the Construction Management Template Contacts with Kramer Project and Development Company for the Initial Eleven Projects.
8.B.	**Consider Approval of the Program Management Template Contract with Kramer Project and Development Company** *Consider approval of the Program Management Template Contract with Kramer Project and Development Company.* *(Addresses LCAP Goal #3/ Safe Schools or Community Partnerships)* **Recommended Action:** Approve the Program Management Template Contact with Kramer Project and Development Company.
8.C.	**Consider Approval of the Architectural Contract Template Meta Architectural Design International (MADI) Group for the Initial Eleven Projects** *Consider approval of the Architectural Contract Template Meta Architectural Design International (MADI) Group for the Initial Eleven Projects.* *(Addresses LCAP Goal #3/ Safe Schools or Community Partnerships)* **Recommended Action:** Approve the Architectural Contact Template Meta Architectural Design International (MADI) Group for the Initial Eleven Projects.

2

8.D.	Consider Approval of the Master Planning and Programming Time and Material Contract for the Meta Architectural Design International (MADI) Group *Consider approval of the Master Planning and Programming Time and Material Contract for the Meta Architectural Design International (MADI) Group.* *(Addresses LCAP Goal #3/ Safe Schools or Community Partnerships)* **Recommended Action: Approve the Master Planning and Programming Time and Material Contract for the Meta Architectural Design International (MADI) Group.**
8.E.	**CONSENT AGENDA** The following items listed under the Consent Agenda are considered by the Board in one action. There will be no discussion on these items prior to the time the Board votes on the motion, unless members of the Board, staff, or public have requested under *Adoption of the Agenda* that specific items to be discussed and/or removed from the Consent Agenda. **8.E.1.** Approve Minutes of the December 7, 2016 Board Meeting of the Soquel Union Elementary School District **8.E.2.** Approve Personnel Actions **Classified** 1 - Resignations **8.E.3.** Approve Job Title Change from Supervisor, Maintenance and Operations to Director of Maintenance and Operations **8.E.4.** Ratify Payment of Bills and Warrants: Review and Approve Orders and Warrants Regarding Expenditures of Budgeted Funds **8.E.5.** Consider Approval of the Contract with Clean-Tec Restoration & Cleaning for the District Office Rodent Waste Clean-Up

9. CORRESPONDENCE

10. FUTURE AGENDA ITEMS (As requested by Trustees)

Item   Requested By   Date

None scheduled at this time.

11. ADJOURNMENT

*The next regularly scheduled board meeting is **January 18, 2017**. Open Session Begins at 6:30 p.m. (Location to be determined)*

Upcoming Board Meeting Dates

February 1, 2017	May 3, 2017
February 15, 2017	May 17, 2017
March 1, 2017	June 7, 2017
March 15, 2017	June 21, 2017
April 19, 2017	

District Schools

Main Street Elementary School	www.mainstreet.santacruz.k12.ca.us
Soquel Elementary School	www.soquel.santacruz.k12.ca.us
Santa Cruz Gardens Elementary School	www.scg.santacruz.k12.ca.us
New Brighton Middle School	www.nbms.santacruz.k12.ca.us
Opal Cliffs School	(No website currently available)

VISITORS: If you wish to address an item on the agenda, please be present at the beginning of the meeting. An item MAY be moved to the beginning of the agenda. Please fill out a speaker form so that the Board may recognize you. Individuals needing special accommodations including (but not limited to) an American Sign Language interpreter, accessible seating or documentation in accessible formats should contact the Superintendent's Office at 464-5639 at least two days prior to the meeting date.

3

Assessing the Threat of Violence in our Public Schools

Is enough being done?

Summary

In the wake of some horrific incidents at schools, efforts have been made at the federal and state levels to reduce such events. The Santa Cruz County Civil Grand Jury investigated the readiness of our ten public school districts, the county's alternative education sites, and their respective law enforcement agencies to respond effectively to threats of targeted school violence.

While there are many positive programs in place, more can and should be done. Threat assessment plans, response teams, communication plans, and training are not consistent across all campuses. Confusion about what to do or how to interact with law enforcement during a threat incident still exists at some schools. Campus law enforcement, known as School Resource Officers, are extremely valuable in preventing or mitigating threats, but are only available in a few districts.

Background

At the end of the 2015-16 school year, a Santa Cruz County school district experienced an incident that tested the threat assessment part of its comprehensive school safety plan. The fear and confusion this incident raised was heightened by a lack of coordination between the school and local law enforcement, as well as a failure of timely and comprehensive communication to the school community. This situation led the Grand Jury to question whether the lack of coordination was isolated to this one district, or was something widespread throughout the county's multiple school and law enforcement systems. This was the basis for an investigation into threat assessment in our schools countywide.

A threat is an expression of intent to do harm or to act violently against someone or something. A threat can be spoken, written, or symbolic gestures or actions. Threat assessment rests on two critical principles:

- All threats and all threateners are not equal.
- Most threateners are unlikely to carry out their threat. However, all threats must be taken seriously and evaluated.

Threat assessment in schools is ultimately not concerned with whether a person or persons have made a threat, but whether they pose a threat, and includes efforts to prevent the threat from being carried out.

Scope

To better understand threat assessment issues, the Grand Jury referenced numerous reports and publications, including:

- California Education Code[1]
- *Safe Schools: A Planning Guide for Action*[2]
- *The Final Report and Findings of the Safe School Initiative*[3]
- *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates*[4]
- *The School Shooter: A Threat Assessment Perspective*[5]
- *The Virginia Model for Student Threat Assessment*[6]
- Santa Cruz County Office of Education's *Emergency Response Management Plan*[7]

Schools

Through interviews and questionnaires, we examined the preparedness of the county's school districts in assessing threats of targeted school violence. We sought information regarding how many districts had a threat assessment plan and of those which did, how detailed it was and to what degree law enforcement was involved. We developed the questionnaires from material gleaned through researching the publications mentioned above.

Law enforcement

Using the same process, we looked at the readiness of the county's law enforcement agencies to work in concert with the school districts in assessing threats. We evaluated how many agencies had School Resource Officers (SROs) and to what degree the agencies knew of and were involved in threat assessment at the schools in their jurisdictions. SROs are law enforcement officers that have received specialized training for working in an educational environment.

The final phase of our work was to propose a way to ensure that any school district in the county can effectively deal with assessing a threat with the law enforcement support they need.

Investigation

State law requires all public schools districts and county offices of education to develop a comprehensive school safety plan.

> *It is the intent of the Legislature that all California public schools, in kindergarten, and grades 1 to 12, inclusive, operated by school districts, in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other persons who may be interested in the prevention of campus crime and violence, develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process.*
> California Education Code §32280

Sections 32280−32289 of the California Education Code mandated that these comprehensive school safety plans (CSSPs) be adopted by school districts throughout the state by March 1, 2000.[1] [8] Many schools had long-standing emergency plans for things such as natural disasters, involving coordination with other agencies such as fire and law enforcement, that were stand-alone policies or procedures. These pre-existing plans needed to be consolidated and incorporated into the CSSP in order to comply. More recent issues such as cyberbullying and threat assessment may not have been part of a school's pre-existing plan, and the California Department of Education offered the publication *Safe Schools: A Planning Guide for Action* to help school districts put it all together.[3] Notably missing from the original law and the guide was any direct mention of threat assessment.[1]

Though other agencies are mentioned in the law,[1] it is clear that any collaboration and coordination with them is the responsibility of the school districts. With over 1,000 school districts in California,[9] there is no assurance of consistency in the use of the planning guide or of the coordination with other agencies.

Communication: a key component of a comprehensive school safety plan

First and foremost, a school district should have a means of sharing information with its community.[7] Employing multiple avenues such as social media, email, and a phone tree contact system is ideal. The school community should be well informed as to the existence of the communication methods and how they will be used. Once established, they should be used consistently.[7] In the incident last summer, failure to use these communication tools heightened fear, anxiety, anger, and frustration.

Secondly, the existence of the school district's Comprehensive School Safety Plan should be made clear to the parents and guardians of all students prior to their attendance at school. Either a copy of the plan or means of accessing one should be provided. For student and faculty safety some details of the plan may remain confidential, accessible only to key district employees and command personnel of the emergency response agencies called out in the plan. Along with the knowledge of the plan itself, parents and guardians should know under what circumstances the district will make contact with them, and by what means this will take place.

Reluctance to exchange information between school districts and law enforcement or other agencies because of concerns of violating the Family Educational Rights and Privacy Act (FERPA) has hampered assessments.[10] Under provisions of FERPA, in most circumstances a school may not disclose identifying information about a student without the prior written consent of the student's parent or guardian or, in the case of students who are 18 or older, the consent of the student. While this does not apply to law enforcement, not everyone involved may be aware of that fact. An agreement between schools and other agencies involved with the assessment of school threats may be created for the exchange of critical information while still protecting students' rights. A template of such an agreement is included in *Safe Schools: A Planning Guide for Action*.[2]

The last important element is the development of comfort and trust between students and adults. Data collected in the *Safe School Initiative*, a study of incidents of targeted school violence that occurred in 37 communities between 1974 and 2000, showed that in many schools there is a pervasive sense among students and some adults that telling grownups that another student is in pain or may pose a threat violates an unwritten, but powerful, "code of silence."[11] This study found that most school shooters shared their potentially lethal plans with other students, but those students who knew of planned attacks rarely told adults.

A culture of "see something, say something" needs to be fostered. Students must be able to feel they can come to an adult with issues regarding their safety without fear of being stigmatized as a snitch or alienated from the rest of the students by violating a friend's trust.[12] Having a uniformed School Resource Officer on campus has an added benefit in that comfort in relating with law enforcement can be established as well.

Threat assessment and investigation

Though not specifically identified as such within state guidelines, threat assessment is an integral component in strategies for preventing potential violence on school campuses. Despite the efficacy of responding to threats before they escalate, school districts receive little guidance in developing and implementing effective interventions. The guide the legislature intended school districts to use, *Safe Schools: A Planning Guide for Action*,[2] echoes the language of the law with regard to the need for prevention of violence in schools but doesn't specifically identify threat assessment.

The guide does, however, list as a resource *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates*,[4] from the U.S. Secret Service (USSS) and U.S. Department of Education (ED). This resource clearly focuses on threats of targeted school violence, and was generated from the *Safe School Initiative*.[3]

An FBI report, *The School Shooter: A Threat Assessment Perspective*,[5] focuses on assessing threats of targeted school violence. This document summarizes the discussion and conclusions from a 1999 symposium hosted by the National Center for the Analysis of Violent Crime in Leesburg, Virginia. Unfortunately this well-prepared FBI document is not widely disseminated and school districts must find this through their independent research when making their comprehensive school safety plans.

Using both of these documents as a resource provides a comprehensive picture of threats.[4] [5] Both cover all aspects of a threat, but the USSS and ED paper puts more focus on the psychology and motivation of why a threat is made while the FBI paper explores more deeply how and what to investigate when assessing a threat. Following these two documents in thoroughly assessing a threat will give a school district and its community the assurance that everything possible has been done to keep students and faculty safe.

In 2006, the Youth Violence Project of the Curry School of Education at the University of Virginia developed and field-tested a comprehensive set of threat assessment guidelines known as the the "Virginia Model."[6] This model takes the recommendations from the two federal sources, addresses them from the perspective of a school administrator, and creates a step-by-step flowchart to investigate threats of targeted school violence. Santa Cruz County Office of Education's *Emergency Response Management Plan*, in chapter 4, section 4.40,[7] lists steps recommended in dealing with a threat outlined in the USSS and ED paper.[4]

All resources used for this investigation recommend the creation of a multidisciplinary threat assessment team comprised of administrators, teachers, and representatives from the legal profession, mental health care, and law enforcement.[13] [14] They recommend that all teams be formed in advance, become familiar with their threat assessment plans, attend training when available, and have alternates ready to step in.

The ideal threat assessment plan should incorporate key elements from all of these resources, some of which are obtained only through concerted effort on the part of the

school district. Once complete, the plan should detail the step by step process in conducting an investigation, both on the part of the school district and of law enforcement.

When a student makes a verbal or written threat at school that involves the use of a weapon, the school district has the authority to search for weapons or other evidence on the student's person, belongings, locker, and on school property. They may also conduct interviews of the student or students while they are on school district property. A thorough investigation beyond school district boundaries can only be carried out by law enforcement.

The student's residence and other off campus areas may also need to be searched to determine their access to weapons. Other clues, described in the resource materials as *leakage*, may also be pursued in evaluating a student's intention to carry out the threat.[15] [16] This part of the investigation is clearly outside the authority of the district and can only be done by law enforcement.

Not all threats require this degree of investigation, but when warranted, these steps need to be taken before determining that a threat does or does not exist. The failure to do so was a critical piece lacking last summer, and underscores the need for the school district and law enforcement to know the plan and to coordinate their efforts when putting the plan into action.

Preparedness of our schools and law enforcement

Our survey found wide variation in the preparation and resources available in the county's school districts. While all of the districts had comprehensive school safety plans, they did not all include specific threat assessment plans and those plans largely were not created in collaboration with law enforcement. The teams varied as well, both in terms of their makeup and whether they were standing teams or not. Three districts are so small that they are unable to form a multidisciplinary team. Only two threat assessment teams had SROs as members.

All teams were trained in the 2015-16 school year, but not all have received additional training, nor is it consistently provided. Two districts took the initiative to organize training in the spring of 2017, which was attended by personnel from seven districts and the county's alternative education sites.

We asked the five county law enforcement agencies (the Sheriff's Office and the police departments of Capitola, Santa Cruz, Scotts Valley, and Watsonville) if they had personnel trained as SROs. We inquired about how many, their roles and responsibilities, their involvement in threat assessment, knowledge of specific threat assessment plans, and membership on a threat assessment team. All but one agency had SROs or personnel assigned to assist schools or were trained in assessing threats of targeted school violence. We also inquired about specific training in threat assessment as opposed to standard criminal investigation.

In every case law enforcement personnel who work regularly with the schools, or who oversee response to calls for service from schools, had knowledge of their schools'

threat assessment plans. They realized the importance of not simply investigating whether a crime has been committed but also of inquiring about the likelihood of a threat of targeted school violence. In every case, law enforcement would pursue leakage and request search warrants if necessary.

Boundary Spanning

In order to identify, assess, and manage individuals who might pose threats of targeted school violence, a threat assessment effort must build relationships among individuals and organizations both within the school and external to the school.[17] Ideally, a threat assessment plan would be created by a school district with the input of law enforcement and would consist of policies and procedures for cooperation and collaboration. In performing a threat assessment without the benefit of this planned integration, the agencies involved tend to carry out their functions independently, leaving the door open for poor information exchange and overlaps or gaps in the continuity of the process.

The most effective relationships exist between individuals, not institutions. Individuals who build and maintain these relationships across disciplines and agencies are called *boundary spanners*.[18] They serve as a formal link or liaison between various systems and departments, and meet regularly. Boundary spanners must have credibility, respect, and strong interpersonal skills. In addition, they should understand the needs and operation of all involved groups. This understanding helps in integrating ongoing interagency relationships, in developing written protocols, and in facilitating the resolution of conflicts.

Findings

F1.   In a threat situation, timely and specific communication from the school to the community can reduce fear, anxiety, anger, and frustration.

F2.   Confusion over the disclosure of protected information regarding juveniles has been a barrier to the timely exchange of vital information between school districts and law enforcement, although FERPA permits disclosure of juvenile student information to law enforcement without parental consent.

F3.   Threat assessment is a necessary part of the comprehensive school safety plan, but very little direct guidance has been provided to school districts in how to go about doing it.

F4.   Investigating a threat may involve actions that can only be done by law enforcement, necessitating coordination and collaboration in formulating and implementing a threat assessment plan.

F5.   Seven of the ten districts have a specific threat assessment plan; those districts without a plan are less able to respond effectively to threats. All of these reported that local law enforcement was aware of their plan.

F6.   Only one school district had a threat assessment plan that was created with the help of law enforcement, leaving all other districts at a disadvantage in addressing threats.

F7. Three of the four districts with a single school lack the personnel to adequately assemble a threat assessment team.

F8. All threat assessment teams had training in the 2015-16 school year, but not all districts attended a professional threat assessment training held in the spring of 2017.

F9. Countywide, only two of 11 SROs were included as members of a threat assessment team.

F10. Not all local law enforcement agencies have personnel trained in assessing threats of school violence, leaving them less able to assist schools.

Recommendations

R1. The County Superintendent of Schools should advocate school districts inform parents and guardians on how and when they will be contacted in the event of a threat. (F1)

R2. The County Office of Education (COE) and the County Sheriff's Office (CSO) should advocate that the threat assessment plan for each school district has a written agreement with law enforcement in which restricted information may be exchanged during the investigation of a threat. (F2)

R3. The COE and the CSO should collaborate to develop a plan in which all school districts are prepared and capable of assessing a threat of targeted school violence. (F3, F5–F7)

R4. The County Sheriff and the County Superintendent of Schools should act as *boundary spanners* to facilitate collaboration between the school districts and law enforcement in assessing threats. (F4)

R5. The CSO and Chiefs of Police should ensure a law enforcement representative, preferably a School Resource Officer, be made available to school districts drafting or revising a threat assessment plan. (F6, F8)

R6. The County Superintendent of Schools should advocate each school district receives periodic training in assessing threats of targeted school violence. (F8)

R7. The COE should advocate each school district either has or has access to a multidisciplinary threat assessment team, including a representative from law enforcement. (F7, F9)

R8. The County Sheriff and the Chiefs of Police should ensure their respective law enforcement agencies attend periodic training in assessing threats of targeted school violence. (F10)

Required Responses

Respondent	Findings	Recommendations	Respond Within/ Respond By
County Superintendent of Schools	F1–F9	R1–R4, R6, R7	60 Days August 14, 2017
County Sheriff	F2, F4–F6, F9, F10	R2–R5, R8	60 Days August 14, 2017
Capitola Chief of Police	F5, F10	R5, R8	60 Days August 14, 2017
Santa Cruz Chief of Police	F5, F10	R5, R8	60 Days August 14, 2017
Scotts Valley Chief of Police	F5, F10	R5, R8	60 Days August 14, 2017
Watsonville Chief of Police	F5, F10	R5, R8	60 Days August 14, 2017

Definitions

- **Boundary Spanner:** An individual who takes on the role or responsibility of serving as a connection between the different constituencies in multi-agency or multi-jurisdictional settings.

- **CSSP:** Comprehensive School Safety Plan defined in California Education Code Article 5, §§32280–32289.

- **Leakage:** When a student intentionally or unintentionally reveals clues to feelings, thoughts, fantasies, attitudes, or intentions that may signal an impending violent act. These clues can take the form of subtle threats, boasts, innuendos, predictions, or ultimatums. They may be spoken or conveyed in stories, diary entries, essays, poems, letters, songs, drawings, doodles, tattoos, or videos.[19]

- **NCAVC:** National Center for the Analysis of Violent Crime.

- **School Resource Officer (SRO):** A law enforcement officer with specialized training, deployed in a community-oriented policing assignment to work in collaboration with one or more schools.

- **Targeted School Violence:** Any incident where (i) a current student or recent former student attacked someone at their school with lethal means (e.g., a gun or knife); and, (ii) where the student attacker purposefully chose their school as the location of the attack.[20] The target may be a specific individual, such as a particular classmate or teacher, or a group or category of individuals. The target may even be the school itself.[21]

- **The Virginia Model:** A systematic procedure for threat assessment and intervention developed from the findings of The Youth Violence Project of the Curry School of Education at the University of Virginia. The model is designed to be used by educators, mental health professionals and law enforcement agencies.

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Site Visits

No site visits were made.

Websites

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University of Virginia http://curry.virginia.edu/

Santa Cruz County Office of Education http://santacruzcoe.org/

Pajaro Valley Unified School District
Bond Measure L

Bonds Make Promises – Are Promises Monitored?

Summary

In November 2012 voters in the Pajaro Valley Unified School District (District or PVUSD) approved Measure L, a $150 million facilities bond to repair and upgrade the district's campuses. The voter's pamphlet called out in great detail construction projects ranging from district-wide classroom technology installations to school kitchen updates.

Education bonds passed by California voters are governed by the California Education Code. This code stipulates districts must convene citizens' oversight committees to ensure bond funds are spent in accordance with the terms and conditions approved by the voters. Committees are comprised of unpaid community volunteers who work with district staff and boards of trustees and are subject to district bylaws and state law.

We investigated whether the Pajaro Valley Unified School District's Citizens' Oversight Committee (COC) is meeting its mandate for financial oversight of bond expenditures and its responsibility to inform the public about the expenditure of bond revenues. We have concluded that the committee has been mostly ineffective in informing the public, reporting to the Board, and overseeing the project.

The COC's work is further diminished by the limited and inconsistent reporting provided by the District. The Trustees have not worked with or directed the COC and the District to carry out the duties as stated in the COC bylaws and California Education Code.

Background

Prior to the passage of Measure L,[1] site councils comprised of parents and staff at each school worked closely with the District to develop the final bond project list. Site councils followed up by prioritizing their individual school's project list after the passage of the bond in November of 2012, but staffing departures and transitions have strained implementation. These challenges included the facilities manager's nine-month leave and the departure of the chief business officer and the superintendent, both of whom were instrumental in developing the bond projects. Concurrently there were architectural and project management firm changes. Although these disruptions are now behind the District, they possibly contributed to delays that fomented the discontent of parents and others cited in an article in the Santa Cruz Sentinel.[2]

That article reported that parents from Mar Vista Elementary School attended a Board of Trustees meeting on February 16, 2016, during which they voiced concerns about the lack of progress on Measure L bond projects at their school, including the number of incomplete repairs and projects not started. Parents also asked why an interim director of facilities maintenance had not been appointed during the prolonged absence of the sitting director. This is only one instance of dismay with the District's delayed implementation of the bond.

Scope

The Grand Jury reviewed Measure L planning, implementation, and compliance with fund use and reporting standards, as carried out by District management, the COC, and the Trustees. We looked at procedures used by the District for tracking and delivery of bond projects and how this information is reported to the Trustees, the COC, site councils, and school administrators.

We assessed the work of the COC, its compliance with state law, and attention paid to cost efficiencies in the agreed-upon plans and specifications within the scope of the bond. We looked for the ways in which the COC reported the progress of the work to the Trustees and community at large. We also explored with the Trustees their oversight of the COC and District staff involved with Measure L projects.

Investigation

The Grand Jury investigated District operations pertaining to Measure L, including receiving funds for the repair, upgrading, and construction of projects outlined in the bond; accounting for the distribution of funds to the various projects; and overseeing the projects by District staff, the Trustees, and the COC. The investigation examined all of the publications on the District website pertaining to Measure L. This included reviews of the Master Plan 2012–22, the Measure L voter's pamphlet project list, COC agendas and minutes, bylaws of the COC, California Financial Services Bond Tracking Database, and independent audits of the project. The Grand Jury attended a COC meeting, visited District headquarters, and toured several schools where Measure L funds have been spent. We also interviewed District staff, COC members, and District board members about their experiences with the projects.

The Grand Jury examined the bond text, legislation governing the use of bond funds for schools, the bylaws established by the District for guiding the COC, and the recommended operating procedures published by the California League of Bond Oversight Committees (CaLBOC). These documents were key in establishing standards for our investigation:

- California Education Code §§15278–15282, as amended by Proposition 39[3] [4] [5]
- Measure L - PVUSD Bond Voter's Pamphlet[1]
- The Citizens' Oversight Committee Bylaws adopted by the PVUSD Trustees[6]
- "Best Practices: School Board Oversight Committees Operations Standards," a document published by the CaLBOC[7]

The Grand Jury focused on the COC, its function and interaction with the District and the Trustees. Specifically we looked at the following areas:

- Informing the public
- Reporting requirements, budgets, and facility inspections
- Managing projects and programs

Informing the Public

Legislation, Bylaws and Best Practices

California Education Code states "The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues."[8] The bylaws of the COC echo this mandate: "The COC shall inform the public concerning the District's expenditure of bond proceeds."[9] CaLBOC's best practices states: "The citizens' oversight committee shall advise the public as to whether a district is spending the bond for construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities."[10]

PVUSD Practice

The District has engaged in long-range planning, sought funding, and worked with builders and suppliers to make their facilities safe, up-to-date, and more educationally productive. Much was done to successfully pass a bond measure for $150,000,000 to add new facilities, repair deteriorating buildings, bring facilities up to current operational and safety standards, and install classroom technology updates.

The District maintains a Measure L webpage[11] that includes meeting agendas and minutes, progress reports, outside audit reports, and limited project updates. Although not specifically required by statute, it would be advised that the COC make a bigger effort to inform the public beyond simply publishing the committee's work on the District's website. There has been virtually no outreach to the community at large: to neighborhoods where the various schools are located, to particular schools where major changes are planned or completed, to the Trustees, or to taxpayers.

The effectiveness of the COC has been uneven, and efforts to execute their mandate to inform the public have fallen short or are non-existent. Some members have attended some site council meetings. The press, despite its ability to widely disseminate project updates, has been used only twice since project inception.[2] [12]

The COC has not written and presented a complete annual report to the Board and public, as required by the California Education Code.[13] An annual report is also recommended in District COC Bylaws Section 3.3 and CaLBOC Best Practices.[14] Such a report would help ensure the expenditures of funds are in compliance with the purposes and standards outlined in the original bond. There has been no aggregate report of fund disbursements meeting the full criteria as called out in the California Education Code[13] and by CaLBOC best practices.[14] Finally, some project-level reporting has recently been made available but this, too, falls short of the breadth of information needed for full transparency. Reports should include overall receipts, expenditures, encumbrances, and balances remaining over the life of the funding. The COC's bylaws state not only that a written annual report be presented to the Trustees assessing the degree to which the District is in compliance with the strictures of the bond, but also that it include a summary of the COC's proceedings and activities for the preceding year.

Reporting Requirements, Budgets and Facility Inspection

Legislation, Bylaws, and Best Practices

The California Education Code requires the COC receive and review independent financial audits of expenditures and work done using bond funds.[15] The law and bylaws require that the COC inspect school facilities and grounds to ensure the bond spending is in compliance with the bond requirements.

PVUSD Practice

The COC receives and reviews independent financial audits of the expenditures and work done using bond funds. The COC receives limited progress and expenditure reports from the Director of Maintenance, Operations, and Facilities and the Chief Business Officer on work at the various school sites. These reports provide some information about what is going on at each site, including the budget for the site, expenditures to date, encumbrances, and balances available, but these reports are not comprehensive. The reports to the COC vary from meeting to meeting with regard to the amount of financial and work detail. Sometimes the presentations to the COC are lists of projects underway at the time of the report, other times the reports include summaries of the finances related to the projects. There is no report that includes all information for all projects. Recent reports include expanded information and are available on COC webpage or through the California Financial Services website.[16]

Usually the focus of these District reports is on individual projects and provides no opportunity to view the bond's consolidated performance. Some projects have some data reported but few projects have all data reported. It is not possible for the COC to have an overall picture of Measure L's project portfolio, so it cannot critically assess the

current state of each site and the entire project. A complete status report of Measure L would preferably include:

- Funding Source
- Original Estimated Budget
- Approved Change Orders
- Revised Budget
- Paid to Date
- Encumbered / Balance to be paid
- Project Total Cost
- Amount Remaining under / over
- Percent Complete

The Grand Jury was unable to find any information on the Measure L webpage about the approved change orders, bid or revised budgets, site and project total costs, or percent complete.

This dearth of information leaves the COC unable to assess the overall financial condition of the entire project portfolio and unable to evaluate the current bond status. Our review of the COC minutes found no evidence of members having complete information with which to assess Measure L's execution, its compliance with restrictions on fund usage, or its requirement to pursue cost reductions and efficiencies.

It is the District's responsibility to inform the Trustees and the COC as to the progress of bond projects. If the COC is not receiving information about the overall financial condition of the entire project, it cannot inform the public as to the financial situation of Measure L expenditures.

The Grand Jury has been told the District is implementing an accounting and business management software solution that will have customized reporting tools capable of real-time financial reporting and budgeting. This solution is supposed to have the capability to provide reports of project-level expenditures-to-date, change-order tracking, and other financial reports currently unavailable in a timely manner. Once fully implemented many of the reporting deficits our investigation identifies may be resolved.

The COC also has the responsibility to make regular inspections of work in progress and to verify project completion and quality of work. We know of only two official site inspections by the COC over the past four years.

Managing Projects and Programs

Legislation, Bylaws, and Best Practices

The California Education Code[17] states that citizens' oversight committees may engage in reviewing efforts by their districts to maximize bond revenues by implementing cost-saving measures such as:

- Mechanisms designed to reduce the costs of professional fees and site preparation and to utilize design efficiencies

- Shared use of core facilities
- Use of cost-effective and efficient reusable facility plans

The COC bylaws support the committee's review of efforts by the District to maximize bond proceeds by implementing cost-saving measures.[18] CaLBOC encourages review of site designs and re-use of facility plans.[19] There is another provision in the PVUSD bylaws[20] stating the COC may review Measure L funding and projects and their interaction with other District facility programs. CaLBOC's Best Practices[21] recommend oversight committee participation in cost reduction evaluation of projects.

CaLBOC has other relevant recommendations, not all of which are being followed. There should be an oversight committee handbook[22] that includes the key documents relevant to district policy, bylaws, project description, budgets, schedules, financial reports, and minutes of prior meetings. CaLBOC also supports the idea of training for oversight committees.[23] A March 13, 2013 *Board Agenda Backup* states "Upon appointment, COC members will undergo extensive training on their roles and responsibilities. Additional training and refresher courses will be provided on an annual basis."[24]

PVUSD Practice

From the inception of the Measure L Bond there has been significant turnover in key positions related to the management of the District and to the administration of the bond funds. These personnel transitions have impacted the roles of Superintendent of Schools and the Chief Business Officer, as well as the Director of Maintenance, Operations, and Facilities who had an extended leave with no temporary replacement. Major contractors, an architect, and a project management firm were also replaced.

Despite these setbacks the staff, COC, and Trustees have soldiered on and many projects have been completed. The District is striving to inform and receive feedback from their constituent schools and site councils. The current superintendent has by now executed her 100-day plan to meet with District parents. District staff employed drone video in updating the COC on roofing projects, which saved time in showing the COC the magnitude of the roof repairs while not requiring them to travel to each site or climb on rooftops.

COC members are volunteers, purposefully drawn from the community so as to enrich the committee with a range of professional expertise and life experiences. There is no evidence from our research that any efforts are made to develop member skill in overseeing bond budgets and expenditures, assessing the effectiveness of District management, or determining the District's compliance with state law. Nor does the COC receive training in assessing cost reduction possibilities in the project, budget tracking, financial reporting, and projections. Furthermore, the COC lacks a handbook detailing procedures for conducting project and financial compliance with the bond.

The COC was not engaged in cost reduction strategy discussions at the beginning of the project. Since the inception of the COC there has not been an opportunity for them

to join in the process of reviewing or exploring cost saving measures with the Trustees or District staff planning the various projects within the bond measure.

While there has been regular reporting to the COC from District staff, the COC has not received enough information from the District's management team to make meaningful assessments of each project's financial status and its stage of completion. Also lacking is a report of all projects depicting milestones for critical dates, allocation of resources, and objective performance criteria.[25] Reporting from District staff is inconsistent in format and information. The COC does not receive information about the overall state of remaining funds available and total amounts encumbered or spent by any particular report date.

Investigative Facts Summary

1. The California Education Code states and CaLBOC recommends that oversight committees report regularly to their trustees and the public on the expenditures of bond revenues. The COC bylaws concur.

2. The November 2012 Santa Cruz County *Measure L – PVUSD Bond Voter's Pamphlet* includes a list of proposed projects organized by categories of work within school site.

3. The District received prioritized school site council project lists that may be different than the projects listed in the voter's pamphlet.

4. Changes made by the District and the Trustees are authorized by law to include deletions and additions of bond projects that are different than those listed in the voter's pamphlet or school site council lists.

5. There is no published, comprehensive, and current list of Measure L projects certified by the Trustees for public dissemination.

6. The published COC minutes and reports do not include any annual COC report.

7. The District has not provided a single, comprehensive list of projects for the sequential scheduling of their construction.

8. All reports found on the District's website are reports to the COC, and not reports issued by the COC.

9. Reports issued by the District's Chief Business Officer account for expenditures to-date, but do not include projected costs for completing projects or the balance of remaining funds for completion.

10. The District website posted the Best Practices published by CaLBOC on the Oversight Committee Agenda dated September 17, 2013.

11. The COC has not evaluated or recommended ways to reduce costs by utilizing core facilities for joint use and efficiencies in school design.

12. Although recently implemented reporting from the California Financial Service's website provides some limited activity detail not previously available, the District has not provided on a regular basis to the COC or Trustees a summary report of all projects stating the bond's financial status.

13. No inspection status reports have documented progress showing expenditures of bond revenues compared to work completed.
14. The COC has not made regular site inspection visits.
15. There has been turnover of key District personnel since the inception of Measure L.
16. The COC has not received orientation, on-going training, or a handbook explaining their duties and responsibilities.
17. No COC minutes state there has been any review of the independent auditor's report nor do they contain a statement of acceptance of the auditor reports for fiscal years 2013, 2014, or 2015.
18. The District is in the process of implementing accounting and business software that they expect to provide a wide array of financial and management reports.

Findings

F1. The lack of a complete, comprehensive, and updated list of all Measure L projects planned, completed, or approved by the Trustees, makes it impossible for the public to be informed.

F2. The COC has not presented to the Trustees in public session a complete Annual Report for Measure L as of May 2017, in violation of state law.

F3. The COC has not received adequate training or information to fulfill its role.

F4. The District's Maintenance, Operations & Facilities Department has not provided other district departments, school sites, the COC, or Trustees updated scheduling reports that meet industry standards for any project, leading to system inefficiency.

F5. The District has not presented the COC or Trustees a composite change order list with a cumulative total cost for each site and project, leaving them unable to properly oversee the bond.

F6. The COC and Trustees are unable to oversee the bond due to the District's failure to provide a timely financial summary of the bond's status by site, or a cumulative total cost for Measure L projects.

F7. The COC and the District have had no discussion about cost savings with those designing and implementing Measure L projects, limiting the COC's oversight.

F8. The COC in its official capacity has visited only two project sites in the past four years to inspect Measure L work progress, failing to adequately inform itself about the status of the projects.

F9. Trustees and the COC cannot properly manage the bond because they do not know how much money remains to finish Measure L projects.

F10. The COC is not informed of all changes to the projects listed in the voter's pamphlet, undermining their oversight and reporting responsibilities.

F11. Bond reporting may be greatly improved once the District's new accounting and business software is implemented.

Recommendations

R1. The District, under the direction of the Trustees, should regularly provide the public and the COC a project list showing original and amended Measure L projects. (F1, F10)

R2. The COC should comply with California Education Code section 15280(b) and deliver annual reports to the Trustees at public meetings. (F2)

R3. The District should comply with California Education Code section 15278 by providing to the Trustees and COC a comprehensive Measure L financial report, updated quarterly, and including it in their Annual Report. (F6, F7, F9, F10)

R4. The District Trustees should provide the COC a comprehensive orientation program for new members and annual updates for returning members. (F3)

R5. The District should provide COC members a Measure L handbook detailing committee procedures, protocols, and responsibilities. (F3)

R6. The District should provide the COC and Trustees a scheduling report of all Measure L activities depicting project milestones and sequential activity dependencies. (F4)

R7. The District should provide the Trustees and COC a cumulative, quarterly change order list, including budget impacts by project and by site. (F5)

R8. The COC and the Trustees should meet at least quarterly to discuss recommendations for reducing costs in accordance with COC bylaws and the California Education Code section 15278(b). (F7)

R9. The COC should regularly make on-site inspections of Measure L projects. (F8)

R10. The District should ensure its accounting software supports and enhances its efforts in meeting the financial reporting requirements of the California Education Code, the COC's bylaws, and CaLBOC's best practices. (F12)

Required Responses

Respondent	*Findings*	*Recommendations*	*Respond Within/ Respond By*
PVUSD Board of Trustees	F1–F11	R1–R10	90 Days September 11, 2017

Definitions

Best Practices: Recommended procedures that are accepted or prescribed as being correct or most effective. In this report it refers to CaLBOC's recommended best practices for oversight committees, published in September, 2009.[7]

California Financial Services: A for-profit, full-service financial and facilities planning firm serving school districts and providing bond project reporting.

CaLBOC: The California League of Bond Oversight Committees, an all-volunteer, non-partisan association of current and past citizens' oversight committee members, promotes school district accountability for improving training and resources available to bond oversight committees and advocates issues of common concern to all citizens' bond oversight committees.

Independent Audit: An examination of the financial records, accounts, business transactions, accounting practices, and internal controls of an enterprise performed by a third party.

Site Council: A group of parents, teachers, and classified employees that work with the principal to develop, review, and evaluate school improvement programs. Depending on the school district, some site councils also collaborate on school budgets.

Voter's Pamphlet: A document available to voters that includes the text of proposed ballot items, as well as arguments in support of or in opposition to them. When the ballot item is a bond, the pamphlet may also include a project list for upgrades and improvements as in the case of Measure L.

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Site Visits

PVUSD - Central Offices

PVUSD - Hyde Elementary School

PVUSD - Ann Soldo Elementary School

PVUSD - Pajaro Valley High School

PVUSD - Central Commissary (Food Service Operations)

PVUSD - Office of Maintenance, Operations, and Facilities (MO&F)

Attended PVUSD Citizens Oversight Committee (COC) Public Meeting

Websites

Pajaro Valley Unified School District http://www.pvusd.net/

Sharper Solutions

A Sticky Situation That Won't Go Away

Summary

The increase of illegal injection drug use and the notable rise in discarded syringes has many in Santa Cruz County uneasy. In 2013, Santa Cruz County started a syringe exchange program to address this issue. However, questions still remain about the mission of the Syringe Services Program (SSP), as public perception is often misguided and misunderstood. In an effort to understand these issues, the Grand Jury investigated the policies and procedures of the SSP and the effects of their implementation.

A lack of transparency between the SSP and the public has created an atmosphere of distrust. Even more important, inadequate funding for drug rehabilitation and services is responsible for the unfulfilled promises of the SSP.

Background

The earliest record of opium drug use dates as far back as 5000 BC in the Sumerian community located in present day Iran and Iraq. Societies worldwide continue to fight substance abuse in various punitive ways including the death penalty. Sadly, drug abuse continues in spite of these often disturbing consequences.

In 1989, Santa Cruz Syringe Access Program,[1] a community volunteer group, set out to curb the spread of HIV, AIDs, and Hepatitis C. They offered free needle exchange in a building on Pacific Avenue where they also provided counseling, drug treatment information, outreach resources, HIV testing, and free condoms. The program also sponsored Sharps containers in public bathrooms. After losing their building they acquired a van as a means to continue their needle exchange services.

In 2011, the California State Assembly passed AB604 authorizing cities and counties to conduct a clean needle and syringe exchange project.[2] On April 30, 2013, the Santa Cruz County Health Services Agency (HSA) implemented the Syringe Services Program (SSP). The purpose of the SSP is to reduce the damage associated with using unsterile injection equipment, to offer counseling and rehabilitation services, and to address the community's concern about improperly discarded syringes. Policies and procedures were established along with the creation of an advisory board made up of stakeholders including health staff, law enforcement, mental health workers, rehabilitation personnel, and city and county staff.

Since the inception of the program, there have been numerous media reports and citizen complaints about found needles and accidental needle sticks in Santa Cruz County. In addition, the public has expressed concerns about a lack of communication and transparency by county agencies.

Scope

The Grand Jury examined the SSP by reviewing its policies and procedures.[3] In addition, numerous interviews were conducted with the County Health Services Agency, law enforcement, a community organization, and individuals struggling with the challenges of illegal injection drug use. An on-site tour was conducted of the needle exchange clinic on Emeline Street during off-hours.

Investigation

SSP Policy and Procedures require an advisory group to assist with the program's implementation, to review reports, and to meet regularly to monitor the program.[4] The current advisory group is composed of city and county employees as well as those working in the drug and rehabilitation community. They hold meetings that are not open to the public. The SSP provides several statistical reports on its website and has a link to a comment form, but without public meetings there is no avenue for dialog. We found distrust and confusion by the general public due to the lack of information provided by the SSP. The advisory group should also include members of the general public, including at least one rehabilitated injection drug user, which would provide both greater

transparency of the program and insight into the day-to-day challenges of the injection drug user community.

The SSP uses a three-pronged approach to prevent the spread of deadly and costly communicable diseases. The first is to operate the county needle exchange sites and explore future expansion for more sites, either fixed or mobile. The second is to work with the community's concerns regarding used syringes and drug paraphernalia found on streets, beaches, public parks, residential neighborhoods, and encampments. The third is to provide clients with a variety of medical treatments, services and rehabilitation programs.

The SSP, run by dedicated professionals from the HSA, operates without a budget or permanent staff. Staff are pulled from HSA Clinic Services and other public health divisions, providing temporary personnel. Frequent rotation of staff makes it difficult to develop rapport and trust with clients. This creates yet another challenge to transitioning clients into rehabilitation, and as a consequence the SSP is unable to meet their goals.

The SSP offers two walk-in sites, one in Santa Cruz and the other in Watsonville, with different hours and days of operation. The Santa Cruz exchange site is available on Monday, Tuesday, and Friday for a total of 10 hours per week, while the Watsonville site is open Monday through Thursday for a total of 5 hours per week. During a Emeline clinic visit we found the closet-sized exchange room to be a cramped, windowless, confined space of approximately 50 square feet. During use, this office must accommodate the client and medical staff, as well as various supplies and equipment that is shared with other departments. There are additional challenges of dealing with clients' personal belongings and Sharps containers in this limited space.

There is controversy about whether the policy of a one-to-one needle exchange is currently being enforced. Our investigation revealed that this policy is inherently difficult, if not impossible, to enforce. To increase the safety of staff and clients, staff are instructed to never touch used injection equipment or the containers they arrive in. As a result, they are unable to ascertain the exact number of syringes returned by a participant and must rely on a visual estimate.

The Policy and Procedures provide that a client on their initial visit may receive up to fifteen syringes regardless if they have any to exchange. Subsequent syringe exchanges by the same participant could fall under a *predefined medical exception* which allows up to fifteen extra syringes per exchange.[5] These exceptions, verified by a needs assessment by staff, are:

- A known or self-disclosed HIV or Hepatitis C client
- A client with a partner known to have HIV or Hepatitis C
- A client with evidence or history of skin abscesses
- A sex worker
- A person with a known mental illness

Further exceptions may be authorized by the County Health Officer.

Because some clients are unable to travel to either site, the Policy and Procedures allows for needle exchanges on behalf of others. These exchanges are limited to 100

syringes per visit, unless approved by the County Health Officer. Documentation is required by SSP staff when an exchange exceeds the number of syringes the agency is authorized to distribute per their policy.

Community members continue to voice their concern regarding illegally disposed syringes and the county's apparent inability to implement an effective collection program. According to those who track this data, there have been over 13,000 syringes[6] reported found since April 30, 2013. It should be noted that not all syringes are from the SSP. During interviews with five admitted illegal injection drug users, four were unaware of the needle exchange program. When asked how they disposed of their needles, some said they deposited them in the garbage or flushed them down toilets.

What to do if a syringe is found? The county and cities do not post signage with a contact number for those that find hazardous waste including syringes. The SSP has a section on its webpage for directing the public to agencies that will retrieve and properly dispose of syringes; however, this information is very confusing as it lists nine different contacts, and which to use depends on where a syringe is found.

There are currently only three kiosks throughout the county for the collection of used syringes: 701 Ocean St., Santa Cruz, 1080 Emeline St., Santa Cruz, and 9 Crestview Dr., Watsonville. Syringes may be from both the legal use of injected medication for both humans and animals as well as illegal injection drug use. All pharmacies within the county will collect used syringes. For some, it is not worth exchanging at the SSP sites as some pharmacies and online providers will sell syringes without a prescription.

> *The Santa Cruz County HSA Syringe Services Program (SSP) is part of the three-pronged approach framework to prevent the spread of costly and deadly communicable diseases and address the community's concern regarding used syringes and trash being found on streets, beaches and encampments as well as illegal drug activities.* SSP Policy and Procedures[7]

HSA staff and some community members substantially disagree on how concerns about improperly discarded syringes are being addressed. A citizens' organization has been formed in recent years to assist with communicating public concerns regarding the increasing amount of found syringes and associated paraphernalia they believe are a direct result of the SSP. Complaints have been received by both the HSA and the Board of Supervisors regarding these concerns. However, other than an annually scheduled community clean-up day and three kiosks placed throughout the county, we can find no other HSA or county initiated clean-up effort instituted since the inception of the program. Further, we were unable to locate information in any progress reports, or annual or biennial report with regard to specific HSA initiated clean-up efforts.

The SSP 2013 90-Day Progress Report[8] and 2014 Annual Report of the SSP,[9] state:

> *The County has expanded cleanup efforts to alleviate the problem of improperly discarded syringes. The cleanup is a combined effort*

> *between HSA, Environmental Health, the Department of Public Works,*
> *the Sheriff's Department and the City of Santa Cruz.*

There are no specifics listed as to what exactly these departments are doing. A dedicated section in the SSP's annual and biennial reports, detailing their specific cleanup efforts, would help alleviate public concern and add transparency to county and cities' actions.

Findings

F1. The current SSP Advisory Group is composed of city and county employees as well as those working in the drug and rehabilitation community, with no members from the general public who can add a community perspective.

F2. The SSP leadership creates an atmosphere of poor communication and a lack of transparency by not holding public meetings or forums for community input.

F3. The SSP provides an abundance of information on its webpage but does not have an avenue for public dialog.

F4. The SSP currently operates without a budget or permanent staff, which hinders the success of program goals.

F5. The SSP needle exchange site on Emeline Street is a confined shared space, making it difficult to provide all services to those in need.

F6. Limited hours, space, and staff hamper referrals to counseling, treatment, and support programs, reducing the number of people receiving assistance.

F7. The strict one-to-one needle exchange policy can't be followed as the SSP policy prohibits the actual physical counting of syringes.

F8. Some injection drug users don't travel to SSP exchange sites, thus preventing them from receiving assistance from other health programs.

F9. The community is at risk with syringes found in public and private spaces throughout the county.

F10. Without posted signage explaining how to report hazardous waste, the public is confused as to whom to notify or what action to take about found, discarded syringes.

F11. There are only three county syringe disposal kiosks, limiting access to proper disposal.

F12. There is no combined syringe clean-up effort between local agencies to protect the public.

Recommendations

R1. The SSP Advisory Group should include members of the general public, including at least one rehabilitated injection drug user. (F1)

R2. The SSP should hold public meetings or forums to encourage dialog and address community concerns. (F2, F3)

R3. The SSP should stop using the "one-to-one" terminology to describe their needle exchange policy. (F7)

R4. The Board of Supervisors should allocate funds for a permanent budget for the SSP to function as mandated per SSP Policy and Procedures. (F4)

R5. The HSA should devote more time and resources to community outreach to promote rehabilitation and counselling of SSP clients. (F5, F6)

R6. The HSA should implement a mobile needle exchange unit to increase access to SSP services. (F8, F9)

R7. The HSA should post hazardous waste signs with a single contact number for advice or reporting, available 24/7, in areas where syringes are commonly found. (F9, F10)

R8. The HSA should install and maintain Sharps containers in bathrooms in high needle-use public areas. (F9, F11)

R9. The SSP should coordinate specific clean-up events throughout the county on a regular basis and report such efforts in their biennial and annual reports. (F9, F12)

Commendations

C1. The Grand Jury commends the SSP staff for their commitment and resolve to this program under the most challenging of circumstances.

Required Responses

Respondent	Findings	Recommendations	Respond Within/ Respond By
Santa Cruz County Board of Supervisors	F4	R4–R9	90 Days September 25, 2017
Santa Cruz County Health Services Agency Director	F1–F3, F5–F12	R1–R3, R5–R9	60 Days August 28, 2017

Definitions

AIDS: Acquired Immune Deficiency Syndrome

Hepatitis C: An infectious disease caused by the hepatitis virus that primarily affects the liver.

HIV: Human Immunodeficiency Virus

Sharps Container: A trademarked hard plastic container that is used to safely dispose of hypodermic needles and other sharp medical instruments.

Syringe Services Program (SSP): A program of the Santa Cruz County Health Services Agency established to provide public health intervention with the goal of reducing the transmission of bloodborne pathogens.

Sources

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Site Visits

Emeline Street Needle Exchange Clinic

Downtown Santa Cruz area

Websites

Santa Cruz County Health Services Agency www.santacruzhealth.org/HSAHome.aspx

Take Back Santa Cruz http://takebacksantacruz.org/

California Legislative Information http://leginfo.legislature.ca.gov

Jails in Santa Cruz County

Getting Ahead of the Curve

Summary

Corrections is changing. The old models simply do not work in a system that has become overburdened by at-risk, in-crisis individuals that now fall under the responsibility of the criminal justice system. More and more, mental health and criminal behaviors have become intertwined. In addition, measures put into place to reduce overcrowding in state prisons, such as AB109, have impacted our county jail populations and significantly extended the length of stay of many inmates.

The Grand Jury toured and inspected six detention facilities in Santa Cruz County. We found all to be well run and generally in good physical condition, with signs of wear from years of service.

The Grand Jury finds that detention facilities would benefit from developing tools to measure the effectiveness of programs and services specific to each facility. There are a lot of changes happening in corrections right now: new facilities, multi-disciplinary inmate interventions, alternatives to detention and more. Throughout these changes, public and inmate safety need to be maintained.

Background

The California Penal Code §919(b) provides: "The grand jury shall inquire into the condition and management of the public prisons within the county."[1]

Santa Cruz County has four jails: the Santa Cruz County Water Street Maximum Security Jail, Rountree Medium Security Facility, Juvenile Hall Detention Center, and Blaine Street Women's Minimum Security Facility. We also inspected Ben Lomond Conservation Camp #45, which was last reported on by the Grand Jury in 2010, and the Santa Cruz Superior Court's holding cells, last reported on by the Grand Jury in December of 2011.

Scope

In addition to touring the facilities, the Grand Jury questioned staff regarding facilities, inmate care and services, dietary options, and availability and access to religious support, rehabilitation programs, and opportunities for community engagement. We also reviewed policies and procedures,[2] interviewed inmates, and reviewed logs and other documentation to ascertain compliance with stated policies and procedures.

Investigation

Water Street Maximum Security Jail – Inspected on September 12, 2016

History and Overview

The Water Street Maximum Security Jail (Water Street) was opened in 1981 with a 47,000 square foot structure at a cost of $8.5 million and a capacity of 92 inmates. A second phase was completed in 1986 at a cost of $6 million. It added 23,000 square feet and increased capacity to 230 inmates of both genders.[3] Modifications in 1999 allowed for a capacity of 311 inmates.[4]

Intake Screening and Evaluation

We observed that the criminal justice system has become the front-line mental health caregiver in the county. Many individuals with mental health issues who violate the law are now going to jail instead of mental institutions. Jail staff are trained in detention and corrections and not in the care and treatment of mental health conditions.

Inmates are offered a wide range of counseling services, life skills classes and psychotropic drugs where appropriate to moderate behavior. An inmate detained for poor life choices is not the same as someone suffering from a mental health condition such as paranoid schizophrenia. While we observed that detention staff treats inmates with respect and compassion, sometimes their vocabulary may be inadvertently misleading: they often describe inmates as "mentally ill" when they behave outside accepted norms.

We found improvements during the intake process of medically compromised patients since our last report. Inmates who appear to demonstrate medical risk are sent to Dominican for evaluation prior to intake processing. California Forensic Medical Group (CFMG) is the contracted provider of medical services in county jail facilities. The past practice of a $15,000 deductible being charged to the contracted provider (CFMG) when inmates were sent to area hospitals has been discontinued in accordance with a prior Grand Jury recommendation. This removes the appearance of financial incentive for choosing in-house care.

Inmate Populations

The inmate population was 389 on the day we toured, which exceeds rated capacity. This facility has had an average daily inmate population of 356 during the ten months prior to our inspection. The jail handles overpopulation with the use of temporary plastic beds known as "boats." If the population reaches 439, the Sheriff must request early release of inmates from a judge to decrease the population. This has occurred nine times between July 1, 2016 and April 25, 2017.

Overpopulation is a continuing problem at Water Street, in part due to the passage of AB109,[5] the Public Safety Realignment Act.[6] AB109 was passed in 2011 to alleviate the problem of overpopulation in the state prison system by allowing non-violent, non-serious, and non-sex offenders to serve their sentences in county jails instead of state prisons. This has not only contributed to overpopulation, but has also resulted in inmates who are detained for crimes with longer sentences serving their time in a facility built for short-term stays.

Adults arrested are processed through this facility and are at least temporarily housed here. Staff are attempting to alleviate Water Street overpopulation with innovative solutions like an application for grant funding available through Proposition 47.[7] This grant would develop a new Health and Justice Diversion Center to divert low level criminal offenders away from Water Street and prosecution, and into case management, legal coordination, housing, mental health treatment, substance abuse treatment, and other supportive services. The hope is that this program will reduce criminal recidivism and jail population.

Model inmates with health conditions such as high blood pressure, epilepsy, or diabetes are not eligible for the expanded services at the medium security Rountree facility. The lack of 24/7 medical staff prevents their access to these valuable programs. Otherwise-eligible inmates with manageable health conditions must be housed at Water Street.

Crisis Intervention Team

A Crisis Intervention Team (CIT) consisting of mental health staff, medical staff, the Chief Correctional Officer, and other supervisory jail personnel meets daily to assess current jail population, identify at-risk inmates, and document and monitor inmates' needs. At-risk inmates or special cases include individuals who are going through detox, disabled persons, escape risk or medical risk individuals, cell restriction inmates, and inmates with gang affiliation. Last year's Grand Jury recommended this team increase its meetings from only weekdays to seven days a week. During this year's inspection, we observed that they had implemented this recommendation. However, we noted that they still do not keep minutes of their meetings. While they have detailed in-house electronic records on inmates, we feel it is important to also have access to a summary of decisions made in a particular meeting.

Health and Safety

We have concerns over the use of safety cell O13 for inmates experiencing detox or for medical observation. Board of State and Community Corrections regulation Title 15 §1055, states that a safety cell "shall be used to hold only those inmates who display behavior which results in the destruction of property or reveals an intent to cause physical harm to themselves or to others."[8] It adds that it cannot be used for punishment or as a substitute for treatment. The Santa Cruz County Sheriff's Office Custody Services Policy Manual[9] gives essentially the same definition for the use of a safety cell, but adds that it is also for those who are in need of a separate cell for any reason, until suitable housing is available. The addition of this general phrase may allow improper use of the safety cell, especially when an inmate is going through detox, which can become a serious medical event.

Although the jail is a maximum security facility, there are several classes, programs, and activities available to inmates that are offered by volunteers, community programs, and staff. Many of these programs have post-release support services available.

Escapes

Following four kitchen door escapes in as many years, staff finally addressed press, community, and Grand Jury recommendations about Water Street kitchen security.[10] In the past these incidents had often been classified as *walk-aways* because the door was left open. A new fence has been constructed surrounding this door and its adjacent area as a solution to these escapes. Inmate kitchen staff have also been replaced with Custody Alternative Program[11] individuals who are not housed in the jail. This program began in mid-February and is still being assessed.

Food Service

On May 1st of this year, Water Street's County Jail/Food Services was recognized as a "Clean Ocean Business" by the City of Santa Cruz Public Works Department for doing their part in keeping pollutants from entering the San Lorenzo River and the Monterey Bay National Marine Sanctuary.[12]

The county jail system has become a desirable place to work in the local food service industry. The county has been able to recruit experienced chefs to work in jail kitchens thanks to the regular hours, good pay, and competitive benefits.

Facility Condition

While we found no part of the building in disrepair or unclean, this facility feels older and is darker in comparison to other sites toured. Its corridors and rooms are lit by overhead lights and lack the presence of natural light, especially direct exposure to the sun. Medical staff have not monitored or reported on any possible Vitamin D deficiencies in long term inmates. Current medical studies show a correlation between Vitamin D deficiency and depression and other mental health disorders, in addition to a wide range of chronic illnesses.[13]

Contraband in the jail is a problem. The building's thick cement structure itself impedes the detection of cell phones. There are several challenges in finding solutions for the detection of inmates with cell phones, drugs, and other contraband.

Staffing

Staff at Water Street is rotated throughout the sections and duties on a regular basis. This allows for the staff to understand how all areas of the facility run and helps reduce job fatigue. We noted staff frequently interacting with inmates, checking in on inmate progress or concerns. Additionally, employees are rotated between other facilities and departments on a regular basis.

All staff we met were passionate about their jobs, the reduction of crime in our neighborhoods, and reducing recidivism. We found them to be innovative in tackling the challenges in this ever changing field.

Blaine Street Women's Minimum Security and Re-entry Facility – Inspected on September 12, 2016

The Blaine Street facility is a two-story, minimum security dormitory residence for women. It opened in 1986 and has signs of wear. This facility appeared underutilized on the the day of our visit with only nine residents for the 32 beds available. There was an ongoing problem with finding female inmates who qualify for minimum security, evidenced by repeated under-capacity populations. The Blaine Street facility has since been vacated and has not held inmates since December 2016.[14] The female inmates who qualify for minimum or medium security are now housed at the Rountree facility.

The Sheriff's Office is in the process of deciding other possible uses for the the Blaine Street facility. The failure to use this facility while the jail system continually suffers from overpopulation appears to be an example of poor long-term facility use planning.

The Superior Court of Santa Cruz County Holding Facility – Inspected on September 13, 2016

Inmates with a scheduled court appearance are transported in a secure van to the Superior Court basement entrance and transferred to a locked fenced area. This entrance is also used by others, so it must be secured and cleared for inmate movement. Inmates are locked in temporary holding cells while awaiting their court appearances. They are then taken upstairs to courtrooms through a shared corridor. The holding facility was clean and well maintained.

There are some inherent security issues with the shared entrance and passage through corridors with offices and shared use. Items on desks could be grabbed or contraband could be left for an inmate in the corridors. However, there is very careful inmate monitoring during this transfer process.

***Rountree Medium Security Facility – Inspected on September 13, 2016
and March 6, 2017***

Rountree is a medium security facility located in Watsonville. Inmate classification is based on a profile established and completed at Water Street. If an inmate is deemed a good candidate for Rountree's structure, routine, and programs they are then transferred. There is no direct intake of inmates into Rountree.

Rountree was a male-only facility during our first visit in September 2016. It had a population of 96, which is its maximum capacity. However, during our subsequent inspection in March 2017, the population was reduced to 46 men while they were refurbishing one unit in preparation for the introduction of female inmates to the facility, scheduled to happen at the end of March 2017.

The Rountree facility has an entirely different feel compared to a maximum facility site such as Water Street. Rountree has more space and more access to fresh air and sunlight. It has several classrooms and a large clean kitchen. The housing units have bunks in low-walled cubicles, a large open dayroom and an outside exercise area. There are several rooms in the facility for the various programs Rountree offers.

The focus of Rountree is to be a "Programs Facility" where inmates are encouraged to engage in classes and participate in the more than 35 activities, programs, and services. These programs are provided by various community service organizations, staff, and volunteers with the overall goal of increasing an inmate's chance of success for re-entry to the community, thus decreasing their risk of recidivism. There are both required and elective courses, many of which have post-release services available. Counselling is available for substance abuse, anger issues, and family challenges.

There is also religious support, a wide variety of high school and community college classes, personal development classes, and job application training and placement support.

The staff's sincerity is inspiring. There is a genuine investment in the success of the inmates and the effectiveness of the programs. When an inmate does re-offend, this is seen as a staff learning opportunity, a chance to identify where and how improvement is needed in Rountree's programs and post-release support. Although an inmate's report is one way to gather information regarding the success of a program, there seem to be few, if any, other statistical measures to track results. Rountree certainly appears to be on the right track, but having a 'scorecard' or other objective measurement of success could provide Rountree with further public and financial support.

Model inmates with health conditions such as high blood pressure, epilepsy, or diabetes are not eligible for the expanded services at Rountree. The lack of 24/7 medical staff prevents their access to these valuable programs.

Since our last inspection, staff members have informed the Grand Jury that Rountree began housing women at the end of March. As of the first week of May, population was 48 men and 22 women; however, these numbers change daily. Staff reports that this transition has been going very well.

The next change for Rountree is the construction of a minimum security Rehabilitation and Reentry Facility,[15] scheduled for completion by the end of 2017. We share the staff's enthusiasm for this project and the improvement this will bring to an already impressive facility.

Santa Cruz County Juvenile Hall – Inspected on February 13, 2017

Santa Cruz County Juvenile Hall (Juvenile Hall), located near Felton, was first opened in 1968. It is designed to house 42 juveniles in a secure facility. The primary purpose of

this site is the temporary, secure custody of juveniles referred by law enforcement agencies, the Probation Department, and Juvenile Court. The average daily population from July 1, 2016 to March 31, 2017 was 17. Juvenile Hall houses both genders by making use of its two wings. There are weekly disciplinary team meetings that provide a forum for exchanging ideas on improving both the care of its yutes and security of the site.

Santa Cruz County Juvenile Hall first became an Annie E. Casey Juvenile Detention Alternative Initiative (JDAI) model facility in 1999.[16] Out of 300 JDAI sites in the U.S., only five meet the standards for the model site distinction. This initiative seeks to reduce unnecessary and costly juvenile detentions, using several methods, including risk-based detention criteria, community-based detention alternatives, and improvement of court processing, just to name a few.[17]

During our tour and subsequent inspection, we found this facility to be well maintained. All required annual inspections to date have been completed with no concerns noted. Modifications to the exercise yard and kitchen are expected to begin by spring of 2018.

In 2015 Juvenile Hall was awarded $9.5 million of SB81 Round 2 construction funds. This funding will allow for facility upgrades and needed improvements. It will also provide for a new garden that will be the center of a project called *Seed to Table*. This will include horticulture and culinary vocational programs. It is expected to begin in late 2018.

Juvenile Hall provides continued education for youths while in custody via the Hartman School,[18] operated by the Santa Cruz County Office of Education. There are two formal classrooms and each has a credentialed teacher. With an average stay of eighteen days, it is important that the teachers receive the student's education files as quickly as possible. There are currently no noted delays in receiving student academic information.

In addition to conventional classroom learning, juveniles have access to several programs[19] designed to help make necessary adjustments to the way they behave and approach problem solving when they re-enter society. Many of these programs have county supported wrap-around aspects to them and are designed to help these youths succeed outside of a correctional setting.

Physical and mental health services for the residents of Juvenile Hall are provided through the Santa Cruz County Health Services Agency (HSA). Mental health services include assessment, individual counseling, crisis intervention, psychiatric treatment, and substance abuse programs. There are two full-time clinicians assigned to this site who provide assessment, treatment and crisis intervention.

We found the cafeteria to be clean and well cared for. There are two hot meals daily and both meals and portions have been approved by the county nutritionist. The atmosphere during meal times is also an attempt at rehabilitation for the inmates. Staff take their meals with the youths and use that opportunity to model healthy interpersonal interactions by having general conversations with them.

The Juvenile Hall staff and its probation counterparts also recognize the importance of re-establishing or maintaining family ties. This is accomplished through in-home family

counseling and a program of allowed contact visiting at the facility. As Juvenile Hall is located in the northern part of the county it can be difficult for south county residents to visit. Bus service does not provide transportation to Juvenile Hall. Recognizing this, the County Probation Department has assured the Grand Jury that they do provide transportation for those that do not have access to a car. We were told that no indigent families were being being excluded from the visiting program.

We appreciate their efforts at helping youth in their charge while at the same time, recognizing the detention of these young people is done to protect society and the youths themselves.The staff is dedicated and proud of the national model for juvenile detention they have created. They are a hardworking group of professionals who are determined to break the cycle of recidivism facing the youth in this county.

Ben Lomond Conservation Camp #45 – Inspected on March 30, 2017

The Ben Lomond Conservation Camp #45 (Fire Camp) gives an excellent first impression, with the usual forestry "green and groomed" look. The buildings, although dating from 1962, are well maintained. This is a minimum-security facility with monitored security cameras and out-of-bounds signs. Walk-aways (escapes) happen infrequently for a minimum security facility; only one in FY 2016-17.[20] The camp has a capacity of 113 males. There were 89 inmates on the day of our visit.

The primary mission of the Fire Camp is to provide trained fire crews in the Bay Area and throughout the State. Inmates are selected by the California Department of

Corrections and Rehabilitation (CDCR) from their Susanville Prison, based on a classification system. Most selected for camp are serving sentences for alcohol, drug or property related crimes other than arson. Those inmates who are not physically fit enough for a fire crew, but who have specialized skills can be sent to the camp to fulfill mechanic, cook, groundskeeper, clerical and other in-camp assignments.[21] There are 44 camps operating in the State of California.[22]

Crews are also utilized to perform vegetation management for community service projects and maintenance at local, state and federal properties. A crew consists of 10–12 inmate firefighters and a CAL FIRE Captain. They work Monday through Friday on these projects. The value of work provided for firefighting and for maintenance projects during the calendar year 2016 was an average of $2,350,448 per camp. This represents a significant savings over hiring other groundskeeping and firefighting crews. This also provides an opportunity for inmate skill development while providing this valuable and needed work.

The kitchen was clean and orderly and inspection sheets with maintenance and temperature readings were completed. On work days lunches are packed for the work crews and sent in individual coolers. During firefighting incidents the food is provided by the incident logistics section and is identical to what is served to non-inmate firefighters.

The dorms are open plan with two beds to a low-walled cubicle, with a storage locker for each inmate. There is a large room for Alcoholics Anonymous, Narcotics Anonymous, church services, other meetings, and family visitation. There is a TV and recreation room, playing fields, and a gym with weights and exercise equipment. We noted that, of all the correctional facilities toured in the county, this is the only detention facility that provided weights to inmates.

Inmates get paid at varying rates based on duties, ranging from $1 a day to $1 an hour while on firefighting assignments. Money is kept in trust for commissary purchases and the balance is available at release. Inmates also get sentence reduction for time spent at the camp.

Camp population has been dropping due to the passage of AB109 which called for prison realignment. Now inmates who would have gone to State Prisons are being placed in local jails. Thus fewer minimum-security eligible inmates who can be sent to the camps are available in the State Prison system. The County "Boarder Program" is an effort to address this issue. Under this program inmates from the county jail system who can qualify are placed at the camp and trained to be on a fire crew. There is a significant savings to the County as the cost is about $10 a day at the camp vs. $125 a day to keep them at the jail.

Although efforts have been made to come up with metrics to measure success and rates of recidivism, so far nothing is in place to gather these statistics. Such metrics, if available, would assist in obtaining funding and support for the camp system.

This is a work camp, where we noted that programming for inmates was limited. There is a support system in place, mostly online and through phone calls, for those wanting to

get their General Education Development (GED) certificate. There are also AA and NA meetings, but not much else is in place for formal training.

The camp is remote with at least a 20 minute response time for paramedic level medical help. Contraband is very hard to prevent in a minimum security setting and drug overdoses can happen, particularly with work crews going out into the community daily. Injuries can also happen and although the inmates are fairly healthy, illness can occur.

Findings

F1. Inmates are kept at Water Street Jail for medical reasons alone when they are otherwise eligible for the increased services and programming at Rountree. This denies programming to an otherwise-eligible inmate that may increase their ability to succeed upon community reentry.

F2. The Crisis Intervention Team keeps notes in inmate records, but not minutes of meetings or a summary of daily record changes. Without a meeting summary, there is no documentation of continuum of care and context for decision making.

F3. The Sheriff's Custody Manual includes a general description of a safety cell's allowable use. This results in the inappropriate housing of inmates in cell O13.

F4. Long term inmates at Water Street may suffer from Vitamin D deficiencies due to lack of exposure to natural sunlight. Medical staff have not tested inmates for possible Vitamin D deficiencies.

F5. Water Street, a maximum security facility, has no means of detecting non-metal contraband other than physically searching an inmate. This increases the chance of dangerous items being brought into the facility.

F6. The empty Blaine Street facility indicates a lack of long-range facility planning and coordination.

F7. When asked about program effectiveness and measurements of success locally, staff were unable to provide scorecards, analytics, or follow-up information on recidivism or success. This impacts their programs and future funding.

F8. AB109 prison realignment is making it difficult to maintain adequate firefighting crews at Ben Lomond Conservation Camp.

F9. The county "Boarder Program" at the Ben Lomond Conservation Camp is less costly to the county than housing inmates in the county jail system.

F10. There is significantly less programming at Ben Lomond Conservation Camp than in the other facilities that we visited, which may impact inmates' post-release success.

F11. The remote location of the Ben Lomond Conservation Camp impacts emergency medical services for inmates and staff. Current county medical protocol does not allow staff on site to store or administer Narcan or Epinephrine.

Recommendations

R1. The Sheriff's Office should make the necessary changes to allow inmates with chronic medical problems to be housed at Rountree. (F1)

R2. The Crisis Intervention Team should produce and review minutes of their meetings. (F2)

R3. The Sheriff's Custody Manual Policy sections 517.1 and 517.2 should be modified to avoid inappropriate housing of inmates in detox or medically at risk. (F3)

R4. The Sheriff's Office should test whether any long-term or at-risk inmates at Water Street are Vitamin D deficient. (F4)

R5. The Sheriff's Office should review and implement current technology available for contraband detection. (F5)

R6. The Sheriff's Office should create a strategic long-range facilities management plan, including management of multiple funding sources. (F6)

R7. Law enforcement should create, use, and publish scorecards to measure the local success of inmate programs. (F7)

R8. The Sheriff needs to be proactive with placing Boarders, qualified inmates from the county jail system, at the fire camp when appropriate. (F8, F9)

R9. CDCR should provide in-person help with GED studies to benefit Ben Lomond Fire Camp inmates. (F10)

R10. Narcan nasal spray and epinephrine auto-injectors should be available, along with training on when and how to use them. (F11)

Commendations

C1. The Sheriff's Office application for Prop 47 funding for the Health and Justice Diversion Center shows progressive and compassionate thinking.

C2. Rountree delivers an impressive offering of programs for eligible inmates; we commend them for opening it to female inmates.

C3. We commend the Main Jail staff for intervening and preventing 13 suicides since July 2016.

Required Responses

Respondent	Findings	Recommendations	Respond Within/ Respond By
Santa Cruz County Sheriff	F1–F7, F9	R1–R8	60 Days August 28, 2017
Santa Cruz County Board of Supervisors	F1, F4–F7, F9, F11	R1, R4–R7, R10	90 Days September 25, 2017

Requested Responses

Respondent	Findings	Recommendations	Respond Within/ Respond By
CDCR, Ben Lomond Conservation Camp #45	F7–F11	R7–R10	60 Days August 28, 2017
CalFire, Ben Lomond Conservation Camp #45	F7–F11	R7–R10	60 Days August 28, 2017

Definitions

- **AB 109:** Passed in 2011, also known as public safety realignment. The diversion of people convicted of certain classes of less serious felonies from the Department of Corrections (state prison) to local county jails. Does not apply to those convicted of serious crimes, violent crimes, or sex crimes.

- **Annie E. Casey Juvenile Detention Alternatives Initiative:** Approach designed to address the efficiency and effectiveness of juvenile detention across the US.

- **CFMG:** California Forensic Medical Group, Inc., a for-profit company.

- **CIT:** Crisis Intervention Team.

- **County Boarder Program:** A program developed for counties to contract with California Department of Corrections and Rehabilitation (CDCR) to send low level county offenders that have been screened and approved to participate on the Fire Crews.

- **Epinephrine Auto-injector:** An emergency injection ("shot") of epinephrine used for life-threatening allergic reactions. Commonly referred to as EpiPen.

- **Maximum Security:** Allows for the containment of prisoners with a level of supervision and facility construction appropriate to the level of risk that an inmate poses. Ensures that the safety security risk to both staff and other inmates can be controlled by use of various levels of facility design and operational procedures. Designed for housing prisoners regarded as being very dangerous.

- **Medium Security:** Allows for the containment of prisoners with a less intrusive level of facility construction appropriate to the level of risk an inmate poses. Facility operations and design are based on lower level concern of negative inmate behavior. Allow for more access to rehabilitative and reentry programs.

- **Minimum Security:** (of a jail or prison) designed for prisoners regarded as being less dangerous; having fewer restrictions.

- **Narcan:** Used to treat a narcotic overdose in an emergency situation. Also called Naloxone.

- **Penal Code:** A code of laws dealing with crime and its punishment.

- **Programming:** the process of instructing or learning by means of an instructional program.

- **Prop. 47:** a referendum passed in 2014 that recategorized some non-violent offenses as misdemeanors rather than felonies as a way to reduce overcrowding in the state's prisons. This measure also requires that any money saved as a result would be used on prevention and recidivism reduction services.

- **Safety Cell (O13):** A cell used to hold those inmates who display behavior which results in the destruction of property or reveals an intent to cause physical harm to self or others.

- **"Seed to Table" Program:** The newest program at the Juvenile Detention Facility which will incorporate an on-site garden managed by the juveniles and the harvest utilized in the kitchen (by select juvenile participants) in a culinary program.

- **Yutes:** Ask Vinny.

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Site Visits

Water Street Maximum Security Jail, visited on September 12, 2016 and March 3, 2017

Blaine Street Women's Minimum Security Facility, visited on September 12, 2016

The Superior Court of California, County of Santa Cruz, visited on September 12, 2016

Rountree Men's Medium Security Facility, visited on September 13, 2016 and March 6, 2017

Juvenile Hall Detention Facility, visited on February 13, 2017 and March 10, 2017

Ben Lomond Conservation Camp #45, visited on March 30, 2017

Santa Cruz Metropolitan Transit District

The Bus Stops Here

Summary

The Santa Cruz Metropolitan Transit District's purpose is to provide Santa Cruz County with a reliable transit system, delivering us where we need to be when we need to be there. Despite the efforts of the district's Board, management team, and employees, significant annual budget shortfalls and decreasing ridership jeopardize the sustainability of the system.

The 2016–17 Grand Jury evaluated actions the Santa Cruz Metropolitan Transit District (Metro) could take to reverse its service decline and achieve a balanced budget. Metro should increase efforts to retain and grow ridership, build sustaining partnerships such as those with UCSC and Cabrillo College, and expand funding sources. Combining these activities and marketing under a business development umbrella will align these tasks and focus the entire Metro team on its mission:

> *To provide a public transportation service that enhances personal mobility and creates a sustainable transportation option in Santa Cruz County through a cost-effective, reliable, accessible, safe, clean and courteous transit service.*[1]

Background

In August 2016 Metro undertook extensive public outreach to discuss proposed service cuts resulting from insufficient funding. It also initiated a re-evaluation of existing routes and services. A slow recovery from the recession that began in 2008 contributed to a $26 million reduction in anticipated revenue from 2008 through 2014.[2]

Anticipating a continuing annual shortfall that is currently funded from dwindling reserves, Metro engaged Transportation Management & Design, Inc. to study and report on Metro's delivery of services[3] and to conduct a market assessment of Metro's service area.[4] These reports were used to realign routes to control losses, but not for additional changes they recommended.

Metro lacks a system-wide strategic plan for long-term economic viability and ridership growth, and an action plan for increasing revenues and balancing the budget. Without such plans Metro faces continuing budget shortfalls and depleted reserves. The "FY 2017 & FY 2018 Budget" states that even with anticipated revenue from Measure D the district will return to a structural deficit in FY 2019.[5] [6]

Management Structure

The Metro Board of Directors is comprised of 12 members:
- Five members of the Santa Cruz County Board of Supervisors or their appointed representatives
- Six city council members or their appointed representatives: one from Capitola, one from Scotts Valley, two from Santa Cruz, and two from Watsonville
- One member appointed from UCSC

Reporting to the Metro Board are the CEO/GM (Chief Executive Officer/General Manager) and District Counsel.

The Metro Advisory Committee is made up of citizen volunteers approved by the Metro Board. It meets quarterly and advises the Metro Board on matters of policy and operations with regard to bus transportation services.

Scope

The Grand Jury recognizes the value of a county transit system to the economy, environment, and an enhanced quality of life for the entire community. Exploring the challenges to successful and financially viable transit systems, the Grand Jury met with members of the Metro Board of Directors, management, and union personnel. Grand Jury members rode buses on seven routes, toured the maintenance facilities, visited the new operations facility on River Street, and inspected the transit centers in Watsonville, downtown Santa Cruz, and Scotts Valley. We attended meetings of the Metro Board and the Metro Advisory Committee.

We reviewed publicly available materials, including the recently commissioned reports by Transportation Management & Design, Inc. evaluating Metro's services and markets.

We reviewed proposed modified bus routes, ParaTransit for outlying areas, new alternative services, and management's vision of Metro's evolving role. We examined Metro funding partnerships with Cabrillo College and the University of California at Santa Cruz (UCSC), as well as options for securing future partnerships.

Many of our ideas coalesced from research on Bus Rapid Transit (BRT) systems.[7] [8] BRT is a compilation of adjustments and accommodations made to enhance bus service by reducing obstructions to achieving peak efficiency. The goal of BRT is to enable bus systems to perform more like light rail systems, free of traffic constraints and inefficient loading and unloading of riders. The main features of these systems include one or more of the following:

- Dedicated lanes
- Off-board fare collection
- Traffic light prioritization
- Platform-level boarding
- High-capacity vehicles
- Quality adjunct facilities
- Strong market branding
- Real-time rider data collection

Investigation

Our investigation identified five areas in which Metro could benefit from an increased emphasis on current initiatives and from new management approaches. We agree with management that long-term financial sustainability and service to the community must be Metro's primary goals. We investigated the potential for:

- Expanding funding sources and operational revenue
- Improving facilities and equipment
- Evaluating management best practices
- Introducing a business development unit
- Improving the ridership experience

Funding Sources and Operational Revenue

Fares, tax initiatives, and grants are insufficient to cover operating costs. Current Metro Board actions and guidance to management do not address the need to grow income. Reserves continue to be depleted to cover operating costs and Metro has projected that within two years they will return to running a deficit.[5]

The Grand Jury reviewed ways Metro is attempting to reduce the practice of depleting reserves for operating expenses. Among these were route reductions, fewer stops, and a decrease in frequency of service of as much as 20%.

While Metro is striving to become more efficient, it has many challenges, including reduced fare box revenue, fewer grants, and dwindling state and federal funding

contributions. Although assisted by subsidized funding from UCSC ($4.1 million expected in FY17) and Cabrillo College ($940,000 expected in FY17),[9] [10] inadequate funding remains a problem. Our investigation identified several potential avenues for additional funding:

- Increasing grant writing
- Expanding community partnerships beyond public-sector institutions
- Working with community retail districts to encourage mutual growth
- Exploring financial successes of similar public transit systems

Facilities and Equipment

The central maintenance and operations facilities are new and appear to be well run. The transit centers in Santa Cruz and Watsonville however are deteriorating and are not well maintained. Cleanliness of these centers is discussed below under *Ridership Experience.*

Part of Metro's bus fleet runs on Compressed Natural Gas (CNG), which has proven to be less cost effective than planned. This stems largely from shorter than expected maintenance cycles – the CNG bus engines need repairs more often than anticipated. Metro should evaluate the benefits of converting CNG bus engines to electric, which is estimated to be half the cost of purchasing new electric buses.

Metro currently uses a transit management software system called HASTUS. With this system, ridership data needs to be collected from direct observation on the buses and then manually uploaded. There is also no real-time tracking of timeliness. Automation of these data collection tasks could greatly assist Metro with management decisions. Automatic Vehicle Location (AVL) is a system for keeping track of the bus position in real time. With this and an automatic system to track boardings, considerably more and higher quality data could be gathered and fed into the HASTUS software. This would allow for better route management, reduced schedule delays, and a more appropriate allocation of resources. For riders, AVL is a necessary part of any system that would keep them informed when to expect the next bus.

Transit Management Best Practices

There are a number of transit best practices that would offer Metro new long-term strategies and short-term tactics to improve their operations. These include ideas for improving customer service, creating a positive rider environment, having agile action plans, and providing flexible budget allocations and program alignments. The overall challenge is to grow income – reducing services and using reserves to balance the budget is not sustainable. Growing ridership, increasing community partnerships, and expanding economic vitality are essential to a successful Metro.

The Federal Transit Administration's Office of Research, Demonstration, and Innovation states BRT "is often considered more reliable, convenient and faster than regular bus services."[11] In line with these conclusions, the Santa Cruz County Regional Transportation Commission continues to study ways to serve a high-density coastside

population along with more sparse rural areas. These areas have widely differing costs to operate and different service expectations.

Industry best practices are in evidence in many transit programs throughout the country. Collectively what stands out in these programs is a focus on innovation, both in systems and in management training. Programs in Seattle, Washington;[12] Eugene and Springfield, Oregon;[13] Fort Collins, Colorado;[14] and Alameda-Contra Costa Counties, California[15] are among several that may offer solutions to Metro's challenges.

The Institute for Transportation and Development Policy[16] is another resource for innovative ideas. It also underwrites a one-year management training for transit board members for regions with populations greater than 200,000, such as Santa Cruz County.

Metro Board members are not required to have any relevant transit experience, qualifications, or training.[17] This may be an impediment to improving Metro's performance, as not all Board members are aware of transit best practices, or have the time and resources to acquire that expertise.

Business Development Unit

In today's financial climate, special districts must be their own advocates in augmenting their budgets. While there are tax dollars allocated, they must proactively seek out additional funding, brand themselves, and actively market their services. The district needs the mindset of an entrepreneur to flourish.

The Metro organization chart has had an unfilled position for a marketing manager for three years. This may be short-sighted. A person in this position, particularly if it were expanded to include business development, could be:

- developing and championing ways to increase revenues,
- exploring new concepts and programs,
- pursuing partnerships similar to those with UCSC and Cabrillo College,
- establishing community outreach programs,
- expanding grant writing oversight, and
- advocating for an improved rider experience.

Currently these activities are disjointed and sporadic, and are constrained by a narrow definition of marketing. A business development manager would also examine the practices of similar and more financially robust transit systems to identify proven strategies.

Ridership Experience

It is a downward spiral to constantly reduce services in the face of a declining number of customers or revenue, yet struggling service providers tend to do so. Reductions and realignments should be done within the context of a growth plan, otherwise they lead an agency towards irrelevance or dissolution.

Metro still has several opportunities for making small investments to increase ridership, build loyalty, and strengthen Metro's relevance to our local economy. There are many

benefits from improving the rider experience: reduced stress for bus operators, lower staff turnover, friendlier driver-rider interaction, higher bus utilization, and greater community support for funding of transit services. Primarily, Metro needs to consider a wider appeal to gain ridership. This challenge includes delivering services to current riders who will invite others to join them.

Any campaign to grow ridership will need to confront real and perceived criticisms. Key among these are dirty stations, parking that falls short of commuters' needs, and buses that are late, outdated, or unclean.

The Grand Jury identified several issues contributing to rider dissatisfaction:

- Traffic congestion contributes to schedule delays and missed connections, which has riders displeased with the bus operators, even though this is beyond Metro's control. Not knowing when the next bus will come is a big concern for riders.
- Metro Buses exceed the national industry average of 500,000 miles. Aging equipment is often in disrepair and makes a negative impression on riders.
- Bus seats are porous fabric and not easily sanitized.
- There is little consistency in the design, construction, or location of bus stops, and they often do not conform to the criteria stated in the Metro Bus Stop Guide.[18]
- District transit centers in downtown Santa Cruz and Watsonville are not maintained to a consistent standard of cleanliness.
- Overnight parking is not available at the park-and-ride lot for Highway 17 Express bus users.

Findings

F1. Metro experienced an anticipated revenue reduction of $26 million from 2008–2014 and had to use its reserves to fill the shortfall. This is not sustainable.

F2. Metro grant writing has been insufficient and ineffective.

F3. Many Metro Board members lack transit management knowledge of best practices or business experience, leaving them ill-equipped to address Metro's declining revenues.

F4. Metro use of Bus Rapid Transit (BRT) industry best practices is limited.

F5. There are no experience qualifications for Metro Board members in its bylaws, and the Board lacks the range of experience or training necessary to improve Metro's performance.

F6. Metro does not have joint meetings that include the Board, Metro management, and the Metro Advisory Committee. Better and more frequent communication and coordination between these bodies could improve decision making.

F7. Manual collection of route performance data does not allow for optimal use of the HASTUS system.

F8. Metro partnerships with UCSC and Cabrillo College have contributed significantly to Metro revenues, and Metro would benefit from additional community partnerships.

F9. Metro marketing functions are handled inefficiently, in significant part due to an unfilled marketing manager position. Marketing must be more than just selling advertising on buses.

F10. Metro lacks a business development manager. Currently, business development responsibilities are distributed across the organization, and are not implemented or effective.

F11. Metro design standards for bus stops and shelters have not been consistently implemented, which may negatively impact ridership.

F12. Metro bus seats are difficult to clean and sanitize, which may negatively impact ridership.

F13. The lack of overnight parking at bus facilities may be a deterrent to potential riders.

F14. Metro's CNG bus engines break down sooner than expected, resulting in accelerated expenses.

F15. Metro transit centers are deteriorating and in disrepair, which may negatively impact ridership.

F16. Metro transit centers are not clean, which may negatively impact ridership.

Recommendations

R1. Metro should conduct a limited study to determine if reduced fares would generate additional revenue through increased ridership. (F1, F4, F7)

R2. Metro should redefine the Marketing Manager position as Director of Business Development and fund it. (F9, F10)

R3. The Metro Board should include members who have marketing, business management, or finance experience. (F3, F5, F6)

R4. The Metro Board, Metro management, and the Metro Advisory Committee should meet jointly on a regular basis. (F5, F6)

R5. Metro should identify and secure additional funding sources. (F2, F8, F9, F10)

R6. Metro should expand their grant writing program. (F2)

R7. Metro should adopt and adhere to a budget that does not deplete reserves for operating expenses. (F1)

R8. Metro should consider pursuing additional private and government partnership programs, such as those with UCSC and Cabrillo College. (F8)

R9. Metro should create a bus stop sponsorship program that underwrites construction of bus stops in accordance with Metro's design standards. (F11)

R10. Metro should improve cleanliness at transit facilities. (F12, F16)

R11. Metro should improve maintenance at transit facilities. (F12, F15, F16)

R12. Metro should establish overnight parking at the Scotts Valley Cavallaro Transit Center for riders. (F13)

R13. Metro should evaluate cost-effective alternatives to the CNG bus powertrain. (F14)

R14. Metro should use easily cleanable materials for bus seats. (F12)

R15. Metro should conduct a limited trial using AVL and HASTUS to explore bus route efficiency. (F7)

R16. Metro should provide WiFi connection on more buses. (F4)

Commendations

C1. Although Metro faces difficult decisions and financial hardship, we found the employees hardworking and dedicated. Without exception they were extremely helpful and treated their customers with kindness and respect. We commend the employees for their outstanding service to the community.

Required Responses

Respondent	Findings	Recommendations	Respond Within/ Respond By
Santa Cruz Metropolitan Transit District Board	F3–F10	R2–R9	90 Days September 27, 2017
Santa Cruz Metropolitan Transit District CEO	F1, F2, F6–F16	R1, R2, R4–R16	60 Days August 28, 2017

Definitions

- **AVL:** Automatic Vehicle Location is a system using GPS to track the real-time location of vehicles.
- **BRT:** is a Bus-based Rapid Transit system designed to improve capacity and reliability relative to a conventional bus system.
- **CNG:** Compressed Natural Gas used as a vehicle fuel.
- **HASTUS:** (*Horaires et Assignments pour Systems de Transport Urban et Semi-Urban*) A software system designed for managing transit systems. Modular in nature, systems can be purchased depending on need and cost.

- **WiFi:** Trademark for facilities which allow computers, smartphones, or other devices to connect to the Internet or communicate with one another wirelessly within a particular area.

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Site Visits

Metro Administrative offices and Fleet Maintenance Facilities

Board of Directors Meeting

Metro Advisory Committee Meeting

Transit Stations: Scotts Valley, Santa Cruz, Capitola Mall, and Watsonville

Bus rides: Route 35, Route 20, and Route 75

Websites

Santa Cruz Metropolitan Transit District www.scmtd.com