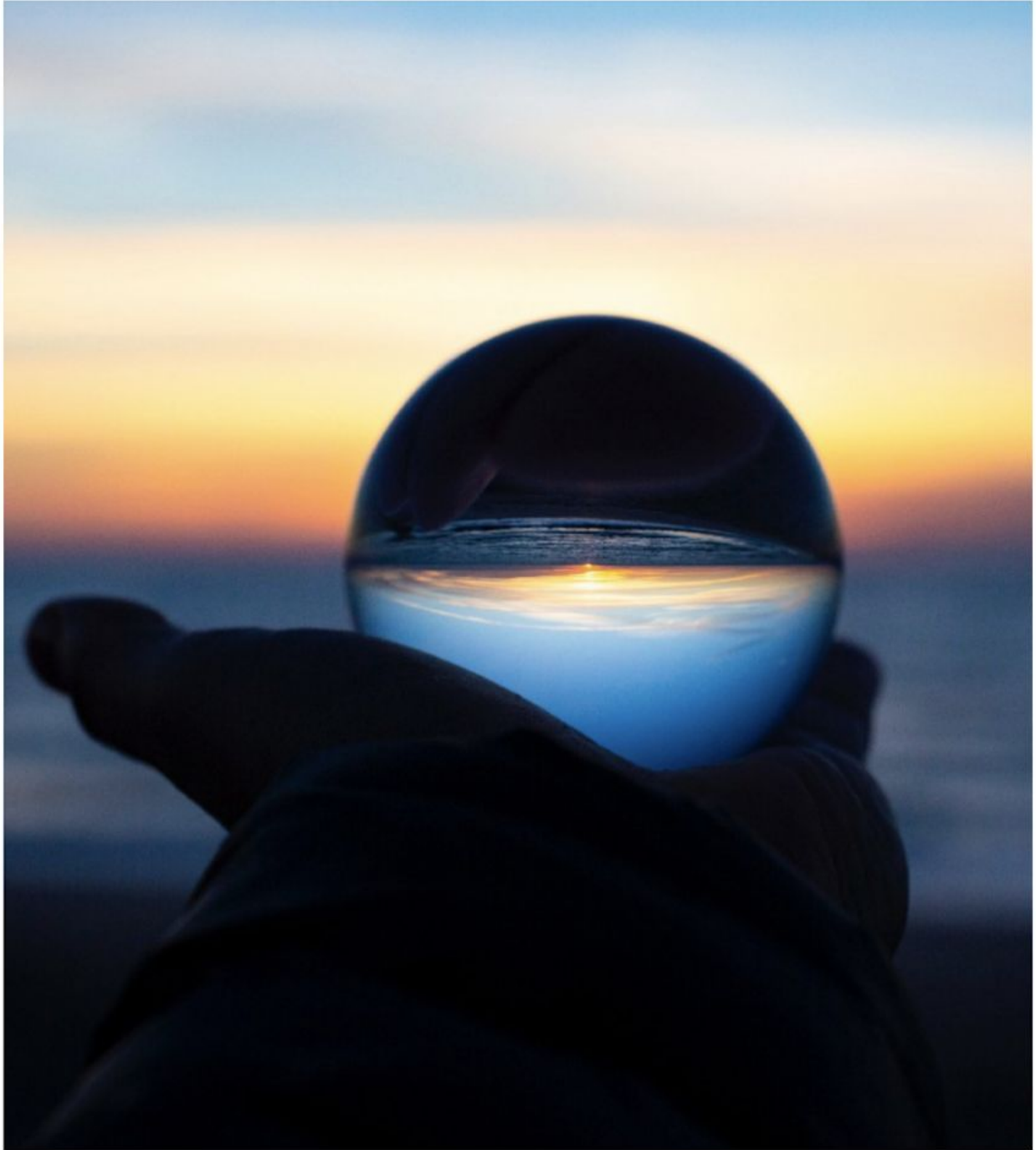


# **Santa Cruz County Civil Grand Jury 2019–2020 Consolidated Final Report**



### **COVID-19**

The 2019-2020 Santa Cruz County Civil Grand Jury is issuing its reports during the unprecedented conditions of the COVID-19 pandemic. We are well-aware that the county is in crisis and that critical public health concerns, operational difficulties and financial challenges throughout the county have a greater claim to government attention right now than the important but less urgent issues addressed by this Grand Jury.

Agencies required to respond to our reports generally have no more than 90 days to issue a response, according to the California Penal Code. It is not within our power to waive or extend these deadlines and, to our knowledge, neither the Chief Justice nor the Governor has yet done so. But we recognize that this deadline may be burdensome given current conditions.

Whether the deadlines are extended or not, it is our hope and expectation that Santa Cruz's governmental agencies will eventually be able to return to normal operations and address the issues raised by the Grand Jury's reports. In the meantime, however, public health and safety issues are of paramount importance and other matters may need to wait.

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## County of Santa Cruz

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Grand Jury  
701 Ocean Street, Room 318-I  
Santa Cruz, Ca 95060  
(831) 454-2099

June 17, 2020

Honorable John M. Gallagher  
701 Ocean St.  
Santa Cruz, CA 95060

Dear Judge Gallagher,

On behalf of the 2019-2020 Civil Grand Jury, I would like to present our final consolidated report to the residents of Santa Cruz County. The scope of our consolidated report spans a broad swath of the activities performed by local governments. We hope that our analyses, narratives, and recommendations are useful to officials in the county, cities, and special districts that were reviewed and that interested residents can become better informed about the challenges that must be overcome to provide good governance on their behalf.

Our team consists of 19 citizens of varying ages, vocations, and life experiences. The common intention that brought us together was the desire to exercise our responsibility as citizens at a deeper level than is usually available. We all wanted to learn more about how local government is structured, how it operates, and what are its key challenges. Finally, we wanted to tell the story of our adventure in learning and offer recommendations for possible improvement. We are not local government experts, but through our diverse sets of eyes, we attempt to bring some fresh thinking to the dialogue through our reports.

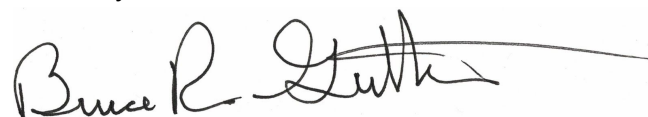
The concept of the grand jury is quite old and quite amazing. Gathering 19 citizens together for a single year to achieve the stated goals of a grand jury could not be accomplished without key leadership and guidance. Judge Gallagher, your inspirational message to us on our first day created a bond that has carried us through the good and challenging times of 2019-2020. Our County Legal Counsel, Ryan Thompson, has always been available to our team on a moment's notice as we tried to navigate penal code interpretation and sensitive interactions with witnesses and local government officials. His dedication, patience and responsiveness is invaluable. Finally, nothing could be accomplished without effective training of the novice juror. We would like to recognize the CGJA for their well structured training courses and material, to which we often referred.

A special mention is appropriate for our grand jury clerks, especially John Rible. Without his dedication, historical knowledge, and technical support we would have started much slower, and may have never finished with the onset of the COVID-19 crisis. His support of our early efforts to establish remote meeting capabilities meant we didn't miss a step.

I want to personally acknowledge the contributions, dedication and persistence of our jurors. It would have been easy to walk away as the COVID-19 crisis emerged. However, our meetings continued as we established new protocols for our meetings, and a depth of commitment to finishing the job emerged despite all the uncertainty and fear. I really believe that we all walk away better informed, better teammates, and better citizens because of our experience together.

Finally, to future jurors, working on the grand jury will require you: to work hard; be familiar with personal computer technology; to reach deep for collaborative skills; to stretch your knowledge about a wide range of topics. It could also be an experience that will change you and your government for the good.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce R. Gritton", with a long horizontal flourish extending to the right.

Bruce Gritton, Foreperson

2019–2020 Santa Cruz County Civil Grand Jury

**Julie Berry**

**Thomas Pistole  
(Treasurer)**

**John Janiak**

**Rich Goldberg**

**Everett Downs**

**Bobbi Burns**

**Gail Wingert  
(Secretary)**

**Bruce Gritton  
(Foreperson)**

**Dawn Hughes-King**

**Ken Painter  
(Pro Tem)**

**Val Ahlgren**

**Liz Picco**

**Colly Gruczelak**

**Maureen Moncrieff**

**David Heintz**

**Andrew Finn**

**Megan Dawson  
(Office Manager)**

**2019-2020 Santa Cruz County Civil  
Grand Jury**

Cover and Juror photo by Drew Beamer (on [Unsplash](https://unsplash.com/)); graphics by Bruce Gritton.



## The Tangled Web

Oh, What a Mangled Web We Weave...

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### Summary

The public relies on current, accurate information to conduct its business with government agencies and offices. As we the Grand Jury have accessed county and city websites to gather data and contact government officials, we find that website information is sometimes inaccurate and out-of-date. In fulfilling our charter as an advocate for the public to improve government operations, we will point out where these errors exist and direct those responsible to provide a reliable information platform to the public.

## Background

From the Institute for Local Government, June 2012:<sup>[1]</sup>

*A local government agency's website is "home base" for how it organizes the way it wants to involve residents in local decision-making. How transparent and accessible is information about public meetings? Can community members easily find the issues they care about and sign up for updates?*

### **County, City, and Local Agency Websites: Where the Public Goes for Information**

Thinking about what might usefully go on the agency's site is a timely question. For example, a Pew Research Center study<sup>[2]</sup> found that 61 percent of Americans either looked for information or completed a transaction on a public agency website in the 12 months before the study.

Specific website activities mentioned in that study with the highest concentration of interest included the following:

- Agency Information – 48 percent of users looked for information about the agency or issues within the jurisdiction and powers of the agency;
- Agency Services – 46 percent used the internet to determine what services were offered by the agency; and
- Agency Records – 41 percent downloaded forms while 35 percent researched official documents and/or agency statistics.

Additionally, about one-third of the studied users access alternate online communication platforms such as blogs, social networking sites, email, online video and text messaging. A quarter of these users want to actively participate and share their ideas and views on policies, procedures or issues.

Effective websites, according to the research by Dalhousie University,<sup>[3]</sup> apply these 6 criteria for good content:

1. **AUTHORITY** Authority reveals that the person, institution or agency responsible for a site has the qualifications and knowledge to do so. ...
2. **PURPOSE** The purpose of the information presented in the site should be clear. Some sites are meant to inform, persuade, state an opinion, entertain, or parody something or someone. ...
3. **COVERAGE** It is difficult to assess the extent of coverage since depth in a site, through the use of links, can be infinite. One author may claim comprehensive coverage of a topic while another may cover just one aspect of a topic. ...
4. **CURRENCY** Currency of the site refers to: 1) how current the information presented is, and 2) how often the site is updated or maintained. It is important to know when a site was created, when it was last updated, and if all of the links are current. ...



5. **OBJECTIVITY** *Objectivity of the site should be clear. Beware of sites that contain bias or do not admit its bias freely. Objective sites present information with a minimum of bias. ...*
6. **ACCURACY** *There are few standards to verify the accuracy of information on the web. It is the responsibility of the reader to assess the information presented. ...*

It is advised to: include the ownership of the content, state the purpose and scope of the information, assure that the information is current and when and how often it is maintained, and that the content be factual, objective, and accurate.

## Scope and Methodology

Grand Jury members look for contact information, budget data, policies and procedures, etc. in order to conduct their investigations. The Grand Jury therefore typifies the experiences of the public to access information and execute transactions.

The necessary information on county and city websites at times is more than 12 months old; annual reports are not current, members of organizations and committees have moved on and rosters have not been updated; in addition, organization charts are inconsistent and do not contain contact information. This hampers the user's ability to make progress, and reflects on the potential struggles the public can have to access government services.

We reviewed the policy of the county as documented on its web page.<sup>[4]</sup> We were unable to obtain similar policies for the cities. We also made note of the strategic plans, which document enhancements and improvements that will be analyzed and implemented over time. To understand the respective responsibilities for information system platform and content management, we interviewed responsible individuals. To test the trouble reporting capability on county websites we also entered trouble reports where this was possible.

From the Dalhousie model cited above, we concentrated on the attributes of **Currency** and **Accuracy**. Note that compliance with codes governing reporting or disclosure obligations was not assessed. We were not seeking to verify content in any and all web pages accessed, nor every commission or special district website. We make no claim of being exhaustive in our research. Our discoveries were limited to instances where, in the course of research or investigation, we found a deficiency in the information or operation of a website. We cite examples in this report for demonstration.

In addition, when asked, Information Technology officials cited information security as their number one concern. And rightly so. Their vigilance in monitoring and managing attacks, spyware, malware and ransomware is essential and appreciated—this, however, was not included in the scope or intent of this report.

## Investigation

There may be reasonable explanations for why errors and omissions exist in website information, but those explanations are not presented on the website, nor are estimates for when the website will be corrected. Without an understanding of why information is missing, users may continue to spend time searching for information that does not exist, whose unavailability is known to administrators, but not to users. For example, in the city of Santa Cruz [SIRE](#) agenda system, minutes from the Equal Employment Opportunity Committee (EEOC) meetings and the records of several meetings were missing with no explanation, although the reasons for omissions were known to staff.<sup>[5]</sup>

There are mechanisms for reporting errors in websites (like 'contact webmaster' links). Emails from users are typically acknowledged, but there is no follow-up when problems are resolved or remediated.

The cities of Santa Cruz, Watsonville, Scotts Valley, and Capitola all provide mechanisms for users to be notified via email when website content has changed. (See [Appendix A](#)) The county does not provide this capability on its website. Although social media presence can partially supplant the need for these notifications, it does not allow for users to be selectively notified based on specific areas of interest.

We discovered that the County website includes a **Contact Webmaster** button at the bottom of each page to report any user issues:



Figure 1.

While the Contact Webmaster webpage<sup>[6]</sup> reached from that button allows for reporting these issues, and receipt acknowledgement is timely, the resulting forwarding to the department owning the content has no closed loop. It is not verified for completion and the user reporting the problem is not informed as to disposition.

In [Appendix B](#) we provide a sample of deficiencies in websites: broken links, outdated information. In [Appendix C](#) we show the examples of county and city goal-setting for Information Technology improvement. These documented goals are directionally sound but lack specificity, quantified objectives, and delivery time goals.

## Findings

- F1.** County and City website information is sometimes missing, out-of-date, and inaccurate; links may be broken. Thus, many city and county departments aren't updating their websites often enough to keep citizens informed.
- F2.** County and City administrations lack a process to review content accuracy and currency and thereby assure timely correction and revision of content.
- F3.** County and City goals for website redesign or quality improvement are not sufficiently "SMART": Specific + Measurable + Attainable + Relevant + Time-Bound.
- F4.** The County does not have a notification system by which users can be alerted to updated web content. The County's website would be enhanced by the addition of a site-wide notification system.
- F5.** County and City website content providers do not provide an explanation in content for incorrect or out-of-date information, even though they appear to know the reasons.

## Recommendations

- R1.** The County Administrative Officer and the City Managers should establish a formal process by December 31, 2020 for their departments to validate and verify the accuracy and currency of website information. (F1, F2, F5)
- R2.** The County Administrative Officer and the City Managers should establish a protocol to be exercised quarterly, beginning January 2021, which requires department heads to confirm via documentation (initial a spreadsheet, for example) that they have verified the accuracy of their department's web information (F1, F2, F3)
- R3.** The County Administrative Officer and the City Managers should establish 'SMART' goals for website quality assurance and manage these goals beginning in 2021. (F3, F4, F5)
- R4.** County ISD should provide a notification system similar to the city of Santa Cruz by June 2021 whereby users receive email or text messages when updated web information is available. (F4)

### Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1–F5	R1–R4	90 Days September 14, 2020
Capitola City Council	F1–F3, F5	R1–R3	90 Days September 14, 2020
Santa Cruz City Council	F1–F3, F5	R1–R3	90 Days September 14, 2020
Scotts Valley City Council	F1–F3, F5	R1–R3	90 Days September 14, 2020
Watsonville City Council	F1–F3, F5	R1–R3	90 Days September 14, 2020

### Requested Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Administrative Officer	F1–F5	R1–R4	90 Days September 14, 2020
City Manager of Capitola	F1–F3, F5	R1–R3	90 Days September 14, 2020
City Manager of Santa Cruz	F1–F3, F5	R1–R3	90 Days September 14, 2020
City Manager of Scotts Valley	F1–F3, F5	R1–R3	90 Days September 14, 2020
City Manager of Watsonville	F1–F3, F5	R1–R3	90 Days September 14, 2020

### Definitions

- **SIRE:** Store Index Retrieve Exchange, a [software product](#) of Hyland Software, Inc.

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**Websites**

SIRE <https://www.hyland.com/en/government/sire>

## Appendix A City of Santa Cruz Notifications [\[7\]](#)

### News and Notifications

Font Size: [+](#) [-](#) [+](#) [Share & Bookmark](#) [Feedback](#) [Print](#)

If you want to be notified of events, meetings and employment opportunities (see the list below), you can sign up on this page and you will receive email notifications of the items you select. If you later wish to change your selections, revisit this page and make your changes by selecting "Change E-Notifier Preferences" (below).

eNotification Signup | [Change eNotification Preferences](#)

**Email Address \***

**Retype Email Address \***

**First Name \***

**Last Name \***

---

#### Calendar

<input type="checkbox"/> Arts Commission	<input type="checkbox"/> Civic Auditorium	<input type="checkbox"/> Clean River, Beaches and Ocean Fund Citizen Oversight Committee
<input type="checkbox"/> Climate Action	<input type="checkbox"/> Commission for the Prevention of Violence Against Women	<input type="checkbox"/> Community Advisory Committee on Homelessness (CACH)
<input type="checkbox"/> Community Meeting - Water	<input type="checkbox"/> Community Programs Committee	<input type="checkbox"/> Council Meetings
<input type="checkbox"/> Downtown Commission	<input type="checkbox"/> Environmental Programs	<input type="checkbox"/> Equal Employment Opportunity Committee
<input type="checkbox"/> Kaiser Permanente Arena	<input type="checkbox"/> Louden Nelson Center	<input type="checkbox"/> Measure K Oversight Committee
<input type="checkbox"/> Parks & Recreation Events	<input type="checkbox"/> Parks & Recreation Commission	<input type="checkbox"/> Public Safety Committee
<input type="checkbox"/> San Lorenzo River Committee	<input type="checkbox"/> Santa Cruz Municipal Wharf	<input type="checkbox"/> scwd2 Desal Task Force
<input type="checkbox"/> Sister Cities Committee	<input type="checkbox"/> Special Events	<input type="checkbox"/> Sports & Athletics
<input type="checkbox"/> Successor Agency (Redevelopment)	<input type="checkbox"/> Teen Center	<input type="checkbox"/> Training Calendar Catagory
<input type="checkbox"/> Transportation and Public Works Commission	<input type="checkbox"/> Water Commission	<input type="checkbox"/> Water Conservation Master Plan

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#### Job Posts

- Temporary/On Call

---

#### News

<input type="checkbox"/> 101 Felix Street - Significant Project	<input type="checkbox"/> 111 Errett Circle -Significant Project	<input type="checkbox"/> 119 Coral Street - Significant Project
<input type="checkbox"/> 126 Eucalyptus Ave - Significant Project	<input type="checkbox"/> 190 West Cliff - Significant Project	<input type="checkbox"/> 1930 Ocean Street Extension - Significant Project
<input type="checkbox"/> 2035 N Pacific Ave	<input type="checkbox"/> 530 Front Street - Significant Project	<input type="checkbox"/> 908 Ocean Street - Significant Project
<input type="checkbox"/> Accessory Dwelling Units (ADUs)	<input type="checkbox"/> Board of Building and Fire Appeals	<input type="checkbox"/> Cannabis
<input type="checkbox"/> City Surplus to Sell	<input type="checkbox"/> City Weekly Reports	<input type="checkbox"/> Climate Action
<input type="checkbox"/> Community Meetings - Planning	<input type="checkbox"/> COVID-19	<input type="checkbox"/> Crime Stats
<input type="checkbox"/> Environmental Programs	<input type="checkbox"/> Front St/Riverfront - Significant Project	<input type="checkbox"/> Green Building
<input type="checkbox"/> Historic Preservation Commission	<input type="checkbox"/> Homelessness	<input type="checkbox"/> Housing
<input type="checkbox"/> Major Road Projects	<input type="checkbox"/> Pacific Front Mixed-Use Development - Significant Project	<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Police Media Releases	<input type="checkbox"/> Press Releases	<input type="checkbox"/> Public Works Project Updates
<input type="checkbox"/> Railtrail, Phase II - Significant Project	<input type="checkbox"/> Short-Term Rentals	<input type="checkbox"/> Traffic Engineering Projects
<input type="checkbox"/> Zoning Administrator		

---

#### RFP Posts

- Bid Notices

## Appendix B Website Errata Examples

### *Santa Cruz County Fire Department*

**This [www.fire.ca.gov](http://www.fire.ca.gov) page can't be found**

No webpage was found for the web address: <https://www.fire.ca.gov/communications/socialmedia.php>

HTTP ERROR 404

---

**QUICK LINKS**

[CAL FIRE INCIDENT INFO](#)

Figure B.1 The Santa Cruz County Fire Department's webpage<sup>[8]</sup> has many such outdated links in its 'QUICK LINKS' list, including the Amber Alert link.








### *Santa Cruz City Equal Employment Opportunity Committee*

<b>EQUAL EMPLOYMENT OPPORTUNITY COMMITTEE</b>		
<b>Member Roster &amp; Contact Information</b>		
<b>October 3, 2018</b>		
Amy Chirman *	831-427-7706 x7752	<a href="mailto:chirmana@santacruzpl.org">chirmana@santacruzpl.org</a>
Katherine Donovan	831-420-5134	<a href="mailto:kdonovan@cityofsantacruz.com">kdonovan@cityofsantacruz.com</a>
Jim Frawley	831-420-5283	<a href="mailto:jfrawley@cityofsantacruz.com">jfrawley@cityofsantacruz.com</a>
Tremain Hedden-Jones	831-420-5275	<a href="mailto:tjones@cityofsantacruz.com">tjones@cityofsantacruz.com</a>
Dara Herrick	831-420-5280	<a href="mailto:dherrick@cityofsantacruz.com">dherrick@cityofsantacruz.com</a>
Dorah Shuey	831-427-7706 x7734	<a href="mailto:shueyd@santacruzpl.org">shueyd@santacruzpl.org</a>
Valerie M. Simmons	831-600-7177	<a href="mailto:vsimmons@harbornet.com">vsimmons@harbornet.com</a>
Adam Spickler	831-588-0692	<a href="mailto:Eeocomm1@cityofsantacruz.com">Eeocomm1@cityofsantacruz.com</a>
Beth Tobey**	831-420-5154	<a href="mailto:btobey@cityofsantacruz.com">btobey@cityofsantacruz.com</a>

\*Chair  
\*\* Vice Chair

Figure B.2 Their member roster<sup>[9]</sup> is 18 months old; the chair and co-chair are no longer on the committee.



Meetings & Agendas			
2020	2019	2018	2017
<b>2019</b>			
Meeting	Date	Documents	
Equal Employment Opportunity Committee	10/3/2019	<a href="#">Agenda</a>    <a href="#">Minutes</a>	
Equal Employment Opportunity Committee	9/12/2019	<a href="#">Agenda</a> 	
Equal Employment Opportunity Committee	5/9/2019	<a href="#">Agenda</a> 	
			<i>Results Table for 2019</i>
Showing 1 - 3 of 4 result(s)			   





EVENT	DATE/TIME	AGENDA	MINUTES
<a href="#">RESCHEDULED - Equal Employment Opportunity Committee Meeting</a>	09/12/2019	Not Included	Not Included
<a href="#">RESCHEDULED - Equal Employment Opportunity Committee Meeting</a>	05/09/2019	Not Included	Not Included
<a href="#">Equal Employment Opportunity Committee Meeting</a>	12/13/2018 1:30 PM - 3:30 PM	<a href="#">EEO Agenda_2018-12-13_FINAL_agenda packet</a> 	Not Included
<a href="#">RESCHEDULED - Equal Employment Opportunity Committee Meeting</a>	11/08/2018 1:30 PM - 3:30 PM	Not Included	Not Included
<a href="#">Equal Employment Opportunity Committee Meeting</a>	09/20/2018 1:30 PM - 3:30 PM	<a href="#">EEO Agenda_2018-09-20_FINAL_</a> 	Not Included
<a href="#">RESCHEDULED: Equal Employment Opportunity Committee Meeting</a>	09/13/2018 1:30 PM - 3:30 PM	Not Included	Not Included
<a href="#">Equal Employment Opportunity Committee Meeting</a>	05/10/2018 1:30 PM - 3:30 PM	<a href="#">EEO Agenda_2018-05-10_FINAL_</a> 	<a href="#">EEO Minutes_2018-05-10_FINAL DRAFT</a> 
<a href="#">CANCELED - Equal Employment Opportunity Committee Meeting</a>	03/08/2018 1:30 PM - 3:30 PM	Not Included	Not Included
<a href="#">CANCELED - Equal Employment Opportunity Committee meeting</a>	02/08/2018 1:30 PM - 3:30 PM	Not Included	Not Included

Figure B.3 There are agendas and minutes missing without explanation. [\[10\]](#) [\[11\]](#)

**Loma Prieta Fire District**

Annual Detail Charts		
2017	<a href="#">coming Feb 2017</a>	<a href="#">coming Feb 2017</a>
2016	<a href="#">Incident Response Overview</a>	<a href="#">Monthly Response Charts</a>
2015	<a href="#">Incident Response Overview</a>	<a href="#">Monthly Response Charts</a>
2014	<a href="#">Incident Response Overview</a>	<a href="#">Monthly Response Charts</a>
2013	<a href="#">Incident Response Overview</a>	<a href="#">Monthly Response Charts</a>
2012	<a href="#">Incident Response Overview</a>	<a href="#">Monthly Response Charts</a>
2011	<a href="#">Incident Response Overview</a>	<a href="#">Monthly Response Charts</a>
2010	<a href="#">Incident Response Overview</a>	<a href="#">Monthly Response Charts</a>

Figure B.4 There has been no update to Loma Prieta Fire incident statistics since 2016.<sup>[12]</sup>

**Santa Cruz County Administrative Office**

**Carlos' Corner – Newsletters from the CAO**

- [February 6, 2018](#)
- [June 14, 2018](#)
- [February 13, 2018](#)

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**CAO's Newsletter - February 6, 2019**

Figure B.5 There has been no posting after February 2019.<sup>[13]</sup>

Note: the February 6, 2018 link actually opens the February 6, 2019 newsletter.

### Scotts Valley Agenda Center

<b>▼ City Council Public Hearing Notices</b> <span style="float: right;">2019</span>	
Agenda	Minutes    Download
 <b>Jun 19, 2019</b> — Posted Jun 14, 2019 5:01 PM <i>Public Hearing Notice: Public Financing Authority Bonds</i>	<input type="button" value="Download"/>
<b>▼ Economic Development Committee</b> <span style="float: right;">2017</span>	
Agenda	Minutes    Download
 <b>May 22, 2017</b> <i>Economic Development Committee Meeting Agenda (PDF)</i>	<input type="button" value="Download"/>
<b>▼ Planning Commission Public Hearing Notices</b> <span style="float: right;">2018</span>	
Agenda	Minutes    Download
 <b>Dec 13, 2018</b> — Posted Nov 8, 2018 4:19 PM <i>22 Blake Lane - Notice of Intent and Planning Commission Public Hearing Notice</i>	<input type="button" value="Download"/>

Figure B.6 **Scotts Valley City Council, Committee, and Commission agendas and minutes are 9-36 months old without explanation.** <sup>[14]</sup>

### City of Watsonville

#### Consolidated Annual Performance and Evaluation Report





-  [Consolidated Annual Performance and Evaluation Report 2011 - 2012 \(PDF\)](#)
-  [Consolidated Annual Performance and Evaluation Report 2010 \(PDF\)](#)
-  [Consolidated Annual Performance and Evaluation Report 2009 \(PDF\)](#)
-  [Consolidated Annual Performance and Evaluation Report 2008 \(PDF\)](#)

Figure B.7 **Their annual reports stop in 2012.** <sup>[15]</sup>

**City of Watsonville Board of Library Trustees**

**Members**

- Blanca Baltazar-Sabbah, District 1  
Term expires: November 2020
- Diane Muñoz, District 2  
Term expires: November 2020
- Anthony Bernard Tapiz Jr., District 3  
Term expires: November 2018
- Providence Medrano Martinez, District 4  
Term expires: November 2018
- Victoria M. Bañales, District 5  
Term expires: November 2018
- Barbara Corrigan, District 6  
Term expires: November 2020
- Rhea DeHart, District 7  
Term expires: December 2022

Figure B.8 **Some of their members' terms have expired without explanation or replacement.**<sup>[16]</sup>

## Appendix C Goal/Objective Setting Examples

### Santa Cruz County

<b>COUNTY ADMINISTRATIVE OFFICE OBJECTIVES &amp; KEY STEPS</b>			
<b>#23</b>		<b>Website Redesign</b>	
By December 2020, the County Administrative Office will convene a multi-departmental committee to study a website redesign with consistent branding and design standards.			
<b>Key Steps</b>			
Outreach to County departments and form committee with timeline.	Review current departmental practices in managing websites.	Review website design and management practices in other jurisdictions.	Determine cost and feasibility of website redesign.
<b>Plan Reference:</b> 6.A.i	<b>Collaborating Depts:</b> ALL	<b>Target:</b> Website Design Standards	<b>Est. Completion Date:</b> December 2020

Figure C.1 The County of Santa Cruz Operations Plan for FY 2019-20 and 2020-21 has no targeted result and has no objective to improve accuracy or currency.<sup>[17]</sup>

### City of Santa Cruz

<p><b>Engaged &amp; Informed Community</b></p> <ul style="list-style-type: none"> <li>• Begin migration of agenda and document management to vendor's replacement products.</li> <li>• Refresh design of Human Resources web pages and expand content.</li> <li>• Re-look at internet standards and site organization based upon compiling newer usage analytics since redesign has been live for over a year.</li> </ul>
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Figure C.2 The City of Santa Cruz FY2020 Information Technology Goals to update their webpages do not include keeping them accurate and current.<sup>[18]</sup>

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## DeLaveaga Golf Course

### How City Policies and Practices Have Affected the Bottom Line

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#### Summary

It is like watching untended grass grow. You do not really notice it until one day, one month, one decade later, it becomes obvious that it needs attention and the value of its very existence is questioned. This seems to be the case with the City of Santa Cruz's DeLaveaga Golf Course.

The year 2020 will mark the 50th anniversary of the opening of Santa Cruz's DeLaveaga Golf Course. Originally envisioned as a self-sustaining enterprise, the golf course has consistently lost money for the City during recent years of operation. Santa Cruz is heavily dependent on a one-billion dollar tourist industry, which includes many outdoor activities including golf. Currently, DeLaveaga Golf Course adds deficits to a general fund that is already stressed from growing pension liability costs and facility sustainment debt.

This report examines DeLaveaga Golf Course's finances and operations, its use of City resources, and the role of a private operator managing and maintaining the golf course. The investigation found that water and labor costs continue to outpace revenues and course usage, which has declined in recent years. We will address controlling costs and increasing play, which could raise overall revenues and move the golf course toward self-sustainability. This report is intended to provide insight and clarity into DeLaveaga Golf Course's costs, revenue, water usage/pricing and opportunity.

## Background

DeLaveaga Golf Course is a 250-acre, 18-hole, 6010-yard course, which is owned by the City of Santa Cruz and serves the local community of Santa Cruz County. It is known for its hilly terrain, abundant trees, diverse layout and affordable prices. With the recent closure of Scotts Valley Gardens Golf Course, it is now only one of two fully public golf courses, including Seascape, within 15 miles of the City of Santa Cruz. It hosts individual golf, tournaments, school competitions, disk golf, practice range, practice greens, professional lessons, youth golf training, and has a retail pro shop and full-service restaurant and bar.

The golf course is part of DeLaveaga Park, which became City and County property when the estate of Jose Vincente DeLaveaga bequeathed it in 1900. DeLaveaga Park is now home to ballfields, picnic and playgrounds, a disk golf course, riding and hiking trails, an archery range, Shakespeare Santa Cruz, the County's 911 emergency operations center and an 18-hole golf course, which is the subject of this report.

The course was designed by golf course architect Bert Stamps and opened for play in 1970. Of its 250 acres, 70 are maintained and irrigated. In 1991 the driving range and automated irrigation system were added. In 2005, there was a major course renovation, which reconfigured holes and expanded the practice area. Disk golf baskets, known as holes, were added on the course in 2019, thereby expanding the availability of disk golf.

DeLaveaga Golf Course is managed by the City of Santa Cruz Parks and Recreation Department. The City's Economic Development Department is responsible for contracting with and managing the vendors and operators associated with the course. The City of Santa Cruz has contracted with private companies, GSL and Dela Upper Park, both owned by the Loustalot family, to manage and operate the golf course and its concessions. In 2016, the course's restaurant/lodge operator's lease expired, and a new 10-year lease agreement was granted to Loustalot, Inc., consolidating the golf course and the restaurant/lodge operations. The restaurant/lodge has been closed for renovations and repairs since 2016, with an original estimate of approximately \$300,000 to the City, costs ultimately rose to nearly \$1 million to the City of Santa Cruz. The Operator also paid for a portion of renovations. The restaurant/lodge is set to re-open in 2020.

A new DeLaveaga Golf Course Operations Plan<sup>[1]</sup> was presented at the September 10, 2019 meeting of the Santa Cruz City Council.<sup>[2] [3]</sup> This plan relies heavily on findings from two reports developed by outside consultant groups: a 2010 report from Keyser Marston Associates<sup>[4]</sup> and a 2018 report from Pro Forma Advisors.<sup>[5]</sup> The DeLaveaga Golf Course Marketing Plan,<sup>[6]</sup> prepared by the Operator of the course, was introduced at the November 4, 2019 meeting of the City of Santa Cruz Parks and Recreation Commission.<sup>[7]</sup> The timeline in Figure 1 was created from data in these documents.



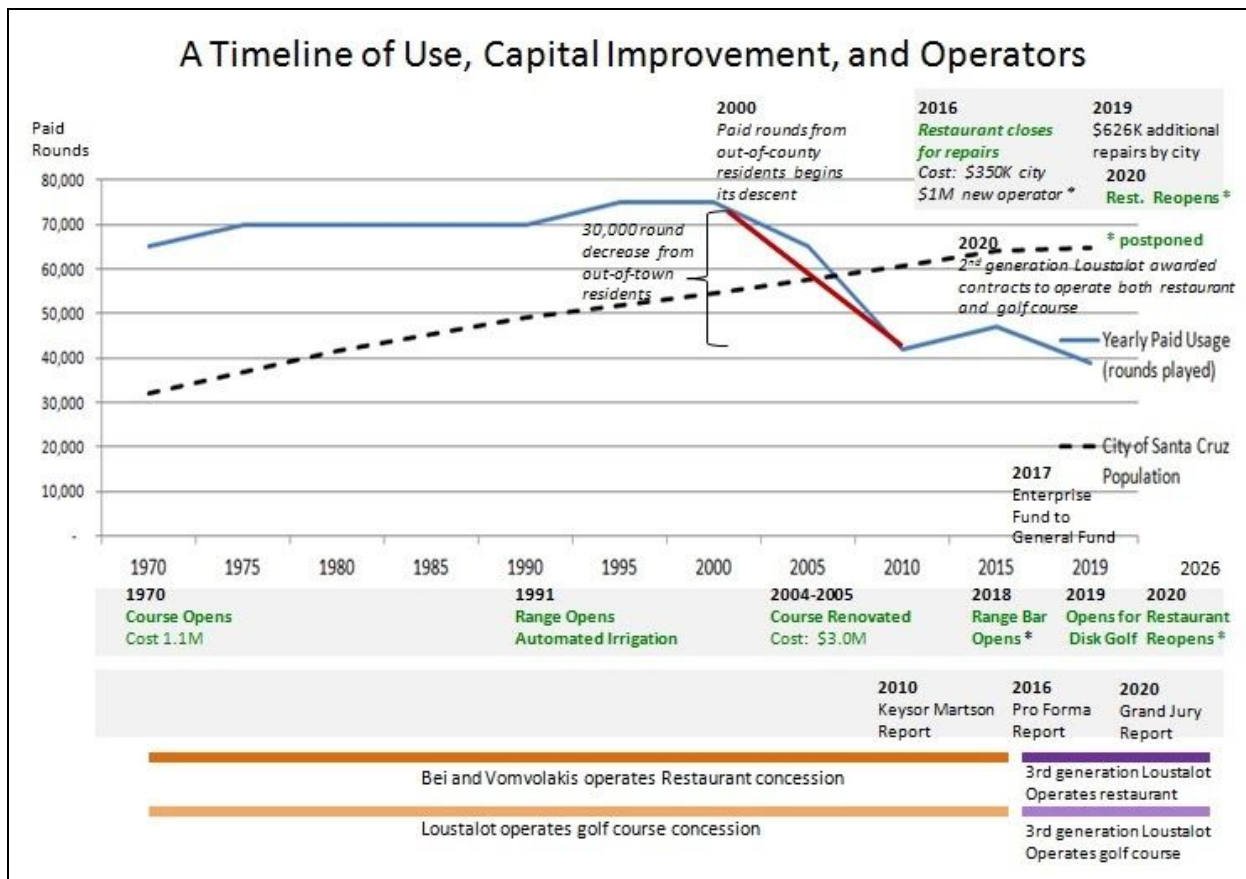


Figure 1. **DeLaveaga Golf Course Timeline** (Source: Grand Jury graph of data in documents<sup>[8]</sup> <sup>[9]</sup> <sup>[10]</sup>)

In 2016, with recommendations from the City of Santa Cruz’s Finance Department, the golf course changed its accounting method from an enterprise fund to a General Fund activity. According to the Pro Forma report, debt service and costs related to the golf course are now part of the City of Santa Cruz’s General Fund, rather than part of the golf course operations. The two largest City-incurred expenses for the golf course are personnel (~\$1 million), and water (~\$500 thousand). DeLaveaga Golf Course has been operating at a deficit for the last several years with a projected deficit at least through 2023. The DeLaveaga Golf Course does provide revenue opportunities and in a perfect world could be self-supporting or even revenue generating. According to the Pro Forma Report projections (Figure 2), losses dip in fiscal year 2020, but the losses then continue through at least fiscal year 2023.

Table II-2: DeLaveaga Golf Course Projected Net Operating Income (\$000)						
	Actual FY2016	FY2019	FY2020	FY2021	FY2022	FY2023
<b>City Revenues</b>						
Greens Fees	\$1,337	\$1,414	\$1,601	\$1,657	\$1,715	\$1,774
Utility Surcharge	---	176	180	180	180	180
Concession Rent	148	195	201	205	209	213
Total	\$1,485	\$1,786	\$1,982	\$2,042	\$2,104	\$2,167
<b>Expenses</b>						
Operating Expense	\$1,439	\$2,177	\$2,257	\$2,336	\$2,413	\$2,528
Capital Improvement Res	79	102	104	106	108	110
Debt Service	285	---	---	---	---	---
City Internal Services	157	12	12	13	13	13
Total	\$1,960	\$2,291	\$2,373	\$2,455	\$2,533	\$2,651
<b>Net Operating Income</b>	(\$475)	(\$505)	(\$391)	(\$413)	(\$430)	(\$484)

Figure 2. Pro Forma Projections<sup>[11]</sup>

A large portion of the projected increase in Operating Expenditure Budget is due to projected increases in the cost of water,<sup>[12]</sup> which has roughly doubled since 2016. Some of these increases have been partially offset by an additional \$4 per round utility charge.<sup>[13]</sup>

Despite best-case revenue scenarios, even the City’s Parks & Recreation Draft Operations Plan projects continued losses through fiscal year 2022 (Figure 3).

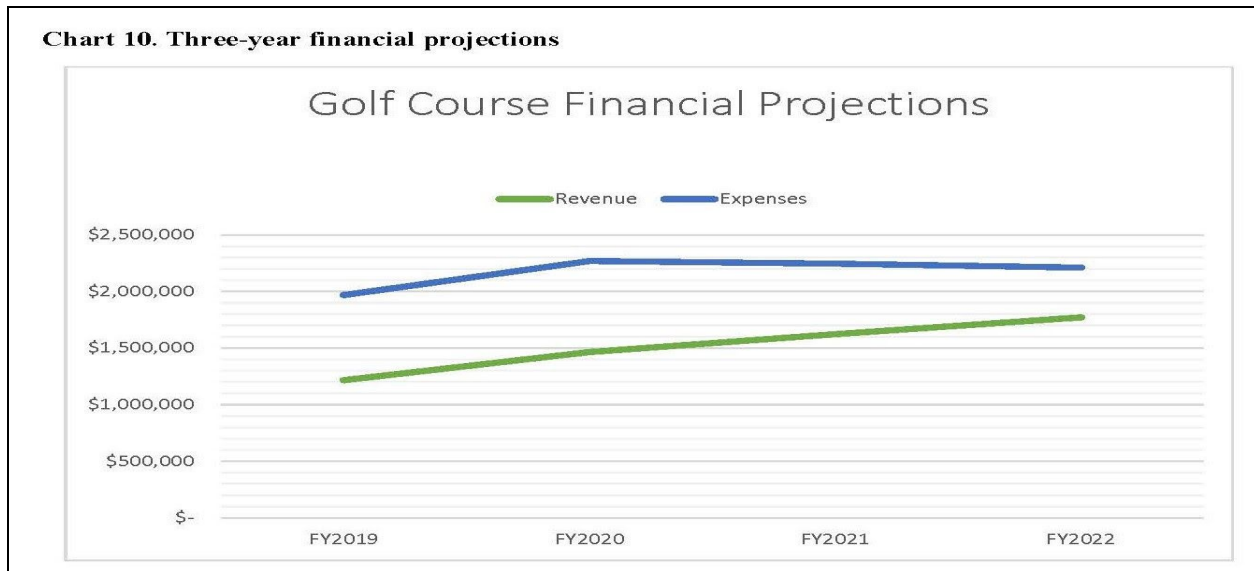


Figure 3. Three-year Financial Projections<sup>[14]</sup>

According to the DeLaveaga Golf Course Draft Operations Plan the revenues generated by the golf course can be summarized as follows: The lion's share of revenue for the City of Santa Cruz is generated by green fees (approximately \$1,400,000 in 2019). The Operator gets most of the revenue generated by concessions, food and beverage, pro shop merchandise, golf lessons, driving range and golf cart rentals.

DeLaveaga Golf Course's rate structure is comparable to other local public courses (Seascape and Pajaro Valley); there are not significant differences between regular, loyal, senior, twilight, weekday and weekend rates according to the Pro Forma Report.<sup>[15]</sup>

## Scope and Methodology

This investigation focused on the City of Santa Cruz's cost of operations and revenues of the DeLaveaga Golf Course, and not the cost of operations provided by the private Operator. The Grand Jury focused on the history, governance, use, costs, and revenue of the golf course. The Grand Jury's intention is to provide additional information on those topics along with recommendations to City of Santa Cruz leadership.

In addition to the reports cited elsewhere, the Grand Jury also reviewed the 2002 DeLaveaga Park Master Plan,<sup>[16]</sup> the 2019 and 2020 Annual Budgets,<sup>[17] [18]</sup> water rate schedules,<sup>[19] [20]</sup> employee pay schedules,<sup>[21]</sup> and related [websites](#).

The Grand Jury interviewed the City of Santa Cruz staff and management associated with DeLaveaga Golf Course operations, the Operator, Santa Cruz Parks and Recreation management, Santa Cruz Parks and Recreation Commission members and attended their meetings. The Grand Jury also made site visits to DeLaveaga Golf Course.

## Investigation

For 47 years the City of Santa Cruz awarded restaurant concession contracts to the Bei and Vomvolakis families and the golf course concession contracts to the Loustalot family. In 2016, two 10-year contracts<sup>[22] [23] [24]</sup> were awarded to the companies GSL and Dela Upper Park Incorporated, known as the Operator, both owned by third generation members of the Loustalot Family. These contracts are for the operation of the restaurant and golf course concessions. The Operator pays the City of Santa Cruz between 7% and 10% of revenue generated by the restaurant, driving range, pro shop and other concessions along with 93% of the fees collected for golf course play.

The City of Santa Cruz is responsible for maintaining the golf course and facilities, including most utility costs. The Operator is responsible for reservations, green fees collection, merchandising, driving range, golf cart rental, instruction and operating the restaurant/lodge.

## Administration

Administration of the DeLaveaga Golf Course is primarily based on the contract between the City of Santa Cruz and the Operator. The City's Parks and Recreation

Department receives guidance and advice from the City's Parks and Recreation Commission, the Operator, and the City's Public Works Department. The City of Santa Cruz has outsourced past studies and used them to make management and marketing decisions, contract formulation and rate structures regarding the course.

### *Operations Plan*

The City of Santa Cruz's Parks and Recreation Department drafted a Golf Course Operations Plan, presented it to the City Council in September 2019 and updated it in November 2019. As of May 1, 2020 the Golf Course Operations Plan has not been re-presented to the Santa Cruz City Council or adopted. The November 2019 update addressed the broader DeLaveaga Park, which includes the golf course. The November 2019 update is more of an operations strategy than a plan since it does not include specific activities that will be performed, by whom (Operator or City of Santa Cruz department), and when the activities will or should be performed.

The Operations Plan addressed pricing, usage, value to the community, summary level expenses and environmental impact. The plan does not address how the City of Santa Cruz manages and works with the Operator. Nor does it define specific roles and responsibilities, staffing requirements, facility inspections and maintenance, capital improvements, financial goals, contingencies, or risk management pertaining to the golf course. The Operations Plan includes historical water and utility prices, but it does not include historical water usage, nor targets for future use.

### *Marketing Plan*

The Operator had a marketing plan developed and presented to the City of Santa Cruz's Parks and Recreation Department in November 2019. It primarily addressed a strategy and plan to market the recently repaired and refurbished restaurant/lodge.<sup>[25]</sup> The restaurant has been closed for over three years due to rot, decay, and deferred maintenance which resulted in major reconstruction and costs to the City of Santa Cruz and the Operator.<sup>[26]</sup> The marketing plan does not address how to increase golf course usage, from local and out-of-county players, other than the attraction from the restaurant's reopening. This will be addressed in the findings.

In the year 2000, DeLaveaga Golf Course began to see a decline from approximately 70,000 rounds of golf per year to the current 40,000 rounds (see Figure 1 above). According to the City of Santa Cruz's Parks and Recreation Department, at the course's peak, two thirds of play came from out-of-county players whereas today it is only one third. The usage by in-county residents has decreased only slightly.<sup>[27]</sup> The drop in the number of rounds played per year represents a significant drop in revenue for the City of Santa Cruz and the Operator while fixed costs continue to rise.

### ***No-Charge and Reduced Charge Play***

DeLaveaga Golf Course provides low cost and no cost play to support a wide variety of organizations. These include school golf teams, youth groups such as the Boy Scouts and girls' clubs, school and hospital fundraising organizations, religious and community

charitable organizations and service groups. This amounted to approximately 5000 rounds in 2019.<sup>[28]</sup> It should be noted that a reduced rate discount card is offered to seniors, if they are residents of the City of Santa Cruz. Deep discounts, as low as \$5 per round, are also provided to youth on weekdays. As of May 1, 2020 these youth rates were not advertised on the course's website.

### **Operation Expenses**

As noted earlier, the City of Santa Cruz is responsible for maintaining the golf course and its facilities, including a pro rata share of utility costs. These costs are accounted for by the City of Santa Cruz General Fund and are offset by golf course use fees plus a percent of the sales revenue generated by the restaurant and other concessions provided by the Operator.

Over the last decade, the cost of operation of the course to the City has increased significantly, driven by increased labor costs and constantly rising water rates.

### **Labor and Its Cost**

The City of Santa Cruz maintains the golf course and its related facilities, which include the restaurant/lodge, proshop, driving range/cart barn, parking lot, and golf course storage/maintenance sheds. They do this using City staff, with the exception of activities associated with major facility repair and parking lot paving. The number of staff at the golf course is at the low end of what the Pro Forma report recommends. The turnover rate for the golf course maintenance staff has been low given their seniority. This situation has been pointed out in the draft Operations Plan.

The City of Santa Cruz's compensation schedule has 10 steps, A through J for all City positions except some "at will" leadership positions.<sup>[29]</sup> The compensation schedule is a byproduct of negotiations with the unions, to which most city employees belong.

Based on the City's 2019 Comprehensive Annual Financial Report (CAFR), the Grand Jury created Figure 4 to show staffing profiles that reflect the current employees plus two alternatives that could be future targets to replace employees that retire. Again, the intent here is to assess the longer-term cost reduction opportunity.

Figure 5 was also created by the Grand Jury using the same document reflecting the cost of those three staffing profiles along with the cost differential. Normal pension costs are included in Figure 5, but healthcare expenses and unfunded pension liabilities are not included.

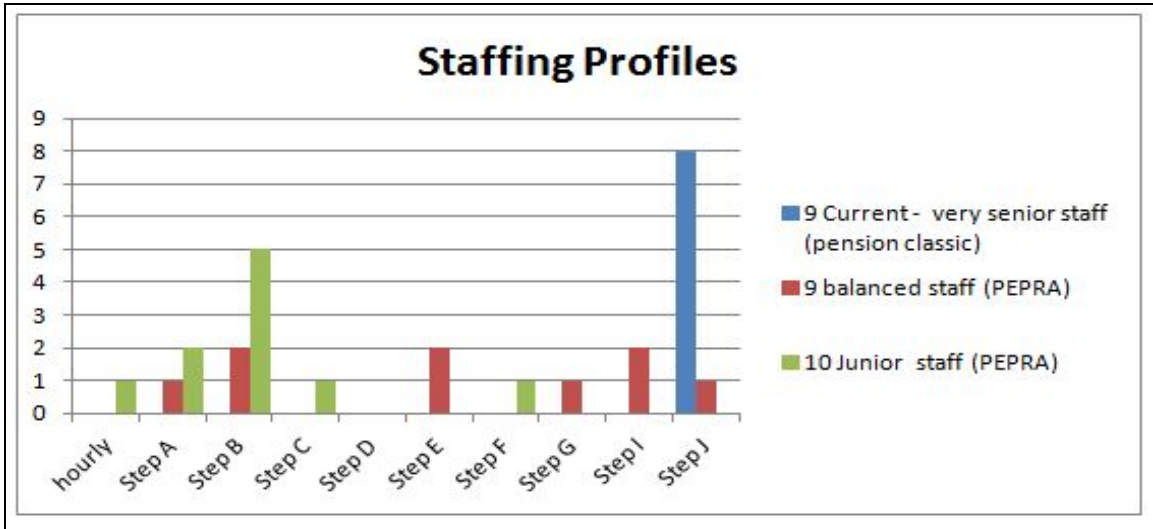


Figure 4. **Staffing Profiles** (Source: Grand Jury graph of data in document<sup>[30]</sup>)

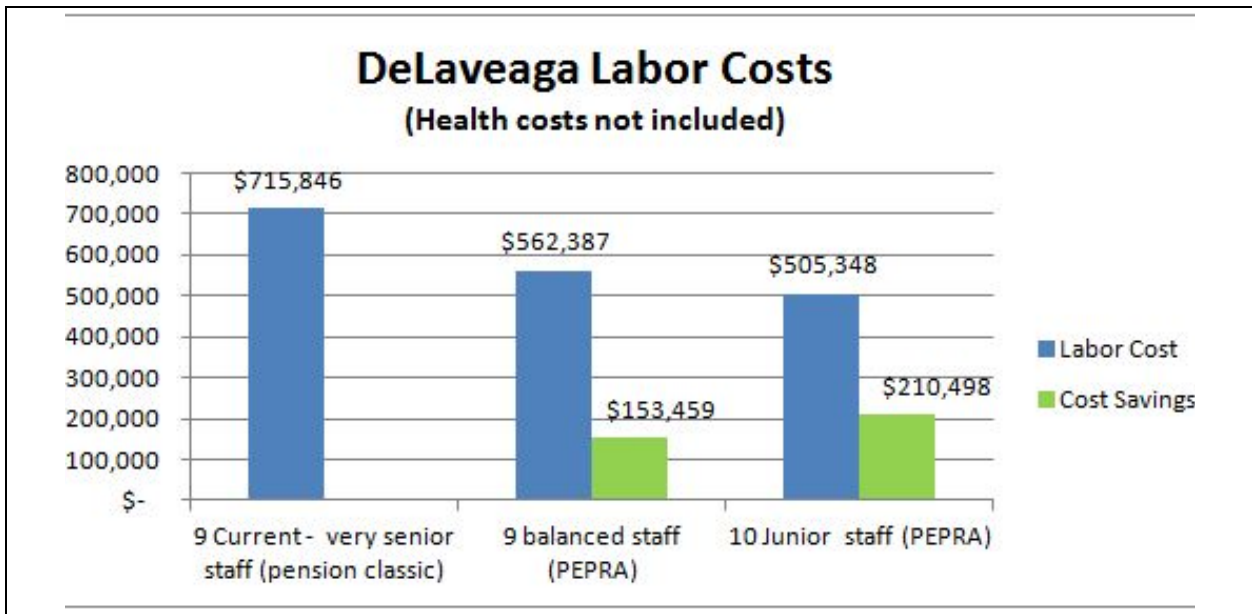


Figure 5. **DeLaveaga Labor Costs** (Source: Grand Jury graph of data in documents<sup>[31] [32]</sup>)

**Water and its Cost**

The cost of water, for all Santa Cruz residents, has increased dramatically over the last several years. For DeLaveaga Golf Course, aside from the cost of labor, water is the biggest expense. In fiscal year 2019, that cost was \$523,000, with the golf course purchasing approximately 32 million gallons of water or 43,000 CCF (centum cubic feet).<sup>[33] [34] [35]</sup>

The price of water for DeLaveaga Golf Course has more than doubled the last four years. City of Santa Cruz properties, which generally require water to operate, receive no special rates even though a property such as DeLaveaga Golf Course, which

requires a large amount of water to maintain, has taken extreme measures in water conservation such as not watering areas of limited use. The golf course is provided with a water budget. If it exceeds the budget, the rate increases.

The reduction in water usage has created a sacrifice in the quality of play and visual appeal to existing and new users of DeLaveaga Golf Course. This is apparent in the holes leading up to and seen from the pro shop and restaurant/lodge, as seen in Figure 6.



Figure 6. **Photographs; DeLaveaga Water Conservation Impact** (Photos taken during site visit)

### *Capital Improvement and Sustainment Expenses*

The City owns the land and the structures on DeLaveaga Golf Course. Since operations began in 1970, the City has maintained the facilities it contracts out to operate. The City of Santa Cruz's procedure is to conduct annual safety inspections of the property. Of concern is that over a million dollars in recent repairs to the restaurant/lodge to make it code compliant were, in part, driven by lack of regular routine maintenance inspections by the City.

## Findings

- F1.** The DeLaveaga Golf Course is underutilized and has the opportunity for generating increased revenue for the City of Santa Cruz and the Operator.
- F2.** The DeLaveaga Golf Course has high city employee labor costs relative to other local, privately owned golf courses. This is partly due to its use of senior maintenance personnel and the pension benefits negotiated between the union employees and the City of Santa Cruz.
- F3.** Water conservation strategies have been successfully employed at the DeLaveaga Golf Course to the detriment of appearance in some locations. Significant increases in the cost of water have negated positive impacts to the bottom line.
- F4.** The City of Santa Cruz's failure to conduct thorough, regular on-site inspections of the DeLaveaga Golf Course's restaurant/lodge resulted in excessive renovation costs to the City of Santa Cruz. This contributed to more than doubling the original estimates to bring the building up to code.
- F5.** The new draft Operations Plan lacks the necessary robustness to communicate how major golf course operations will be managed at DeLaveaga Golf Course, including but not limited to facility inspections, water use policies, variable pricing policies, charitable policies, operations review, and basic roles, responsibilities, and authority.
- F6.** The DeLaveaga Golf Course website is not up to date and should include all current information regarding costs to various players and groups such as discounted youth green fees.

## Recommendations

- R1.** The City of Santa Cruz Parks and Recreation Department should develop additional marketing activities that focus on increasing play going forward. Those should include, but not be limited to, re-focusing relationships with local Chambers of Commerce, service clubs, "Visit Santa Cruz County", NCGA Associate Golf Clubs, youth and senior groups, local charitable organizations, educational institutions, and religious groups. (F1)
- R2.** The City of Santa Cruz Parks and Recreation Department and the Operator should coordinate evaluation of the pricing model for green fees in order to remain competitive with local golf courses and maximize revenue for the start of 2021. (F1, F5)
- R3.** The City of Santa Cruz Parks and Recreation Department should develop a staffing profile for planning purposes based on need, cost, and quality of service. This profile should compare DeLaveaga Golf Course's maintenance staff and cost compared to other local golf courses and be used as a basis for hiring or rotating staff. This should be performed on an ongoing basis. (F2)



- R4.** Inform the public and increase awareness of the DeLaveaga Golf Course’s water usage and cost for the last 10 years by publicizing its calculations and actual numbers beginning as soon as feasible. (F3)
- R5.** The City of Santa Cruz City Manager should perform a lessons learned activity and then update the City’s relevant policies and operating procedures to avoid a future repeat of the DeLaveaga Golf Course’s restaurant/lodge shutdown and renovation no later than second quarter 2021. (F4)
- R6.** The City of Santa Cruz Parks and Recreation Department and the City of Santa Cruz City Manager should add a formal process to the Operation Plan by addressing needed capital improvements, maintenance schedules, facility inspections, water use, variable pricing, charitable policies, operations review, and basic stakeholder roles and responsibilities. Stakeholders include the Santa Cruz City Council, the City’s Parks and Recreation Department, the City’s Parks & Recreation Commission, the Operator, the DeLaveaga Golf Course Superintendent, the City’s Building Department and the City’s Public Works Department. (F5)
- R7.** The City of Santa Cruz’s Parks and Recreation Department should validate that delaveagagolf.com includes youth pricing and current information regarding DeLaveaga’s restaurant and golf course by the end of 2020. (F6)

## Commendations

- C1.** The Grand Jury would like to recognize that the DeLaveaga Golf Course maintenance staff has performed exemplary work in maintaining the course, given its reduction in staff and unfortunate constraints on water use.

## Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
City of Santa Cruz City Council	F1, F2, F4	R5	90 Days September 14, 2020

## Requested Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
City of Santa Cruz City Manager	F1, F2, F4	R5, R6	90 Days September 14, 2020
City of Santa Cruz Parks and Recreation Director	F1 -F6	R1 - R7	90 Days September 14, 2020

## Defined Terms

- **CAFR:** Comprehensive Annual Financial Report
- **CCF:** 1 centum cubic feet (also called HCF, hundred cubic feet) = 748.052 gallons
- **Disc Golf:** a game in which a concave plastic disc is thrown into each of a series of metal baskets situated on an outdoor course, the object being to complete the course using the fewest possible throws
- **NCGA:** Northern California Golf Association
- **PEPRA:** Public Employees Pension Reform Act (start date January 1, 2013). PEPRA changed the way CalPERS retirement and health benefits are applied, and places compensation limits on members.
- **Pro Forma Report:** The Market and Economic Evaluation of DeLaveaga Golf Course, version 1.2, prepared by Pro Forma Associates, LLC. in 2018.
- **UAL:** Unfunded Accrued Liability. It represents the market value of assets. minus the discounted value of the future liabilities.

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### **Site Visits**

DeLaveaga Golf Course

DeLaveaga Disk Golf Course

DeLaveaga Golf Course Driving Range/Cart Storage

DeLaveaga Golf Course Proshop/Retail Shop

DeLaveaga Golf Course Driving Range Outdoor Bar

**Websites** (Accessed May 21, 2020)

DeLaveaga Golf & Lodge <http://www.delaveagagolf.com/>

DeLaveaga Golf Course - Reviews & Course Info  
<https://www.golfnow.com/courses/1027324-delaveaga-golf-course-details>

Seascape & Aptos Golf Courses <https://www.seascapegc.com/>

Seascape Golf Club - Reviews & Course Info  
<https://www.golfnow.com/courses/1027725-seascape-golf-club-details>

Visit Santa Cruz County <https://www.santacruz.org/>



## Managers of Risk or Victims of Risk Rocked by the Shocks

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### Summary

In 2008 and 2009 the world experienced an economic shock called the Great Recession. Impacts to local governments included layoffs and furloughs of workers, deferred maintenance and postponed development of critical infrastructure. Another consequence was an explosion of long term debt due to ballooning unfunded pension liabilities. Despite benefiting from the longest period of economic expansion in our country's history, local governments are just one economic shock away from significant financial distress. The emergence of the Coronavirus pandemic will likely trigger a new economic shock leading to the loss of key services, and continued deterioration of critical infrastructure.

This report examines the current level of financial risk for Santa Cruz County (SCC) Cities, the causes and likely impacts of that risk, and the risk management practices of our Cities. We find that the cities of SCC do not practice formal, integrated risk management for the range of risks and impacts that they regularly confront. We recommend that the cities study ways to implement more comprehensive practices with regard to risk identification, evaluation, mitigation, and communication.

The Grand Jury does recognize that the cities have limited resources and that the implementation of new practices have a cost. However, there are ways to tailor risk management processes for the city's specific size and need. **Our world has been rocked by two once-in-a-lifetime shocks in the last 12 years; perhaps investment in risk management is a wise consideration.**

## Background

In the lead up to the Great Recession of 2008 there were significant economic risks lurking over all levels of government. Most stakeholders were either unaware of these risks and their potential impacts, or did not effectively plan mitigation strategies for their constituents. The effects from that economic shock still reverberate in the form of continued financial risk for local governments due to rising employer pension costs. Several sources from the media, government accountability advocacy groups, and grand jury investigations have sounded the alarm for the pension time bomb. This is best reflected in the following observation made in a commentary in the New York Post (2019);

*The second-longest bull market in American history hasn't stopped the deterioration of state and local pension funds, whose unfunded debt has almost quadrupled, by their own accounting, from about \$360 billion in 2007 to \$1.4 trillion today. Having relied on overly optimistic financial assumptions for decades, public-pension administrators are now forced to acknowledge that the systems owe much more than previously thought. Even as local governments struggle to pay for this debt, it keeps growing.*<sup>[1]</sup>

This raises important questions: Are local governments prepared for another economic shock? What is the state of their risk and readiness to mitigate the impacts of its arrival? Do the city leaders who make decisions on spending, borrowing, taxing, or cutting services understand the risk impact of their decisions? Finally, do the citizens understand the implications to their services and quality of life? Local government can be a “risky business” if citizens, elected officials, and agency employees are not practicing due diligence with regard to risk management.

*If you don't invest in risk management, it doesn't matter what business you're in, it's a risky business.*<sup>[2]</sup>

Risk to local government operations are inflated by broad social, economic, and political issues, including: increasing volatility in financial markets; an economic expansion that has ended suddenly; socio-economic inequality; climate change impacts that are increasing in frequency; persistent levels of homelessness; and less availability of affordable housing. The level of risk to local government operations is arguably at a historic high.

The Grand Jury conducted an initial review of risk-related documentation from SCC Cities to assess their level of capabilities and practices in place. Specific concerns included:

- Financial risk, especially that driven from pension costs, was recognized and discussed in budget documents but there appeared to be no formal projections and mitigation planning in the event that CalPERS could not meet its investment targets going forward.



- We could not find a slate of formally defined risk indicators, that were tracked, managed, and communicated regularly.
- Risk management activities appeared to be in multiple places in the organization and without a formally defined process to create an integrated understanding of risk and how to manage it.
- Except perhaps in the context of contractor executed projects, there appeared to be no risk management tools employed.
- It seemed the only categories of risk managed in formal ways were those associated with hazard/liability losses.

Based on this initial assessment, we decided to take a deeper look into risk management concepts and requirements, and how well they are utilized by SCC Cities.

The four cities analyzed are home to about 51% of the residents in SCC. As of 2019, the total population of the county is 273,213. The population of each city is given below:<sup>[3]</sup>

- Santa Cruz - 64,608
- Capitola - 10,010
- Scotts Valley - 11,757
- Watsonville - 53,856

## Scope and Methodology

The Grand Jury investigated the level of risk for cities in SCC, their broader risk management practices, and the level of transparency in their reporting on these issues to their citizens. Although we did not analyze the County jurisdiction, special districts, and school districts, we believe similar challenges exist for them.

During the investigation we performed extensive reviews of the following:

- defined-benefit pension systems
- CalPERS actuarial reports
- city budgets and audit documents
- policy documents
- websites
- previous grand jury reports, media articles, and webinars on pension liabilities
- academic research of risk management processes, local government behavior in periods of fiscal distress, and transparency in government.

Some research material came from documents provided by local agencies, but most came from extensive literature searches.

Interviews were conducted with key city staff and experts with knowledge concerning the investigation topic and relevant practices within the agencies.

One element of our methodology deserves special mention. In our search to find a common way to assess financial risk for the cities, we found a published study and database done by the California's State Auditor's Office (Auditor's Office) that addressed this need.<sup>[4]</sup> Using 2017 audited and unaudited data, the study calculated, scored, and categorized the risk of fiscal distress using several financial indicators. This was done for 471 cities in the state of California, including SCC Cities. We duplicated their methodology extending the risk assessment through 2018 and 2019, creating 3-year trends.

## Investigation

### ***I. Risk, Risk Management, and Transparent Government - Key Concepts and Requirements***

*Risk Management* is a long established, but evolving discipline. To assess the current practices in place at local government agencies, a common set of concepts and requirements must be described and used as a baseline of comparison for each agency's practices. The following subsections summarize our best understanding of sound risk identification, risk management, and transparent reporting of the risk environment. Mainstream government and research sources were used to inform our descriptions.

#### ***A. Identifying Risk and Their Interactions - Key Concepts and Requirements***

All organizations, especially local governments, are subject to risks that may affect the accomplishment of their objectives. In order to understand and manage these risks, we first must select a way to define them. In the research literature, risk has many definitions; we choose to adopt a blend from many of these sources and define *risk* as:

an uncertain event or sequence of events that if realized may inhibit or **enhance** the accomplishment of an organization's objectives.

Local government organizations face many risks and categories of risk due to the type and scope of their activities. Just as there are several definitions of risk, there are multiple ways to categorize risk. We choose to use categories defined in association with a risk management framework called *Enterprise Risk Management* (ERM). The following list, derived from the source, summarizes the categories of risk faced by organizations, including local government:<sup>[5]</sup>

- Hazard Risk: property loss, personal injury, theft, and disease/disability events; and their associated causes and impacts.
- Financial Risk: revenue, cost, debt, and reserve events; and their associated causes and impacts.
- Operational Risk: human/process/system failure or degradation events; and their associated causes and impacts.
- Strategic Risk: business environment and/or governance environment change events; and their associated causes and impacts.

In addition to being able to name risks, there must be a means to characterize the potential magnitude of their impacts. A standard way to do this is to assign numbers to two variables: *likelihood* and *consequence* of occurrence. Using these numbers, officials can decide which risks require continued attention in the form of monitoring, assessment, and mitigation management, and which can be ignored.

Figure 1 depicts an example of a risk register that defines a possible portfolio of risks confronting local city government. It shows assessments of likelihood and consequence for each risk, and provides an assessment of potential magnitude of the risk for the city government. In this fictional scenario, a risk manager may decide that all risks with a “low” risk assessment can be tolerated without additional management attention.

Category	Risk	Likelihood	Consequence	Mitigation	Risk Magnitude Score	Risk Assessment
Strategic	Global Economic Downturn	3	2	Monitor Key Economic Indicators	6	Medium
Strategic	Global Economic Shock	1	9	Increase Reserve Levels	9	Extreme
Strategic	Expected Intergovernmental Funds Slashed	2	3	Increase Local Revenue	6	Medium
Strategic	CalPERS Return Collapse	1	9	Pursue Pension Reform	9	Extreme
Strategic	CalPERS Return Lower than Expected	2	2	Establish Section 115 Trust	4	Medium
Financial	Unexpected Local Revenue Downturn	1	2	Initiate Cost Reduction Plan	2	Low
Financial	Unexpected Employer Pension Debt	2	2	Pension Obligation Bond	4	Medium
Financial	Inadequate Reserves to Cover Critical Costs	2	2	Initiate Cost Reduction Plan	4	Medium
Operational	Increase in Deferred Maintenance	2	2	Identify Low Risk Capital Assets	4	Medium
Operational	Critical CIP Unfunded	3	3	Initiate Infrastructure Capacity Reduction Plans	9	Extreme
Operational	Loss or Significant Degradation of Service Levels	1	3	Initiate Service Level Impact Reduction Plans	3	Low
Hazard	Infrastructure Failure - Storm Drain	1	3	Deploy Rainy Day Funds	3	Low
Hazard	Personal Injury Liability	1	2	Risk Transfer via Insurance	2	Low
Hazard	Wildfire Property Losses	3	3	Risk Transfer via Insurance	9	Extreme

Probability:	Impact:
Low = 1	Low=1
Medium = 2	Medium=2
High=3	High=3
	Extreme=9

Figure 1 An Example of a Risk Register<sup>[6]</sup>

Recognizing individual risks are important. However, to really understand the risk faced by an organization, a risk manager must understand how risks may be interrelated. In reality, one occurring risk event may cause the occurrence of a sequence of others. Risk managers have several tools to help them understand these relationships. One such tool is the *Bowtie Analysis* method.<sup>[7] [8] [9] [10]</sup>

Figure 2, shown below, depicts the results of applying the method and illustrates the reason for the name. A Bowtie diagram is built by performing the following steps:

- Identify a main risk event, one probably selected from the risk register (as depicted in Figure 1). This event goes at the center of the diagram and becomes the knot in the bowtie.
- Construct the left side by asking “why could this main risk event occur?” This will identify a set of preceding causal events to the main event. By asking the same question for each of these preceding events, earlier causal events are identified. Eventually, the process produces a set of root cause events. These are external events that are outside the control of your organization.
- Construct the right side of the bow tie by asking “what could happen after the main risk event?” This will identify possible succeeding events. By asking the same question for each succeeding event, later risk events are identified. This process is complete when specific impacts to organizational objectives are identified.

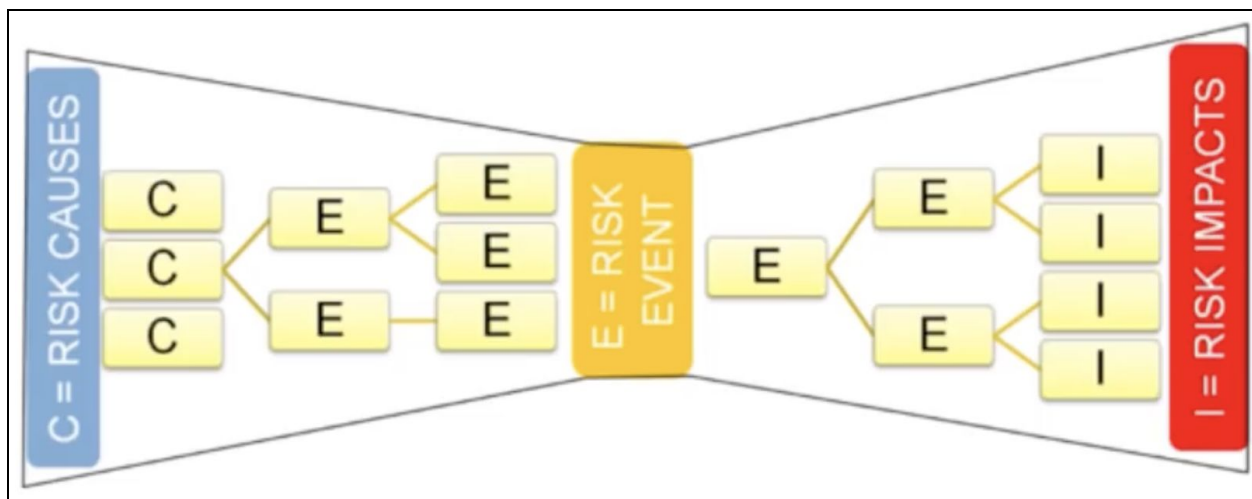


Figure 2. **A Conceptual Risk Bowtie**<sup>[11]</sup>

Once root causes, risk events, and ultimate impacts are identified, paths from root causes, through intervening risk events, and finally to organizational impacts can be constructed that tell a story of how risk may unfold in an organization.

To make things a little more concrete, we developed a Bowtie diagram based upon one of the risks from the risk register above. Although this is a fictional risk story for a fictional agency, it could be a realistic scenario for any local government.

Figure 3 (below) depicts the fictional risk story unfolding around the financial risk called Significant Budget Deficit (current & projected).

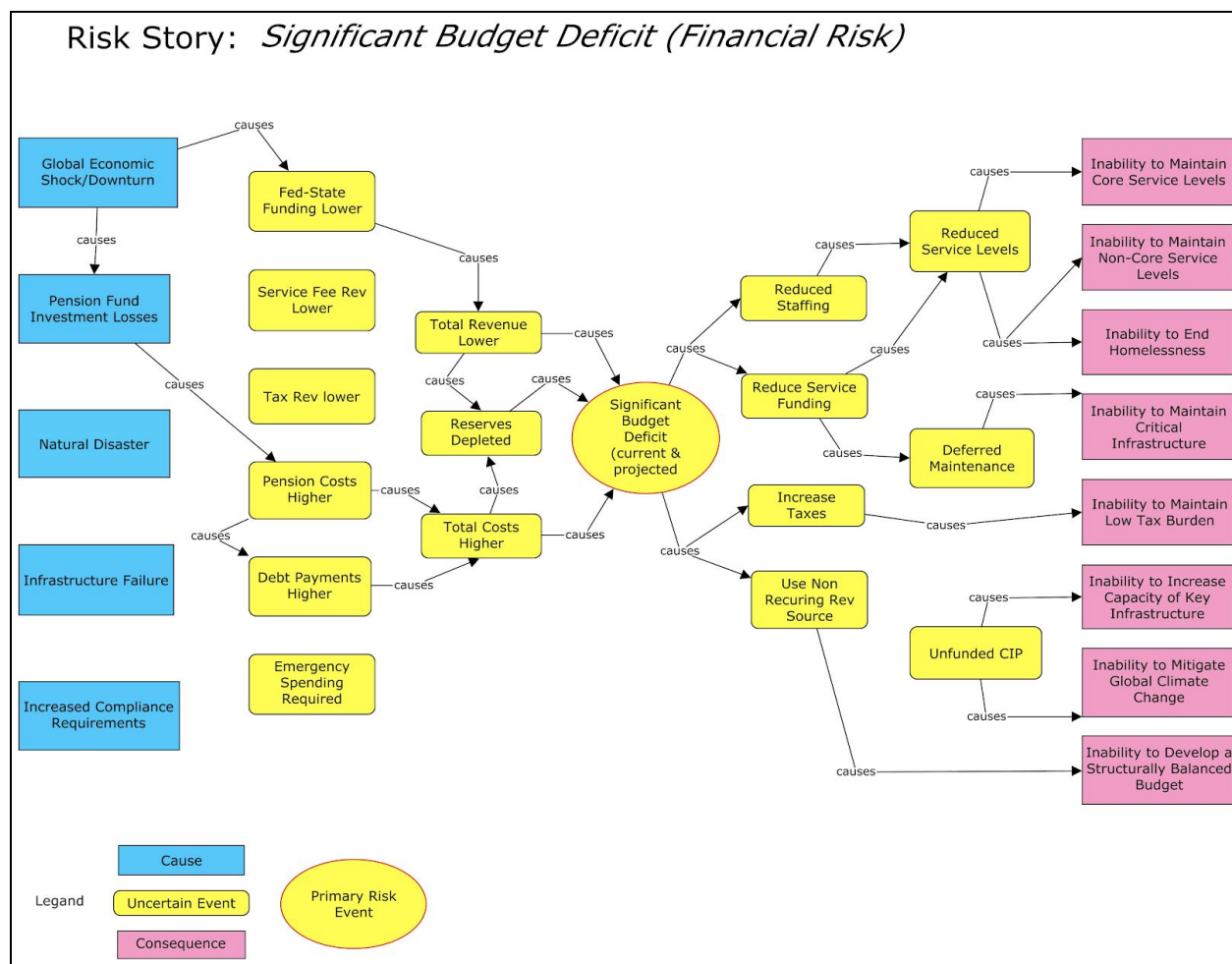


Figure 3 An Agency Risk Story - Bowtie Analysis<sup>[12]</sup>

This specific risk story captures the possible ways a global economic shock or downturn could create a significant budget deficit (current and projected). It then maps the various paths such an event could trigger to impact the objectives of the agency (represented by the pink boxes on the far right). The path followed would depend on decisions made by agency management before and after the event occurs. As an example:

- One path (lowest right) would be to use a non-recurring funding source to balance the budget for the current year; thereby not meeting the goal of producing a structurally-balanced budget.
- Another path (lower right) would be to increase taxes, or still another (upper left) to reduce funding for services.

Each of these paths would produce different results. Creating a plan to guide these decisions would be part of a risk management plan.

**RISK IDENTIFICATION REQUIREMENT:** To adequately understand and manage the risks confronting their communities, local government decision-makers need a comprehensive approach to defining all types of risk and their interactions.

*B. Controlling, Monitoring, and Communicating Risk - Key Concepts and Requirements*

Without a clearly defined and comprehensive practice of integrated risk management, an organization may be unpleasantly surprised by an emerging risk. If so, this restricts its response to reactive management actions to mitigate consequences. Such mismanagement of risk can result in financial instability, ineffective planning and execution, degradation or loss of services, deterioration of infrastructure, and ultimately public safety. Fortunately, there are best practices, frameworks, and tools available to support effective risk management. Additionally, a risk management process can be lean and right sized for an organization. It is not a defined position but is built into the business rhythms and culture of the organization

Risk Management is defined as: *coordinated activities to direct and control an organization with regard to risk*. The coordinated activities are usually designed within the context of a standard process that includes the following tasks:<sup>[13]</sup>

- task 01 - establishing the risk context
- task 02 - identifying, analyzing, and evaluating risk
- task 03 - establishing controls or treatments for mitigating risk
- task 04 - monitoring risk indicators
- task 05 - communicating risk

In the previous section we defined a framework for tasks 01 and 02. We now apply the Bowtie Analysis methodology to support the execution of tasks 03, 04, and 05. A risk manager will not have a complete picture of risk until the various paths through the risk story are evaluated for the application of risk management controls.

Controls of different types are designed and attached to the parts of the risk story where they have one of two intended purposes. First, controls prior to the occurrence of the main risk event are designed to *reduce likelihood* of the realization of the event. Second, controls in place after the occurrence of the main risk event are designed to reduce the impact or consequence of the event.

Figure 4 depicts the placement and type of controls available to the risk manager. A description is provided below the figure.

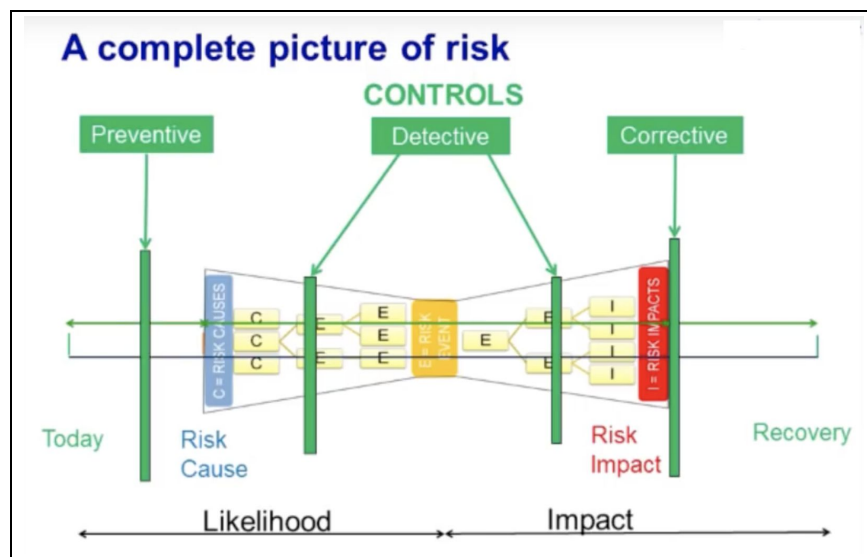


Figure 4 Complete Picture of Risk<sup>[14]</sup>

- Preventative Controls (left): designed to prevent root causes or the immediate follow-on events from occurring, thus reducing the likelihood of the main risk event.
- Detective Controls (center): designed to sense when leading risk events are unfolding and then apply remedies for reducing likelihood of ultimate realization of the main risk event. They are also designed to sense when risk events that follow the main event engage and then to apply management actions to reduce ultimate impact.
- Corrective Controls (right): developed to kick-in once an ultimate impact has been realized. Hopefully, previous controls will have reduced the severity of the impact and thus the needed corrective measures will be minimized.

Control measures on the left side of the diagram are less expensive to implement than those on the right side. In other words, proactive measures provide the most cost-effective way to manage risk. Without the Bowtie Diagram, or something equivalent, it would be impossible to develop the optimal risk management plan for the agency.

Thus far, we have discussed requirements for defining and identifying risk, and evaluating the overall risk environment for the local government agency. These requirements have been derived under the basic assumption that traditional risk management techniques are not as effective as a more integrated approach to risk management. For the remainder of this section we will discuss the rationale for this assumption, the concept of Enterprise Risk Management (ERM), and how it differs from traditional risk management.

### *Rationale: Changes to the Risk Environment*

As the world entered the 21st century there were many changes to the risk environment for all types of organizations. According to the Casualty Actuarial Society (CAS), this is best characterized as “*treating the vast variety of risks in a holistic manner, and elevating risk management to a senior management responsibility.*” The forces behind this shift include:<sup>[15]</sup>

*More Risks and Complexity of Risk - The advance of technology, the accelerating pace of business, globalization, increasing financial sophistication and the uncertainty of irrational terrorist activity all contribute to the growing number and complexity of risks. It is reasonable to expect that this trend will continue.... Even seemingly insignificant risks on their own have the potential, as they interact with other events and conditions, to cause great damage.*

*A Portfolio Point of View - Another characteristic force is the increasing tendency toward an integrated or holistic view of risks... A number of principles follow from this thinking, including:*

- *Portfolio risk is not the simple sum of the individual risk elements.*
- *To understand portfolio risk, one must understand the risks of the individual elements plus their interactions.*
- *The portfolio risk, or risk to the entire organization, is relevant to the key risk decisions facing that organization.*

*More Quantification - ...the growing tendency to quantify risks. Advances in technology and expertise have made quantification easier, even for the infrequent, unpredictable risks that historically have been difficult to quantify... The attempt at quantification allows the organization to analyze “what if” scenarios. They are able to estimate the magnitude of risk or degree of dependency with other risks sufficiently to make informed decisions.*

*Risk Seen as Opportunity - ...pertains to the outlook organizations have toward risk. In the past, organizations tended to take a defensive posture towards risks, viewing them as situations to be minimized or avoided. Increasingly, organizations have come to recognize the opportunistic side, the value-creating potential of risk.*

### *Rationale: Government is Inherently Risky*

Some may assert that sophisticated risk management is not needed in the typically “risk averse” environment of government organizations. There are multiple authoritative sources on risk management that challenge this assertion. The Government Finance Officers Association (GFOA) observes:<sup>[16]</sup>



- *Risk permeates just about every aspect of government, and as a result is an unavoidable part of governance. Managing these risks not only may prevent them from happening in the first place, but will also prepare the organization financially for those events outside anyone's reasonable control.*
- *Governments face unique risks not found in the private sector. This is true for a number of reasons:*
  - *Some public sector services are inherently high risk (i.e. police and firefighters). Additionally, most governments cannot discontinue a service such as road maintenance because it is high risk.*
  - *The scope of government is enormous. Even small municipalities provide a wide array of services, such as law enforcement, waste disposal, and regulatory oversight. This is also true geographically. The “footprint” of a government is massive and includes parks and government property, often making it the largest landowner in a jurisdiction.*
  - *A government typically lacks total control over its physical environment. During normal business hours, governments do not restrict citizen access to many government buildings. City halls, state capitol buildings, and motor vehicle offices must be accessible to the public. Some public spaces like parks and roadways for example are open 24/7.*

Another source has recently described the risk environment for the Federal Government. In a cover letter for a Government Accountability Office (GAO) report,<sup>[17](#)</sup> The Honorable Jason Chaffetz, Chairman and the Honorable Elijah E. Cummings, Ranking Member of the Committee on Oversight and Government Reform, House of Representatives stated:

*Federal government leaders manage complex and inherently risky missions across their organizations, such as protecting Americans from health threats, preparing for and responding to natural disasters, building and managing safe transportation systems, advancing scientific discovery and space exploration, maintaining a safe workplace, and addressing security threats. Managing these and other complex challenges, requires effective leadership and management tools and commitment to delivering successful outcomes in highly uncertain environments.*

The referenced report identifies authoritative guidance documents that require agencies in the Federal Government to implement ERM processes.

**Concept: Enterprise Risk Management (ERM)**

The GAO report referenced above also defined the essential elements of the ERM process. Their text and graphical guidance is provided here:

*We identified six essential elements to assist federal agencies as they move forward with ERM implementation. Figure 5 below shows how ERM's essential elements fit together to form a continuing process for managing enterprise risks. **The absence of any one of the elements below would likely result in an agency incompletely identifying and managing enterprise risk.** For example, if an agency did not monitor risks, then it would have no way to ensure that it had responded to risks successfully. There is no "one right" ERM framework that all organizations should adopt. However, agencies should include certain essential elements in their ERM program.[emphasis added]*

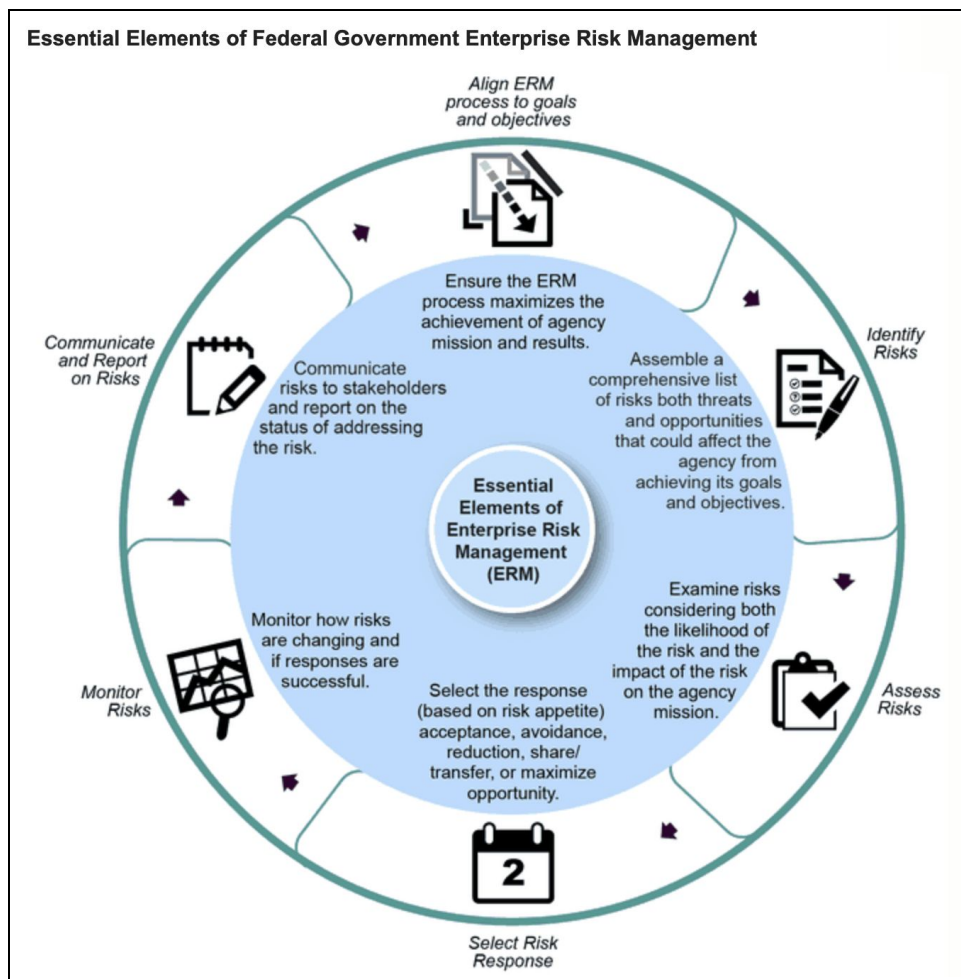


Figure 5. GAO Guidance on Federal Government Implementation of ERM<sup>[18]</sup>

Surprisingly, despite a broad understanding of the complexity of the risk environment for government agencies at all levels, only at the federal level is an integrated risk management framework required. Recent studies show that the United States lags far behind other countries in the implementation of ERM at the local government level.<sup>[19]</sup> Except for funding scientific discovery and exploration, the scope of local government activities is the same as the federal government, including: protecting citizens from health threats, preparing for and responding to natural disasters, building and managing safe transportation systems, maintaining a safe workplace, and addressing security threats. These activities are subject to a similar complex risk environment, perhaps even more so due to the lack of control of external factors (e.g. intergovernmental funding).

**RISK MANAGEMENT REQUIREMENT:** Local government risk management requires the same rigor for managing (i.e. controlling, monitoring, and communicating) risk as the Federal Government. However, the process can be tailored to the size and scope of activities of the local agency.

### *C. Being Transparent About Risk - Key Concepts and Requirements*

There is significant evidence in the research literature that indicates the importance of trust between government entities and the citizens they serve.<sup>[20] [21] [22]</sup> Government requires the support of citizens in the creation of policies, subsequent compliance with those policies, and funding of programs and services. Without trust, this support is minimal and the job of governance becomes less effective. A critical element in the creation and maintenance of public trust is **transparency**. We adopt a definition for transparency provided by American Legislative Exchange Council (ALEC).<sup>[23]</sup>

*Government's obligation to share information with citizens that is needed to make informed decisions and hold officials accountable for the conduct of the people's business.*

This definition provides the intended result of any government effort to achieve transparency. In order to achieve this result, specific requirements must be met. The Institute for Local Government (ILG) states that

*...there are two dimensions to public agency transparency; information transparency, and process transparency. With respect to both kinds of transparency, a website is an opportunity to provide raw information (budget numbers and meeting dates) and also to provide the public with background information on what the numbers mean for the services they receive and how they can participate in the decision-making process if they choose.*<sup>[24]</sup>

With regard to financial transparency, the author Mark Mack of GFOA states:

*Many governments look to online financial transparency as a way to educate the public about what government does and how it arrives at the decisions it makes. Other motivations include the desire to improve public*

*service and accountability, and to maintain or improve professional ethics. Governments that concentrate on financial transparency report improved legitimacy and support, and general improvements in their organization's reputation.* <sup>[25]</sup>

In a more general statement of requirements for financial transparency, the author offers the matrix in Figure 6 that shows what is required to inform and educate stakeholders with regard to the financial status of local government.

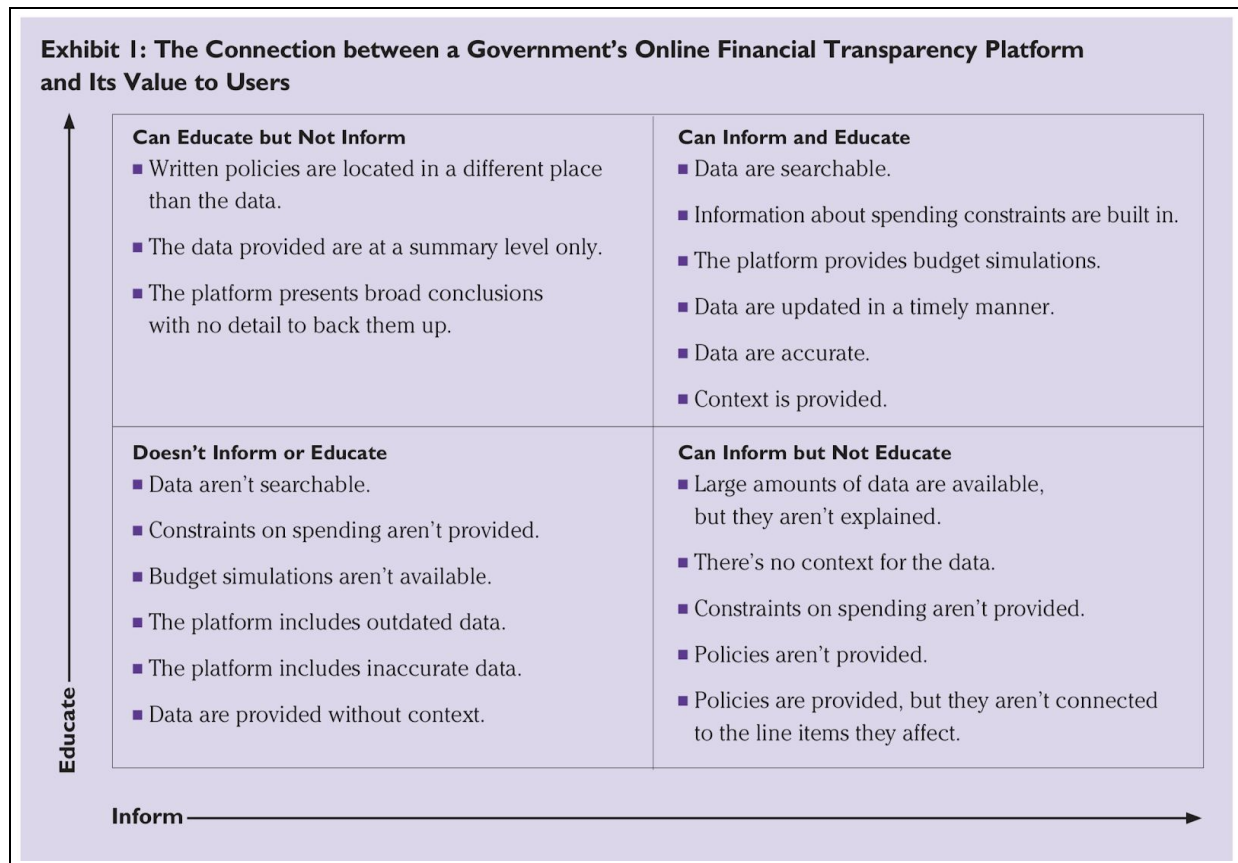


Figure 6. **Characteristics of Financial Transparency Capabilities to Educate and Inform** <sup>[26]</sup>

In the discussion on ERM in the previous section, one of the essential elements of ERM was to Communicate and Report on Risks. The cited GAO report states:

*Communicating and reporting risk information informs agency stakeholders about the status of identified risks and their associated treatments, and assures them that agency leaders are managing risk effectively.... Communicating risk information through a dedicated risk management report or integrating risk information into existing organizational performance management reports, such as the annual performance and accountability report, may be useful ways of sharing progress on the management of risk.* <sup>[27]</sup>

TRANSPARENT GOVERNMENT REQUIREMENT: Transparency is required for local governments to build and maintain trust with its citizens. To succeed, the methods used must both inform and educate the public about public business areas including finance, human resources, planning, permits, strategic initiatives, etc. In addition, any effective risk management practice requires transparent communications about inherent risk and the plans to control its consequences.

## **II. Santa Cruz County Cities - Risk Profiles**

In this section, we develop a *risk profile* for the cities of SCC. Because of the centrality of financial risk to the overall risk profile, we start with a detailed assessment of a financial risk called *fiscal distress* done for the years 2017, 2018, and 2019 for Capitola, Santa Cruz, Scotts Valley, and Watsonville. We then analyze the general strategic and hazard risk environment that could trigger the realization of financial risk events and follow-on operational risk events. Finally, we discuss the ultimate impacts to city objectives that could follow the occurrence of a sequence of risk events.

### **A. Financial Risks for SCC Cities**

In 2018, the California State Auditor's Office (Auditor's Office) released a report that analyzed financial information for 471 California cities for the year 2017. Their goal was to identify cities that may be at risk for *fiscal distress* in the short or long term. Fiscal distress can be defined as:

*From a short-term perspective, fiscal [dis]stress can be defined as the [in]ability to make payments in a timely manner. In the long-term, fiscal [dis]stress is expressed as a gap between a local government's tax base or revenues relative to its expenditures and commitments.*<sup>[28]</sup>

The Auditor's Office developed a methodology to calculate, score, and categorize the risk of fiscal distress around the following financial indicators: liquidity, debt burden, general fund reserves, revenue trends, pension obligations, pension funding, pension costs, future pension costs, Other Pension Employee Benefits (OPEB) obligations, and OPEB funding. The results provide an assessment of a high, medium, or low probability that fiscal distress will occur based upon the state of the financial indicator. Finally, a combined overall financial indicator was created by weighting all of the other indicators. This was used to establish an overall probability for the risk of fiscal distress for each city. The methodology and results can be found at the Auditor's Office website.<sup>[29]</sup> Figure 7a, based on the Auditor's Office's report, provides a summary of the risk for financial distress for each of our cities for the year 2017.

State Auditor Financial Risk Assessment Dashboard Data					Basis: 2016-2017 reporting
Category	Santa Cruz	Scotts Valley	Capitola	Watsonville	Maximum
Overall Risk Designation	MODERATE HIGH	MODERATE	MODERATE LOW	MODERATE HIGH	
Overall Rank *	82	157	216	84	471
Fiscal Year CAFR	2016-17	2016-17	2016-17	2016-17	
Overall Points	53.86	61.6	67.64	54.43	100
Liquidity Points	10	10	10	5.45	10
Debt Burden Points	11.75	13.66	15	15	15
General Fund Reserves Points	6.75	14.21	17.43	5.92	30
Revenue Trends Points	3.25	3.75	2.75	3.13	5
Pension Obligations Points	4.8	2.72	3.84	6.56	10
Pension Funding Points	3.7	3.65	3.6	3.65	5
Pension Costs Points	2.78	3.06	3.61	3.33	5
Future Pension Costs Points	0.83	1.11	0.56	1.39	5
OPEB Obligations Points	10	9.44	10	10	10
OPEB Funding Points	0	0	0.85	0	5

\* lower scores represent higher degrees of fiscal risk

LOW	MODERATE LOW	MODERATE	MODERATE HIGH	HIGH
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Figure 7a. 2017 Overall Risk for Fiscal Distress for SCC Cities<sup>[30]</sup>

Of particular note in these results are the following:

- All of our cities carried a MODERATE amount of overall risk for fiscal distress, even after the longest period of economic expansion in our country's history (2009-2019).
- All of our cities have registered *revenue trends* as a HIGH-risk indicator; this will be exacerbated as we move towards a likely recession.
- All of our cities have registered *future pension costs* as a HIGH-risk indicator; this will be worsened by an almost assured shortfall in CalPERS Pension Fund investments in 2020 and beyond.

In discussions with city officials on the validity of the Auditor's Office approach, there were some concerns with parts of the methodology. For example, one official indicated that the type of revenue sources should have been more clearly accounted for in the scoring. However, in this particular case, that scoring would have only served to increase the level of risk for the city. Overall, we feel that this assessment methodology, or one like it, provides a valuable risk management tool that should be considered in city planning and execution decisions. It would also support government transparency goals in communicating risk to city residents.

The Grand Jury was able to reverse engineer the calculation and scoring system used by the Auditor’s Office and produce the same risk assessments for 2018 and 2019 for the risk indicators. [Appendix A](#): “City Fiscal Distress Risk Assessment Trends - by Financial Indicator” shows how all the cities risk indicators trended between 2017 and 2019. Figure 7b provides a graphical depiction of the Overall Risk Indicator trend in the same time period.

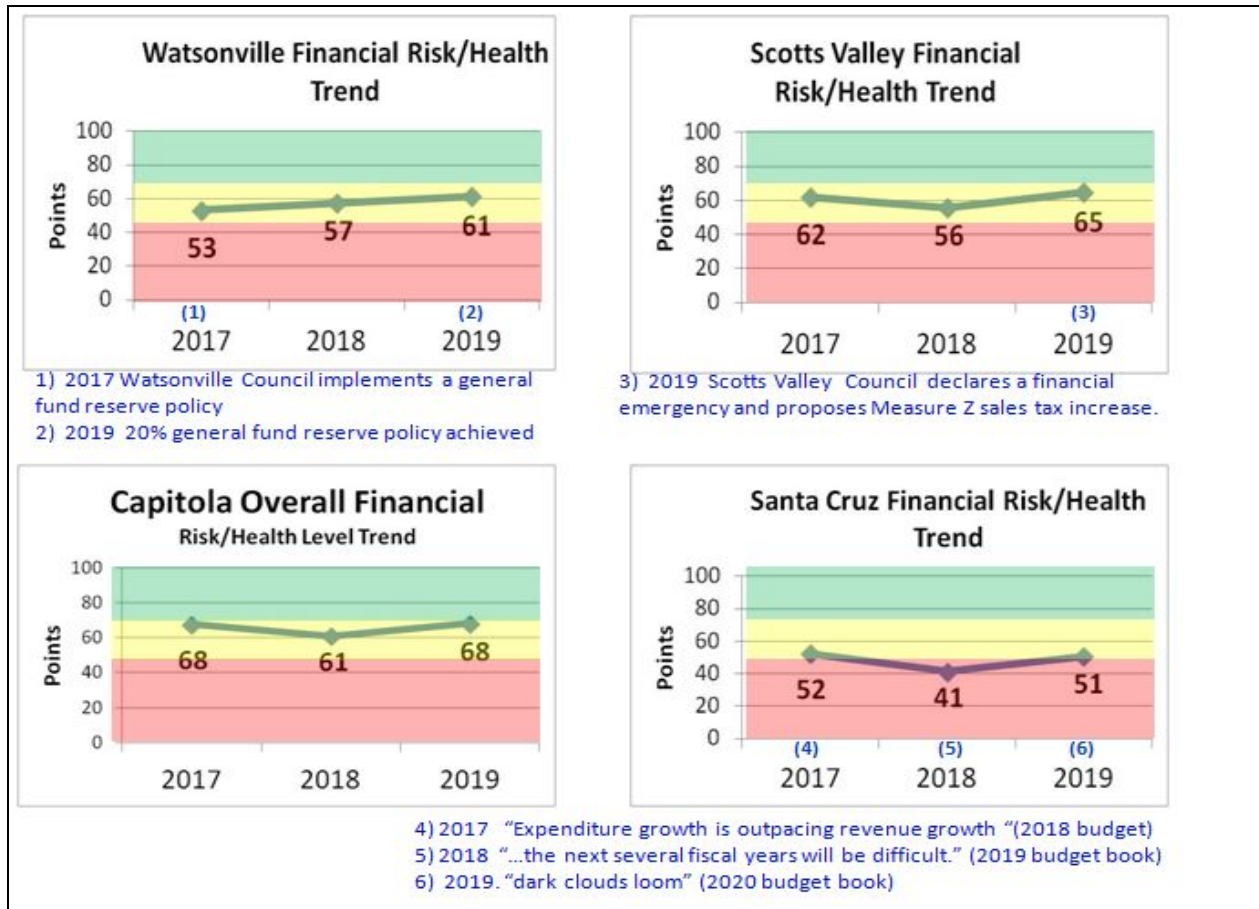


Figure 7b. Overall Risk Trend of Financial Distress for SCC Cities (2017-2019)<sup>[31]</sup>

The following summary is provided for the figure above:

- Watsonville reduced its risk for fiscal distress, largely due to increasing the size of its general fund reserve.
- Scotts Valley improved its risk posture slightly. In addition, in March 2020, Measure Z was approved to provide increased revenue.
- Capitola maintains a MODERATE risk for fiscal distress based upon the overall indicator.
- Santa Cruz remains on the edge of a HIGH risk for fiscal distress.

Two of the contributing factors to this overall financial risk deserve special mention; *future pension costs*; and *general fund reserves*. In the following paragraphs we do a deep analysis of future pension cost risk. However, it is important to note the importance of adequate reserves. Another GFOA study states:<sup>[32]</sup>

*Reserves are the cornerstone of financial flexibility. Reserves provide a government with options to respond to unexpected issues and afford a buffer against shocks and other forms of risk. Managing reserves, though, can be a challenge. Foremost is the question of how much money to maintain in reserve. How much is enough and when does a reserve become too much? This can be a sensitive question because money held in reserve is money taken from constituents and the argument could be made that excessive reserves should be returned to citizens in the form of lower taxes.*

The level of reserves is not only a sensitive question, but one whose answer can vary across individual local governments. According to the study referenced above, to set an appropriate and defensible policy, a risk analysis should be done against the following risk factors: revenue volatility, infrastructure risk, and extreme events. Performing an assessment of this for SCC Cities is beyond the scope of this report. However, due to the importance of right-sizing reserve funds, this should become a standard practice in risk management.

The Auditor's Office methodology consistently shows that pension related indicators indicate higher risk for fiscal distress, especially the *future pension costs* indicator. These costs are driven by the contributions that are required of cities to pay for the accrued benefits of their current and past employees. According to CalPERS, "the factor that is likely to have the largest impact on future contribution requirements is the investment return of the Public Employees' Retirement Fund (PERF)". To fully understand what could happen with these returns and what impact they would present to city pension costs we reviewed a 2019 risk assessment of PERF.<sup>[33]</sup> In the CalPERS report, the potential impacts of higher or lower returns in the short-term and long-term are examined with regard to *funded ratio* and future *employer contribution rates*. We will focus on the predicted impacts on employer contribution rates.

Figure 8a below shows a risk scenario of a range of extreme single year returns for the year ending June 30, 2020. In addition, it assumes that there will be no correction in the opposite direction. As demonstrated in the chart, if there were a single year return of -15.8 percent, after a five year phase-in of the resulting uncovered pension liability, the total employer contribution rates would increase to 36 percent for a sample Miscellaneous Pension Plan and 66 percent for a sample Safety Pension Plan.

**In our interviews, multiple witnesses indicated that this would result in unsustainable distress in city budgets, resulting in significant loss of staff and services.** As of the publication date of the CalPERS report, the chances of such an extreme negative return was considered to be under 5 percent. As of the writing of this Grand Jury report, the probability of such an event occurring in 2020 or 2021 has increased significantly due to the Coronavirus health crisis and its associated economic impacts.



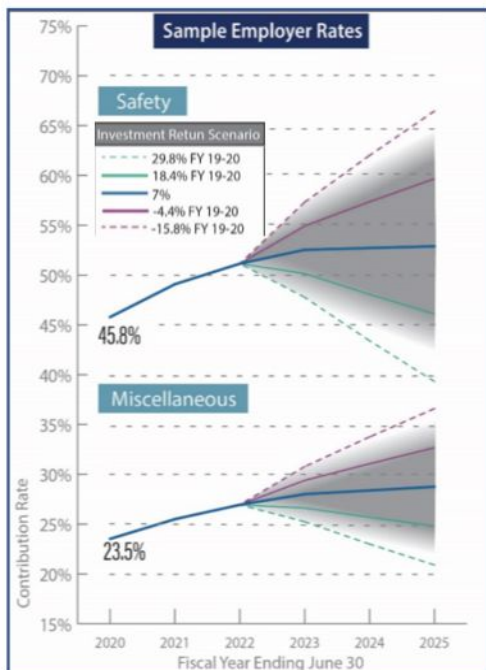


Figure 8a. **Single Year Exceptional Return**

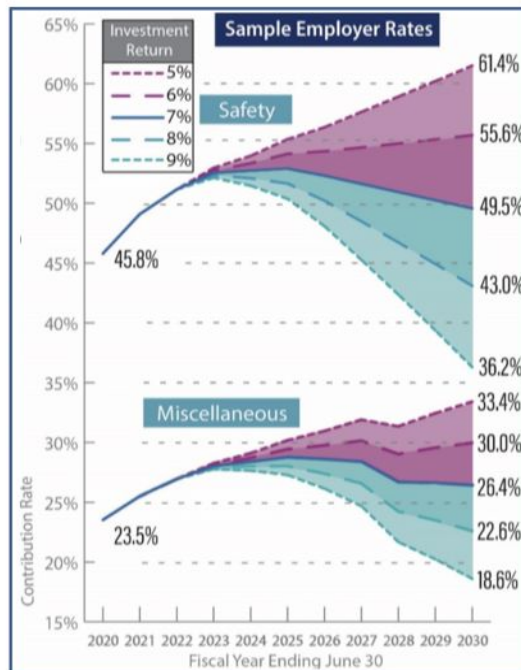


Figure 8b. **Sustained Average Return**<sup>[34]</sup>

Figure 8b above provides the impact on employer contribution rates for sustained return rates between five percent and nine percent. The *assumed rate of return* used by CalPERS for PERF is 7 percent. If the actual return is less, say 5 percent, then by the year 2030 the total employer contribution rates would increase to 33.4 percent and 61.4 percent for the sample Miscellaneous and Safety Pension Plans. This scenario would also have devastating impacts on city budgets, services, and infrastructure.

So, what are the chances that CalPERS will hit the average investment target of 7 percent over the next decade? According to most investment managers this will probably not happen. In one actuarial survey done in 2019,<sup>[35]</sup> the probability of hitting the 7 percent return mark ranged between 19.2% and 51.9% (see Figure 9).

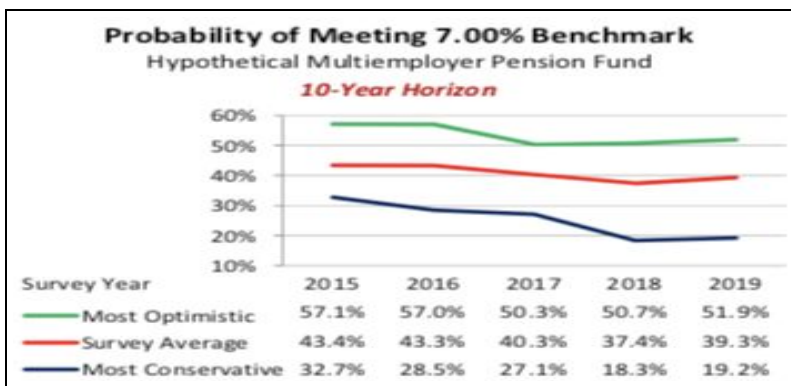


Figure 9. **Financial Advisor Survey**<sup>[36]</sup>

A more recent expert assessment in January 2020,<sup>[37]</sup> predicted the rate of nominal return for stocks and bonds for the next 7-10 years. Nominal returns for stocks ranged from -2 percent to 6 percent and bonds ranged from 0.5 percent to 3.5 percent. If we use the numbers at the high end of the range, and assume a balanced portfolio of 50 percent stocks and 50 percent bonds, the nominal return rate would be 4.75 percent. Although the assets comprising the PERF allocation are far more diversified (e.g. *Equity, Private Equity, Fixed Income, Real Assets, Cash*) it is fair to say that without taking on too much risk in the fund, the 5 percent return result looks very realistic.

At this point it seems likely that a combination of the above will occur: a single year shock in returns (i.e. large negative returns) as well as a sustained period of low returns that will not match PERF assumed rate of returns (i.e. 5% versus 7% respectively). We wanted to assess what this could mean for our cities' pension plans. Without the ability to run our own economic/investment models, we searched for and found a recent study that modeled similar scenarios. The study evaluated the expected impacts of the following scenarios on the pension plans of ten states.

*Shortfalls in investment performance, relative to expected returns, explain approximately 50 percent of the increase in unfunded pension liabilities reported by states in 2016. As a result, examination of downside investment risk is at the heart of stress test analysis of public pensions. The analytic framework applied in our model includes two downside investment return scenarios: a fixed 5 percent return scenario and a scenario that accounts for an asset shock — a steep decline in asset values [-20%], as typically occurs during the onset of a recession — followed by low returns [5%].*<sup>[38]</sup>

It is this second scenario that best matches our probable economic future and can provide potential impacts on our fiscal future. The assumed return profile is shown in Figure 10.

**Investment Returns in Hypothetical Asset Shock Versus Great Recession**

*Asset losses larger and market rebound gains smaller in asset shock scenario*

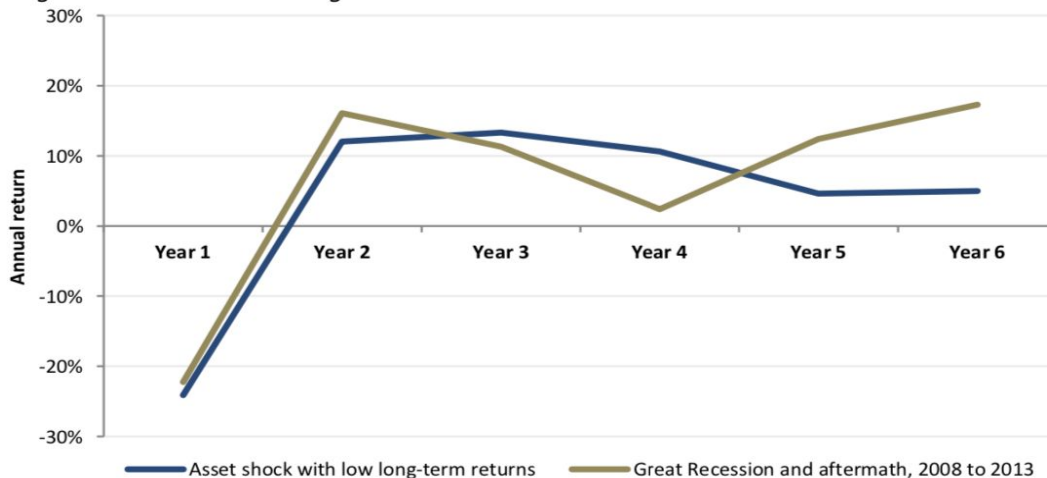


Figure 10. **Asset Shock Scenario - Assumed Returns for a Typical Portfolio**<sup>[39]</sup>

California was not one of the states modeled in the study. Therefore, we could not obtain a detailed model output of PERF under the Asset Shock Scenario. However, the study is informative about impacts across a range of states. This provides two comparative opportunities: 1) How does a similar state (in terms of funded ratio of the pension plan and funding policies) perform in the face of the shock scenario? and; 2) What general conclusions are drawn based upon the overall analysis?

With regard to the first question, Virginia was the most comparable of the 10 states in the study to California. Under the Asset Shock Scenario, the models showed that Virginia would not be able to significantly reduce unfunded liability debt over the next 25 years and would significantly increase its required employer contribution rate over that same time. Figure 11 (below) shows the model outputs for the scenario. This is in alignment with the CalPERS PERF risk profile discussed above. Pension costs for California public agencies will significantly increase beyond the currently expected peak in 2025.

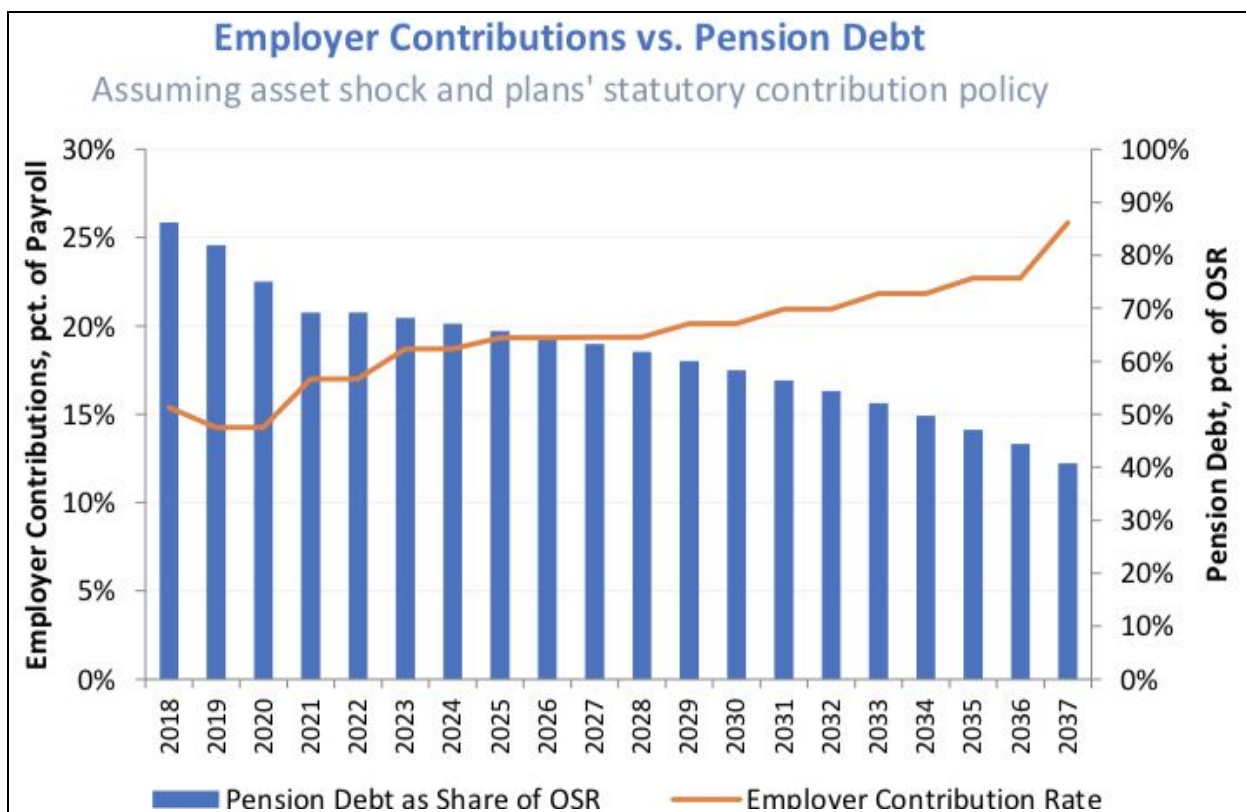


Figure 11. Virginia Model Output - Asset Shock Scenario<sup>[40]</sup>

On the second question, these are the relevant conclusions to be considered with regard to financial risk due to pension costs:<sup>[41]</sup>

*In aggregate, state and local pension systems have never been more exposed to market volatility, based on fiscal measures and economic outlook*

- *State and local governments report a larger total pension debt in both absolute terms and as a share of U.S. GDP than any time before the Great Recession.*

- *Pension costs have nearly doubled as a percentage of available state revenue since 2001, when the pension deficit reported by state and local governments in aggregate was approximately zero.*
- *Since the early 1990s, measures of investment risk for pension portfolios have more than tripled, as has the use of higher cost alternative investments, including real estate, private equity, and hedge funds.*
- *As the population ages, and larger shares of public pension plan participants move into retirement, benefit payments will take up a growing share of plan assets and state funds will be less able to absorb unexpected costs and investment shortfalls.*

*The current fiscal position and outlook for state pension systems warrant careful attention. Our analysis demonstrates how vulnerable many state pension systems are to an economic downturn or extended period of low investment returns.*

*In contrast with current reporting practices, stress testing allows states to better assess the likelihood of fiscal distress, the potential for permanent high costs, and the effects of market volatility and contribution policies. We find stress test results that are evaluated in relation to state revenues or payroll provide an intuitive benchmark with which to assess costs. **Stress testing should be a standard reporting practice for all public retirement systems.**<sup>[42]</sup>*

In summary, despite a decade-long period of economic expansion after the economic shock of 2008, there was still significant risk that SCC Cities would encounter fiscal distress in the short and/or long term. A significant contributor to this risk was pension costs. Through our interviews we determined that SCC Cities had not planned for the risk of continued shortfalls in CalPERS investment goals. Although they had planned for the constraints of already accrued pension debt through 2025-2026, there were no risk stories developed or management controls established for the pension risk described above.

Now, with the advent of another economic shock, fiscal distress is real. What are the likely impacts on city residents in SCC? Are there management controls or strategies in place that help prepare decision makers to soften these impacts as much as possible? Could more have been done between the economic shocks to prepare for a softer landing? Formal analysis of the possible risks and their interdependencies provide visual cues as to where management controls make sense. Preventative controls at the city level could not have stopped the onset of this new economic shock, but perhaps mitigation and corrective controls, if already designed and in place, could have softened the coming impacts for city residents.

#### *B. Mapping Strategic, Hazard, Financial and Operational Risks for SCC Cities*

A complete risk profile requires the identification of strategic, hazard, financial, and operational risk events that have a high likelihood of occurrence and/or a high impact on

city objectives. The Grand Jury performed interviews and document reviews of budgets, Local Hazard Mitigation Plans (LHMP), Emergency Operations Plans (EOP), job descriptions, and policies of the cities in SCC in an attempt to find systematic identification and evaluation of risk within a formal risk management framework. We had limited success in our searches. The most prevalent risks discussed include:

- Earthquake/Liquefaction (Hazard)
- Flood (Hazard)
- Fire (Hazard)
- Landslide/Erosion (Hazard)
- Sea Level Rise (Hazard)
- Tsunami (Hazard)
- Extreme Weather (Hazard)
- Drinking Water (Hazard)
- Liability (Hazard)
- Infrastructure Deterioration/Failure (Hazard and/or Operational)
- Continuity of Operations (Operational)
- Financial Sustainability (Financial)

You will note that except for the last three risks, these are all Hazard Risks. The Grand Jury did find references to *Global Economic Downturns* and *Pension Fund Investment Shortfalls*. However, there are no significant discussions on Strategic Risks like *Increased Compliance Requirements* or *Federal-State Funding Reduction*. There are also additional key financial and operational risks that should be formally documented in a risk management framework by SCC Cities. In summary, the Grand Jury was not able to find evidence of a complete risk profile for the cities of SCC. Except for the area of hazard (i.e. loss) risk management, there is no formal method to define, track, and manage risks at the enterprise level of city government.

Table 1 provides a summary of what the evidence shows with regard to risk identification and analysis in the cities of SCC. Without recognizing all the types of risk and how they interact, a complete risk profile cannot be created. Without a risk profile, comprehensive risk management cannot be accomplished.

**Table 1 SCC City Capabilities for Risk Identification and Analysis**

City	Hazard Risk	Financial Risk	Operational Risk	Strategic Risk	Risk Interaction Analysis
Capitola	Yes	Yes	No	Partial	No
Santa Cruz	Yes	Yes	No	Partial	No
Scotts Valley	Yes	Yes	No	Partial	No
Watsonville	Yes	Yes	Partial (Policing Policy)	Partial	No

Source: Santa Cruz County Grand Jury<sup>[43]</sup>

In order to demonstrate the potential value of comprehensive risk profiling, the Grand Jury created a generalized profile for the cities of SCC. The profile is based upon our

interviews, document requests, and risk management research literature. The profile presented may not match what a specific SCC city would create on their own analysis, but we feel it is a useful example that is consistent with the concerns of each SCC city.

We started with a Bowtie Analysis that was introduced in the concepts and requirements section above. As a reminder the goals of the analysis are:<sup>[44]</sup>

- Provide a structure to systematically analyse a hazard.
- Help make a decision whether the current level of control is sufficient.
- Help identify where and how investing resources would have the greatest impact.
- Increase risk communication and awareness.

The first 3 steps of the Bowtie Analysis method are: 1) identify the central risk event, 2) trace to root causes, and 3) trace to consequences. By following these steps, we were able to produce a map of strategic, hazard, financial, and operational risk events typically at play in SCC Cities. To complete step 3, we reviewed strategic goals and objectives for all of the cities and selected common key elements as the ultimate consequences in our Bowtie diagram. The diagram, shown in Figure 12, depicts the results of our analysis. It provides a canvas for us to trace risk scenarios for the cities from root cause to consequence. Each scenario, called a Risk Story, can then be used to think about preventive as well as corrective controls to respond to risks.

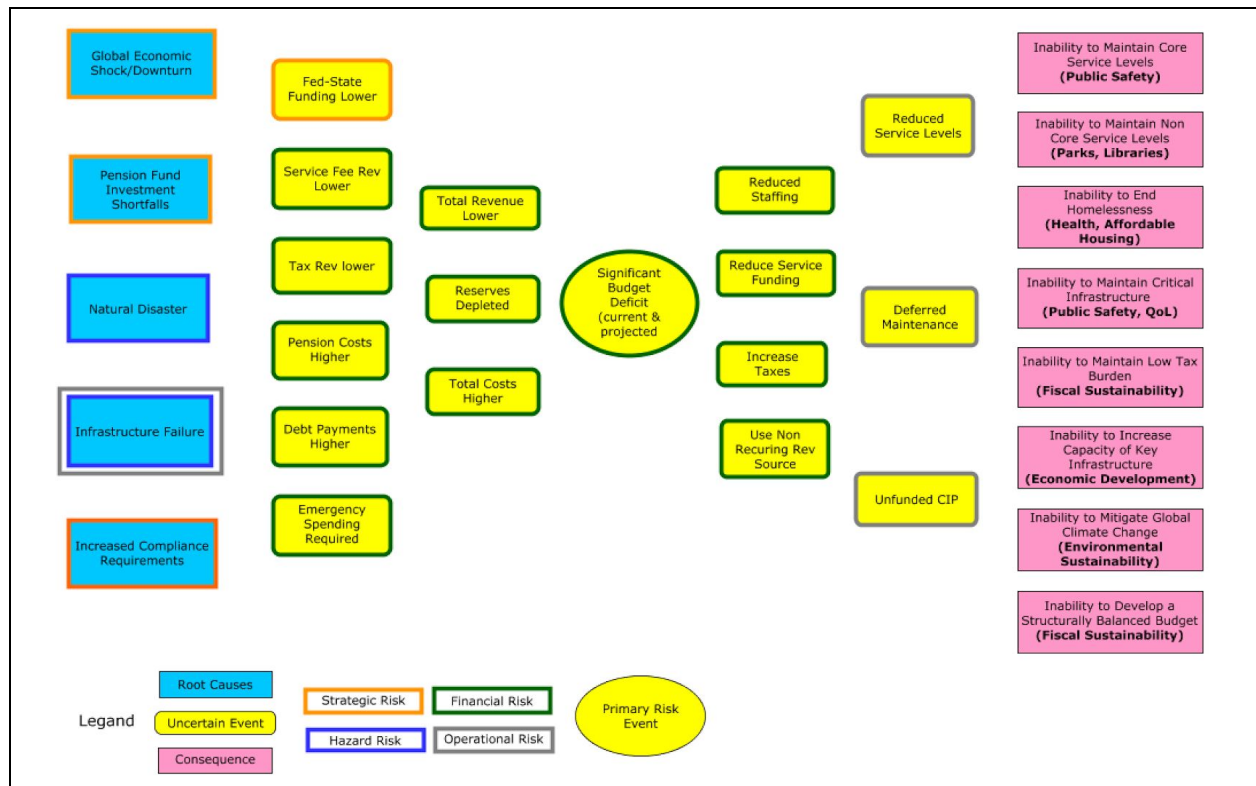


Figure 12. Bowtie Diagram of SCC City Risks<sup>[45]</sup>

There are many potential paths through this canvas of risks. A set of related paths tell a risk story that must be managed by risk managers. To demonstrate this concept, we will

tell a story that is emerging as this report is being written. We name this risk story “*Pandemic Causes Budget Shock*”. To construct this story, we started with the occurrence of a root cause event, a Natural Disaster Pandemic, and developed all the possible paths of cause and effect through the risk map. Figure 13 illustrates the results of this process. As might be expected, every major objective for SCC Cities can possibly be impacted by this event.

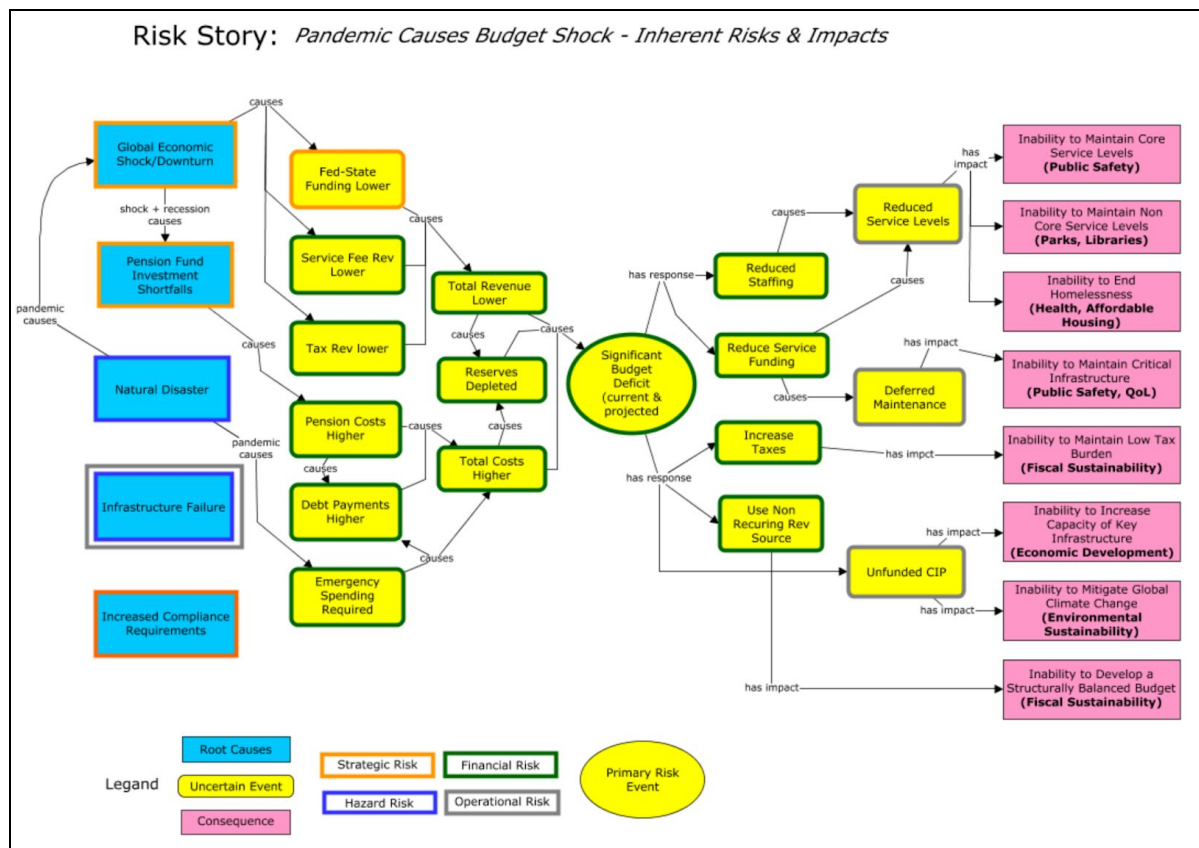


Figure 13. Risk Story: Pandemic Causes Budget Shock - Inherent Risks and Impacts<sup>[46]</sup>

### C. Impacts to Key City Objectives

One possible approach to using this full risk story is to pass this diagram into a risk management process to design management controls. Each control would either prevent the emergence of the *Significant Budget Deficit* event or minimize the impact on organizational objectives after it has occurred. Another approach is to create a sequence of risk stories that may emerge over time after the original pandemic outbreak. Our discussion now explores this approach with a more specific risk story that emerges in the first year of a pandemic crisis.

In Figure 14 (below), the initial pandemic outbreak emerges with immediate implications to SCC Cities. Only the paths relevant to this story are shown in this figure. It is through the analysis of these pathways that potential risk management controls become apparent. A description of the paths and hypothetical risk controls are identified below Figure 14.

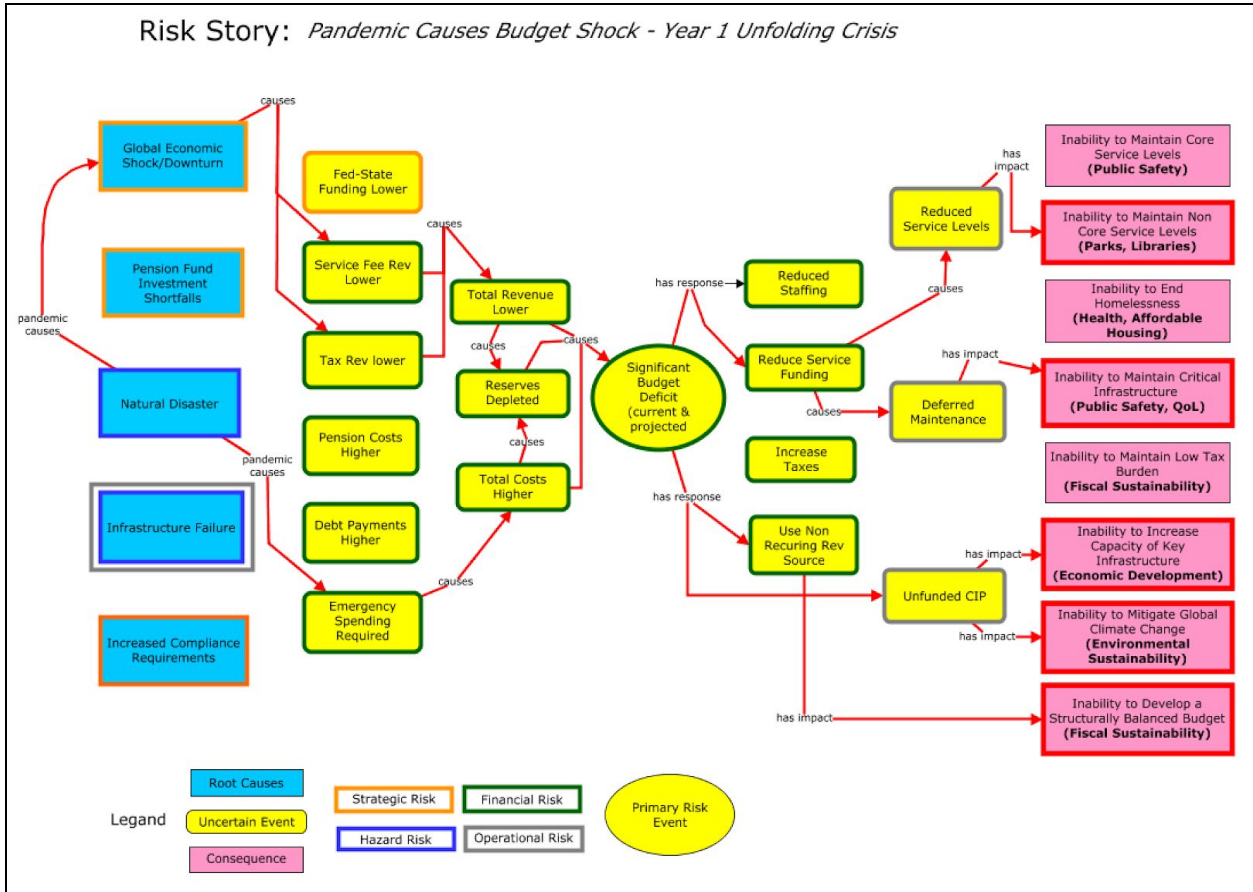


Figure 14. Risk Story - Pandemic Causes Budget Crisis - Year 1 Unfolding Crisis<sup>[47]</sup>

Starting on the bottom-left side of this map:

- The pandemic causes the city to begin *Emergency Spending* in coordination with the County health officials to cope with the local impacts. Neither of these external risk conditions can be prevented by city controls. The results of the economic shock is the realization of *Lower Service Fee Revenue* and *Lower Tax Revenue*. Again, the city has no power to stop the occurrence of these events.
  - **Possible Risk Control: None**
- *Emergency Spending* could cause *Total Higher Costs* to the regular budget.
  - **Possible Risk Control - RC 1: Substantive Rainy Day Fund**
- *Total Higher Costs* could cause a *Reserve Fund Depletion* that together could cause the central risk event, *Significant Budget Deficit*.
  - **Possible Risk Control - RC 2: Shock Adequate Reserve Funds**



Starting on the top-left side of the map:

- The pandemic causes another strategic risk to become realized, Global Economic Shock. This in turn makes the likelihood of *Service Fee Revenue Lower* and *Tax Revenue Lower* events emerge due to loss of park usage and tourist sales taxes.
  - **Possible Risk Control: None**
- These two lower revenue events will likely cause the *Total Revenue Lower* event to become realized. It could possibly be softened with a mitigation control.
  - **Possible Risk Control - RC3: Emergency Hike in Core Service Fees**
- *Total Revenue Lower* could cause a *Reserve Fund Depletion* that together could cause the central risk event, *Significant Budget Deficit*.
  - **Possible Risk Control - RC2: Shock Adequate Reserve Funds**

If the primary risk event is realized (i.e. Significant Budget Deficit) then the risk manager will want to identify risk controls that correct or reduce the impacts on city objectives. In general, this is done based upon the relative priorities of the objectives. In other words, which paths, from the primary risk event to consequence, does the city want to inhibit or enhance. These are the paths where the strongest risk controls are placed.

Starting at the primary risk event and following the lower-right paths:

- To inhibit the *Use of a Non-Recurring Revenue Source* to address a *Significant Budget Deficit* a city could make it illegal to use such sources above certain limits. This would deflect the paths to *Reduced Service Funding* or *Unfunded CIP*.
  - **Possible Risk Control - RC4: Illegal Limits on Use of Non-Recurring Revenue Sources**
- To enhance the *Use of a Non-Recurring Revenue Source* to address a *Significant Budget Deficit* a city could maintain an emergency donor fund to cover specific types of expenses in the emerging crisis. This would actually deflect the path away from *Reduced Service Funding* or *Unfunded CIP*.
  - **Possible Risk Control - RC5: Emergency Donor Network**

Starting at the primary risk event and following the upper-right paths:

- If *Reduced Service Funding* is realized, either *Reduced Service Levels* will have to occur or *Deferred Maintenance* will be required. Generally, deferred maintenance is chosen in these sorts of scenarios. However, there could be times where this entails too much risk due to critical infrastructure deterioration. In these cases, this path should be inhibited by risk control.
  - **Possible Risk Control - RC6: Critical Infrastructure Deterioration Test**

Finally, Figure 15 labels the places in the risk map where the controls discussed above would be executed. By producing these risk stories as part of a city’s risk profile it is possible to meet the goals identified at the top of this section.

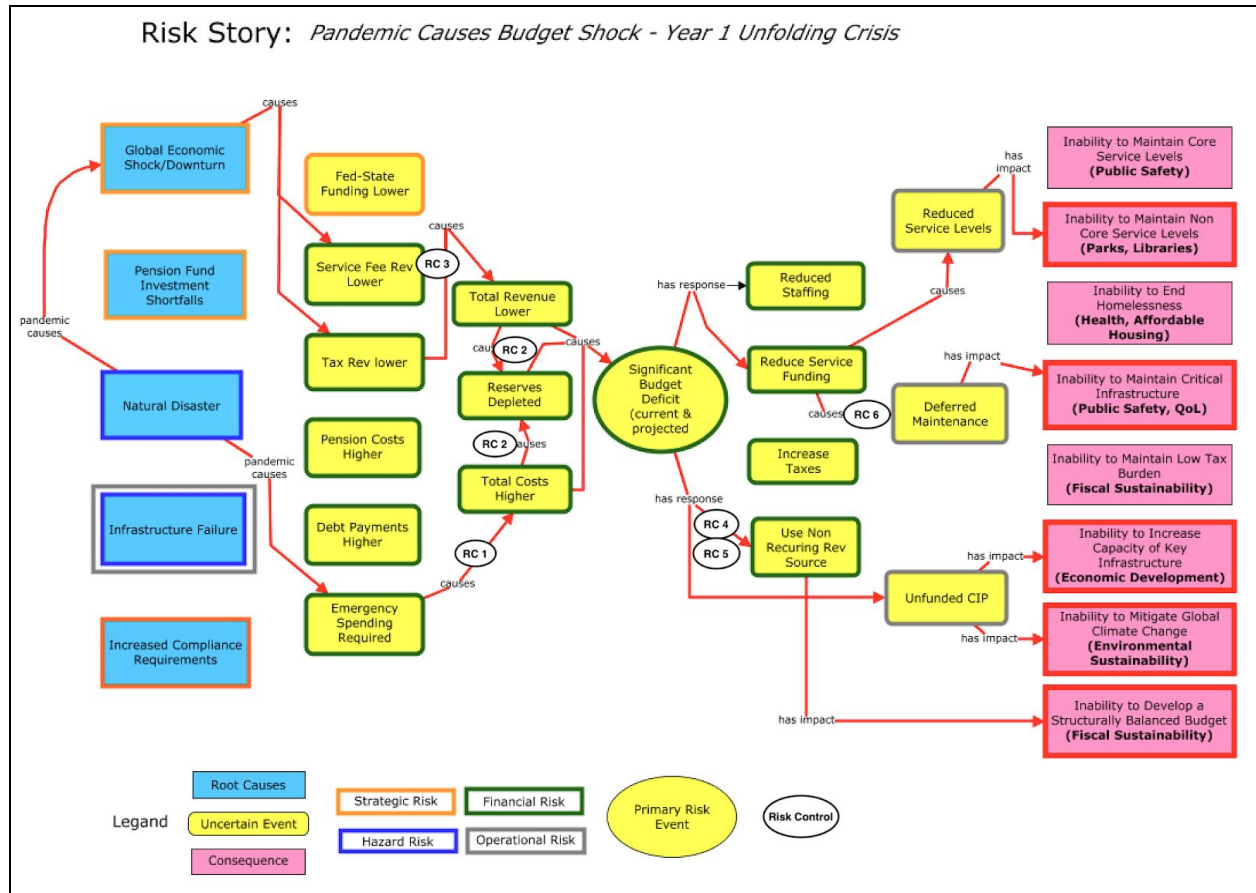


Figure 15. Risk Controls for Pandemic Year 1 <sup>[48]</sup>

Here, we do not develop a follow-on risk story called “*Pandemic Causes Sustained Fiscal Distress: Years 2-10*”. In this story the global recession following the initial economic shock takes hold and causes sustained *Pension Fund Investment Shortfalls*. Our discussion in the financial risks section above indicates there is a range of possible severe risks that should be assessed. Perhaps a robust risk profile and risk management process would help the cities not be “rocked by the shocks”.

### III. City Risk Management Practices

#### A. Description of Current Practices

Much of what the Grand Jury learned about risk management practices is reflected in the previous discussion. Through our interviews and review of documentation we were also able to determine the following:

- SCC Cities identify and manage risks either within formal silos (e.g. Local Hazard Management Planning) or through a series of cross-departmental conversations without the benefit of a formal process or suite of risk tools/practices.

- SCC Cities focus on Hazard and Financial Risks without full consideration of Strategic and Operational Risks. It is possible that Operational Risks are considered within the context of individual departmental projects, but they are not elevated to an integrated risk management process at the enterprise level.
- SCC Cities do not maintain an accessible, enterprise-wide risk register that tracks the likelihood of risk occurrence, magnitude of risk impacts, and status of mitigation controls.
- The most formal integrated approach used for risk management and control by SCC Cities is risk transfer of pure risk (i.e. loss) via self-insurance or risk pooling. Risk pooling for public agencies are “... *collaborating partners that help public entities create, foster, and manage safe environments in order to minimize personal, physical, and property damages and losses.*”<sup>[49]</sup>

Review of the research literature shows the concepts of risk and risk management have a long history. However, as a formal discipline it is relatively young (30-40 years) and is still undergoing significant changes.<sup>[50]</sup> Aside from the standard process of discipline maturation, there are many external factors that are driving the creation and extension of new risk frameworks, processes, and tools. To name three key factors:

- Increasingly complex risk environment due to globalization, societal changes, economic turbulence, global climate change, greater exposure to surprising and extreme events (i.e. Black Swan), etc.
- Developments in applied science and technology, including: the mathematics of uncertainty, probabilistic modeling capabilities, predictive data analytics, explosion of the availability of monitoring data, automated process tools, etc.
- Developments in behavioral economics that document the human weaknesses in decision making when significant uncertainties are present. These include: Availability Bias, Confirmation Bias, Overconfidence Bias.<sup>[51]</sup>

One of the relevant questions raised by this report is which of the new risk management approaches and tools should be considered for implementation by SCC cities. In our earlier discussion of concepts and requirements we made the case for consideration of the Enterprise Risk Management (ERM) framework. Minimally, the cities could look for ways to tailor ERM to enhance current practices with the following goals:

- Goal: Understand how risks across department silos may be connected through direct or indirect influence.
- Goal: Expand the types of risks identified, assessed, monitored, and managed to include strategic and operational risks.
- Goal: Establish a formal risk register that quantifies and communicates risks and progress in their management.
- Goal: Adopt the use of tools and practices (e.g. Bowtie Analysis) that support the analysis and broad communication of risk stories in the organization.

### B. Comparison of Traditional Risk Management to ERM

Finally, the current risk management practices of SCC Cities are more aligned to Traditional Risk Management than to an ERM framework. Here, we provide a summary comparison of the characteristics of Traditional Risk Management to Enterprise Risk Management. Figure 16 highlights 8 key facets of risk management and should illuminate potential advantages to the adoption of ERM.



Figure 16. **Eight Facets of Risk Management - Comparison of TRM to ERM**<sup>[52]</sup>

The following is a summary description of this diagram, derived from the source blog for Figure 16.<sup>[53]</sup>

- Insurable vs. Non-insurable (mostly)

*In a traditional risk management framework, an organization only looks at things that are insurable...*

*ERM, on the other hand, goes beyond insurable hazards to include areas of risk that cannot be transferred through insurance.*
- One-dimensional assessment (severity) vs. Multidimensional assessment

*Besides only looking at an issue from a loss prevention perspective, traditional risk management also only considers the impact or severity of a given issue at a certain point in time...*

*ERM also considers impact and probability, and it peels the onion layers back to understand more about potential events (i.e. risks) and how they relate to the strategic plan, organizational mission, or a specific operation.*
- Manages risks one-by-one vs. Analyzes material risks and how they relate

*In a traditional silo environment, the management of risks occurs as needed on an individual basis. Departments will only look at risks within their areas and not communicate with other parts of the organization. Approaching risk management this way can expose an organization to much bigger risks at worst, and at best, causes the organization to miss out on opportunities to meet or exceed strategic goals...*

*ERM combines these activities and uses a variety of tools to examine interdependencies, understand triggers between risks and cumulative effects of risks, and more. These tools help senior management better allocate resources and prioritize risks.*
- Occurs within one business unit (“siloed”) vs. Spans the entire organization (“holistic”)

*Traditional risk management occurs within one department, or put another way, occurs in its own “silo” or “stove pipe.” Most organizations are going to be well experienced with this basic level of risk management. Another shortcoming of the stove-pipe approach is that it often leads to wasted resources. A particular risk may have a big impact to a department but minimal impact to the organization as a whole. What also occurs when risks fall between silos is no one department wants to take ownership...*

*ERM ties these disparate silos together to give executives and departments a holistic view of risk and opportunities. It is a top-level process that overrides any autonomy a particular department may have by bringing together a multi-functional group of people to discuss risk at the organizational level.*

- Reactive and sporadic (Rear-view) vs. Proactive and Continuous (Forward-view)
 

*A rear-view will also not consider risks to objectives. While there may be a list of risks.... they often have nothing to do with the organization's top value creation objectives... Traditional risk management activities are often borne out of a particular event that management responds to. Executives, managers and support staff will go into a scramble mode when something comes up. A reactive approach can also result in organizational failure altogether...*

*ERM helps the organization get out in front of risk or seize opportunities to achieve strategic objectives. Proactive can take two approaches: preparing for current day risks and identifying emerging risks that could affect the organization down the road.*
- Disjointed vs. Embedded in culture and mindset
 

*Although every organization manages risks to one extent or another, these activities tend to be "disjointed" or ad-hoc with no rhyme or reason, no connection to strategic objectives, or other business areas. The risk activities are more of a "CYA" documentation exercise... Besides not providing any value to the enterprise as a whole, a disjointed approach also causes risks to be missed, new risks to be created, or a duplication of effort.*

*A mature ERM process that is a valuable decision-making tool is systematic and ingrained in processes and ways of thinking. This is not to imply that every action or decision requires a formal process for identifying and assessing risks – in many cases, this will be an informal process where a manager or even an employee will stop for a minute and think about how their actions may create reputation, talent, strategic, or some other risk to the enterprise.*
- Standardized vs. More nuanced and requires soft skills
 

*Risk management in its traditional or basic form has been common practice for companies and non-profit organizations for many years. There are also numerous international standards around traditional risk management activities...*

*An ERM journey also is reflected in appropriate standards. However, ERM that focuses on enabling success requires a bit more finessing in order to be a valuable tool for decision-making.*
- Risk Averse vs. Risk Taking
 

*Up to this point, you may have noticed how the word "risk" has been used in the negative sense – in other words, seeing risks as threats and something to avoid or mitigate.... But, risk management is really about increasing the likelihood of achieving your objectives.*

*ERM recognizes that any organization has to take risks in order to be successful. At the current pace of change in our world, which will only accelerate as time goes on, organizations who simply avoid risks and fail to take calculated, informed risks to improve performance will not remain relevant in the long-term.*

#### **IV. City Transparency Practices**

In this section we describe our observations on how well SCC Cities comply with the transparency requirement defined in our concepts and requirements section above. We restate the requirement here:

TRANSPARENT GOVERNMENT REQUIREMENT: Transparency is required for local governments to build and maintain trust with its citizens. To succeed, the methods used must both inform and educate the public about public business areas including finance, human resources, planning, permits, strategic initiatives, etc. In addition, any effective risk management practice requires transparent communications about inherent risk and the plans to control its consequences.

In the context of this report we are most concerned with SCC Cities' communication of risks, all types of risks, and the status of risk management efforts. SCC Cities all currently communicate risk and risk management information in the following documents: Comprehensive Annual Financial Reports (CAFRs), Budgets, Local Hazard Management Plans, Strategic Plans, and Agenda Packets for public meetings. If we evaluate the efficacy of these communication sources with regard to the requirement to "educate and inform", they fall well below the bar of transparency. The following criteria are derived from the GFOA report on financial transparency;<sup>[54]</sup> to both educate and inform the following criteria are required:

- Data and information are searchable.
- Data and information are current, accurate, and complete.
- Contextual information (metadata) is easily accessible (e.g. glossaries, constraints, assumptions, policies, process descriptions, summaries, appendices and sources).
- Contact information provides access to the content custodian.
- Projections of possible futures are available.
- Data and information are understandable.

The path of our investigation started with a significant effort to understand financial risk associated with the defined-benefit pension plans offered to local government employees. Our Grand Jury was the beneficiary of several previous grand jury reports on the subject of pensions between 2012 and 2019. There have been several, repeated observations or findings with regard to risk and transparency of risk. Table 2 provides a summary of relevant observations/findings.

**Table 2. Summary of Risk and Risk Transparency  
Observations and Findings from Local Grand Jury Reports**

Year	County	Topic	Observation/Finding
2012	Santa Clara	Risk	...Taxpayers in the public sector bear the risk of [Return on Investment] ROI and actuarial assumptions associated with the pension plan, whereas employees in the private sector bear the risk of market performance.
2012	Santa Clara	Risk	...the clear trend in the private sector is to transition away from defined benefits in favor of defined contributions, thereby transferring the risks associated with market performance from the employer to the employee.
2015	Santa Cruz	Risk	...Continually rising retirement costs and obligations put funding of jurisdictions' services and projects at risk.
2015	Santa Cruz	Risk Transparency	...A clear and complete statement of the total retirement costs and obligations has not been provided in the budget narrative for either the public or elected officials.
2016	Santa Cruz	Risk Transparency	...No single summary document shows all retirement costs and obligations. Prudent fiscal management should include a clear understanding of both shortterm and longterm retirement costs in the budget.
2018	San Mateo	Risk	...To the extent that projected costs of Benefits increase unexpectedly, or Returns on Investment fall short of projections, pension plans will have Unfunded Liabilities. The Agencies rather than CalPERS are responsible for paying down all Unfunded Liabilities through increased contributions and the Agencies bear all the risk of CalPERS' projections being wrong. Agencies have no control over CalPERS' determinations and must pay all contribution increases mandated by CalPERS.



Table 2, continued. **Summary of Risk and Risk Transparency Observations and Findings from Local Grand Jury Reports**

Year	County	Topic	Observation/Finding
2018	San Mateo	Risk	...defined contribution (as opposed to defined benefit) plans such as 401k plans relieve municipalities of the risks and uncertainties of below-projected investment returns and other assumptions about the future (for example, mortality rates).
2018	San Mateo	Risk and Risk Transparency	...The financial documents for each City reviewed by the Grand Jury show that no City has adopted a long-term financial plan with at least a 10-year time horizon to address rising Normal Costs and Amortization Costs.
2018	San Mateo	Risk Transparency	...Despite the fact that rising pension costs and Unfunded Liabilities are a significant problem for each City, no City (except for Redwood City, the City of San Mateo, the City of Burlingame, the City of Belmont and the City of Menlo Park) includes specific, annual projections of future pension contribution costs in their budgets published in the finance section of their websites.
2019	Santa Clara	Risk	...The City of San José’s mandatory required contributions to pension plans are putting an ever- increasing burden on the City’s General Fund, which impedes the ability of the City to provide essential services to its residents.

Source: Previous grand jury reports on the subject of pensions, 2012 – 2019. [\[55\]](#) [\[56\]](#) [\[57\]](#) [\[58\]](#) [\[59\]](#)

These observations and findings are supported by multiple research and media documents.

- Novy-Marx and Rauh observe; *We note that current rules contain incentives for states to invest their pension funds in risky assets with higher expected rates of return, as higher expected rates of return allow them to discount liabilities at higher rates. In turn, this arrangement could allow the state to present lower liability estimates to the public. States probably face some limits, set by political economy and the risk of public outrage, on the extent to which they can invest pension funds in risky assets and claim the expected value as a justification.* [\[60\]](#) [emphasis added]

- Mauldin observes; *If you make more realistic assumptions on future returns the unfunded liability becomes \$6 trillion according to the American Legislative Exchange Council. A more conservative and realistic approach would force the state and local governments to fund those pension plans at a much higher level. They have only two ways to do that: either raise taxes or reduce services. **That may be the reason policymakers have turned a blind eye to this.***<sup>[61]</sup>  
[emphasis added]
- Mitchell and Friedberg say to start with transparency, they strongly believe; *...that governments need to be **more open with employees, citizens and investors about how they handle their pension plans. In turn, those stakeholders need to engage.***<sup>[62]</sup> [emphasis added]

From the summary above, we can see that with regard to pension liabilities, there is **high risk and low transparency**. In our attempts to fully understand the current pension risk posture of SCC Cities we wanted to find the following data items for the previous 5 years, current year, and projections for the next 5 years:

- Total Pension Liability (\$)
- Total Fund Assets (\$)
- Unfunded Liability - Net Pension Liability (\$)
- Funded Rate (%)
- Discount Rate Used to Calculate Total Liability (%)
- General Fund Total Expenditures (\$)
- Covered Payroll (\$)
- Employer Total Normal Costs (\$)
- Employer Total Amortization Costs (\$)
- Total Employer Contribution Payments - Normal + Amortization Costs (\$)
- Pension Employer Contribution Rate (%)
- Unfunded Liability - @ 1% reduced discount rate (\$)

CalPERS has identified two of these items as key variables in modeling risk for the pension plan; Funded Rate and Employer Contribution Rate.<sup>[63]</sup> As discussed in our section on financial risk, CalPERS evaluated these two variables over a range of investment return scenarios for “typical” pension plans; we wanted to do this for SCC cities. The Grand Jury was able to eventually figure out how to find and calculate these data items, **but it was far from easily accessible and understandable**. It required finding and searching for the items across multiple documents; previous year CAFRs and current year budget documents for each city, and CalPERS Actuarial Reports for each separate pension plan held for each city. Further, Scotts Valley CAFR documents were not even searchable. Given the magnitude of the risks posed by unfunded pension liabilities, and the likely need for political will to effectively mitigate their impacts, we believe that SCC Cities’ CAFR documents and budget documents should have a section devoted to pension risk that contains the data items above as well as an accounting of risk mitigation plans and actions.

There is one other area of non-transparency with regard to pension risk. This relates to the *discount rate* used to calculate the *total liability* of pension funds. Promises to pay workers based on defined-benefit formulas are essentially guaranteed, deferred compensation. Many finance experts say that since this is a guaranteed promise, the discount rate used to calculate the current liability of guaranteed cash flow payments should align to the *risk-free rate of return*. Since accounting practices allow funds to use the *assumed rate of return* to make this calculation, total liabilities are significantly underestimated. Mitchell and Friedberg say “*the fundamental flaw is that over the years employees were offered a future benefit that was not properly collateralized.*”<sup>[64]</sup> This leads to the possibility of the following effects:

- Future taxpayers (in 20 to 30 years) will have to pay for services rendered today through reduction in available funding for their service needs due to unfunded liability debt payments.
- Current local government workers may not receive the benefits they were promised due to failing jurisdictions.
- Loss of public sector competitiveness for employment of skilled workforce, due to unfulfilled pension promises.

The Grand Jury believes that transparency requires the public tracking of this debate in local government communications.

As we expanded our scope of risk assessment for cities beyond pension costs, we were unable to find documentation, prepared by the SCC Cities, for a broader systemic treatment of financial risk. As documented in our section on financial risk, the assessment published by the Auditor’s Office provided a transparent framework to evaluate and communicate financial risk.<sup>[65]</sup> Data, maps, methodologies, and sources were provided for user interaction. We believe this approach to financial risk transparency should be emulated by SCC Cities.

Finally, as we looked for even broader assessments of varying types of risk (strategic, hazard, financial, operational), we found nothing except for liability risk funding and financial risk narratives in budget documents and local hazard mitigation plans. There were no risk profiles or risk registers to communicate the full measure of risk facing SCC Cities or the status of risk mitigation actions.

The message from this section is that effective transparency may provide the understanding and political will to actually take effective action. This is especially critical with regard to the residents of each SCC city. Perhaps if they could view understandable data and information showing what they and their children will have to give up for overly generous pension benefits, then political action would be possible.

Effective transparency creates an opportunity for action at times when there is no crisis. From the summary above, we can see that there were plentiful signals of financial distress from Grand Jury reports, media stories, research papers. However, little action was taken to reduce the actual level of risk for financial distress. Now, in the emerging financial crisis we have to ask what we can do, now and in the future, to avoid being rocked by the shocks.

## Conclusion

In this report, the Grand Jury has articulated authoritative and consensus requirements for robust risk identification, assessment, management, and communication. These requirements and standards were then used to evaluate the risk profile for each of the cities in SCC and the state of risk management practices currently in place. Our findings indicate that all of our cities are just one economic shock away from serious financial distress and that their current approach to risk management is not adequate to effectively manage and mitigate the range of risks that are typically confronted by local governments. With the emergence of the COVID-19 pandemic and the resulting economic consequences, the financial risk and associated operational risks we discussed will likely be realized. We will soon see how the cities move forward to minimize the impacts of the current crisis. It is also the time to ask if there are ways that we can better prepare for the future shocks that will come our way. The Grand Jury hopes that our findings and recommendations contribute positively to this discussion.

## Findings

- F1.** RISK ASSESSMENT: As the Auditor's Office is an authoritative source of studies and assessments for the State Legislature, we find that the risk assessment methodology used by the Auditor's Office is a valid and valuable approach to assessing financial risk for all SCC city jurisdictions and communicating that risk to stakeholders.
- F2.** RISK ASSESSMENT: All SCC Cities did not fully consider the calculated high risk indicators from the Auditor's Office and their potential impacts on city operations, services, and capital assets/infrastructure.
- F3.** RISK ASSESSMENT: The state of risk determined for all SCC Cities by the Auditor's Office in 2017 remained largely unchanged through 2019.
- F4.** RISK ASSESSMENT: Pension costs contribute a higher level of financial risk to all SCC Cities than is accounted for by city documents.
- F5.** RISK ASSESSMENT: Financial Risk Indicators alone are not adequate to effectively understand the risks facing all SCC Cities.
- F6.** RISK ASSESSMENT: All SCC Cities do not fully identify, assess, track, and report key risk indicators that reflect the state of strategic, financial, operational, or hazard risk.
- F7.** RISK ASSESSMENT: All SCC Cities do not adequately evaluate the possible interactions between risks that may inhibit or enhance the objectives of each city.
- F8.** RISK ASSESSMENT: All SCC Cities either do not maintain or do not publish a report card on the state of key infrastructure that can be used to set funding priorities and manage operational and hazard risk.

- F9.** RISK MANAGEMENT: Although all of the cities of SCC are preparing for increased pension costs due to current amortization schedules, they are not adequately preparing for risk associated with significant or sustained investment shortfalls in CALPERS due to economic shocks (e.g. caused by Coronavirus) or a recession.
- F10.** RISK MANAGEMENT: Except for the area of hazard (i.e. loss) risk management, in all SCC Cities, there is no formal method to define, track, manage, and communicate risks at the enterprise level of SCC city government.
- F11.** GOVERNANCE: All SCC Cities do not have a publicly articulated pension Unfunded Actuarial Accrued Liability (UAAL) funding policy that recognizes potential pension cost risks and community expenditure/revenue priorities.
- F12.** TRANSPARENCY: All SCC Cities do not adequately meet key requirements for transparency as defined by the GFOA.
- F13.** TRANSPARENCY: All SCC Cities do not provide standard and understandable reporting with regard to: Pension Costs and Associated Impacts (past, current, and projected); Service Level Performance Metrics; State of Key Infrastructure; Risk Assessments and Mitigation Plans for Finance, Operational, and Hazard Risks.

## Recommendations

- R1.** By June 30, 2021: all SCC Cities should become familiar with and adopt the Auditor's Office risk assessment framework or a similar framework to assess financial risk. (F1)
- R2.** By June 30, 2021: all SCC Cities should evaluate and communicate the implications of the financial risk trends indicated in the analyses calculated from the Auditor's Office methodology. (F2, F3)
- R3.** By June 30, 2021: all SCC Cities should publish a standard report annually that is an understandable summary of pension risk, including a narrative on the implications of market valuation versus actuarial valuation of accrued total liabilities. (F4, F12, F13)
- R4.** By June 30, 2021: all SCC Cities should identify a suite of risk indicators that support an integrated assessment of all risk types that can inhibit the ability of the city to meet its objectives. Enterprise Risk Management (ERM) provides an example of the risk types that should be considered. (F5, F6)
- R5.** By June 30, 2021: all SCC Cities should adopt the practice of Bowtie Analysis, or an equivalent method, to support the understanding of risk interactions, the establishment of risk controls, and the communication of a city risk profile. (F7, F10, F12, F13)
- R6.** By June 30, 2021: all SCC Cities should publish their own infrastructure risk report cards and any data they make available to county and state level risk assessments. (F8)

- R7.** By June 30, 2021: all SCC Cities should evaluate the costs and benefits of implementing an Enterprise Risk Management Framework to better integrate risk management across all types of risks (Strategic, Financial, Operational, Hazard). This could take many forms, one being a shared capability through a risk sharing Joint Powers Authority (JPA). The key will be designating clear authority and responsibility for integrated risk management. (F10)
- R8.** By June 30, 2021: all SCC Cities should develop financial models that project the possibilities of realistic financial scenarios; and use these projections in their risk management practices. (F13)
- R9.** By January 1, 2021: all SCC Cities should develop or adopt contingency plans for realistic negative financial performance scenarios associated with CALPERS investment shortfalls (for shock and sustained downturns). (F9)
- R10.** By June 30, 2021: all SCC Cities should develop and publish a policy regarding control of retirement costs (pension and Other Pension Employee Benefits) and funding remedies for unexpected bills presented by CalPERS. (F11)
- R11.** By June 30, 2021: all SCC Cities should develop a plan to align with the Government Financial Officers Association (GFOA) Financial Transparency Initiative. This should be extended to risk management transparency. (F6, F8, F10, F12, F13)

### Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
City Council of Capitola	F1–F13	R1–R11	90 Days September 17, 2020
City Council of Santa Cruz	F1–F13	R1–R11	90 Days September 17, 2020
City Council of Scotts Valley	F1–F13	R1–R11	90 Days September 17, 2020
City Council of Watsonville	F1–F13	R1–R11	90 Days September 17, 2020

## Requested Responses

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City Manager of Capitola	F1–F13	R1–R11	90 Days September 17, 2020
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City Manager of Scotts Valley	F1–F13	R1–R11	90 Days September 17, 2020
City Manager of Watsonville	F1–F13	R1–R11	90 Days September 17, 2020
City Finance Director/Risk Manager of Capitola	F1–F13	R1–R11	90 Days September 17, 2020
City Finance Director/Risk Manager of Santa Cruz	F1–F13	R1–R11	90 Days September 17, 2020
City Finance Director/Risk Manager of Scotts Valley	F1–F13	R1–R11	90 Days September 17, 2020
City Finance Director/Risk Manager of Watsonville	F1–F13	R1–R11	90 Days September 17, 2020

## Defined Terms

- **Actuary:** A professional who assesses and manages the risks of financial investments, insurance policies and other potentially risky ventures. <sup>[66]</sup>
- **Actuarial Accrued Liability (AAL):** The present value of projected benefits for retirees plus a portion of expected OPEB for active members that have been earned but are not going to be paid in the current year. <sup>[67]</sup>
- **Actuarially Determined Employer Contribution (ADEC):** The amount actuarially calculated each year that is required to be contributed by an employer to a pension plan’s pool of assets in order to ensure there will be enough funds to pay promised pension benefits. The contribution rate can be reported either in dollars or a percent of salary. Actuaries annually determine how much should be paid by employers in a given year in order to properly fund a pension plan. This amount is a combination of the employer’s share of normal cost plus the unfunded liability amortization payment.

- **Actuarial Required Contribution (ARC):** Using pension plans' own economic and demographic assumptions, the calculation includes the expected cost of benefits earned for the current year and an amount to reduce some of the unfunded liability. Under prior rules, the ARC calculation included in governmental financial statements had to conform to the Governmental Accounting Standards Board's (GASB) regulations, but it is no longer a required disclosure.<sup>[68]</sup>
- **Asset Shock Scenario:** An initial adverse shock followed by low returns over the long term. The scenario is based on the Federal Reserve's scenarios for stress testing under the Dodd-Frank Act.<sup>[69]</sup>
- **Assumed Rate of Return:** The investment return target and the result that a pension plan estimates its investment allocation mix will deliver.<sup>[70]</sup>
- **Assets:** Tangible or intangible items obtained for producing additional income or held for speculation in anticipation of a future increase in value. Examples of classes of assets include: equity (public stocks), fixed income (bonds), private equity (private stocks), real assets (real estate), complex financial instruments (hedge funds), cash or cash equivalents (money market funds).
- **Asset Allocation:** Asset allocation is an investment strategy that aims to balance risk and reward by apportioning a portfolio's assets according to an individual's goals, risk tolerance, and investment horizon. The three main asset classes - equities, fixed-income, and cash and equivalents - have different levels of risk and return, so each will behave differently over time.<sup>[71]</sup>
- **Availability Bias:** Details that are more easily recalled (because they occurred recently or were attached to a particularly vivid experience) are overweighted when assessing risk. For example, when preparing for future potential extreme events, a city government might over-prepare for an event that has happened in the recent past or that happened somewhere else and received a lot of media coverage. As a result, the city might then under-prepare for a different kind of extreme event that is actually more likely to occur in the future.<sup>[72]</sup>
- **Black Swan:** An unpredictable event that is beyond what is normally expected of a situation and has potentially severe consequences. Black swan events are characterized by their extreme rarity, their severe impact, and the widespread insistence they were obvious in hindsight.<sup>[73]</sup>
- **Bonds:** An instrument of indebtedness of the bond issuer to the holders. It is a debt security, under which the issuer owes the holders a debt and, depending on the terms of the bond, is obliged to pay them interest (the coupon) and/or to repay the principal at a later date, termed the maturity date.<sup>[74]</sup>
- **Bowtie Analysis:** A risk evaluation method that can be used to analyse and demonstrate causal relationships in high risk scenarios. The method takes its name from the shape of the diagram that you create, which looks like a men's bow tie.<sup>[75]</sup>



- **CalPERS:** California Public Employees' Retirement System. The mission of the organization is “Deliver retirement and health care benefits to members and their beneficiaries” A significant portion of their task is the management of investments and risk to assure future benefits can be paid.
- **Confirmation Bias:** Random patterns will be taken as solid evidence if they match a preconceived expectation. For example, if school administrators implement a new program and student test scores go up by even a small amount, it might be interpreted as evidence of the program’s success rather than just the product of random variation in student test scores that naturally occurs from year to year.<sup>[76]</sup>
- **Consequence:** Outcome of an event affecting objectives that can be expressed qualitatively or quantitatively.<sup>[77]</sup>
- **Defined Benefit (DB) Plan:** The employer promises a specific amount of monthly retirement income based on a formula that typically considers the employee’s salary, years of service, and age.<sup>[78]</sup>
- **Defined Contribution (DC) Plan:** Provides employees with an individual retirement account that grows through investment of accumulated employer and employee contributions. Annual returns are generally based on investment performance and are not typically guaranteed. DC plans can provide workers with access to annuities upon retirement.<sup>[79]</sup>
- **Discount Rate:** Used to discount future cash flows in discounted cash flow (DCF) analysis.<sup>[80]</sup>
- **Enterprise Risk Management (ERM):** An effective agency-wide approach to addressing the full spectrum of the organization’s significant internal and external risks by understanding the combined impact of risks as an interrelated portfolio, rather than addressing risks only within silos.
- **Economic Shock:** Any change to fundamental macroeconomic variables or relationships that has a substantial effect on macroeconomic outcomes and measures of economic performance, such as unemployment, consumption, and inflation.<sup>[81]</sup>
- **Employer Contribution Rates:** Total amount paid by local government for pension costs, expressed as a percentage of payroll.
- **Equities:** Stocks held by investors that represent ownership in a piece of a company. They can be domestic or international. Equities do not guarantee a specific rate of return and thus are generally riskier than fixed-income investments. But equities also have the potential for higher returns, and shareholders’ investments may grow rapidly with the market.<sup>[82]</sup>
- **Financial Distress:** From a short-term perspective, fiscal [dis]stress can be defined as the [in]ability to make payments in a timely manner. In the long-term, fiscal [dis]stress is expressed as a gap between a local government’s tax base or revenues relative to its expenditures and commitments.<sup>[83]</sup>

- **Future Pension Cost:** A financial indicator that measures the future financial burden of a city's pension costs by comparing its projected annual required contributions to its present level of annual revenues. Rising pension costs may supplant a city's other spending priorities and potentially cause it to curtail critical services, unless it is able to generate additional revenues to offset these increasing costs.<sup>[84]</sup>
- **Fixed Income:** Investments in which returns are predictable and paid at designated times. These can include domestic or international bonds. Because fixed-income investments generate predictable streams of income, they are generally considered low risk.<sup>[85]</sup>
- **Funded Ratio:** The level of assets at market value in proportion to accrued pension liability. This is an annual point-in-time measure, as of the valuation date.<sup>[86]</sup>
- **GAO:** Government Accountability Office.
- **GASB:** Governmental Accounting Standards Board.
- **GFOA:** Government Finance Officers Association.
- **Hybrid Retirement Plan:** Combines a defined benefit based on the employee's final average salary with a separate defined contribution savings account.<sup>[87]</sup>
- **Likelihood:** Refers to the chance of something happening, whether defined, measured or determined objectively or subjectively, and described using general terms or mathematically (such as a probability or a frequency over a given time period).<sup>[88]</sup>
- **Level of Risk:** Magnitude of a risk expressed in terms of the combination of consequences and their likelihood.<sup>[89]</sup>
- **Miscellaneous Pension Plans:** Provides defined-benefit deferred compensation to retirees from public agencies (except police and fire).
- **Net Pension Liability:** Current-year pension debt calculated as the difference between the total value of pension benefits owed to current and retired employees or dependents and the plan assets on hand. Pension plans with assets greater than accrued liabilities show a surplus.<sup>[90]</sup>
- **Normal Cost:** The cost of benefits earned by employees in any given year. Also called service cost.<sup>[91]</sup>
- **Own Source Revenue (OSR):** Revenues raised directly by state and local governments, generally excluding funds from the federal government.<sup>[92]</sup>
- **Overconfidence Bias:** A tendency to be overconfident in our ability to predict the future and to underestimate the degree of uncertainty we face. Experimental evidence has shown people usually underestimate uncertainty by approximately 50 percent.<sup>[93]</sup>
- **Pay-as-you-Go:** Contributions pay for benefits as they come due, rather than pre-funding benefits as they are earned.<sup>[94]</sup>

- **Pension Debt/Unfunded Liabilities:** The difference between the total value of pension benefits owed to current and retired employees or dependents and the plan assets on hand. This is an unfunded obligation for past service. The data reflect the Governmental Accounting Standards Board (GASB) standards in effect at the time. Before 2014, the data represent the unfunded actuarial accrued liability. In 2014 and after, this is reported as the net pension liability. Pension plans with assets greater than accrued liabilities show a surplus. [\[95\]](#)
- **PERF:** Public Employees' Retirement Fund.
- **Private Equity:** An asset class consisting of equity securities and debt in operating companies that are not publicly traded on a stock exchange.
- **Real Assets:** Physical or tangible assets, such as precious metals, commodities, or oil, as opposed to financial assets. [\[96\]](#)
- **Revenue Trends:** A measure of the extent to which a city's general fund revenues are increasing or declining over time.
- **Risk:** An uncertain event or sequence of events that if realized may inhibit or enhance the accomplishment of an organization's objectives.
- **Risk Register:** A record of information about identified risks. [\[97\]](#)
- **Risk Management:** Coordinated activities to direct and control an organization with regard to risk. [\[98\]](#)
- **Risk Management Processes:** Systematic application of management policies, procedures and practices to the tasks of communicating, consulting, establishing the context, identifying, analyzing, evaluating, treating, monitoring and reviewing risk. [\[99\]](#)
- **Risk Pool:** An intergovernmental arrangement through which a group of public entities – the members – contribute to a shared fund that pays for claims and thus distributes the burden of risk across all members of the pool, reducing the burden to any individual member. [\[100\]](#)
- **Risk Profile:** A description of a set of risks. [\[101\]](#)
- **Risk Transfer:** Sharing with another party the benefit of gain, or burden of loss, from the risk; passing a risk to another party. [\[102\]](#)
- **Risk-Free Rate of Return:** The theoretical rate of return of an investment with zero risk. [\[103\]](#)
- **Safety Pension Plans:** Provides defined-benefit deferred compensation to retirees from public safety agencies (police and fire).
- **SCC:** Santa Cruz County.
- **SCC Cities:** Capitola, Santa Cruz, Scotts Valley, Watsonville.
- **State Policy (behavioral) Assumption:** Condition applied to Pew's stress test analysis that assumes strict adherence to current actuarial funding requirements based on states' written contribution policy. [\[104\]](#)

- **Total Liabilities:** Total value of pension benefits owed to current and retired employees or dependents based on past years of service; sometimes referred to as the actuarial accrued liability (AAL).<sup>[105]</sup>
- **Transparency:** Government's obligation to share information with citizens that is needed to make informed decisions and hold officials accountable for the conduct of the people's business.<sup>[106]</sup>
- **Unfunded Actuarial Accrued Liability (UAAL):** Calculated by subtracting the actuarial value of the assets from the actuarial accrued liability (AAL) of each fund.<sup>[107]</sup>

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**Site Visits**

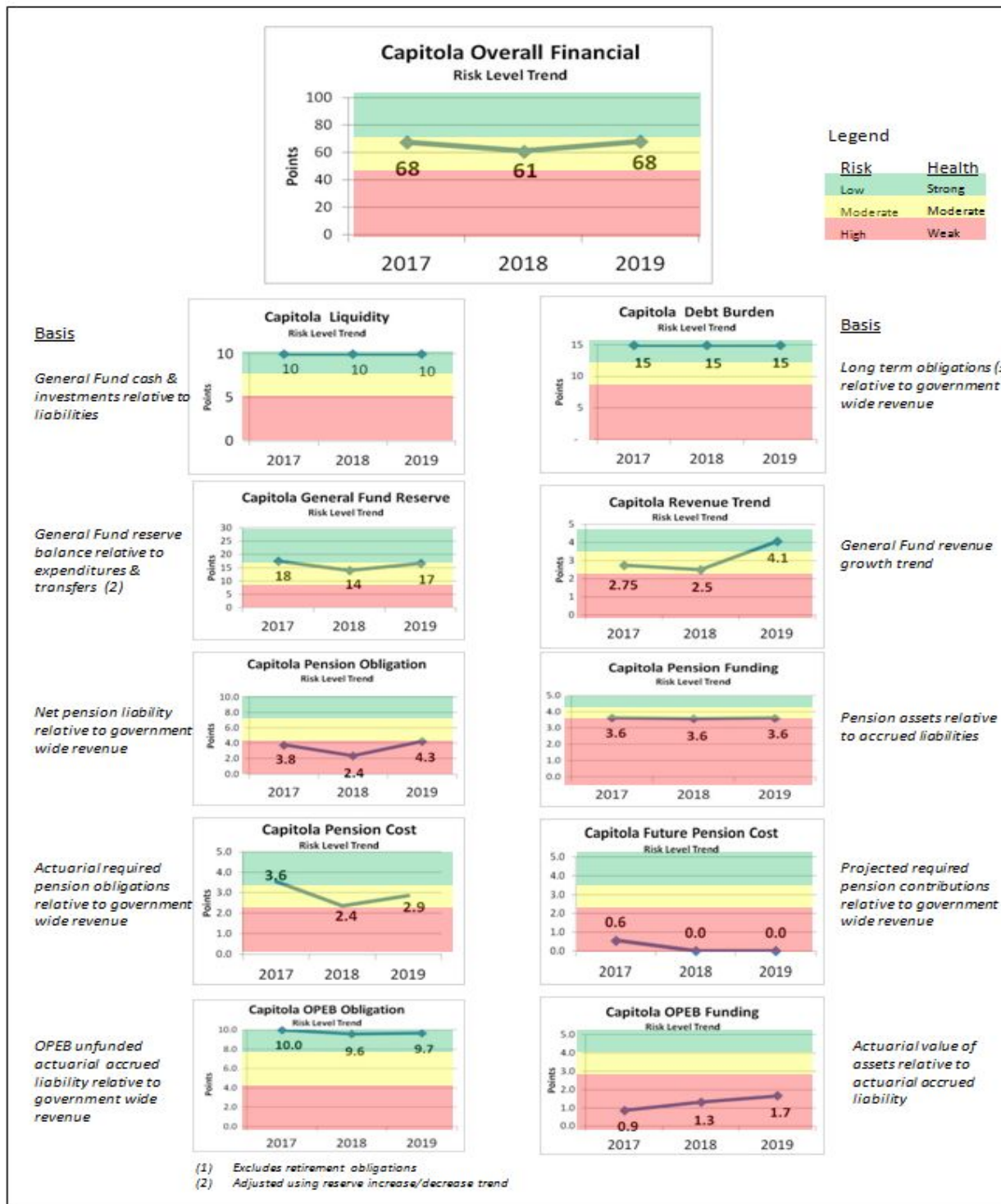
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**Websites**

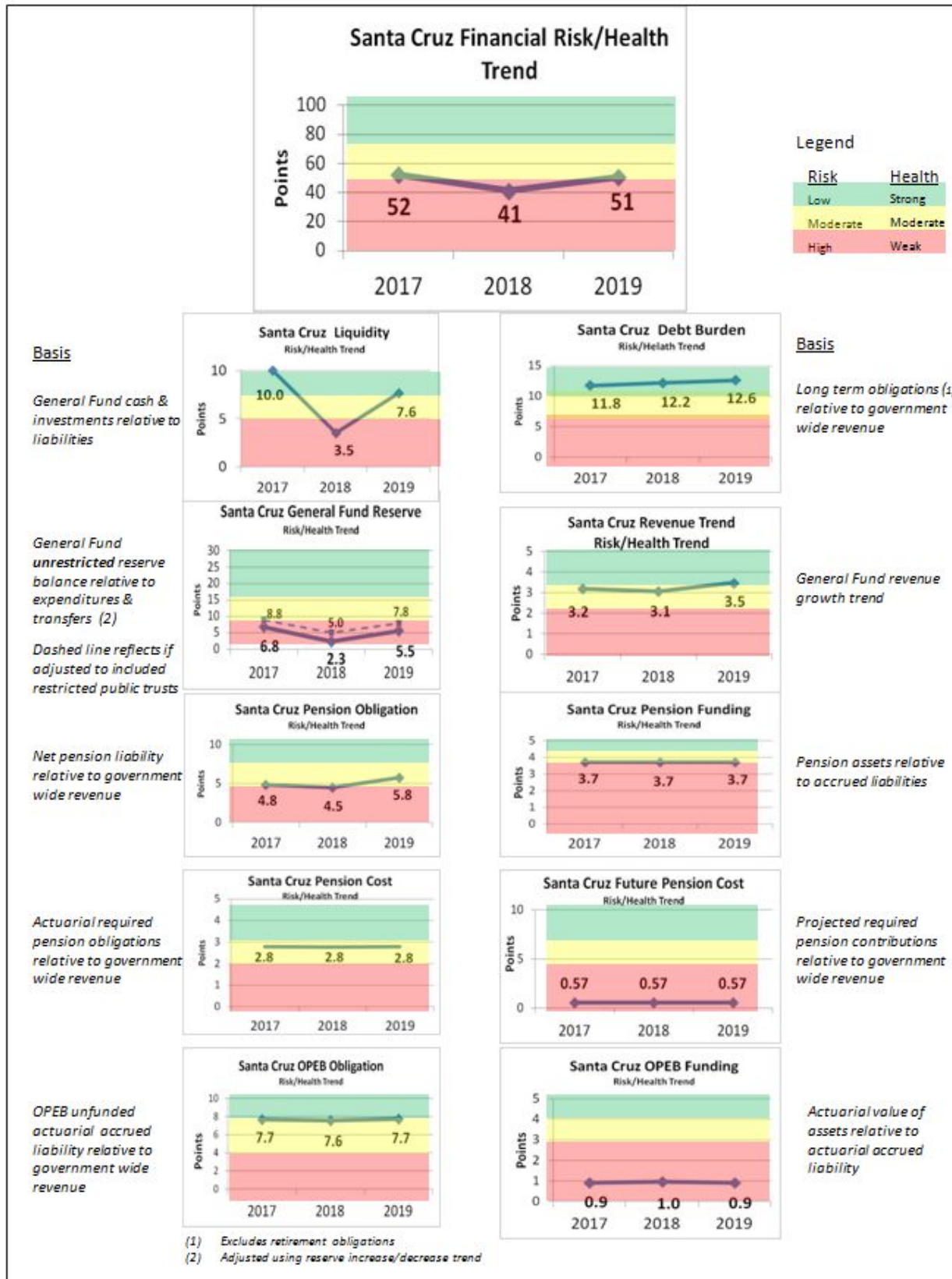
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## Appendix A City Fiscal Distress Risk Assessment Trends by Financial Indicator<sup>[108]</sup>

### City of Capitola Financial Risk Trend

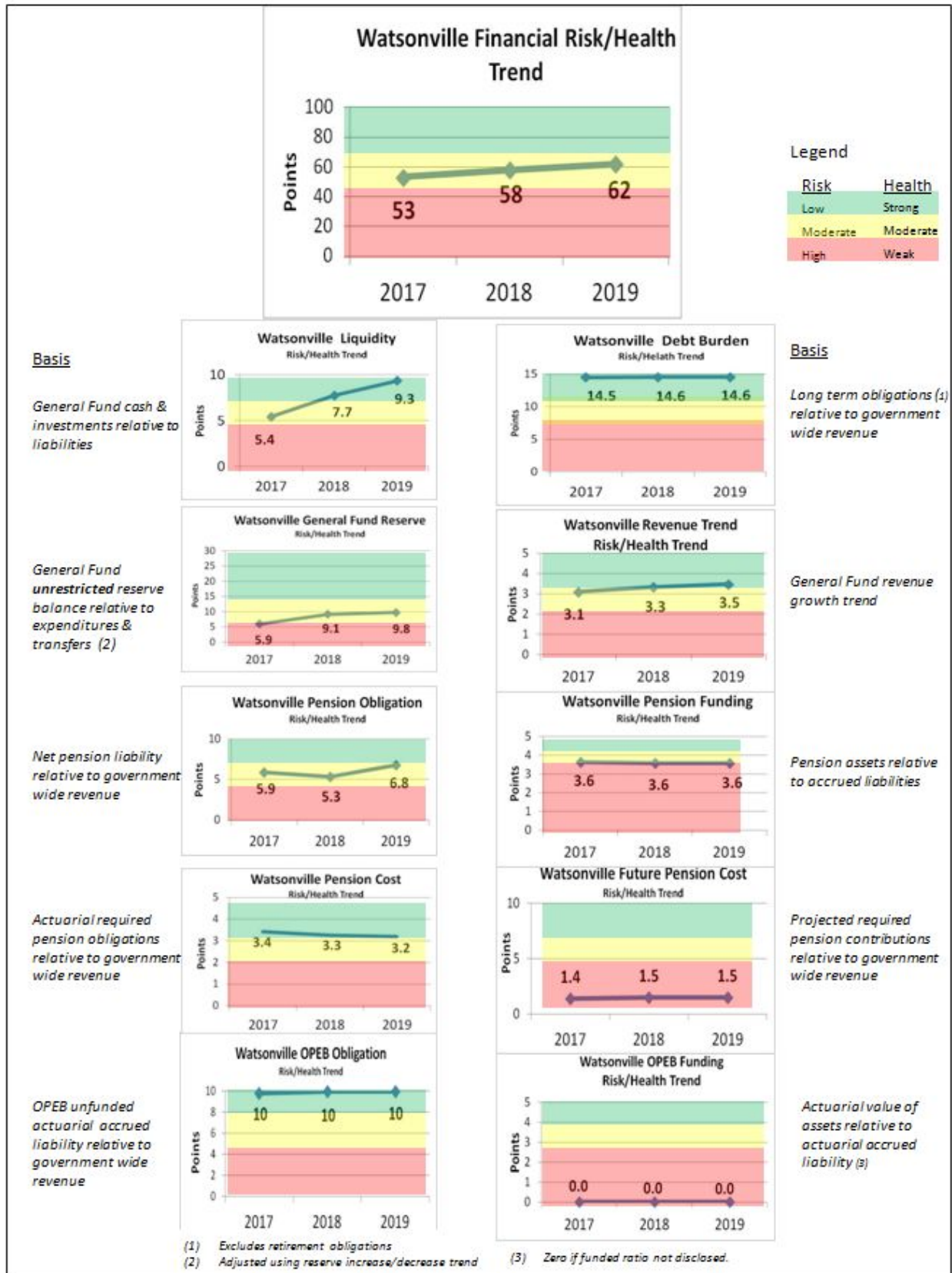


### City of Santa Cruz Financial Risk/Health Trend

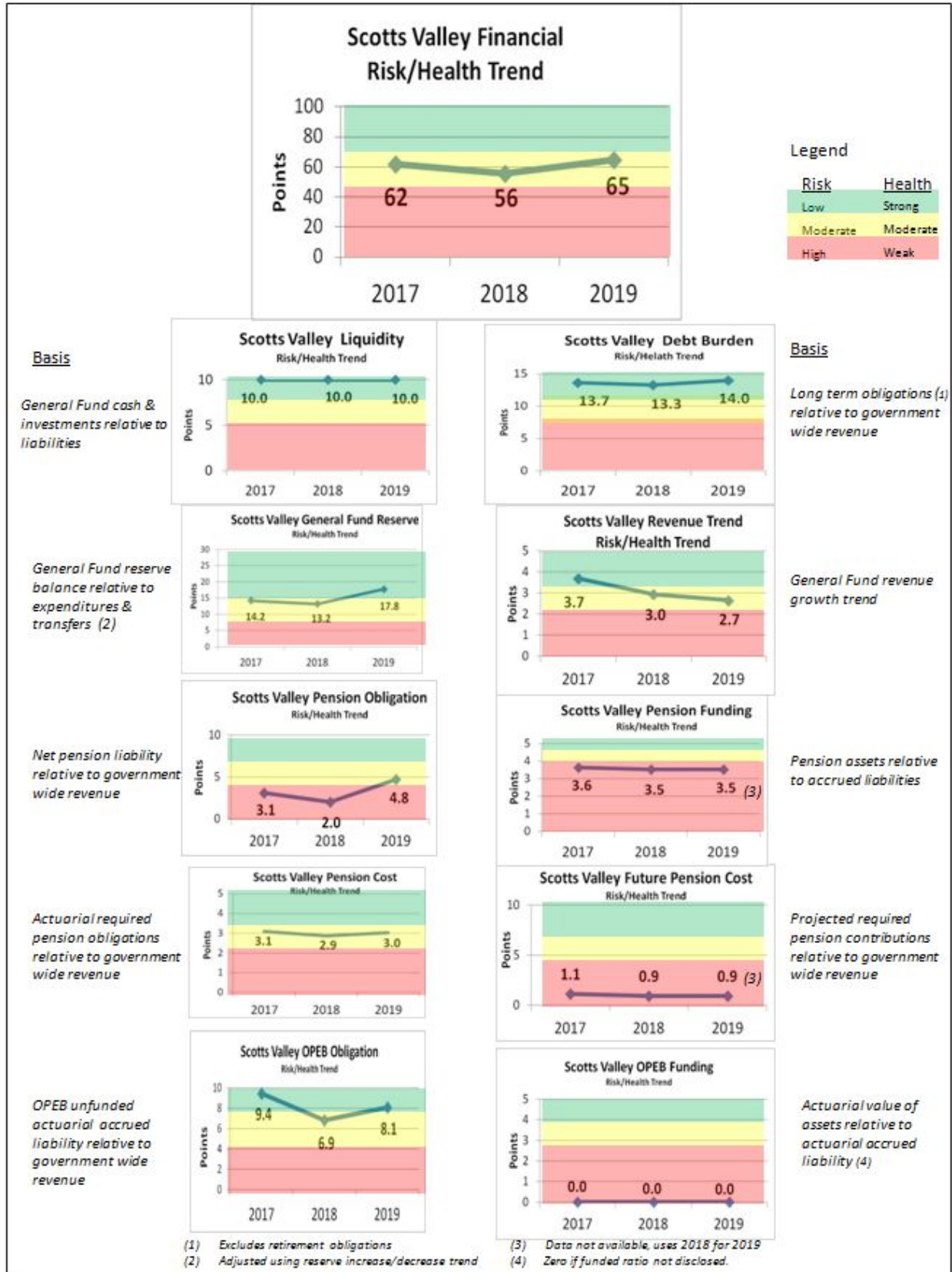




### City of Watsonville Financial Risk/Health Trend



### City of Scotts Valley Financial Risk/Health Trend





## Fail in the Jail

### No Lights, No Camera, No Action?

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#### Summary

On September 28, 2019 an unplanned power failure at the Santa Cruz County Main Jail resulted in the loss of critical capability to provide safe and secure management of the jail. While the risks were known well in advance of the failure event, steps to manage and mitigate the risks were not taken. Established, comprehensive policies for power management in an emergency were in place, but those policies were not followed. Evidence of process improvement and risk management practice after the event is as yet unproven.

## Background

The Grand Jury received the *County General Services After-Action Report/Improvement Plan 10/3/2019*<sup>[1]</sup> (After Action Report) by document request. The power failure described occurred during the same months as the PG&E Public Safety Power Shut Off (PSPS) events of 2019.<sup>[2]</sup> The subject power failure was not related to these planned PSPS events.

The After-Action Report described the events of September 28-29, 2019 as follows:

*At approx. 3:49pm PG&E experienced an equipment failure causing a cut of PG&E supplied power to the Main Jail and 701 Ocean Street campuses. Impacted facilities included 141 Blaine Street Women's Jail, Main Jail, 271 (Yellow House) Water Street, 701 Ocean Street, and 691 Ocean Street (Fleet).*<sup>[3]</sup>

The power failure lasted approximately 26 hours.

As described in the After Action Report, critical services were lost and backup failed to properly operate in several critical areas. Clearly, the safety of inmates and jail personnel was compromised. This cannot be tolerated. Leadership, ownership, and accountability must be evident across the County administration.

## Scope and Methodology

Through interviews and document requests, the Grand Jury sought evidence of management of the policies as outlined in the Sheriff's policy manual for detention facilities.<sup>[4]</sup> Using the documented After Action Report<sup>[5]</sup> we conducted limited interviews of key personnel to confirm or refute the findings of that report and investigate the follow-up actions taken to remove risks and improve operational effectiveness and capability.

Note that while this power outage affected other facilities including the 701 Ocean Street Government Center, these were not covered by this investigation. There is a detailed chronology describing the events and state of emergency throughout the 26-hour power outage. This report will not cover the hour-by-hour events but rather will report on the risk management and mitigation capabilities, which should have been operational and which need to be implemented to ensure safety and security.

The County of Santa Cruz General Services Department and Sheriff's Department were contacted by the Grand Jury to confirm that all critical operation and procedural processes have been repaired to provide secure operation of the jails during power failure events. Proper management oversight and review were probed. The Grand Jury looked for review and financial support decisions, as taken by the Board of Supervisors, required for operations and capital investment. The Grand Jury also examined test and validation of critical operational capabilities.

We sought to confirm that objectives were set for monitoring and management of emergency preparedness. Regarding communications, we investigated how the elected officials were kept informed, before, during, and after the event.

Operationally, reviews and exercises should be regularly conducted to verify progress. The Grand Jury sought confirmation of training of personnel for after-action procedural improvements.

### *Incomplete Investigation and Interviews*

Please note that the Grand Jury was not able to schedule all desired interviews, or receive all requested documents, from the Sheriff's Dept to fully substantiate (inform) our facts, findings, and recommendations. These difficulties predated the March 2020 COVID-19 pandemic restrictions.

Facts and findings in this report may consequently be incomplete or require further investigation in the future.

## **Investigation**

### ***Policy***

The Grand Jury examined the "Santa Cruz County Sheriff's Office Correction's Policy Manual", "Policy 403, Emergency Power and Communications."<sup>[6]</sup> Specifics in that policy include:

- *403.1: PURPOSE AND SCOPE - guidelines regarding back-up power and communication systems, and the inspection, preventive maintenance and testing of the systems to ensure a seamless transition in the event of a loss of power; ensure that power to critical systems and communications continues to operate within the facility in the event of a loss of power.*
- *403.2.1 PREVENTIVE MAINTENANCE -*
  - *It is the responsibility of the Sheriff and Chief Deputy to ensure that there is sufficient emergency power to operate all essential lighting, security equipment, safety equipment, and communications systems.*
  - *The emergency power system should have sufficient fuel to allow the facility to operate continuously for a three-day period, if necessary, without external resources.*
  - *The emergency power system should be inspected, tested, and maintained as necessary.*
  - *In the event that the system fails, the Chief Deputy or Sergeant should contact the designated maintenance authority or repair company to obtain necessary repairs as soon as practicable.*
  - *If the emergency power system cannot be repaired within eight hours, portable emergency generators should be secured as a temporary emergency power source until the repair or replacement of the primary system occurs.*

- 403.2.2 SAFETY AND SECURITY -
  - *All safety and security equipment will be repaired or replaced in an expedited manner by qualified personnel.*
  - *In the event that safety and security equipment become inoperable or damaged and it is not safe to operate a secure portion of the facility, that portion of the facility should be vacated and the inmates housed elsewhere. Or, staffing should be increased sufficiently for the area to remain safe and secure until the repair can be completed.*
- 403.2.3 INSPECTION AND TESTING -
  - *The Chief Deputy or the authorized designee is responsible for scheduled testing of emergency power systems (15 CCR 1029).*
  - *All emergency equipment and systems should be inspected and tested by a qualified individual at least quarterly.*
  - *Power generators should be inspected and tested by a qualified individual at least weekly.*
  - *All testing and inspections shall be documented and the results included in a report to the Chief Deputy.*

#### **After-Action Report: Issues**

The Grand Jury has learned the following regarding these policy specifications: According to the After-Action Report,<sup>[7]</sup> Sheriff operations reported

*...limited operational abilities due to power outage that had a potential for imminent risk to health and safety of inmates and workers of the Jail facilities. Power Generator was unable to support the following systems:*

- *No Ventilation in Main Jail,*
- *No overhead lights in main jail housing units,*
- *no perimeter cameras,*
- *Fire evacuation doors became inoperable,*
- *No lighting in booking area,*
- *no power to kitchen,*
- *pre-book arrests had to be completed via paper method.*

*All causing significant threats to safety of inmates and jail personnel.*<sup>[8]</sup>

These are clear lapses in the compliance with the Policy 403 detail outlined above. We were unable to determine how the jail staff complied with Policy 403.2.2, specifically whether inmates were vacated and moved to another part of the facility, or if staffing was increased.

In addition, the After-Action Report stated that:

- *No Policy or Procedures were identified depicting response timeframes and what to do when response is required. No Policy or Procedures are documented depicting the response or monitoring responsibility of On-call Staff.  
Although sufficient levels of fuel were on site, the fuel was not accessible as had been relied on.*
- *Procedures and Policy for obtaining additional fuel are not documented. Systems were not double checked to ensure that all fuel sources were available to maintain 72 hours of operational time and procedures to obtain additional fuel were not documented.*
- *The Main Jail generator does not supply sufficient power to maintain mission critical operations and presents significant health and safety concerns for inmates and staff employed at the Jail facilities. Current generators can only power about 10 – 15% of Jail facilities when in failure backup mode. Based on the mission critical operations, additional power generation is needed to properly power Main Jail Campus services. Extensive engineering is needed to upgrade Emergency Electrical Systems to be effective in maintaining basic mission critical services.*
- *When the fuel shortage was identified at approximately 2 a.m. on-call staff should have immediately elevated the concern to upper management. No procedures are documented identifying when issues should be elevated....  
Based on the severity of the event, protocols should be followed to trigger elevated communication.<sup>[9]</sup>*

It was notable that during our interviews, we learned that contract personnel responsible for power operations in the jail were unaware of Policy 403. In addition, personnel with responsibility for power infrastructure recovery and redesign at the jail had not seen the After Action Report. And the issues with fuel availability which surfaced throughout the outage were not communicated or elevated to upper management. The Grand Jury found no evidence of written procedures for escalation of emergency conditions. This was also stated as referenced earlier in the After Action Report.

### **Backup Capability**

The Grand Jury interviews explored what was known before, during, and after the outage event concerning the required backup capability as described in Policy 403.2.1.

What was known by General Services engineering staff was that the backup generators could deliver 90% *of minimum systems requirements*, not full power. Thus, even in the best-case scenario, the jail would have had to operate in an impaired state. As we discovered, at the time of the power outage, two of the three backup generators at the jail were down for repair awaiting parts. This state of disability of the backup system existed for 6 months prior to the outage. At the time of the power outage it was believed by those interviewed that if all three generators were available they would have supplied

about 90% of required power. However, reconciling these facts, according to our interviews, the actual backup power capacity was a much lower portion of total power consumption. 90% of the minimum system requirements amount to 45% of the total power consumption of the facility.

### *The Backup Generators*

The jail is backed up by two Capstone natural gas turbines (65 KW each) plus a reciprocating diesel generator (100 KW). (The diesel generator is what provided the 10% of power the jail had during the failure). On September 28, 2019, the Capstone turbines were inoperable. They were configured in a primary/secondary arrangement. The primary went down which therefore left the secondary turbine generator inoperable. As stated above, this failed state existed for 6 months.

### *Maintenance and Staffing*

We learned that the County had problems getting replacement parts for the failed generator. Exacerbating the problem, the number of maintenance staff, who work on these systems across the County, had been reduced over time from 22 down to 12 due to funding, according to management personnel.

### *Steps Taken*

The design of a new generator system has been undertaken under a county contract with Prime Design. This project, including funding for the new generator system, was funded and authorized by the Board of Supervisors in a budget letter approved February 25, 2020. It is estimated that it should take 1 to 1 ½ years to have a proper working generator installed and operable. Data loggers are being added to measure peak and average load in order to monitor and size the required backup capability.

The County now has a maintenance contractor for the main jail, under the purview of the County General Services Department. This maintenance agreement, which includes performance specifications, engages Peterson Power. In addition, the Sheriff's Department now has a contract for an emergency generator in the event that the installed backup generators fail to operate. The Grand Jury was unable to substantiate whether the emergency generators have been fully tested and procedures for connection and operation were fully documented, verified and exercised.

Both Capstone turbine generators are now running, with the diesel system on standby.

Overall, there was insufficient attention by those responsible to risk assessment and management. Gaps in execution of already existing policies were not recognized or addressed. Furthermore, the reliance on the funding and planning of new backup power generators is necessary but by no means sufficient to assure the continuous operation of critical capabilities at the County's correctional facilities. This must be addressed by leadership, methodically, routinely, and throughout all essential infrastructure elements in County correctional facilities.



## Findings

- F1.** Contract personnel responsible for power operations at the County jail were unaware of Sheriff's Policy 403, which compromises the ability to reach a memorandum of understanding (MoU) between the County's General Services Department and the Sheriff's Department for operational roles and responsibilities.
- F2.** Some personnel with power infrastructure responsibility at the County jail had never read or reviewed the After-Action Report, so they were unaware of the actions they needed to take.
- F3.** While an emergency generator has been procured, adequate testing of methods of connection and operation has not been done yet.
- F4.** Ongoing communications of status and progress before, during and after an emergency are not in evidence between Jail personnel and County General Services personnel.
- F5.** The County was non-compliant with policy regarding emergency backup at the jail and remained non-compliant for months, including fueling, maintenance, testing, and emergency backup power generation.
- F6.** No policies and procedures were identified depicting response timeframes and what to do when a response is required during an emergency; no policies or procedures are documented depicting the response or monitoring responsibility of on-call staff at the County's correctional facilities.
- F7.** The failure to escalate critical issues by key County General Services and Sheriff's department personnel is very concerning. Procedures for escalation are lacking and this creates unwanted risk.
- F8.** Robust risk management and mitigation is lacking in the County and correctional facility organizations.

## Recommendations

- R1.** The Sheriff's Department, in conjunction with the County General Services Department, should analyze and document plans to comply with stated policies by December 31, 2020. (F1, F3)
- R2.** The Sheriff's Department and the County General Services Department should have a documented Memorandum of Understanding (MoU) by December 31, 2020 for roles and responsibilities, particularly and specifically in the event of emergencies. (F3)
- R3.** The Sheriff's Department leadership and the County Administrative Officer and General Services Director should work together to provide regular communications as soon as possible with all personnel (detention, general services, leadership) who have a need to know, to provide status, project planning, and goal completion. (F2, F4)

- R4.** The Sheriff's Department and the County General Services Department should develop a document, updated quarterly, which shows compliance with Policy 403. The signed confirmation should be delivered to the Board of Supervisors by December 31, 2020. (F5, F6)
- R5.** The Sheriff's Department, in conjunction with the County General Services Department, should develop and document policies and procedures for escalation of critical issues by December 31, 2020. (F7)
- R6.** The Board of Supervisors should direct the County Administrative Officer to immediately define a risk management position, hire a qualified individual, and review all risk areas, mitigation plans and capabilities with the Board of Supervisors by June 30, 2021. (F8)

### Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F4, F5, F7, F8	R6	90 Days September 17, 2020
Santa Cruz County Sheriff/Coroner	F1, F3–F8	R1–R5	60 Days August 18, 2020

### Requested Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Administrative Officer	F4, F7, F8	R2, R3, R6	90 Days September 17, 2020
Santa Cruz County General Services Director	F1–F7	R2–R5	90 Days September 17, 2020

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## Honoring Commitments to the Public

### Review of 2016–17 Grand Jury Report Responses

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#### Summary

The 2019-20 Santa Cruz County Grand Jury investigated whether respondents to 2016-17 Grand Jury reports honored their commitments. The respondents either affirm analysis of report recommendations within six months or implementation of recommendations within a specified time in the future. We found that generally, organizations fulfilled the commitments they made to the public. Each section of this report will describe the methodology the Grand Jury used to confirm commitment, follow-through, and the findings and recommendations for future action.

The value of the Grand Jury investigation and report process comes from the actions taken and sustained.

We note that all organizations are required to create a formal record of the actions they took, and continue to take, to address Grand Jury recommendations, and to share those records with the public.

## Background

Each year the Grand Jury investigates local government organizations, makes findings, and then recommends how those organizations can serve the community more effectively and efficiently. The law requires the investigated organizations to respond to the findings and recommendations in writing. The investigated organizations receive a response packet that includes the instructions as shown in [Appendix A](#).

All reports were responded to in the required time frame in 2017. Readers interested in a more comprehensive look at the Grand Jury report and responses are encouraged to read the original 2017 report and the original responses from 2017. All may be found in the County's Grand Jury 2016-17 reports archive.<sup>[1]</sup>

This report seeks to hold the government respondents accountable to the public and to their documented commitments by researching the follow up actions and providing a view of the impact those actions have had on the effectiveness of the government. The commitments made in 2017 have now had sufficient time to bear fruit. Thus, we report them now.

Note: Any interview requests and further document requests were put on hold by the Grand Jury in Spring of 2020 due to the COVID-19 virus pandemic. Our report presented here was developed prior to this time. Government agencies' and officials' very valuable time and resources are clearly needed to deal with this public health crisis.

## Scope and Methodology

The Grand Jury requested documents to determine whether respondents took the actions indicated in their replies to the 2016-17 Grand Jury report recommendations. Table 1 summarizes the original 2017 report responses by investigative report and category of response – either to undertake “further analysis within six months” or to implement the recommendation at a specified time “in the future.” The table does not include “Has been implemented” or “Will not be implemented” responses.

Note again that the “Jails in Santa Cruz County” report was not included in the scope of this report. The Grand Jury is required by the Penal Code to inspect all jails facilities annually, and this oversight continues consistently from year to year. The Grand Jury notes that regarding the recommendation for drug scanners to be analyzed and implemented, the Sheriff's Department installed a scanner in the main jail in 2019. This action is commendable.

Specifics of each investigation will be covered in separate sections of this report, along with details on methodology, and recommendations for further follow-up to ensure that commitments and actions persist over time.

**Table 1: Summary of Responses to 2016-17 Investigative Report Recommendations which the 2019-20 Grand Jury Reinvestigated**

<b>2016-17 Grand Jury Report Title</b> <i>(link is to report section)</i>	<b>Respondent</b>	<b>Response: “Requires Further Analysis” within 6 Months</b>	<b>Response: Recommendation “Will Be Implemented in the Future”</b>
<a href="#">Every Vote Counts - A Look at Our County Elections Department</a> <sup>[2] [3] [4]</sup>	Santa Cruz County Board of Supervisors	—	R3
	Santa Cruz County Clerk	—	R1, R2
Soquel Union Elementary School District and the Brown Act <sup>[5]</sup>	Was not examined in this report.		
<a href="#">Assessing the Threat of Violence in our Public Schools</a> <sup>[6] [7] [8] [9] [10] [11] [12]</sup>	Santa Cruz County Superintendent of Schools	R4	R1, R2, R3, R7
	Santa Cruz County Sheriff	—	R2, R3, R5
	City of Capitola Police Chief	—	R5, R8
	City of Santa Cruz Police Chief	—	—
	City of Scotts Valley Police Chief	—	R8
	City of Watsonville Police Chief	—	—
<a href="#">Pajaro Valley Unified School District Bond Measure L</a> <sup>[13] [14]</sup>	PVUSD Board	R8	—
<a href="#">Sharper Solutions - A Sticky Situation That Won't Go Away</a> <sup>[15] [16] [17]</sup>	Santa Cruz County Board of Supervisors	R4, R6, R7, R8, R9	—
	Santa Cruz County Health Services Agency Director	R6, R7, R8, R9	R1, R2
Jails in Santa Cruz County <sup>[18]</sup>	Was not examined in this report.		
<a href="#">Santa Cruz Metropolitan Transit District - The Bus Stops Here</a> <sup>[19] [20] [21]</sup>	Santa Cruz Metropolitan Transit District Board	—	—
	Santa Cruz Metropolitan Transit District CEO	R9, R10, R11, R12	R14

## Investigation

This Investigation section is a composite of five separate report follow-ups. Each section below, denoted by its respective report title, contains the recommendations made in the 2016-17 reports, and the responses to those recommendations. The 2019-20 updates are then provided from each of the respondents as to whether they did take those actions as pledged.

### **Report Title: *Every Vote Counts: A Look at Our County Elections Department***

The 2016-17 Grand Jury conducted a thorough examination of our County elections procedures. The inquiry ran the gamut from intensive training of staff and volunteers; election preparation; equipment programming, security, and testing; voter registration (including military, overseas, increasingly popular vote-by-mail, and early voting); logistics and mobilization for election day; and the complexities of vote tabulation and reporting. Important post-election activities such as provisional ballots review, random precinct audits, and touchscreen vote audits that further ensure the integrity of the election results were explored. The Grand Jury enjoyed the full cooperation of the County Elections Department throughout the extensive investigation, and commended the Department's diligence, dedication, and impressive professionalism. The Grand Jury also commended the Election Department's website, [votescount.com](http://votescount.com),<sup>[22]</sup> a comprehensive and valuable public resource.

The report concluded with seven findings and made three recommendations that required responses from the County Clerk and the County Board of Supervisors.

For purposes of the current report, the Grand Jury requested that both Respondents demonstrate that the promised actions have now been fully implemented—a particularly timely request in this 2020 election year.

Recommendations made to the Santa Cruz County Clerk:

- R1.** *Continue to be proactive in evaluating voting systems that are safe, efficient, and available.*

The County Clerk responded to **R1** with a pledge of future implementation:

*As new systems become available, we will participate in evaluating them. After 2018 and the implementation of the Vote Center model in a few counties in California, Santa Cruz will need to determine if we want to pursue a Vote Center model or the current polling place model. The type of voting model will impact our voting system needs. We anticipate putting together a voter advisory group in 2018 to assist us as we evaluate our options.*

- R2.** *Once USB drives or other equipment have been connected to the County network, do not reattach to the offline vote counting systems.*



The County Clerk’s response affirmed that this recommendation already was implemented for future use:

*We have purchased additional USB drives and now have procedures in place to use a USB drive only once when taking data from our vote counting system and loading it onto the county network.*

Recommendation made to the Santa Cruz County Board of Supervisors:

**R3.** *Identify and budget requisite funds for replacement of outdated election equipment once it has been certified (state certified, federally qualified).*

The Board of Supervisors responded to **R3** with a pledge of future implementation, adding “The Board understands the need for election equipment upgrades.”

*2020 Status Update: Were commitments fulfilled?*

In October 2019, the County Clerk’s Office visited the Grand Jury to explain the new voting system operation and discuss various aspects of the election cycle - a presentation similar to several offered to the public at large to acquaint them with the new system.

More recently, answering the Grand Jury’s request for a 2020 status update, Respondents provided the following additional information on improvements to Santa Cruz County election equipment and procedures:

- Two federally qualified and state certified systems were offered to the County by the California Secretary of State.<sup>[23] [24]</sup>
- A Decision Group was formed, consisting of members from County Counsel, General Services, and Voter Accessibility Advisory Committee.<sup>[25]</sup>
- Formation of the Voter Advisory Group (originally planned for 2018) was delayed; the Elections Department plans to assemble the promised Citizen Advisory Group in 2021.<sup>[26]</sup>
- Of the two systems approved by the Secretary of State, Dominion Voting Systems was chosen, based largely on the long-established relationship of trust with the vendor.<sup>[27]</sup>
- A Staff Memo written by the County Clerk, and with approval recommended by County Administrative Officer, was presented to the Board of Supervisors at a regular public meeting on June 25, 2019.<sup>[28]</sup>
- June 25, 2019 Minutes indicate that the Board of Supervisors unanimously approved the voting system lease agreement.<sup>[29] [30]</sup>
- Deciding to opt out of the Vote Center model, the Elections Department instead developed a hybrid model of traditional polling sites plus ten Voter Service centers - the hybrid system functioned smoothly and efficiently in the March primary election.<sup>[31]</sup>
- Some modifications and refinements to this hybrid model are anticipated to further improve efficiency and accessibility for voters.<sup>[32]</sup>

In its update, the County Administrative Office (responding on behalf of the Board of Supervisors) simply confirmed that “New election equipment has been certified, leased, and deployed for use during the March 2020 Presidential Primary Election”,<sup>[33]</sup> providing a link to the Elections Department website “votescount.com” for more information.<sup>[34]</sup>

In conclusion, we find that three recommendations were made, and three responsive commitments were fulfilled. Based on the Decision Group evaluation of voting system options, the memo and presentation by the County Clerk, and the County Administrator’s recommendation, the Board of Supervisors approved the new contract and service agreement for the new voting system. The County Clerk completed all actions promised by immediately correcting a USB drive security vulnerability, and by evaluating available voting systems and efficiently transitioning to the updated system, successfully implementing its use in the Countywide primary election of March 2020.

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### **Report Title: *Assessing the Threat of Violence in our Public Schools***

The 2016-17 Santa Cruz County Grand Jury investigated the readiness of our 10 public school districts, the County’s alternative education sites, and their respective law enforcement agencies to respond effectively to threats of targeted school violence. State law requires all public school districts and county offices of education to develop a comprehensive school safety plan.

#### *2020 Status Update: Were Commitments Fulfilled?*

The Grand Jury reports and responses of 2016-2017 has been the primary source of information used to examine whether or not the respective agencies fulfilled their commitments to implement recommended actions.<sup>[35]</sup> In addition, a Santa Cruz County Grand Jury report was issued in 2018<sup>[36]</sup> to review and confirm the first step: the development and documentation of a comprehensive Countywide threat plan (‘The Plan’).<sup>[37]</sup> In that report, additional information about the Plan and the training was provided by the County Office of Education (COE). The 2018 investigation only looked at the COE and the Santa Cruz County Sheriff’s Office (CSO)’s compliance with their responses and the development of the threat assessment plan. It did not analyze or evaluate the agencies’ plans or preparations for physically securing school sites in a threat situation. This report takes that step.

We reviewed the Offices of Education websites for publicly available information and documentation, and requested documentation from the boards and law enforcement agencies to confirm actions taken as outlined in the plans. Training materials were reviewed as well as training roster attendance. As one benchmark with which to compare, the similar report made by the San Diego County Grand Jury was reviewed for best practices and opportunities to further improve.

In reviewing the 2019 report of the San Diego County Grand Jury "School Safety in San Diego County - How Prepared Are We for Another Active School Shooting?"<sup>[38]</sup> we extract these key references and observations:

- The Naval Postgraduate School's Center for Homeland Defense and Security created a K-12 school shooting in America database<sup>[39]</sup> that showed 2018 had the greatest number of incidents since 1970, and that California was one of the top three states for school shootings.<sup>[40]</sup>
- School safety is a highly complex issue to which there is no universal, inexpensive or foolproof solution. Protecting children, teachers and staff members involves considering and planning for several dozen possible crisis scenarios...although the probability is low for a school shooting to occur, it is imperative that our schools be reasonably prepared for the possibility of such an event.
- All San Diego County schools in the Grand Jury study claimed to have conducted or have scheduled drills within the current school year on emergency procedures directed towards intruders on campus, but not specifically armed assailants.

These are very consistent with the reports of the Santa Cruz County Grand Jury. The Naval Postgraduate School site includes access to their newsletter with periodic updates on new incidents, analysis of trends, historical case studies, and other findings.

In the review of County of Santa Cruz and City of Santa Cruz education department websites, an example of a very robust action plan and implementation was seen from the City of Santa Cruz school safety plan,<sup>[41]</sup> going well beyond the initial, albeit well done, Countywide plan.<sup>[42]</sup> Annual retraining and other actions are not publicly posted by the County, as is called for in the City of Santa Cruz plan.

In June 2018 the Grand Jury published a follow-up report on the Countywide plan.<sup>[43]</sup> Their recommendation was:

*The COE and CSO should continue to work together to ensure that our schools and law enforcement agencies have up-to-date resources and training in threat response, assessment, and management.*<sup>[44]</sup>

Our current report finds that indeed, as the response in 2018 indicated, that follow-up has occurred. We solicited responses from the school and police authorities who had responded to the initial report, seeking proof of their follow through.

- The school board requirements were to assure a thorough plan and associated training were conducted. This was verified through documentation received from the County Superintendent's Office. Figure 1 below provides a summary.
- Additional evidence included:
  - Meeting rosters and confirmation of mental health training; an excerpt of the slide deck used in training is shown in Figure 2 below; the training summary is shown in Figure 3 below.
  - School threat topics on regular faculty agendas.

- Reviews conducted in planning meetings.
- Cross-district School Safety Partnership meeting reviews.
- Comprehensive school safety plans from schools across the County

Thank you for your inquiry into documentation substantiating the actions committed to within the December 2017 Santa Cruz Countywide Threat Assessment Plan. Representatives from each public school district in our County were trained on how to become active and competent trainers within their respective districts on this matter and subsequently now serve as an ongoing resource for their districts and school sites. Evidence and further information about these trainings are provided in the attached agendas and correspondence.

All districts have submitted evidence of their attendance at these trainings and implementation of the Plan at their sites. The Santa Cruz County Office of Education continues to convene quarterly meetings of the School Safety Partnership and is evidenced by the attached materials. These meetings are co-facilitated through a partnership between district superintendents and public safety entities including the Santa Cruz County Sheriff's Department, the Santa Cruz County Anti-Crime Team (SCCACT), Watsonville Police Department, Santa Cruz Police Department, and Fire Chiefs representing numerous jurisdictions.

Figure 1. **Overview of evidence provided by the County Superintendent of Schools' Office.**<sup>[45]</sup>

**Local Background and Authority**

- Threat Assessment Covers: Threats of Violence by a Student
- Grand Jury Investigation (2016)
  - District
  - County
- Countywide Training: Legally Sound, Effective Guidelines for Responding to Student Threats of Violence (Spring 2017)
- Development of Santa Cruz Countywide Threat Assessment Plan (2017)
- 

Figure 2. **Extract from the Santa Cruz County Office of Education Protocol Training Package with background on training and confirmation of commitment to Grand Jury recommendation to develop Threat Assessment Plan**<sup>[46]</sup>

In addition to general meetings of the School Safety Partnership, we have launched a professional development series that offers in-depth training on important safety issues that affect students in our county. For the 2018-2019 school year, our professional development series covered the following topics: Threat Assessment Training, Introduction to Incident Command, Safety Plan Completion Workshop, LGBTQ+ Safety, Code Red (Active Shooter), and Drug Recognition: Signs and Symptoms. We also hosted a week-long active shooter scenario training in June 2019 which was made possible through our partnership with the UCSC Police Department. Scotts Valley High School hosted this training at their site.

Figure 3. **Training conducted by the County**<sup>[47]</sup>

In addition, onsite visits conducted by the Grand Jury verified that teachers were trained, aware, and prepared for the eventuality of a threat. The law enforcement requirements were to assure assignment and participation by School Resource Officers (SROs). This was verified by documentation received from the respective law enforcement jurisdictions.<sup>[48]</sup>

The Grand Jury has therefore found that the COE and CSO have honored their commitments made in the original report, and have made excellent and continued efforts to ensure safety in our schools.

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**Report Title: Pajaro Valley Unified School District Bond Measure L**

In 2012, the voters of the Pajaro Valley Unified School District (PVUSD) voted to pass Measure L, a bond measure that allocated \$150 million to repair and upgrade the district's campuses. The 2016-17 Grand Jury investigated whether the PVUSD's Citizens' Oversight Committee (COC) was meeting its mandate for financial oversight of bond expenditures and its responsibility to inform the public about the expenditure of bond revenues.<sup>[49]</sup> The 2019-20 Grand Jury sought to verify that the COC has been effectively informing the public, reporting to the PVUSD Board, and overseeing the projects.

*2020 Status Update: Were Commitments Fulfilled?*

*Findings:*

The PVUSD disagreed with the findings of the 2016-2017 Grand Jury report on 10 of the 11 findings presented. PVUSD provided detailed reasoning for their disagreements. The only finding PVUSD agreed with was #11, Board reporting may be greatly improved once PVUSD's new accounting and business software is implemented. PVUSD's response stated that as of June 8, 2016, PVUSD had purchased new bond reporting software. In April 2017, the new business software was fully implemented.<sup>[50]</sup>

*Recommendations:*

The PVUSD claimed that most of the recommendations had already been implemented. This was the case for recommendations 1-6, and 9 and 10. They agreed that finding 7 required further analysis, and agreed to take the related recommendations (R3, R8) to the Board of Trustees for further analysis.

Recommendation 3 stated: "The District should provide the Trustees and COC a cumulative quarterly change order list, including budget impacts by project and by site."

This Recommendation has been resolved. The PVUSD created the position of Public Information Officer,<sup>[51]</sup> responsible for keeping the Board of Trustees, COC and other groups within the PVUSD and community apprised of important decisions and implementation taking place throughout the PVUSD.

Recommendation 10 stated: "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."

This recommendation was resolved. PVUSD's response stated that as of June 8, 2016, PVUSD had purchased new bond reporting software. In April 2017, the new business software was fully implemented.<sup>[52]</sup>

The PVUSD disagreed with recommendation R8, which stated that the COC and the Trustees should meet quarterly to discuss recommendations for reducing costs in accordance with COC bylaws and California Education Code section 15278(b). The PVUSD said this would not be implemented because it is not warranted.

The California League of Bond Oversight Committees (CaLBOC) has published a Best Practices document on School Bond Oversight Committee Operations Standards.<sup>[53]</sup>

The 2019-2020 Grand Jury now sees that the COC informs the public, reports to the PVUSD Board, and oversees the project as evidenced on its website,<sup>[54]</sup> which states "The Measure L Bond Citizens Oversight Committee (COC) ensures funds are adequately spent. Please visit [Citizens Oversight Committee Website](#) for information on meetings, agendas, minutes, and presentations." The COC should review the CaLBOC standards in order to determine how to comply and improve their communications for governance and community communications.

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**Report Title: *Sharper Solutions - A Sticky Situation That Won't Go Away***

In the Grand Jury's 2016-17 Syringe Services Program (SSP) Report, the Board of Supervisors (BoS) was required to respond to recommendations R4-R9 by September 25, 2017, and Health Services Administration (HSA) was required to respond to recommendations R1-R3, R5-R9 by August, 28 2017. During the 2019-20 grand jury term, these two agencies were asked to provide the current status of the recommendations they promised to implement or further analyze.<sup>[55]</sup>

The goal of this implementation report is to determine if the pledges made in 2017 by the HSA and BoS have been fulfilled. The Grand Jury was encouraged to see that many of the Grand Jury’s 2016-17 SSP report’s findings and recommendations were included in the HSA’s Syringe Services Program 2017-2019 Biennial Report<sup>[56]</sup> and in subsequent reporting to the BoS (see Figure 4).

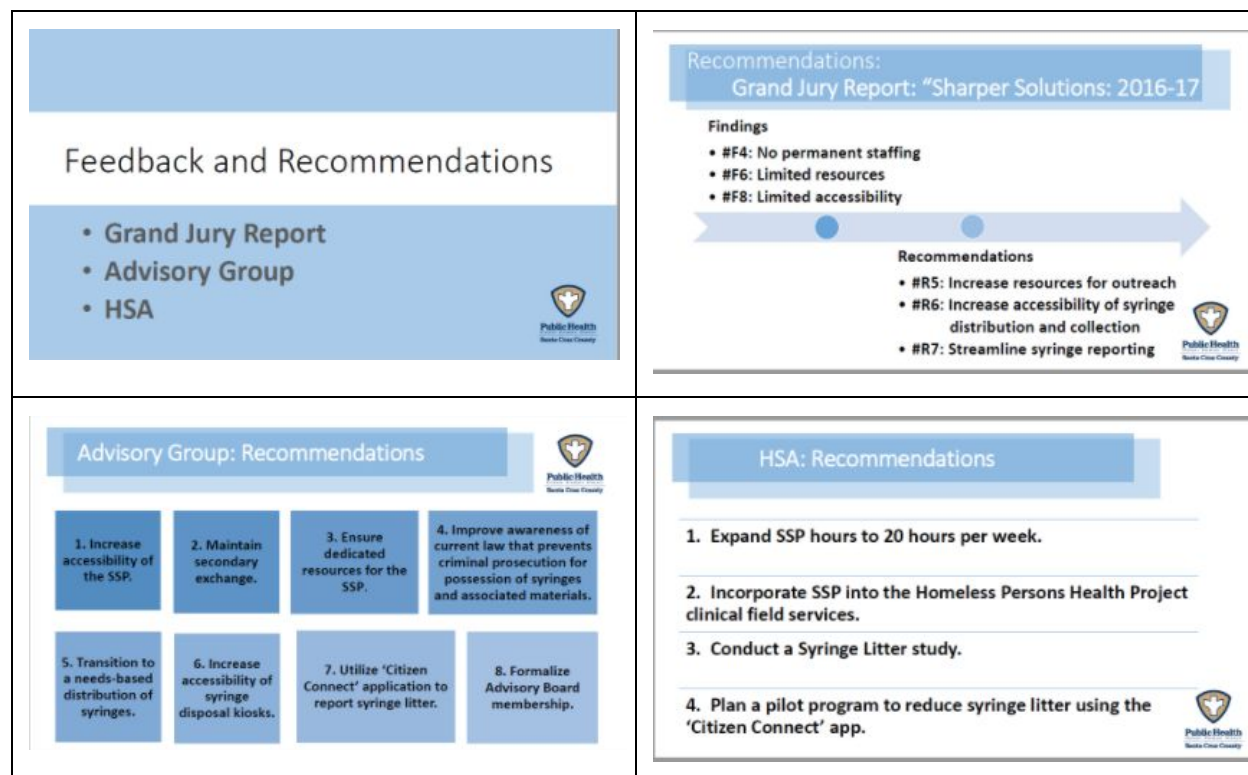


Figure 4. Pages from HSA’s 2017-2019 Report to the Board of Supervisors<sup>[57]</sup>

*2019-20 Status Update - Were Commitments Fulfilled?*

HSA and BoS combined their updated responses<sup>[58]</sup> through the County Administrative Office (CAO), making it difficult to know who gave what input. BoS seems to have given direct updates to each of their specific recommendations; however, it appears that the HSA did not respond to each specific recommendation; rather, they provided the updates via documents which included information from city and county communications, reports, and BoS meeting agenda submittals. Multiple attempts to clarify which responses were from BoS, HSA, or from both agencies, were unsuccessful.

These are their responses then versus now:

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

2016-17 response:

**HSA:** *Has not been implemented but will be implemented in the future*

2019-20 updated response:

**BoS:** On June 11, 2019, the BoS directed the HSA to return on September 24, 2019 with an ordinance to change the SSP Advisory Group to a seven-member SSP Advisory Commission. In October of 2019 the BoS added chapter 2.125 to the Santa Cruz County code relating to the creation of the SSP Advisory commission, allowing each county supervisor to nominate one person from their district, and two additional members to be at-large appointments designated by the director of the HSA.<sup>[59]</sup>

The Grand Jury has not been able to confirm if any members of the general public or rehabilitated injection drug users have been named (or appointed) to this commission.

**R2.** *The SSP should hold public meetings or forums to encourage dialog and address community concerns*

2016-17 response:

**HSA:** *Has not been implemented, but will be implemented in the future*

2019-20 updated response:

**BoS:** On December 10, 2019 the BoS directed that HSA hold regular meetings with the Grant Park neighbors to provide an opportunity to exchange ideas, which could include the Human Services Department and other affected agencies.<sup>[60]</sup>

**R3.** *was not followed up on, as HSA's response was *Will not be implemented*.*

**R4.** *The BoS should allocate funds for a permanent budget for the SSP to function as mandated per SSP Policy and Procedures.*

2016-17 response:

**BoS:** *Requires further analysis*

2019-20 updated response:

**BoS:** *Has been implemented*<sup>[61]</sup>

Notes: The BoS felt it was necessary to evaluate funding opportunities before committing in 2017. By February 2019, SSP was re-organized under the Communicable Diseases Unit of the Public Health Division (PHD) which allowed a new staffing structure for SSP.<sup>[62]</sup> It continues to explore ways to access and utilize state funds allocated to address the opioid crisis.

**R5.** *The HSA should devote more time and resources to community outreach to promote rehabilitation and counselling of SSP clients.*

2016-17 response:

**HSA and BoS:** *Has been implemented*

2019-20 updated response: none provided. However, in the 2019 biennial report HSA recommended that SSP be incorporated into the Homeless Persons Health Project clinical field services.<sup>[63]</sup>



**R6.** *The HSA should implement a mobile needle exchange unit to increase access to SSP services.*

2016-17 responses:

**HSA and BoS:** *Requires further analysis*

2019-20 updated responses:

**BoS:** *Requires further analysis*<sup>[64]</sup>

**HSA:** On 6/11/2019 presented their biennial report to BoS and presented recommended actions for Board direction in response to the Grand Jury report. In addition to the recommendation that SSP be incorporated into the Homeless Persons Health Project, HSA recommended a mobile exchange unit program to reach out to clients in the field.<sup>[65]</sup> SSP will return to BoS at a later date with a plan for review.

**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.*

2016-17 responses:

**BoS and HSA:** *Requires further analysis*

2019-20 updated responses:

**BoS:** *Requires further analysis*<sup>[66]</sup>

**HSA:** On 6/11/19, the BoS directed that the HSA collaborate with the California Department of Public Health (CDPH) to complete a study of syringe litter. HSA to return with a proposed plan for a possible pilot program that could include using the County's Citizen Connect mobile app to provide information about and reporting syringes.

Further, HSA's PHD is working with the CDPH office of AIDS to evaluate syringe disposal practices in the community, including where syringes are most commonly found. HSA will continue to explore ways to educate and inform the community.<sup>[67]</sup>

**R8.** *The HSA should install and maintain Sharps containers in bathrooms in high needle-use public areas.*

2016-17 responses:

**HSA and BoS:** *Requires further analysis*

2019-20 updated responses:

**BoS:** *Will not be implemented*<sup>[68]</sup>

**HSA:** As Sharps containers in public bathrooms have been vandalized, HSA is focusing on placement of public kiosks in county & city jurisdictions. On 6/11/19, BoS directed the Board Chair to write a letter to local jurisdictions to work with them to install kiosks at HSA expense. HSA reached out to all local jurisdictions in the County to offer the installation and maintenance of public Sharps Containers and continues to work with partner jurisdictions to identify safe

disposal sites. Also, the City of Santa Cruz formally offered willingness to coordinate with the County for placement of four additional disposal kiosks in the city.<sup>[69]</sup>

**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.*

2016-17 responses:

**HSA and BoS:** *Requires further analysis*

2019-20 updated responses:

**BoS:** *Will not be implemented*<sup>[70]</sup>

**HSA:** The HSA is using models that include more frequent clean-up; partnering with the County Department of Public Works, HSA provides \$40,000 annually to Save Our Shores, Downtown Streets Team, and a private vendor for needle disposal as a part of these groups' existing work. Also, HSA has a \$10,000 contract with a private vendor for enhanced syringe clean-up focusing on the Emeline neighborhood. Once the results of the syringe litter study are analyzed (as described in R7), HSA will focus syringe disposal resources to the areas which data shows are most impacted by discarded needles. Disposal collection data will be included in future biennial reports.<sup>[71]</sup>

The HSA has continued to include the Grand Jury's "Sharper Solutions" recommendations in its monthly progress reports to the BoS , including as recently as December 10, 2019 (as of this writing). SSP has been directed to return to the BoS in June of 2020 with recommendations to improve syringe litter reporting and response.<sup>[72]</sup>

### **Report Title: Santa Cruz Metropolitan Transit District - The Bus Stops Here**

The 2016-2017 Grand Jury investigation led to 15 findings resulting in 16 separate recommendations. Responses were required from both the METRO Board of Directors (Board) and the METRO Chief Executive Officer (CEO). Overall, answers provided by the Board matched those given by its CEO. Explanations were required for partial or full disagreement with any finding, and for all responses to the recommendations. Of the 16 recommendations, METRO had stated that four "required further analysis", while one recommendation "has not been implemented but will be implemented in the future".

#### **2020 Status Update - Were Commitments Fulfilled?**

In November 2019, the METRO CEO provided updates<sup>[73]</sup> to the 2017 report responses.

**R9.** *METRO should create a bus stop sponsorship program that underwrites construction of bus stops in accordance with METRO's design standards.*

2017 responses:

**BOARD:** *Will not be implemented*

**CEO:** *Requires further analysis*

2019 updated response: METRO recently hired a Marketing, Communications and Customer Service Director in May 2019. The new Director has been tasked with this project. The new Director plans to complete the evaluation of potential bus stops that may be attractive locations for sponsorship or “adoption” as part of a new outdoor advertising program planned for launch in 2020.

**R10.** *Metro should improve cleanliness at transit facilities.*

**R11.** *Metro should improve maintenance at transit facilities.*

2017 response:

**CEO:** requires further analysis.

2019 updated response: Metro has made three significant accomplishments relative to these recommendations:

- In FY17, the METRO Board authorized one additional Custodial Service Worker.
- In compliance with the Federal Transit Administration’s requirement that all agencies receiving federal funds develop a Transit Asset Management Plan, METRO met the federal deadline and now has a plan in place that recognizes
- all assets valued at \$50,000 or greater and establishes a remaining life for the asset and a Preventative Maintenance Program for the proper maintenance of the assets. Such a program now helps METRO regularly maintain the assets, facilitating the asset replacement program set forth in the Capital Improvement Plan.
- Over the past year METRO invested over \$35,000 at Pacific Station remediating water damage and attempting to make the facility water-tight.

**R12.** *Metro should establish overnight parking at the Scotts Valley Cavallero Transit Center for riders.*

2017 response:

**CEO:** Requires further analysis

2019 updated response: METRO has posted the Cavallero Transit Center with signs reflecting overnight parking by permit only. Paper permits can be obtained at the Pacific Station customer service booth at a cost of \$5 per day. METRO is also investigating a smartphone application that could eventually replace the paper permits.

**R14.** *METRO should use easily cleanable materials for bus seats.*

2017 response:

**CEO:** *Has not been implemented; will be implemented in future.*

2019 updated response: Upon further investigation, METRO discovered that the problem has nothing to do with padded seats. Since the 2017 Grand Jury report, METRO has received five new Gillig buses and will receive four new zero emissions Porterra electric buses next year. All of these buses have been specified with a different seat insert which has an impermeable vinyl cover.

The current Grand Jury commends the METRO CEO, staff, and Board for ongoing efforts to improve and modernize service delivery. Based on our review, METRO has been consistent in fulfilling the commitments made in response to the Grand Jury report. The CEO's 2020 Spring Message<sup>[74]</sup> affirms METRO's ongoing commitment to improving services.

Further, the Grand Jury commends METRO for the implementation of smartphone apps for more efficient ticketing and the anticipated Summer 2020 rollout of Automatic Vehicle Location, which will dramatically improve rider experience.<sup>[75]</sup> Kudos also for METRO's excellent and comprehensive "Headways Bus Rider's Guide,"<sup>[76]</sup> available in English, Spanish, Large Print, also online and via CRS (California Relay Service) for hearing/speech assist.

## Conclusion

The 2019-20 Santa Cruz County Grand Jury investigated whether respondents to the five 2016-17 Grand Jury reports examined had honored their commitments. We found that generally, organizations fulfilled the commitments they made to the public. To keep the public informed, all organizations should create and sustain a formal record of the actions they took and continue to take.

## Findings

- F1.** The Santa Cruz City Schools Comprehensive School Safety Plans provide a best practice and is a useful resource for parents and the public.
- F2.** The Naval Postgraduate School's Center for Homeland Defense and Security provides an excellent resource for school administration with its K-12 school shooting database.
- F3.** The Pajaro Valley Unified School District can improve its oversight and communications by following the The California League of Bond Oversight Committees (CaLBOC) Best Practices document on School Bond Oversight Committee Operations Standards.

## Recommendations

- R1.** Offices of Education throughout the County should publish their comprehensive school safety plans and implementation on their websites for the benefit of parents and the public by December 31, 2020. (F1)

- R2.** The County Office of Education should subscribe to the newsletter of the Naval Postgraduate School for periodic updates on new incidents, analysis of trends, historical case studies, and other findings. (F2)
- R3.** The PVUSD should require its Citizens’ Oversight Committee to deliver and publish regular status updates according to the The California League of Bond Oversight Committees (CaLBOC) Best Practices document on School Bond Oversight Committee Operations Standards. (F3)

## Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
County Superintendent of Schools	F1, F2	R1, R2	60 Days August 18, 2020
Pajaro Valley Unified School District Board of Trustees	F3	R3	90 Days September 17, 2020

## Definitions

**Human Services Department (HSD):** A county department that provides safety net services to meet the basic needs of individuals and families, ensures the protection of children, the elderly, and dependent adults, and provides job search assistance and job training opportunities to help job seekers become self-sufficient.

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#### *Appendix A*

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## Appendix A Instructions for Respondents<sup>[77]</sup>

California law PC §933.05<sup>[78]</sup> requires the respondent to a Grand Jury report to comment on each finding and recommendation within a report. Explanations for disagreements and timeframes for further implementation or analysis must be provided. Please follow the format below when preparing the responses.

### ***Response Format***

1. For the Findings included in this Response Packet, select one of the following responses and provide the required additional information:
  - a. **AGREE** with the Finding, or
  - b. **PARTIALLY DISAGREE** with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
  - c. **DISAGREE** with the Finding and provide an explanation of the reasons therefore.
2. For the Recommendations included in this Response Packet, select one of the following actions and provide the required additional information:
  - a. **HAS BEEN IMPLEMENTED**, with a summary regarding the implemented action, or
  - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**, with a timeframe or expected date for implementation, or
  - c. **REQUIRES FURTHER ANALYSIS**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report, or
  - d. **WILL NOT BE IMPLEMENTED** because it is not warranted or is not reasonable, with an explanation therefore

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## **Voter Data – Registering Concerns**

### Keeping a Closer Eye on the Distribution of County Voter Registration Data

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#### **Summary**

News articles continue to shock and stun Californians with revelations of social media outlets, credit report agencies, and nationwide retail businesses losing the data security battle to hackers. The articles chronicle, in painful detail, the destruction of lives caused by the theft of millions of confidential records.

Yet, California elections code requires county elections departments to share voter data, including a key piece of data that would assist hackers: an individual's complete date of birth. While date of birth has not been clearly defined as personally identifiable information in the California elections code, date of birth is often used in identity theft, as well as social engineering and phishing attacks.

State law requires each county to provide access to data collected during the voter registration and election processes. This data contains Personally Identifiable Information (PII) as defined by the National Institute of Standards and Technology (NIST).

There are reports of voter registration data being offered for sale on hacker websites. Furthermore, in states where use is not well regulated or monitored, brokers can buy and sell voter registration data.

An extreme example of misuse occurred in 2017, when a third party was hacked after uploading the entire California voter registration data (19 million records), and the data was ransomed.

County election departments should examine their processes to make sure that best practices are being employed, and all precautions are being taken to ensure that voter registration data is secure.

## Background

The frequency of security breaches involving personally identifiable information (PII) has contributed to the theft of hundreds of millions of records over the past few years.<sup>[1]</sup> Breaches involving PII are hazardous to both individuals and organizations. Individual harms may include identity theft, cyber-extortion, or blackmail.<sup>[2] [3]</sup>

Organizational harms may include a loss of public trust, legal liability, or remediation costs. To appropriately protect the confidentiality of PII, organizations should use a risk-based approach; as presidential advisor McGeorge Bundy once stated, "... If we guard our toothbrushes and diamonds with equal zeal, we will lose fewer toothbrushes and more diamonds."<sup>[4]</sup>

Over the past decade, there has also been a number of cases involving criminal misuse of voter registration data.<sup>[5] [6] [7] [8] [9] [10] [11] [12] [13]</sup> These offenses include voter identity theft, illegal sale of voter registration data, attempted election disruption, fraud, and cyber-extortion.

## Scope and Methodology

This report examines federal and state laws governing voter registration data, the process of the sale of voter registration data in Santa Cruz County, how the data is used, and explores ways to protect voters' PII against fraudulent or inappropriate use.

During the course of this investigation, the Grand Jury reviewed the following:

- Federal and state election statutes governing the sale of voter registration data
- County policies, practices, and implementation of these statutes
- National standards and definitions for PII
- Misuse of voter registration data
- Unauthorized or criminal use of PII

In addition, the Grand Jury interviewed current officials with the Santa Cruz County Elections Department (County Elections Department). We also contacted VoteCal,<sup>[14]</sup> a division of the California Secretary of State Elections Office (SoS Elections Office).

## Investigation

### ***California Statutes and Regulations Governing Santa Cruz County Voter Data***

The state of California acquires citizen data (Collected Data) during the process of voter registration and elections. Collected Data includes unique identifiers such as Social Security, California Driver's License, or California Identification Card numbers. Collected Data may be used within the County Elections Department to authenticate the prospective voter's information in order to protect against voter fraud.



The offices of the California Secretary of State (SoS) and California county registrars are also required by statute to provide partial voter registration data (Distributed Data) to qualified Applicants who request that information for scholarly, journalistic, political, or governmental purposes, as determined by the Secretary of State.<sup>[15]</sup>

The following section contains a summary of California statutes related to voter registration data. The prefixes ELEC, GOV, CCR, and AB in the following citations refer to the State of California Elections Code, Government Code, Code of Regulations and Assembly Bill, respectively. The suffixes refer to the section of the code, and the year it became law.

- ELEC\_2166 (1994) Allows for protection of those who would be harmed by disclosure—Safe at Home.<sup>[16]</sup>
- ELEC\_2188 (1994) Defines requirements and responsibilities for Applicants requesting voter registration Information.<sup>[17]</sup>
- ELEC\_2194 (1994) Permits obtaining voter registration information.<sup>[18]</sup>
- ELEC\_18109 (1994) Describes penalties for misusing voter registration data.<sup>[19]</sup>
- GOV\_6254.4 (1998) Describes what is considered confidential.<sup>[20]</sup>
- CCR\_19001-19009 (1976) Describes use of registration information.<sup>[21]</sup>
- AB 1678 (2018) Amends ELEC\_2188 (1994) to include reporting of data breach and specifying additional penalties for misuse.<sup>[22]</sup>
- AB 1044 (2019) Amends ELEC\_2188 (1994) to allow for data security training and best practices.<sup>[23]</sup>

[Appendix A](#) describes in more detail some of the above California elections statutes.

### *Recent Amendments to California ELEC Statutes*

Recent state legislation added provisions for making Distributed Data more secure, but much of the responsibility falls to the Applicant.

For instance, AB 1678 (2018) amends ELEC\_2188 (1994) to require Recipients of Distributed Data to report a breach or theft to the California Secretary of State. It further criminalizes misuse of the Distributed Data, in an attempt to prevent crimes such as redirecting voters to an incorrect polling place or mailing counterfeit ballots.

AB 1044 (2019) amends ELEC\_2188 (1994) to require the Secretary of State to:

***...adopt regulations that describe the best practices for storage and security of voter registration information received by an applicant pursuant to Section 2188.*** ELEC §2188.2.(a)<sup>[24]</sup>

AB 1044 (2019) also authorized the Secretary of State to require applicants who request voter data to receive data security training as a condition of receipt of the data. This security training requirement has not yet been implemented.

The VoteCal Help Desk (a department of the SoS Elections Office) reported that the Secretary of State is in the process of evaluating various training programs for possible use.<sup>[25]</sup> <sup>[26]</sup>

### **California Consumer Privacy Act**

The California Consumer Privacy Act (CCPA)<sup>[27]</sup> was passed in 2018 and went into effect in January of 2020. CCPA regulates business use and transparency of consumer data. However, government use of an individual's data is exempt from regulation:

***“Personal information” does not include publicly available information. For purposes of this paragraph, “publicly available” means information that is lawfully made available from federal, state, or local government records.***<sup>[28]</sup>

As a result of CCPA, California consumers now have the choice to opt in or out of allowing businesses the privilege of making commercial use of their data.<sup>[29]</sup> However, except in extreme cases involving personal safety,<sup>[30]</sup> <sup>[31]</sup> California voters are not allowed to make decisions about the distribution of their own voter registration data.<sup>[32]</sup> One could argue that distribution of this data for academic or governmental use serves the greater good. The argument is tenuous when the data is used for political purposes, given that voters have no ability to opt out.

Perhaps lawmakers could answer this question: why are individual consumers protected with the right to opt out of distribution to businesses of their PII,<sup>[33]</sup> but California voters do not enjoy the same privileges of opting out of government distribution of their personal information acquired via voter registration?

Other questions arise when comparing CCPA regulations to statutes governing Distributed Data. Do all of the Recipients need all of the Distributed Data? Could the Distributed Data be tailored for specific use? Could voters be permitted to opt out of some uses? These issues are outside the scope of the Grand Jury and this report. However, reforms could yield a system that is more secure and democratic if they accommodated voter choice, and included a more flexible, non-one-size-fits-all approach to voter registration data distribution.

### **Federal Statutes**

The Help America Vote Act 2002 (HAVA)<sup>[34]</sup> was designed to reform election practices that led to controversy surrounding the 2000 U.S. presidential election.

*The goals of HAVA are:*

- *replace punchcard and lever-based voting systems;*
- *create the Election Assistance Commission<sup>[35]</sup> to assist in the administration of federal elections; and*
- *establish minimum election administration standards.*<sup>[36]</sup>

HAVA specifies what voter data local election agencies are allowed to collect for the purposes of authenticating a voter's identity. However HAVA does not specifically address those cases where states already have laws on the books permitting the distribution of voter registration data. HAVA stipulates that unless otherwise specified, release of confidential voter registration data is punishable as a felony. The original California ELEC statutes predate HAVA.

### **County Policy and Process**

The County Elections Department policies and processes comply with all local, county, state, and federal laws and regulations governing Collected Data and Distributed Data.

#### *Application*

Entities or individuals wishing to obtain Distributed Data must submit a County Application ([Appendix B](#)) to the County Elections Department. The County Application must be submitted either in person or by mail, and must be validated with a picture ID. The County Applicant declares under penalty of perjury that the information requested will not be sold, leased, loaned, or given to any person, organization, or agency, and that the information on the County Application is true and correct. The two-page County Application does not contain references or text for all applicable State codes and regulations, but it does include a list of permitted and prohibited uses for the Distributed Data. Currently, the County Application does not contain provisions for data security training.

#### *Uses*

Permissible and prohibited uses of the Distributed Data, per the County Elections Department, are listed in [Appendix C](#). They conform to those specified in ELEC\_2194 (1994)<sup>[37]</sup> and California Code of Regulations 19001-19009 (1976).<sup>[38]</sup>

#### *Distribution*

The County Elections Department typically provides Distributed Data on CD media, although paper versions of the data are also available. The Distributed Data can also be placed on a secure server which the County Recipient can access via a Secure File Transfer (SFTP) connection. The Distributed Data is not encrypted, and no instruction is given to the County Recipient about how to safeguard Distributed Data against theft or breach.<sup>[39]</sup> <sup>[40]</sup>

#### *Fees*

Charging of fees is permitted by CCR section 19006.<sup>[41]</sup> The County Elections Department's charges for CD-based data are \$50 for up to 50,000 records, \$100 for up to 100,000 records, and \$150 for more than 100,000 records.<sup>[42]</sup> The fees are nominal and reasonable to cover the cost of data preparation and duplication.

### *Transparency*

The County Elections Department website posts a list of County Recipients that have obtained Distributed Data from 2018 to the present.<sup>[43]</sup> The list includes name, requesting entity, voting jurisdiction, and acquisition date. It currently contains approximately 150 entries.

### *Distributed Data*

The following Collected Data is made available to County Recipients<sup>[44]</sup>

- voter's name
- date of birth
- residence and mailing addresses
- political party
- phone number
- email information
- whether or not the voter has voted in up to four elections

### ***Data Distribution Via California Secretary of State (SoS)***

State Applicants can receive State Distributed Data through the SoS Elections Office. A State Applicant can request up to ten individual voter records, as well as single county, multiple county, and all-counties records.

Though applications for Distributed Data are easily found on most county websites, the SoS website offers no direct link. Advisors at the VoteCal Help Desk state that this is intentional;<sup>[45]</sup> State Application requests must be made by telephone.<sup>[46]</sup> The State Application is then provided by email. (See [Appendix D.](#))

The State Application requires narrative descriptions of intended use and how the Distributed Data will be maintained securely and confidentially. The State Applicant must also identify and define the relationships of all entities, proxies, and other individuals who will be responsible for the Distributed Data.

The six-page State Application includes the complete ELEC, GOV, and CCR codes governing the State Applicant's use of Distributed Data, and some guidance about system requirements and security encryption.<sup>[47]</sup> No data security training is offered or required by the SoS Elections Office at this time. However, State Applicants must agree to maintain information in a secure and confidential manner and notify the SoS immediately of any violation or breach.<sup>[48]</sup> If approved, the State Recipient receives an encrypted DVD containing the requested data. Further security measures include two-factor authentication. Some counties have adopted the State Application; others, like Santa Cruz County, employ their own forms.<sup>[49] [50]</sup>

### ***Definitions and Standards for Personally Identifiable Information (PII)***

The National Institute of Standards and Technology has developed standards and definitions for PII.<sup>[51]</sup> Date of birth (DOB) is considered to be a Type II PII—that is, DOB

can uniquely identify an individual when used in conjunction with another piece of information, such as address.<sup>[52]</sup>

A Massachusetts Institute of Technology study showed that 97% of the names and addresses on a voting list were identifiable using only ZIP code and date of birth.<sup>[53]</sup>

### **What Other States Are Doing**

According to the National Conference of State Legislatures (NCSL),<sup>[54]</sup> the scope, accessibility, permitted use, and confidentiality policies pertaining to PII vary widely from state to state. NCSL has compiled a table of these factors for all of the states.<sup>[55]</sup> From this table we conclude that:

- California is one of a handful of states that includes full DOB as part of Distributed Data.
- Many states include partial DOB, such as birth year only, or age.
- 26 states consider full DOB to be confidential PII, and explicitly disallow its inclusion in Distributed Data (see [Appendix E](#)).
- Other permutations of state policies include commercial use of Distributed Data, Applicant qualifications, vetting criteria, authentication, restrictions to governmental or election purposes only, opt out provisions, and various definitions of what data is considered to be confidential.

### **Use of PII in Identity Theft and Fraud**

DOB, in combination with other datum such as home address, is frequently used by financial, medical, governmental, business, and other institutions to identify and authenticate individuals.<sup>[56]</sup> An example is the IRS “Get My Payment” website in [Appendix F](#).

DOB is also used extensively to impersonate individuals for the purposes of identity theft and other forms of fraud,<sup>[57]</sup> including but not limited to voter fraud.<sup>[58] [59] [60] [61] [62] [63]</sup>

Since security measures required of Recipients may be lax or non-existent, these Recipients and their organizations may become targets for hacking and data theft,<sup>[64]</sup> particularly if information about the Recipients is published on a website, as is done in Santa Cruz County. Once criminal elements have acquired the Distributed Data, all control over it is lost, and it can be sold to those with criminal intent. Informing the Secretary of State of a data breach in these cases will have little effect. To date, the Secretary of State has not instituted the Data Security Training program authorized by ELEC\_2188.2.(b) (2019).<sup>[65]</sup>

## **Conclusion**

The original California election statutes governing distribution of voter registration data were formulated in the mid-1990’s, long before data theft and breaches became commonplace.<sup>[66] [67]</sup> County election departments should examine their processes to make sure that best practices are being employed, and all precautions are being taken to ensure that voter registration data is secure.

## Findings

- F1.** Risk of misuse of voter registration data acquired by ELEC\_2194 (1994) could be mitigated by stronger security measures at the County of Santa Cruz level.
- F2.** County Applicants are not informed of recent amendments to ELEC\_2188 (1994), and thus may not be taking all reasonable precautions to protect voter registration data, avoid data breaches, and report breaches if they occur.

## Recommendations

- R1.** In Distributed Data that is provided to County Recipients, the County Elections Department should replace voter full date of birth with year of birth only. This action should be implemented before the end of FY2021. (F1)
- R2.** On appropriate website pages, the County Elections Department should include links to the full text of all relevant statutes. In addition, the County Application should conform to the State Application by including the full text of relevant statutes. These actions should be implemented before the end of FY2021. (F2)
- R3.** The County Elections Department should modify the County Application to conform to the State Application by requiring the County Applicant to provide a narrative stating the intended use of the Distributed Data, as well as how the Distributed Data will be secured. This action should be implemented before the end of FY2021.
- R4.** The County Elections Department should incorporate amendments to ELEC 2188 (1994), as specified in AB 1678 and AB 1044, in the County Application and website information, namely that County Recipients must inform the SoS of a data breach, and that County Applicants may be subject to data security training. This action should be implemented before the end of FY2021. (F2)
- R5.** The County Elections Department should provide County Applicants with data security training, consistent with any guidance from the SoS, with the goal of implementing best practices aimed at protecting voter registration data. This action should be implemented before the end of FY2021. (F2)
- R6.** The County Elections Department should encrypt Distributed Data to prevent data tampering and unauthorized use. This action should be implemented before the end of FY2021. (F1)

## Commendations

- C1.** The Grand Jury sets a high bar when issuing commendations. Performance of an agency must far exceed due diligence and expectations. We concur with the 2016-2017 Grand Jury and commend the Santa Cruz County Clerk and the Santa Cruz County Elections Department for their exemplary performance of one of the most complex and indispensable functions of local government—the democratic process of voting. The Santa Cruz County Elections Department demonstrates accountability, agility, responsiveness, transparency, attention to detail, desire for improvement, and forward-looking planning—all key indicators of outstanding leadership and process.

## Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Clerk	F1–F2	R1–R6	60 Days August 18, 2020
Santa Cruz County Board of Supervisors	F1–F2	R1–R6	90 Days September 17, 2020

## Definitions

- **AB:** California State Legislature Assembly Bill.
- **Applicant, Applicants:** A person or persons applying to receive voter registration data.
- **County Application:** The Santa Cruz County Elections Department’s application for receiving voter registration data.
- **County Elections Department:** The Santa Cruz County Elections Department.
- **Collected Data:** The voter data that is collected during the voter registration process.
- **Distributed Data:** The voter data that is distributed to Recipients.
- **State Application:** The Secretary of State’s application for receiving voter registration data.
- **County Applicant, County Applicants:** An **Applicant(s)** applying to the Santa Cruz County Elections Department. A County Applicant need not be a resident of the County.
- **State Applicant, State Applicants:** An **Applicant(s)** applying to the California Secretary of State’s Office.
- **CCPA:** California Consumer Protection Act.

- **CCR:** California Code of Regulations. The official compilation and publication of the regulations adopted, amended, or repealed by state agencies pursuant to the Administrative Procedure Act (APA). Properly adopted regulations that have been filed with the Secretary of State have the force of law.
- **DOB:** Date of birth.
- **ELEC:** California Elections Code.
- **GOV:** California Government Code.
- **HAVA:** Help America Vote Act.
- **NIST:** National Institute of Standards and Technology.
- **NCSL:** National Conference of State Legislatures.
- **PII:** Personally Identifiable Information. Any unique data that could potentially be used to identify a particular person. Examples include a full name, Social Security number, driver's license number, bank account number, passport number, and email address.
- **Phishing Attack:** the fraudulent attempt to obtain sensitive information such as usernames, passwords and credit card details by disguising oneself as a trustworthy entity in an electronic communication.
- **Recipient, Recipients:** An Applicant whose application has been approved.
- **County Recipient, County Recipients:** A Recipient or Recipients who have been approved by the Santa Cruz County Elections Department.
- **SoS:** California Secretary of State, the chief clerk of the state, often the primary custodian of important state records
- **SoS Elections Office:** The California Secretary of State Elections Division
- **State Recipient, State Recipients:** A Recipient or Recipients who have been approved by the California Secretary of State's Office.
- **SFTP:** Secure File Transfer Protocol
- **Social Engineering Attack:** The attempt to gain access to restricted information or to a physical space without proper permission.
- **Two-Factor Authentication:** An authentication method in which a computer user is granted access only after successfully presenting two pieces of evidence (or factors) to an authentication mechanism: knowledge (something the user and only the user knows), possession (something the user and only the user has), and inherence (something the user and only the user is).
- **VoteCal:** the "help desk" for the **SoS Election Office**



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## Appendix A California Election Code Details

### ELEC\_2166<sup>[68]</sup>

Makes provisions for voters for whom publication of registration data might give rise to a life-threatening circumstance. These voters might be victims of domestic or gang violence, sexual assault, stalking, or criminal prosecution witnesses where intimidation or retaliation might result from the release of their data. These voters must apply for confidential status and obtain a superior court order to confirm their status. (Also, see the California Secretary of State's "Safe at Home" application.<sup>[69]</sup>)

### ELEC\_2194 (1994)<sup>[70]</sup>

Requires that voter registration information shall be confidential except for provisions in ELEC\_2188 (1994).<sup>[71]</sup> Voter registration information shall be provided:

*...to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State. ELEC §2194.(a)(3)*

### ELEC\_2194 (1994)<sup>[72]</sup>

Explicitly protects uniquely identifiable voter data such as social security number and signature from being made public unless there is a challenge to the voter's authenticity. The code does not specifically address whether voter date of birth (DOB) is considered uniquely identifiable data or not.

### ELEC\_18109 (1994)<sup>[73]</sup>

Makes it a misdemeanor for a person in possession of voter registration data to use it in ways other than described in the above ELEC statutes. It is also a misdemeanor to acquire voter registration data by means other than those described in the above ELEC statutes.



## Appendix B

### Santa Cruz County Application for Voter Information <sup>[75]</sup>

### Application for Voter Information

Santa Cruz County Clerk-Elections Department  
 701 Ocean St., Room 310  
 Santa Cruz, CA 95060  
 831-454-2060 / 831-454-2445 (FAX)  
[www.votecount.com](http://www.votecount.com)

Pursuant to Elections Code Sections 2188 and 2194, I am requesting voter registration information for:  
*(check one)*  
 election,  scholarly,  journalistic  political purposes, or  governmental purposes, as determined by the Secretary of State.

Each request to view, purchase, or use voter registration information must be submitted on this application to the Elections Department prior to obtaining any information. **Applicants must show photo ID.** If you do not appear in person, you must attach a copy of your photo ID to this application.

Public agencies obtaining information for governmental purposes do not need to complete this form. Contact the Elections Department for more information.

*Please print in ink or type*

Name: \_\_\_\_\_  
First Middle Initial Last

Driver's License/ID Number: \_\_\_\_\_ State: \_\_\_\_\_ Expiration: \_\_\_\_\_

Home Address: \_\_\_\_\_  
Number & Street City State Zip

Mailing Address: \_\_\_\_\_  
Number & Street City State Zip

Business Address: \_\_\_\_\_  
Number & Street City State Zip

Email: \_\_\_\_\_ Telephone: (\_\_\_\_\_) \_\_\_\_\_

*If this application is on behalf of any person or persons other than the applicant, this section must also be completed:*

Person's Name: \_\_\_\_\_  
First Middle Initial Last

Name of Organization: \_\_\_\_\_  
Organization, company, committee, association, or group requesting information

Business Address: \_\_\_\_\_  
Number & Street City State Zip

Email: \_\_\_\_\_ Telephone: (\_\_\_\_\_) \_\_\_\_\_

Figure B1. Application for Voter Information, page 1 of 2

**Type of data requested:**

Would you like voting history data included:      Yes  No

Would you like precinct to district data included:      Yes  No

For what location(s) do you want registration information?

Santa Cruz County

City/District: \_\_\_\_\_

Permissible uses of information obtained from a source agency shall include, but shall not be limited to, the following (check all that apply):

Using registration information for purposes of communicating with voters in connection with any election.

Sending communications, including but not limited to, mailings which campaign for or against any candidate or ballot measure in any election.

Sending communications, including but not limited to, mailings by or in behalf of any political party; provided however, that the content of such communications shall be devoted to news and opinions of candidates, elections, political party developments and related matters.

Sending communications, including but not limited to, mailings, incidental to the circulation or support of, or opposition to any recall, initiative, or referendum petition.

Sending of newsletters or bulletins by any elected public official, political party or candidate for public office.

Conducting any survey of voters in connection with any election campaign.

Conducting any survey of opinions of voters by any government agency, political party, elected official or political candidate for election or governmental purposes.

Conducting an audit of voter registration lists for the purpose of detecting voter registration fraud.

Soliciting contributions or services as part of any election campaign on behalf of any candidate for public office or any political party or in support of or opposition to any ballot measure.

Any official use by any local, state, or federal governmental agency.

**Prohibitions:**

- Using the data for an unapproved purpose;
- Sharing or transferring the data to any other party without submission of a new application and the express written approval of the Santa Cruz County Clerk;
- Using the data to harass any voter or voter's household;
- Using the data for any commercial, advertising, or marketing purposes;
- Leaving the voter data unsecured and publicly available online or offline.

**Declaration of applicant:**

*"The voter registration information requested by this application will be used only for the purpose described above. The information, or a portion or copy thereof, will not be sold, leased, loaned, or given to any person, organization or agency. I certify, under penalty of perjury, that all information on this form is true and correct under the laws of the State of California."*

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Date completed by elections official: \_\_\_\_\_ Completed by: \_\_\_\_\_

Figure B1, continued. Application for Voter Information, page 2 of 2

## **Appendix C**

### **County of Santa Cruz Election Department's Permissible and Prohibited Uses of Voter Registration Data<sup>[74]</sup>**

Permissible uses include:


- Using registration information for purposes of communicating with voters in connection with any election.
- Sending communications, including but not limited to, mailings which campaign for or against any candidate or ballot measure in any election.
- Sending communications, including but not limited to, mailings by or on behalf of any political party; provided however, that the content of such communications shall be devoted to news and opinions of candidates, elections, political party developments and related matters.
- Sending communications, including but not limited to, mailings, incidental to the circulation or support of, or opposition to any recall, initiative, or referendum petition.
- Sending of newsletters or bulletins by any elected public official, political party or candidate for public office.
- Conducting any survey of voters in connection with any election campaign.
- Conducting any survey of opinions of voters by any government agency, political party, elected official or political candidate for election, or governmental purposes.
- Conducting an audit of voter registration lists for the purpose of detecting voter registration fraud.
- Soliciting contributions or services as part of any election campaign on behalf of any candidate for public office or any political party or in support of or opposition to any ballot measure.
- Any official use by any local, state, or federal governmental agency.

Prohibited uses include:

- Using the data for an unapproved purpose;
- Sharing or transferring the data to any other party without submission of a new application and the express written approval of the Santa Cruz County Clerk;
- Using the data to harass any voter or voter's household;
- Using the data for any commercial, advertising, or marketing purposes;
- Leaving the voter data unsecured and publicly available online or offline.

## Appendix D

### Application for California Voter Registration File Request with California Secretary of State's cover email<sup>[76]</sup>



**California Voter Registration File Request**

1 message

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VoteCalHelp@sos.ca.gov <votecalhelp@sos.ca.gov>

Mon, Jun 1, 2020 at 4:19 PM

To:

Cc:

This email is in response to your recent inquiry regarding obtaining California voter registration information.

**Voter registration information is NOT public data and state laws govern how and by whom voter registration information may be used.**

**WARNING: The authorized recipients of the voter registration information are responsible for the security of all voter registration information provided through this request.**

Please carefully read the following instructions to request the voter registration file or a specific voter's registration information.

1. Applicant MUST complete and return the attached application to the Secretary of State at 1500 11th Street, 5th Floor, Sacramento, CA 95814. Emailed and faxed applications are NOT accepted.
2. Applicant MUST provide as much detailed information as possible for the specified use of the voter registration records.
  - **Election:** information identifying the California candidate(s) or California ballot measure(s)
  - **Candidate:** information identifying federal, state, or local office
  - **Committee for/against any initiative or referendum measure:** information identifying the California initiative or referendum for which legal publication is made
  - **Political:** documentation establishing affiliation with the political organization
  - **Scholarly:** letter from a representative of the institution (professor, administrator, etc.) on the institution's letterhead stating that the applicant is authorized to receive the data
  - **Journalistic:** a clear photocopy of press pass
3. The application MUST include an ORIGINAL signature.
4. The application MUST include a clear copy of the applicant's current driver license or state identification card.
5. The fee MUST be included with the application. The fee to purchase registration data from the Secretary of State is \$1.00 per thousand records, up to a maximum of \$30.00.

**Specific voter record request:** Applicant MUST provide sufficient details of why a specific voter's information is needed and how it will be used in conformance with California Code of Regulations sections 19001-19009. Applicant MUST also attach as much detail as possible about the voter whose record they are trying to obtain (first name, last name, date of birth, expected county of residence, address, etc.) in the designated area of the application. The Secretary of State will reach out to the applicant if there are not sufficient details to locate a single voter record. Applicant can request up to 10 specific voter records per application.

**Processing time:** Requests will be processed in the order received. Once received, requests can take 7-14 business days to review and process. The Secretary of State will determine whether the application is complete and whether state law permits the proposed use of the voter registration information.

**Data format:** If the application is approved, county/statewide/district requests are distributed on an encrypted DVD in three plain text tab-delimited files: a voter data file, a voting history file, and a district file. Please note that some districts may not be included in the file if counties are in the process of redistricting at the time the data was extracted. Specific voter record requests will be provided by email in an encrypted WinZip attachment.

**End use:** Once the requested information is received, the Secretary of State is not responsible for end-user technical support for processing data (text) files that are purchased and does not provide training or assistance on converting the data for usage. Once the voter registration information has been sent to the applicant, no refunds will be issued.

**Authorized/Prohibited use:** State law strictly governs how voter record data may be used. Use of the data is only authorized for the purpose approved on the application. A detailed description of the specific intended use(s) of the data is required in order for the Secretary of State to determine if such use is permissible. Any application that refers to "any other lawful use" will be rejected.

**Prohibitions:**

- Using the data for an unapproved purpose;
- Sharing or transferring the data to any other party without the submission of a new application and the express written approval of the Secretary of State;
- Using the data to harass any voter or voter's household;
- Using the data for any commercial, advertising, or marketing purposes; or
- Leaving the voter data unsecured and publicly available online or offline.

A violation of and of the above constitutes a misdemeanor, subject to significant fines. (Elections Code section 18109)

If the application is denied, the Secretary of State will send a letter to the applicant explaining why the request was denied and return all application materials.

**Questions can be directed to:**   VoteCal Help Desk   (916) 654-1141   votecalhelp@sos.ca.gov

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 California Voter Registration File Request PDF updated 6-12-19.pdf  
169K

Figure D1. Email received with attached Voter Registration File Request Form

## INFORMATION AND GUIDELINES: CALIFORNIA VOTER REGISTRATION FILE REQUEST

(CALIFORNIA ELECTIONS CODE §§ 2188, 2194, 18109; GOVERNMENT CODE § 6254.4; CALIFORNIA CODE OF REGULATIONS §§ 19001-19009)



**SECRETARY OF STATE**  
 Elections Division  
 1500 11th Street, 5th Floor  
 Sacramento, CA 95814  
 (916) 657-2166 / www.sos.ca.gov

**Voter registration information is NOT public data and state laws govern how and by whom voter registration information may be used.**

**WARNING: The authorized recipients of the voter registration information are responsible for the security of all voter registration information provided through this request.**

Please carefully read the following instructions to request the voter registration file or a specific voter's registration information.

1. Applicant **MUST** complete and return the attached application to the Secretary of State at 1500 11th Street, 5th Floor, Sacramento, CA 95814. Emailed and faxed applications are NOT accepted.
2. Applicant **MUST** provide as much detailed information as possible for the specified use of the voter registration records.
  - **Election:** information identifying the California candidate(s) or California ballot measure(s)
  - **Candidate:** information identifying federal, state, or local office
  - **Committee for/against any initiative or referendum measure:** information identifying the California initiative or referendum for which legal publication is made
  - **Political:** documentation establishing affiliation with the political organization
  - **Scholarly:** letter from a representative of the institution (professor, administrator, etc.) on the institution's letterhead stating that the applicant is authorized to receive the data
  - **Journalistic:** a clear photocopy of press pass
3. The application **MUST** include an ORIGINAL signature.
4. The application **MUST** include a clear copy of the applicant's current driver license or state identification card.
5. The fee **MUST** be included with the application. The fee to purchase registration data from the Secretary of State is \$1.00 per thousand records, up to a maximum of \$30.00.

**Specific voter record request:** Applicant **MUST** provide sufficient details of why a specific voter's information is needed and how it will be used in conformance with California Code of Regulations sections 19001-19009. Applicant **MUST** also attach as much detail as possible about the voter whose record they are trying to obtain (first name, last name, date of birth, expected county of residence, address, etc.) in the designated area of the application. The Secretary of State will reach out to the applicant if there are not sufficient details to locate a single voter record. Applicant can request up to 10 specific voter records per application.

**Processing time:** Requests will be processed in the order received. Once received, requests can take 7-14 business days to review and process. The Secretary of State will determine whether the application is complete and whether state law permits the proposed use of the voter registration information.

**Data format:** If the application is approved, county/ statewide/district requests are distributed on an encrypted DVD in three plain text tab-delimited files: a voter data file, a voting history file, and a district file. Please note that some districts may not be included in the file if counties are in the process of redistricting at the time the data was extracted. Specific voter record requests will be provided by email in an encrypted WinZip attachment.

**End use:** Once the requested information is received, the Secretary of State is not responsible for end-user technical support for processing data (text) files that are purchased and does not provide training or assistance on converting the data for usage. Once the voter registration information has been sent to the applicant, no refunds will be issued.

**Authorized/Prohibited use:** State law strictly governs how voter record data may be used. Use of the data is only authorized for the purpose approved on the application. A detailed description of the specific intended use(s) of the data is required in order for the Secretary of State to determine if such use is permissible. Any application that refers to "any other lawful use" will be rejected.

**Prohibitions:**

- Using the data for an unapproved purpose;
- Sharing or transferring the data to any other party without the submission of a new application and the express written approval of the Secretary of State;
- Using the data to harass any voter or voter's household;
- Using the data for any commercial, advertising, or marketing purposes; or
- Leaving the voter data unsecured and publicly available online or offline.

A violation of any of the above constitutes a misdemeanor, subject to significant fines. (Elections Code section 18109)

If the application is denied, the Secretary of State will send a letter to the applicant explaining why the request was denied and return all application materials.

**Questions can be directed to:**  
 VoteCal Help Desk  
 (888) 868-3225  
 votecalhelp@sos.ca.gov

Rev 06/17/2010

Figure D2. Voter Registration File Request: Information and Guidelines

# APPLICATION: CALIFORNIA VOTER REGISTRATION FILE REQUEST



**SECRETARY OF STATE**  
Elections Division  
1500 11th Street, 5th Floor  
Sacramento, CA 95814  
(916) 657-2166 / www.sos.ca.gov

### CONTACT INFORMATION

Full name of applicant				If applicable, the full name of the beneficiary, i.e., business, organization, or committee			
Applicant's phone				Applicant's email			
Applicant's business address (street name and number)			City	State	Zip		
Applicant's mailing address (if different than above)			City	State	Zip		
Beneficiary's (business, organization, or committee) business address			City	State	Zip		

### REQUESTING QUALIFICATIONS

#### What type(s) of business, organization, or committee do you represent?

- |   |  |
|---|--|
| <input type="checkbox"/> Political Campaign/Committee | <input type="checkbox"/> Academic              |
| <input type="checkbox"/> Media                        | <input type="checkbox"/> Private Vendor        |
| <input type="checkbox"/> Legal                        | <input type="checkbox"/> Governmental          |
| <input type="checkbox"/> Investigation                | <input type="checkbox"/> Other (specify) _____ |

Provide (1) a detailed description of the specific intended use(s) of this information/data (any application that refers to "any other lawful use" will be rejected) and (2) describe how the information will be maintained securely and confidentially. If more space is needed, continue on another sheet of paper

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#### For what purpose(s) are you requesting this information?

California candidate(s) (list each)	Proposed California ballot measure(s) (list each)
_____	_____
_____	_____
<input type="checkbox"/> Political Research	<input type="checkbox"/> Recall
<input type="checkbox"/> Scholarly Research	<input type="checkbox"/> Governmental
<input type="checkbox"/> Initiative/Referendum	<input type="checkbox"/> Other _____

Figure D3. Voter Registration File Request: Application

ORDER FORM	SPECIFIC VOTER RECORDS
<p>All applications must be received with an original signature, a clear copy of applicant's current valid driver license or state identification card, any accompanying documentation, and payment before the application will be reviewed. Applications must be hand-delivered or mailed to the Secretary of State at <u>1500 11th Street, 5th Floor, Sacramento, CA 95814</u>. Applications will not be accepted by fax or email.</p> <p><b>Data Format</b> The data is sent on an encrypted DVD in three plain text tab-delimited files. In many cases, the file is too large to save on a DVD; therefore, our office uses WinZip to compress the files onto one disk. Since voter registration data can be large and exceed record limitations of many applications, it is strongly suggested that you use a large database system to open and compile this information. In most cases, you will not be able to open this information with MS Excel or MS Access. Requests for specific voter records are sent by email in an encrypted WinZip attachment. The Secretary of State is not responsible for end-user technical support for processing data (text) files and does not provide training or assistance on converting the data for usage. Once data has been extracted and sent to the applicant, no refunds will be issued.</p> <p><b>Type of Data Requested</b></p> <p>Would you like available Voting History data included?    Yes <input type="checkbox"/>    No <input type="checkbox"/></p> <p>Would you like Precinct to District data included?        Yes <input type="checkbox"/>    No <input type="checkbox"/></p> <p>For what location(s) do you want registration information?</p> <p><input type="checkbox"/> State</p> <p><input type="checkbox"/> County (or counties): _____</p> <p><input type="checkbox"/> Specific voter records. Up to 10 per application. Please fill out record details in the next section (full name, date of birth, and county of residence, address, etc.)</p> <p><input type="checkbox"/> Other _____</p> <p><b>NOTE:</b> Please allow 7-14 business days to process the data once an application has been submitted and approved.</p>	<p>If requesting specific voter records, please specify the following information for the voter(s) below. The Secretary of State will <b>ONLY</b> use the exact information provided: full name, date of birth, county of residence, and residence address.</p> <p>1 _____</p> <p>_____</p> <p>_____</p> <p>2 _____</p> <p>_____</p> <p>_____</p> <p>3 _____</p> <p>_____</p> <p>_____</p> <p>4 _____</p> <p>_____</p> <p>_____</p> <p>5 _____</p> <p>_____</p> <p>_____</p> <p>6 _____</p> <p>_____</p> <p>_____</p> <p>7 _____</p> <p>_____</p> <p>_____</p> <p>8 _____</p> <p>_____</p> <p>_____</p> <p>9 _____</p> <p>_____</p> <p>_____</p> <p>10 _____</p> <p>_____</p> <p>_____</p>
<p><b>SHIPPING INFORMATION</b></p> <p>Ship to (full name) _____ Phone _____</p> <p>Address _____</p> <p>_____</p> <p>City _____ State _____ Zip _____</p> <p>Ship via:</p> <p><input type="checkbox"/> US Mail (no fee)    <input type="checkbox"/> Pick Up at SOS Office (no fee)    <input type="checkbox"/> Other* _____</p> <p>*Include proper forms/labels and additional fee.</p>	
<p>Rev 06/12/2019</p>	<p>Page 2 of 5</p>

Figure D4. Voter Registration File Request: Order Form

**AGREEMENT**

**All information furnished on this application is subject to verification.**

Initial here Applicant and beneficiary, if applicable, hereby agree that the information set forth in the voter registration records will be used for the approved purposes, consistent with state law, as defined by Elections Code section 2194, California Code of Regulations section 19003, and Government Code section 6254.4.

Initial here Applicant and beneficiary, if applicable, further agree not to sell, lease, loan, or deliver possession of the registration information, or a copy thereof, or any portion thereof, in any form or format, to any person, organization, or agency without first submitting a new application and receiving written authorization from the Secretary of State to release such registration information.

Initial here Applicant and beneficiary, if applicable, agree to maintain information in a secure and confidential manner and notify the Secretary of State immediately of any violation or breach.

Initial here Applicant and beneficiary, if applicable, understand that it is a misdemeanor for a person in possession of voter registration information to use or permit the use of all or any part of the information for any purpose other than as permitted by law. (Elections Code section 18109)

Initial here Applicant and beneficiary, if applicable, agree to pay to the State of California, as compensation for any unauthorized use of each individual's registration information, an amount equal to the sum of fifty cents (\$.50) multiplied by the number of times each registration record is used by the applicant and/or the beneficiary, if applicable, in an unauthorized manner. (California Code of Regulations sections 19001-19009)

**I certify under penalty of perjury, under the laws of the State of California, that all of the information provided on this application is true and correct.**

Executed at:

---

Signature of applicant or beneficiary \_\_\_\_\_ Date \_\_\_\_\_

---

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

---

Print name of applicant or beneficiary \_\_\_\_\_ Driver license number (include state if not CA) \_\_\_\_\_

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Residence address \_\_\_\_\_

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City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

---

Title or position \_\_\_\_\_

---

Email address \_\_\_\_\_ Home phone \_\_\_\_\_ Mobile phone \_\_\_\_\_

Rev 06/12/2019 Page 3 of 5

Figure D5. Voter Registration File Request: Agreement



<b>VOTER FILE CODES AND REGULATIONS</b>		
<p><b>California Elections Code 2188. Application for voter registration information.</b></p> <p>(a) Any application for voter registration information available pursuant to law and maintained by the Secretary of State or by the elections official of any county shall be made pursuant to this section.</p> <p>(b) The application shall set forth all of the following:</p> <p>(1) The printed or typed name of the applicant in full.</p> <p>(2) The complete residence address and complete business address of the applicant, giving street and number. If no street or number exists, a postal mailing address as well as an adequate designation sufficient to readily ascertain the location.</p> <p>(3) The telephone number of the applicant, if one exists.</p> <p>(4) The number of the applicant's driver's license, state identification card, or other identification approved by the Secretary of State if the applicant does not have a driver's license or state identification card.</p> <p>(5) The specific information requested.</p> <p>(6) A statement of the intended use of the information requested.</p> <p>(c) If the application is on behalf of a person other than the applicant, the applicant shall, in addition to the information required by subdivision (b), set forth all of the following:</p> <p>(1) The name of the person, organization, company, committee, association, or group requesting the voter registration information, including their complete mailing address and telephone number.</p> <p>(2) The name of the person authorizing or requesting the applicant to obtain the voter registration information.</p> <p>(d) The elections official shall request the applicant to display his or her identification for purposes of verifying that identifying numbers of the identification document match those written by the applicant on the application form.</p> <p>(e) The applicant shall certify to the truth and correctness of the content of the application, under penalty of perjury, with the signature of his or her name at length, including given name, middle name or initial, or initial and middle name. The applicant shall state the date and place of execution of the declaration.</p> <p>(f) Completed applications for voter registration information shall be retained by the elections official for five years from the date of application.</p> <p>(g) This section shall not apply to requests for information by elections officials for election purposes or by other public agencies for governmental purposes.</p> <p>(h) The Secretary of State may prescribe additional information to be included in the application for voter registration information.</p> <p>(i) A county may not provide information for any political subdivision that is not wholly or partially contained within that county.</p> <p><b>California Elections Code 2194. Access to voter registration information. Limited Confidentiality. (Not Full Text)</b></p> <p>(a) Except as provided in Section 2194.1, the affidavit of voter registration information identified in Section 6254.4 of the Government Code:</p>	<p>(1) Shall be confidential and shall not appear on any computer terminal, list, affidavit, duplicate affidavit, or other medium routinely available to the public at the county elections official's office.</p> <p>(2) Shall not be used for any personal, private, or commercial purpose, including, but not limited to:</p> <p>(A) The harassment of any voter or voter's household.</p> <p>(B) The advertising, solicitation, sale, or marketing of products or services to any voter or voter's household.</p> <p>(C) Reproduction in print, broadcast visual or audio, or display on the Internet or any computer terminal unless pursuant to paragraph (3).</p> <p>(3) Shall be provided with respect to any voter, subject to the provisions of Sections 2166, 2166.5, 2166.7, and 2188, to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State.</p> <p><b>Elections Code 18109. Misuse of information; Misdemeanor.</b></p> <p>(a) It is a misdemeanor for a person in possession of information identified in Section 2138.5, or obtained pursuant to Article 5 (commencing with Section 2183) of Chapter 2 of Division 2 of this code or Section 6254.4 of the Government Code, knowingly to use or permit the use of all or any part of that information for any purpose other than as permitted by law.</p> <p>(b) It is a misdemeanor for a person knowingly to acquire possession or use of voter registration information from the Secretary of State or a county elections official without first complying with Section 2188.</p> <p><b>Government Code 6254.4. Voter Registration Information; Confidentiality.</b></p> <p>a) The home address, telephone number, email address, precinct number, or other number specified by the Secretary of State for voter registration purposes, and prior registration information shown on the affidavit of registration, is confidential and shall not be disclosed to any person, except pursuant to Section 2194 of the Elections Code.</p> <p>(b) For purposes of this section, "home address" means street address only, and does not include an individual's city or post office address.</p> <p>(c) The California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on an affidavit of registration, or added to the voter registration records to comply with the requirements of the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.), are confidential and shall not be disclosed to any person.</p> <p>(d) The signature of the voter that is shown on the affidavit of registration is confidential and shall not be disclosed to any person.</p>	<p><b>California Code of Regulations Title 2, Division 7, Chapter 1, Article 1. Access To Voter Registration Information</b></p> <p><b>19001. Definitions.</b></p> <p>As used in this Article, the following words have the following meanings:</p> <p>(a) "Person" includes any person, firm, association, organization, partnership, business trust, corporation or company.</p> <p>(b) "Registration information" means all information maintained in the general index to the affidavits of registration whether set forth on electronic data processing tapes or tabulating cards pursuant to Elections Code Section 607 or in indices of registered voters pursuant to Elections Code Section 607 and includes all information partially or solely derived from the aforementioned information, whether displayed, transmitted or stored in any format or on any media whatsoever.</p> <p>(c) "A registration record" means the information or any portion thereof, set forth in an affidavit of registration executed by any person pursuant to Division 1, Chapter 2 of the Elections Code.</p> <p>(d) "Source Agency" means Secretary of State or local agency or person deputized by the state or local agency which maintains registration information.</p> <p><b>19002. Use of Registration Information; Limitations.</b></p> <p>Registration information obtained by any person from a source agency shall be used solely for election and governmental purposes.</p> <p><b>19003. Permissible Uses.</b></p> <p>Permissible uses of information obtained from a source agency shall include, but shall not be limited to, the following:</p> <p>a) Using registration information for purposes of communicating with voters in connection with any election.</p> <p>b) Sending communications, including but not limited to, mailings which campaign for or against any candidate or ballot measure in any election.</p> <p>c) Sending communications, including but not limited to, mailings by or in behalf of any political party; provided however, that the content of such communications shall be devoted to news and opinions of candidates, elections, political party developments and related matters.</p> <p>d) Sending communications, including but not limited to, mailings, incidental to the circulation or support of, or opposition to any recall, initiative, or referendum petition.</p> <p>e) Sending of newsletters or bulletins by any elected public official, political party or candidate for public office.</p> <p>f) Conducting any survey of voters in connection with any election campaign.</p> <p>g) Conducting any survey of opinions of voters by any government agency, political party, elected official or political candidate for election or governmental purposes.</p> <p>h) Conducting an audit of voter registration lists for the purpose of detecting voter registration fraud.</p> <p>i) Soliciting contributions or services as part of any election campaign</p>

Figure D6. Voter Registration File Request: Voter File Codes and Regulations

VOTER FILE CODES AND REGULATIONS	
<p>on behalf of any candidate for public office or any political party or in support of or opposition to any ballot measure.</p> <p>j) Any official use by any local, state, or federal governmental agency.</p>	<p><b>19009. Submissions to Secretary of State.</b> The Secretary of State may require that the applicant submit to the Secretary of State a copy of all mailings conducted by the applicant pursuant to this Chapter.</p>
<p><b>19004. Impermissible Uses.</b> The following uses of registration information obtained from a source agency shall be deemed other than for election and governmental purposes:</p> <p>a) Any communication or other use solely or partially for any commercial purpose.</p> <p>b) Solicitation of contributions or services for any purpose other than on behalf of a candidate or political party or in support of or opposition to a ballot measure.</p> <p>c) Conducting any survey of opinions of voters other than those permitted by Sections 19003(f) and (g).</p>	
<p><b>19005. Prior Written Authorization.</b> No person who obtains registration information from a source agency shall make any such information available under any terms, in any format, or for any purpose, to any person without receiving prior written authorization from the source agency. The source agency shall issue such authorization only after the person to receive such information has executed the written agreement set forth in Section 19008.</p>	
<p><b>19006. Charges; Deposits.</b> The source agency may designate the price which is to be charged for the use of such registration information. The source agency may also require the payment of a deposit or the execution of a bond to cover the costs of supplying such registration information.</p>	
<p><b>19007. Penalties.</b> Every person, who directly or indirectly obtains registration information from a source agency, shall be liable to the State of California, as a penalty for any use of said registration information which is not authorized by Section 607 of the Elections Code and the regulations promulgated pursuant thereto, for an amount equal to the sum of 50 ¢ multiplied by the number of registration records which such person used in an unauthorized manner. Unauthorized use by any applicant of any portion of the information obtained pursuant to this Chapter shall raise a presumption that all such information obtained by such applicant was so misused. Illustration: X Data Corp. obtains registration information from a source agency and uses this information to address a commercial mailing to 10,000 voters. Under the provision of this section, X Data Corp. is obligated to pay the State of California the sum of \$5000, which constitutes the sum of 50 ¢ multiplied by 10,000, the number of registration records which were used in an unauthorized manner.</p>	
<p><b>19008. Application. (Text Omitted)</b></p>	

Figure D6, continued. Voter Registration File Request: Voter File Codes and Regulations

## Appendix E

### State’s Usage of DOB in Registration Data<sup>[77]</sup>

State	DOB Confidential		State	DOB Confidential		
Alabama	Yes		Montana	Unknown		
Alaska	Yes		Nebraska	No		
Arizona	Yes		Nevada	No		
Arkansas	Unknown		New Hampshire	Yes		
California	No		New Jersey	Unknown		
Colorado	Yes		New Mexico	Yes		
Connecticut	Unknown		New York	Unknown		
Delaware	Yes		North Carolina	Yes		
District of Columbia	Yes		North Dakota	Yes		
Florida	Yes		Ohio	Unknown		
Georgia	Yes		Oklahoma	Unknown		
Hawaii	Unknown		Oregon	Unknown		
Idaho	Unknown		Pennsylvania	No		
Illinois	Unknown		Rhode Island	Yes		
Indiana	Yes		South Carolina	Unknown		
Iowa	Unknown		South Dakota	Yes		
Kansas	Unknown		Tennessee	No		
Kentucky	Unknown		Texas	Yes		
Louisiana	Yes		Utah	Yes		
Maine	Unknown		Vermont	Yes		
Maryland	No		Virginia	Yes		
Massachusetts	Unknown		Washington	Yes		
Michigan	Yes		West Virginia	Unknown		
Minnesota	Yes		Wisconsin	Yes		
Mississippi	Yes		Wyoming	Yes		
Missouri	Unknown					
<b>Totals:</b>	<b>Yes</b>	<b>26</b>	<b>No</b>	<b>6</b>	<b>Unknown</b>	<b>19</b>

## Appendix F Sample Use of Date of Birth for Authentication<sup>[78]</sup>

The screenshot shows the IRS 'Get My Payment' form. At the top left is the IRS logo. The main heading is 'Get My Payment'. Below this, there is a link to 'Frequently Asked Questions' and a note that fields marked with an asterisk are required. The form contains four input fields: 'Social Security Number (SSN) or Individual Tax ID Number (ITIN)', 'Date of Birth' (with a 'MM/DD/YYYY' placeholder), 'Street Address', and 'ZIP or Postal Code'. A blue 'CONTINUE' button is located at the bottom of the form.

**IRS**

### Get My Payment

If you need additional help, please visit our [Frequently Asked Questions](#) page.

All fields marked with an \* (asterisk) are required.

**Social Security Number (SSN) or Individual Tax ID Number (ITIN) \*** ⓘ

**Date of Birth \***  
MM/DD/YYYY

**Street Address \*** ⓘ

**ZIP or Postal Code (\* Required except for countries without ZIP or postal codes)** ⓘ

**CONTINUE**



## **A Failure to Communicate**

### **Restoring Trust and Accountability in Santa Cruz City Government**

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#### **Summary**

Trust in government depends in part on the respectful behavior of elected officials and the Santa Cruz City staff (City staff) who carry out their service to the public. Recent events and publicity raise serious questions as to whether the Santa Cruz City Council (City Council) and City staff are following the City's Human Resources (HR) policies. These policies are intended to govern their behavior, but they are not being followed—thus the City Council and City staff impair their ability to carry out their oaths of office, and compromise the public trust. Our report examines how dysfunction, mistrust, and lack of progress occurred when City leadership failed to follow its own policies and procedures. Our investigation uncovered issues relating to City policies, HR processes, and decision making. Much of the City of Santa Cruz's dysfunction originated from a conflict of political ideologies about how local government should function. The failures related to policies and opposing ideologies resulted in a hostile work environment, and overall working relationships that needed to be repaired.

## Background

Following the November 2018 elections, the Santa Cruz City Council (City Council) began 2019 with a progressive majority.<sup>[01] [02] [03] [04]</sup> Notably, three members of the seven member City Council were renters, not homeowners.<sup>[05]</sup> Some supporters of the newly elected Santa Cruz City Councilmembers (Councilmembers) expressed hope that the Santa Cruz City Leadership (City Leadership) might put a higher priority on the needs and challenges that renters face, such as a lack of housing, high rent, and homelessness. However, as time went on the City Council meetings became contentious, chaotic, and very long. Three months after the election, Santa Cruz City Staff (City Staff) and Councilmembers lodged formal complaints alleging that two Councilmembers' behaviors and social media posts violated the Santa Cruz City's Respectful Workplace Conduct Policy (RWCP).<sup>[06] [07] [08] [09]</sup> The discontent seemed to spill over to public behavior as well, most notably the disruptive, (some would say intimidating), crowds at City Council meetings. Impacts on the City Council included negative media attention, calls for censure, and a campaign to recall two of the Councilmembers.

Several investigations occurred, each with its own price tag, to identify the issues interfering with the City Council and the City's ability to perform its business in an effective and timely manner. Despite these investigations, costing approximately \$78,000 (see [Appendix C](#)), and suggested remedies, the City Council's conflicts continued, negatively affecting City staff, City businesses, the public, and the Councilmembers.

## Scope and Methodology

The Grand Jury examined the City Leadership and aspects of the City's government administration to identify how the specifics of the Respectful Workplace Conduct Policy (RWCP) are followed and enforced, as well as how the City of Santa Cruz (City) and the City Council holds its members accountable.<sup>[10] [11] [12]</sup> The methodology included review of two civil grand jury complaints, fifteen interviews including all Santa Cruz City Councilmembers who served prior to the recall, as well as current and former employees of several City departments. We also interviewed Santa Cruz County (SCCO) employees and members of the SCCO Board of Supervisors. In addition, the Grand Jury studied other City policies and procedures and did multiple document reviews, including the feasibility to convene a rental housing task force study,<sup>[13]</sup> a workplace conduct investigative report,<sup>[14]</sup> as well as employee and public satisfaction surveys. We also researched reports from other grand juries investigating similar issues for guidance on recommended policies and best practices. The investigation also included attending and viewing City Council meetings, and a review of the timeline of events, shown in Figure 1.

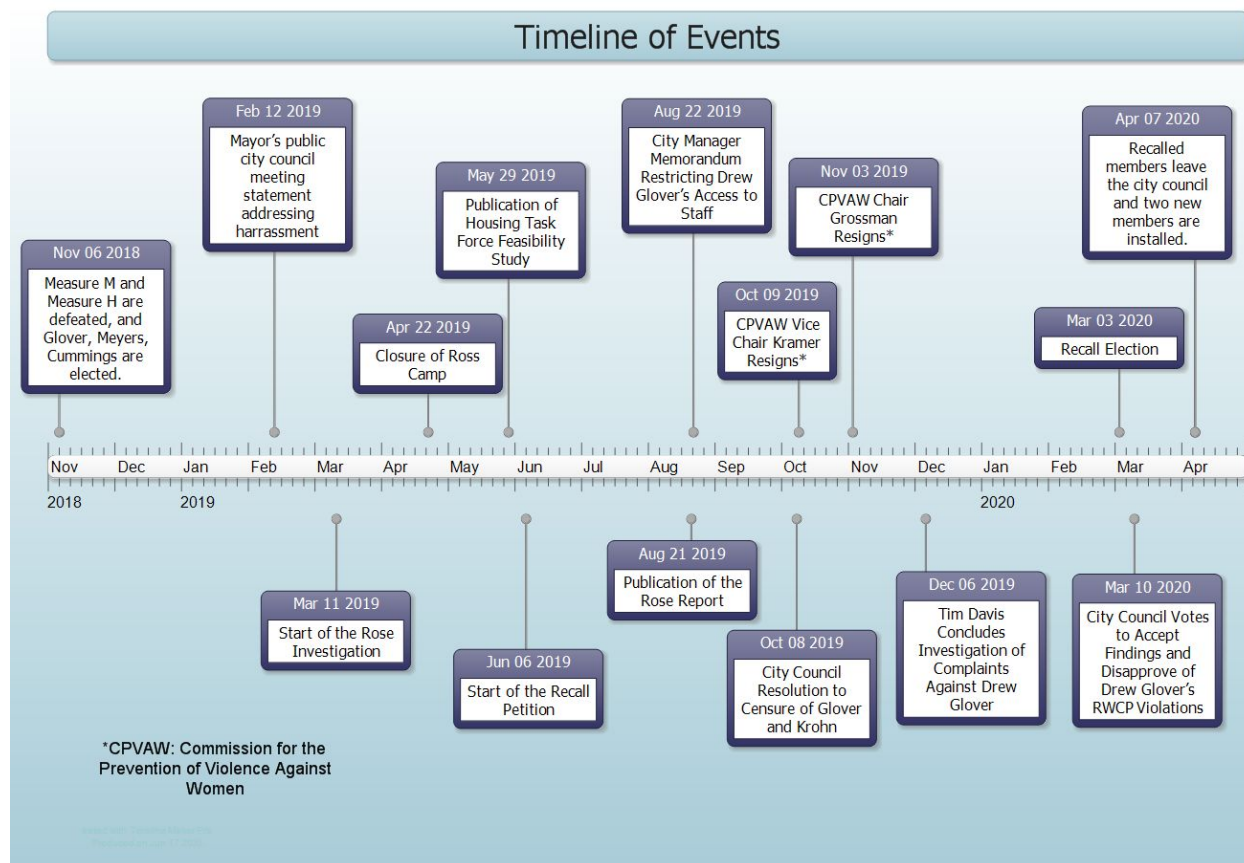


Figure 1. **Timeline of Events**<sup>[15] [16] [17] [18] [19] [20] [21] [22] [23] [24] [25] [26] [27] [28] [29] [30]</sup>

## Investigation

Given the events that the Grand Jury and the public observed, we sought to address the possible underlying causes for the dysfunction, and offer suggestions for improvement. The investigation followed five main topics:

1. Does the structure of the government provide a strong foundation to plan and deliver to the public?
2. Through policies and processes, does government leadership have good rules of the road for interacting with each other and the community?
3. Does the City have a good strategic planning process? Do the strategic and implementation plans align for the benefit of the community? Are training and development adequate?
4. Are the plans and policies executed well? Is execution of plans accompanied by good behavior?
5. Does the City leadership have an organizational culture of shared trust and accountability, allowing it to function effectively?

### ***Structure as a Foundation***

Does the structure of the government provide a strong foundation to plan and deliver to the public?

#### *Introduction to Santa Cruz City Government*

In the Council-Manager form of government, the City Council is elected by the public at large and serves as the legislative body. The Council is responsible for making laws, setting broad policies for the City Manager and City staff, overseeing appointed officials, and determining the city's budget. The City operates under this Council-Manager form of government as a matter of law defined by the City's Charter, which is a legal written document used to establish a city's power, functions, and essential procedures.<sup>[31]</sup> The Santa Cruz City Charter defines the City's functions and procedures, the roles and responsibilities of the City Manager; and lays out the how City Council is elected, the terms, and their numbers.

#### *The City Council*

The Santa Cruz City Council is composed of seven Councilmembers, one of whom is selected by the City Council to serve as mayor. The Mayor is a "first among equals" leader of the City Council, the symbolic leader of the City for all ceremonial purposes, and is typically the presiding officer at City Council meetings.

Councilmembers are elected to four-year terms during general municipal elections which take place in November of even-numbered years.<sup>[32]</sup> Elections are staggered at two year intervals, with four Councilmembers elected during one election, and three Councilmembers at the next. Councilmembers are eligible to run for a maximum of two consecutive terms, but may run again after a 2 year hiatus.

The Mayor and Vice-Mayor are determined by the Council; each year the Council chooses one of its members to be Mayor and another as its Vice-Mayor. The Council Policy for electing a Mayor and Vice-Mayor does not define a process for selecting them, but does mandate a timeline. The timeline requires that the Mayor and Vice-Mayor be chosen at the second meeting in November in non-election years, and at the first meeting after vote certification in election years. By convention the Vice-Mayor becomes Mayor, and the highest vote getter from the last election becomes Vice-Mayor.

#### *The City Manager*

The City Manager is an at-will employee, who is selected by the City Council to oversee the administrative operations of the City. With guidance from the Finance Director, the City Manager presents the annual budget to the City Council for discussion and adjustments. The City Manager is also responsible for overseeing the budget once it is adopted, and all the day to day functions of the City including most personnel decisions. In addition, the City Manager is considered the chief policy advisor<sup>[33]</sup> to the Council and has a professional obligation to provide them with unbiased advice on local operations, to offer an objective assessment of the long-term consequences of decisions, and to



make sound policy recommendations. The City Manager seeks the advice and expertise of City staff, department heads, and the City Attorney in the pursuit of providing sound, objective, and achievable policy goals.

With the exception of the City Attorney, who is chosen by and reports directly to the City Council, the City Manager oversees and approves all personnel decisions including hiring department heads. Some additional responsibilities of the City Manager include projects and City Council assignments, which do not fall within the jurisdiction of any other City department. This includes managing special committees such as the Commission for the Prevention of Violence Against Women (CPVAW).<sup>[34]</sup> Figure 2 provides an organization chart of the City of Santa Cruz.

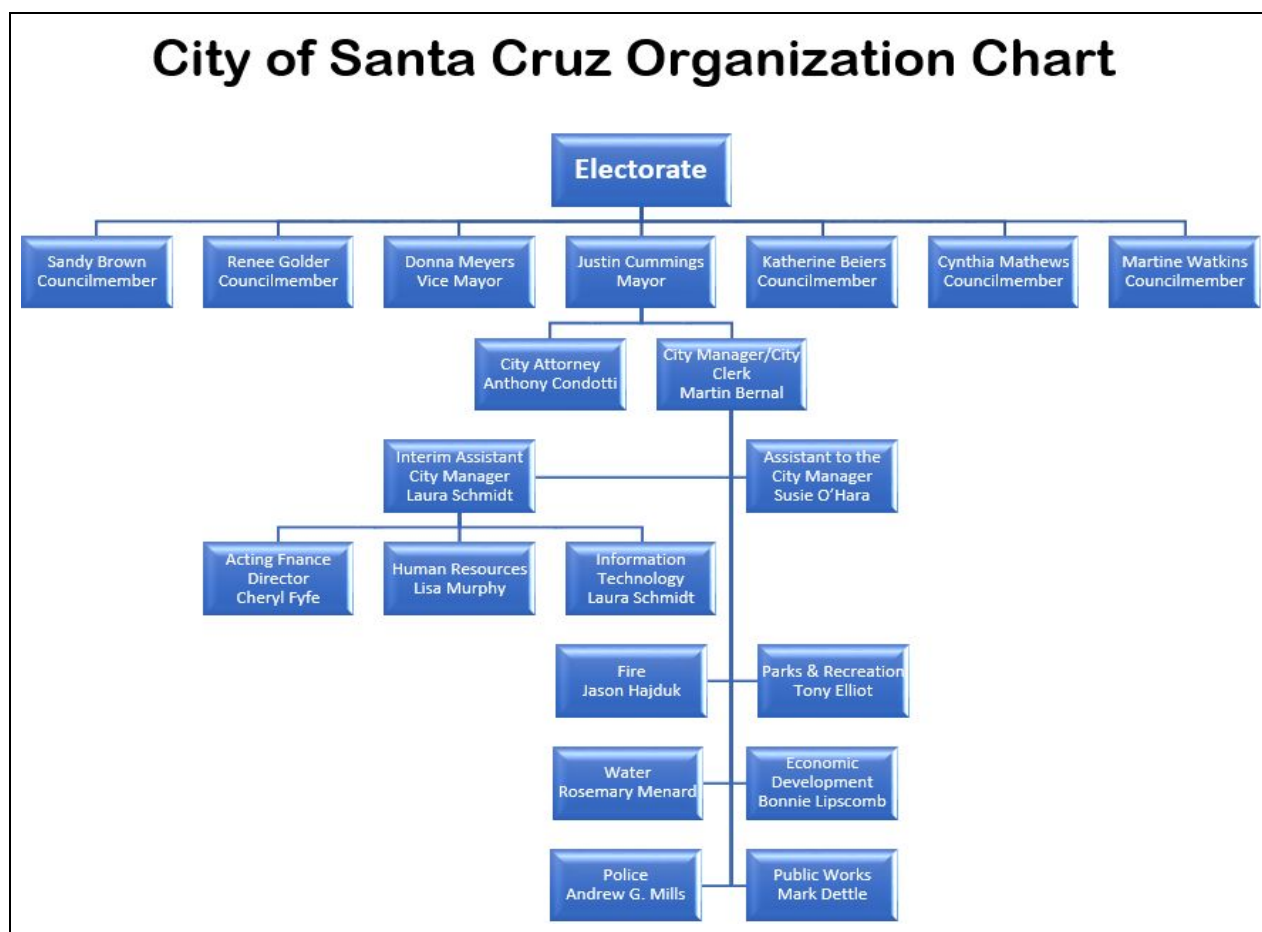


Figure 2. City of Santa Cruz Organization Chart<sup>[35]</sup>

*Council-Manager vs. Mayor-Council*

In a Council-Manager form of government the mayor is usually not elected, but appointed from within the City Council for a one-year term.<sup>[36]</sup> In this scenario the mayor is referred to as a “weak mayor.” This is not meant to imply that he or she is an ineffective leader, but it is a testament to the lack of administrative power that is held by the mayor; administrative powers lie with the city manager. In addition, the “weak mayor” does not possess veto power and can be blocked by the City Council.

In the Mayor-Council form of government the mayor is elected by the voters. The mayor holds the administrative powers and conducts the day to day operations of the city, and the council maintains the legislative powers. The “strong mayor” possesses veto power. The Mayor-Council jurisdiction may have a city manager or a city administrator, but he or she is hired by and works at the direction of the mayor and does not maintain the same administrative authorities and responsibilities as those of a city manager in the council-manager form of governance.

### *Examples from Other Cities in California*

Which is the best form of governance: Council-Manager or Mayor-Council? That is a debate that has taken place in cities across California dating back decades. In 1993 politicians began asking voters to make that choice and for 83% of California voters the choice was the “Strong-Mayor” form of city governance.<sup>[37]</sup>

When cities decide to make the transition to the Mayor-Council form of city government it is not a quick fix or a one size fits all solution. Each city has its own process for getting there, writes their own rules, and defines the new role of the mayor in their city charter.

Cities, such as San Diego and Oakland, eased their way into a permanent change to their governance by beginning with temporary ballot measures. In 2004, voters in the City of San Diego approved Proposition D<sup>[38]</sup> which, in part, allowed its transition to a five-year temporary mayor-council form of government and on January 1, 2006 the experiment began. In June of 2010 the San Diego voters approved a permanent change to the San Diego City Charter and the City moved to a Mayor-Council form of government. Voters also strengthened the San Diego City Mayor’s position by approving the addition of a council seat and increasing the number of council votes needed to override a Mayoral veto from a simple majority to a  $\frac{2}{3}$  majority.

The City of Oakland voted to permanently change its city government to a “Strong-Mayor” form of governance in November 2014.<sup>[39]</sup>

Many California cities have struggled with the debate between the Mayor-Council and Council-Manager models of government. The cities that ultimately decided to make the change from “weak mayor” to “strong mayor” do so in order to mitigate challenges that included: a lack of confidence in leadership, a lack of trust, accusations of wrongdoing, and executive inefficiencies. Figure 3. compares attributes of the Council-Manager versus Mayor-Council models of government.

<p style="text-align: center;"><b>Council-Manager “Weak-Mayor”</b></p>	<p style="text-align: center;"><b>Mayor-Council “Strong-Mayor”</b></p>
<ul style="list-style-type: none"> <li>● Politics are removed from city business</li> <li>● City managers are appointed rather than elected and do not need to be residents of the city, which leads to a larger candidate pool</li> <li>● Emphasis is placed on the legislative body and policy making</li> <li>● City manager can be removed from their position at any time</li> </ul>	<ul style="list-style-type: none"> <li>● Political leadership and accountability are established</li> <li>● Mayor is given veto power and can override unpopular Council decisions</li> <li>● It is a familiar form of government that most Americans understand</li> <li>● Separation of powers between the executive and legislative branches</li> <li>● Provides checks and balances</li> <li>● The Council can refuse to confirm the Mayor’s appointments</li> <li>● The Mayor can appoint a city administrator to assist in the daily operations of the city</li> </ul>

Figure 3. **Models of Government**<sup>[40]</sup>

*Charter Amendment Committee*

In 2018, the Santa Cruz City Council formed The Charter Amendment Committee (CAC)<sup>[41]</sup> to address several governance issues, including whether the City should change to district elections and a directly elected mayor. The CAC met twice to establish the committee and its bylaws, and last met on November 28, 2018. Shortly after newly elected Councilmembers took their seats in 2019,<sup>[42]</sup> the committee’s work halted as the City Council debated growing the CAC and adding new committee members that would be chosen by the new council. The issue reached the City Council’s agenda on January 8, 2019, but it was tabled and never returned for further discussion. The CAC’s one-year term expired without any recommendations being brought forward.

The Grand Jury believes the City Council should reestablish the CAC and should task them with developing job descriptions for Councilmembers, the Mayor, and the Vice-Mayor. In addition, the City Council should ask the CAC to develop recommendations for items listed in the original Charter Amendment Committee Bylaws.<sup>[43]</sup>

The CAC Bylaw's Purpose Statement included a review of the following areas:

- **Directly Elected Mayor**
  - *Term lengths*
  - *Proceed or not to proceed*
- **District Elections**
  - *Proceed or not to proceed*
- **Compensation**
  - *Size of the Council*
  - *Full-time vs. part-time*
  - *Proceed or not to proceed*
- **Other**
  - *Ranked Choice Voting*
  - *7 direct and 6 at-large members*
  - *Encouraging participation as an Elected Official*
  - *Council support within the City Manager's Office*
  - *Polling the community*
  - *Council/Mayor Term Limits*

#### *Council Pay, Job Description, Role of Mayor*

The job of a Santa Cruz City Councilmember is considered a part-time position and receives a small stipend instead of payment for time worked. This is different from its County counterpart, the Board of Supervisors position, which is a full-time job with a full-time salary, making a secondary source of income less necessary.<sup>[44]</sup> While there is no formal documentation containing job description for the duties of Councilmembers or work hours,<sup>[45]</sup> the majority reported that they were told to expect approximately 20 hours per week to be dedicated to City Council duties, but that in reality, they spend 30+ hours a week on City Council work. This is not surprising as many City Council meetings in 2019 ran over 12 hours in length.

Due to insufficient compensation, many Councilmembers either need to have another job or source of income so they can afford to live in the city in which they serve. As a result, we found that the majority of Councilmembers are working 70-80 hours a week in total, between their City Council position and other job(s). This pressure has made it difficult for Councilmembers to spend the time they feel is necessary to perform their jobs<sup>[46]</sup> It is also important to consider that not everyone can dedicate 30+ hours a week of their time. **This combination of hours spent working, insufficient compensation, and high cost of living eliminates the opportunity to serve on the City Council for many, marginalizing those who might otherwise be good candidates.**

The City of Santa Cruz 2020 Salary Compensation Plans<sup>[47]</sup> indicate that non-Mayoral Councilmembers currently receive a salary of \$1,710 per month or \$20,524 per year. The Mayor receives a salary of \$3,420 per month or \$41,040 per year. Councilmembers are eligible for some benefits, like CALPERS pensions, and health care plans, but due

to low pay and the short-term nature of the position, the cost or value of these benefits is not substantial.<sup>[48]</sup>

Per the City Charter, questions related to Councilmember and Mayoral compensation may be submitted to the voters during any municipal election. Section 603 of the City Charter also disallows any salary ordinance which “provides for automatic future increases in salary.”<sup>[49]</sup> Also, salary increases are limited to 5% in any year.

Santa Cruz City Council compensation was last considered at a City Council meeting on January 28, 2014.<sup>[50]</sup> Background information for that meeting indicated that the Salary Compensation Plans did not accurately reflect the current pay of Councilmembers. Figure 4 shows a 22.5% voluntary pay cut for Councilmembers in response to the 2008 recession:<sup>[51]</sup>

City of Santa Cruz Mayor and Councilmember Salary Adjustment Calculation Pursuant to City Charter Section 603		
	Councilmember Monthly Salary	Mayor Monthly Salary
Effective January 2008	\$1,551.33	\$3,102.66
<b>CURRENT SALARY:</b> Effective February 2009 (2008 Salary less 10% reduction)	<b>\$1,396.20</b>	<b>\$2,792.39</b>
Published Salary (Municipal Code; Effective January 2010)	\$1,710.35	\$3,420.68
Proposed Options		
Option 1: Update to 2014	\$2,078.94	\$4,157.86
Option 2: Update to 2014 Less 10% Reduction	\$1,871.05	\$3,742.07
Option 3: No Rate Change; Release Suspension on 2010 Salary Implementation	\$1,710.35	\$3,420.68

Figure 4. Councilmember Salary Adjustment Calculation<sup>[52]</sup>

At the January 28, 2014 City Council meeting, the City Council voted to postpone the issue of City Council compensation until after labor negotiations of all City Staff had been completed. The City Council did not think it was fair to ask for an increase until issues of staff increases had been resolved.<sup>[53]</sup>

After the notorious misdeeds of the Bell City Council,<sup>[54]</sup> the California State Controller (CSC) began publishing on the CSC website mayoral and councilmember salaries for 481 California cities. The Los Angeles Times took this information and constructed a database that added salary guidance based on California Government Code (GOV) section 36516.<sup>[55]</sup> That statute sets parameters for mayoral and councilmember

compensation. According to the Los Angeles Times database,<sup>[56]</sup> the City of Santa Cruz Mayoral and Councilmember compensation is about 30% over the statute-based guidance.<sup>[57]</sup> However, the statute-based guidance relies on a 1984 population-based compensation schedule with a 5% annual increase. It does not take into account factors like expected work hours, comparable private sector compensation, or the disproportionate increases in the cost of living that many California cities like Santa Cruz continue to experience.<sup>[58] [59]</sup> In Santa Cruz County, housing values rose by an average of 6.9% per year since 1984, far outpacing the 5% prescribed in the statute-based compensation schedule.<sup>[60]</sup> It is also important to note that California Government Code section 36516 is only binding for cities that do not have a city charter.<sup>[61]</sup>

The 2014-2015 San Diego County Grand Jury did a comprehensive analysis of deficiencies in the City of San Diego's compensation policy.<sup>[62]</sup> In its report, the San Diego County Grand Jury recommended that the City of San Diego amend its charter so that Mayoral and Councilmember salaries would in the future be based on external benchmarks.<sup>[63]</sup> This recommendation was intended to make Mayoral and Councilmember compensation comparable to private sector positions with similar responsibilities.

As of the writing of this report, we have been unable to determine if the City of Santa Cruz's 2020 Salary Compensation Plans accurately reflects Mayoral and Councilmember compensation, or if there still exists the voluntary pay reduction as in previous years.

### ***Policy: Rules of the Road***

Through policies and processes, does government leadership have good rules of the road for interacting with each other and the community?

#### ***Brown Act and Social Media***

The Brown Act (California Government Code section 54950 et seq.)<sup>[64]</sup> guarantees the public the right to attend and participate in meetings of legislative bodies. The Brown Act defines a meeting as:

*...any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.*  
(Cal. Gov't Code section 54952.2 (a))

Many California cities have addressed the Brown Act as it applies to social media, and have created policies to guard against violations. This policy from the City of West Hollywood provides a good example:

*3.7. City social media sites shall be managed consistent with the Brown Act. Members of the City Council, Commissions and/or Boards shall not*

*respond to, 'like', 'share', retweet or otherwise participate in any published postings, or use the site or any form of electronic communication to respond to, blog or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body.*<sup>[65]</sup>

### *Social Media Policy*

The Santa Cruz City Council, lacking a social media policy and also a conduct policy with well defined consequences, was left grappling with how to hold a Councilmember accountable when an outside investigator substantiated a claim of harassment involving the use of social media. This was not the first time the Council struggled with holding its members accountable.<sup>[66] [67] [68]</sup>

When the Grand Jury asked interviewees if there was a social media policy for City Staff or City Council we received a variety of responses such as “I don’t know,” “there isn’t one,” and “look at the City’s RWCP or the Councilmembers Handbook.”<sup>[69] [70]</sup> City staff and Councilmembers may have been unclear on whether there was an actual social media policy, but they were all keenly aware that if there was a policy, City staff and City Council were not treated equally with respect to enforcement. Witnesses testified that City staff can be terminated for social media-based violations of the RWCP, but consequences for Councilmembers for similar conduct was not clear.

When the Grand Jury reviewed the suggested documents, we found that the RWCP mentions, but makes no special provisions for social media conduct. We concur with the many California cities that have decided to adopt detailed, well-defined, stand-alone social media policies.

With a majority of Americans using online platforms such as Facebook and Twitter,<sup>[71]</sup> and a substantiated allegation of workplace harassment that involved the use of social media,<sup>[72]</sup> the Grand Jury believes City Leadership should establish a well-defined social media policy which includes provisions for violations by both City staff and City Council. Lack of a detailed policy leaves a void where City staff, Councilmembers, contractors, Commissioners, volunteers, and interns do not have clear boundaries, and could misrepresent the City’s core values. The Grand Jury recognizes the delicate balance between First Amendment rights and harmful speech. Social media is a new frontier in free speech, and the City’s RWCP must include provisions for modes of violation that are unique to social media. A comprehensive social media policy must also classify the sponsorship of content, the purpose of communications, and whether the social media platform is allowed to be used as a public forum.

### *Resources for Social Media Use*

The League of California Cities (LCC)<sup>[73]</sup> provides an in-depth examination of social media use in government agencies.<sup>[74]</sup> LCC has looked at Facebook, Twitter, and blogging, and protecting employees from harassment. Several California cities have enacted detailed social media policies.<sup>[75] [76] [77]</sup> In addition, LCC has explored the Brown Act and the Public Records Act (PRA) as they pertain to social media use by city staff, elected officials, and appointees.

The PRA (Cal. Gov. Code § 6250 et seq.)<sup>[78]</sup> requires the retention, production, and public disclosure of government records unless exempted by law for privacy considerations.<sup>[79]</sup> The definition of public records includes: “every conceivable kind of record that is involved in the governmental process” and pertains to any “new form of record-keeping instrument as it is developed.” This includes social media records. Exemptions include strictly personal information unrelated to “the conduct of the public’s business” and law enforcement investigations.<sup>[80] [81] [82]</sup>

### *Intern Policy*

The Grand Jury learned through testimony, documents, and online research that the City lacks a policy to govern the work and behavior of Councilmembers’ interns. City leadership confirmed that there is no City policy and pointed to the CitySERVE Program<sup>[83]</sup> and the policies and procedures they use for the City’s volunteers. There is also no policy to address interns in the Council Handbook.<sup>[84]</sup> The Grand Jury also heard testimony from Councilmembers and City staff that interns were free to come and go and to make requests of City staff as they pleased, which Councilmembers are prohibited from doing (Council Policy 6.9). Because Councilmembers are present at City Hall part-time the supervision and needs of the interns often falls on an already busy City staff. We also heard testimony that some interns contributed to the chaos and “caustic” work environment at City Hall with one City staffer accusing interns of harassment.<sup>[85] [86]</sup> It was reported to the Grand Jury that one Councilmember had up to 20 interns at any given time.

Well-defined policies should exist for those working for the City regardless of their compensation. An intern is defined as an individual who works for reduced pay or academic credits while receiving on-the-job training and experience.<sup>[87]</sup> The Department of Fair Employment and Housing Student Intern Policy<sup>[88]</sup> is well-defined. Sections of the policy include City intern roles, responsibilities, rights, supervision, orientation and training. Adopting such a policy would help in setting reasonable expectations for City interns and City Leadership.

### *Agenda Policy*

During interviews several Councilmembers described the agenda-setting process for City Council meetings as an unfair process lacking in communication and transparency, and which one Councilmember claimed often prevented them from getting their items on the agenda. However, those involved in the agenda setting process spoke about unrealistic expectations, including: packed agendas with no room for additions and City Council meetings that were 12 hours long and went on late into the night.<sup>[89] [90]</sup>

Most interviewees agreed that there should be a better process for conducting meetings that allows for shorter meetings and allowed more of the Councilmembers’ items to get before the City Council. One interviewee stated that City Council meetings do not “allow me to be the best version of myself.”



### *Respectful Workplace Conduct Policies for City Staff and City Council*

The City’s Respectful Workplace Conduct Policy (RWCP)<sup>[91]</sup> confirms the commitment of the City to “establish behavioral and workplace standards to support a culture of collaboration, inclusion, and productivity.” This policy in turn has been adopted by the City Council and documented in its policy manual as the Discrimination, Harassment, Retaliation, and Respectful Workplace Conduct Policy “to maintain and promote a working environment free from abusive conduct, discrimination, harassment, and retaliation.”<sup>[92]</sup>

The RWCP contains language that defines respectful workplace scope, procedures, enforcement, and accountability:

- A single act shall not constitute abusive conduct, unless especially severe and egregious.
- Councilmembers, contractors, unpaid interns, volunteers, customers and visitors shall not be subjected to, or cause, a violation of this policy.
- Discrimination, harassment and retaliation prevention (including prevention of abusive conduct), and cultural diversity awareness training, is mandatory for all City employees and City Councilmembers.

However, there is no mechanism for enforcement of the policy pertaining to the City Councilmembers. In addition, the phrase “severe and egregious” is undefined.

While this policy is important and useful to deter unwarranted behavior and investigate and resolve complaints, it falls short in defining a broader code of conduct for the Santa Cruz City Council. The City of San Jose and Yolo County have adopted clearly defined Code of Conduct policies, which govern behavior and decision making.<sup>[93]</sup> <sup>[94]</sup> As recommended in the Rose Report,<sup>[95]</sup> the Santa Cruz City Council convened a subcommittee (Council of Ethics subcommittee) in August 2019 that was tasked with developing a code of conduct policy.<sup>[96]</sup> The City Council subcommittee on Ethics has met several times. Although the subcommittee planned to have a first draft available by April 2020, to date, no proposals have been brought forward to the City Council for review.<sup>[97]</sup>

### ***Strategic Plan, Operations Plan, and Measures of Success***

Does the City have a good strategic planning process? Do the strategic and implementation plans align for the benefit of the community? Are training and development adequate?

#### *Strategic Plan for City of Santa Cruz*

An important aspect of a well-run organization is to establish a strategic plan. The 2011 Strategic Planning Blog, “Why You Need a Plan: 5 Good Reasons,”<sup>[98]</sup> states that a plan enables the organization to clearly do the following:

- get everyone on the same page
- establish direction and associated priorities

- lay a path for good decision making
- drive alignment with all the parties needed to accomplish the strategy
- communicate the same message to everyone

The Strategic Plan affects all aspects of City operation and budget. It needs to be a fluid document that changes to reflect the current situation. The City of Santa Cruz established its first strategic plan<sup>[99]</sup> in 2011 to provide a vision of key goals and initiatives with various revisions. The 2015 version<sup>[100]</sup> became a detailed Strategic Plan for the City with seven goals. In 2017, the City Council established a Two-Year Work Plan<sup>[101]</sup> that narrowed the plan to three strategic goals focused on key City Council initiatives and core City services that were of greatest concern and impact based on community input. This work plan expired in June 2019 and has not yet been addressed by the City Leadership.

Although the Two-Year Work Plan specifies that it will be updated every 2 years, minimal activity has begun to meet that requirement. At the January 14, 2020 City Council meeting, an Overview of a Strategic Planning Process<sup>[102]</sup> by Optimal Solutions Consulting was on the agenda. It provided another option on how to develop a plan. However, that option did not include ways to measure success or provide data for fruitful modifications to the plan on a regular basis.

A scan of documents from the City Leadership yields the following observations:

- the most recent work plan as documented<sup>[103]</sup> expired as of June 2019; no revision has been published
- the most recent strategic plan as documented<sup>[104]</sup> was last updated September 2015
- individual department budgets, plans, accomplishments for 2019 and goals for 2020 were documented in the respective budget documents<sup>[105]</sup>
- with few minor exceptions, there are no quantified accomplishments or goals cited
- the plan for preparing the Strategic Plan<sup>[106]</sup> shows the following pending actions:
  - a draft written in April-May 2020,
  - review by the steering committee and other stakeholders in May-June 2020, and
  - presentation to the City Council for review, feedback, and approval in June 2020.

### *Measures of Success*

During interviews with City department heads and City staff, it was noted that managers and executives do not have quantified goals. It is common practice to define goals as 'SMART':<sup>[107]</sup>

- Specific
- Measurable
- Assignable

- Realistic
- Time-Related

These criteria facilitate definition, measurement, analysis, improvement, and governance of department progress and individual employee achievement and development.

### *Onboarding: How to Train and Align*

According to the City of Santa Cruz website<sup>[108]</sup> all new employees, including Councilmembers, are required to take training in Harassment Prevention and Cultural Diversity. Councilmembers are given a handbook to familiarize themselves with rules of procedure for conduct of City Council business, agendas, decorum in council meetings, duties of the presiding officer, etc. There is also orientation for new Councilmembers provided by the City Manager and key department heads,<sup>[109]</sup> as well as training provided by the League of Cities in Sacramento, and introductions to various County agencies and their department heads.<sup>[110]</sup>

Throughout the Grand Jury's investigation, witnesses repeatedly stated that the onboarding process was insufficient, even chaotic. Several Councilmembers reported that they did not receive basic orientation materials until the February following their November election, and that they were not introduced to the various City department heads and City staff as they were told would happen. Some stated that newly elected Councilmembers were thrown into the deep end with such a steep learning curve that it was difficult to know what questions to ask. Many new Councilmembers stated that they were ill-prepared, unsure of how to communicate with City staff, unclear about what was expected of them and what they should expect of others. Councilmembers identified several problem areas where more comprehensive training was needed, including a better understanding of the role of City staff and City Manager, Robert's Rules of Order (pertaining to the proper procedures for conducting City Council meetings), and meeting facilitation. However, the two topics that most Councilmembers agreed needed more robust training were the agenda setting process and the Brown Act. Some Councilmembers disagreed with others' low opinions of the onboarding process, saying that although there may be room for improvement, the information is out there and ultimately it is the responsibility of each Councilmember to educate themselves.<sup>[111]</sup>

So who is ultimately responsible for onboarding, and what are the consequences when it is inadequate? If, for example, a Councilmember does not understand the agenda setting process, it might cause them to question if agenda items are intentionally being left off the agenda in an attempt to sabotage policies they would like to bring before the council. The City should want a thorough and consistent training process that eases the transition between the outgoing and the incoming newly elected Councilmembers. A better training process will lead to overall improved efficiency across City departments. It is important for each new Councilmember to take responsibility to utilize all resources available to him or her so they can be best prepared to do the job. Having a structured, consistent, and timely onboarding process becomes most important when newly elected members hold differing political views not just on policies, but in their understanding of

the very purpose of the City Council. That is when it is most important to establish what is agreed upon and what is not.

### ***Preparation, Execution, and Behavior***

Are the plans and policies executed well? Is execution of plans accompanied by good behavior?

#### *City Council and Staff Interactions*

Councilmembers' requests for staff resources have also given rise to conflicts. City Council Policy 6.9 (1998)<sup>[112]</sup> states that any requests of City Staff made by individual Councilmembers that are expected to use more than 8 hours of staff time for a single request require full council approval. The policy also states that Councilmember requests should be made directly to the City Manager, Assistant City Manager, or Department Heads.

Councilmembers are alleged to have violated this policy. These actions in part prompted the City Manager's August 22, 2019 memo limiting a Councilmember's access to City Staff.<sup>[113] [114] [115]</sup>

A working group consisting of the Mayor, Vice Mayor, and Assistant City Manager began meeting in June 2019 to expand and refine City Council Policy 6.9 and the associated process for Councilmembers' requests of staff.<sup>[116]</sup> The proposed updated request policy defined the following categories:<sup>[117]</sup>

- Emergency or Urgent Requests
- Quick Information
- Research, Resolution, Report
- Project / More Complex Research, Resolution, Report

Associated with each category is: staff time required, prioritization, first contacts, and council support and approval criteria.

The City Council unanimously approved the updated Council Policy 6.9 during the January 14, 2020 meeting, but then during the February 11, 2020 meeting, the Council reversed its earlier decision, which left the policy unchanged from the original.<sup>[118]</sup>

#### *Dysfunction, Mistrust, and Inadequate Policies*

Grand Jury interviews of City Council and City staff revealed a widespread culture of mistrust, lack of accountability and poor communication among those whose success depends on cooperation, good faith, and acceptance of responsibility.

(See [Appendix B.](#))

From community members, County officials, and City Leadership, this Grand Jury heard a consistent message about a lack of trust that ran in all directions,<sup>[119]</sup> with most of the fingers pointing in the direction of City Leadership. It was clear during our interviews how this level of distrust has contributed and will continue to contribute to ineffective governance if it is not resolved. We heard about the divided loyalties and watched battle

lines being drawn in print, on television, on social media, and during City Council meetings as those tasked with doing the City’s business and representing the voters clashed with each other and with constituents on the issues that divided them. Some of the more contentious issues centered around tenant’s rights, politics, “just cause evictions” and homelessness, specifically the Ross Camp. Contrary to Brown Act provisions, Councilmembers attempted to raise some of these issues, which were not agendized, during City Council meetings. The Mayor was subjected to hostility when she appropriately refused to allow discussion of non-agendized items.<sup>[120] [121]</sup>

City Leadership attempted to resolve some of these deep government and community divisions by seeking outside help. In April 2019 the *Sacramento State College of Continuing Education Consensus and Collaboration Program* (CCP),<sup>[122]</sup> a neutral third party, was commissioned to assess the feasibility of convening a Santa Cruz City rental housing task force. The task force was to be composed of stakeholders, and directed by the Santa Cruz City Council. The CCP report gave a detailed analysis of Measure M.<sup>[123]</sup> This measure, if it had been approved in 2018, would have amended the City’s Charter to enact rent control and “just cause eviction” regulations on residential rentals in the City of Santa Cruz. Some Councilmembers and many of their supporters and allies cite this measure as being the root cause of the rocky start to the newly seated Council in November 2018, and also at the heart of the March 2020 recall of two Councilmembers.<sup>[124] [125] [126] [127] [128]</sup>

The CCP report speaks to the “us versus them”, “each side” mentality of the Council and stakeholders, and how housing issues have a polarizing effect. Grand Jury interviewees corroborated the CCP report’s findings. We heard that there is a desire to accomplish change and to do things differently, but there is insufficient common ground between the “two sides” to achieve solutions that are mutually acceptable. The CCP report goes on to state that:

*There is a profound need being expressed for a different way to do things, and a pragmatic awareness that under current political conditions, there is an aspect of “mutually assured destruction” (MAD). Each “side” claims a political mandate from the last election and also acknowledges that said mandate is tenuous. Neither “side” seems confident that they can prevail if they push an agenda that is uniquely serving their interests. Almost all the participants know that there are countervailing political forces with which they can match each other ‘blow for blow.’<sup>[129]</sup>*

In addition, participants in the CCP inquiry stated that City Councilmembers’ behavior, characterized as “theatrical,” “dysfunctional,” “childish,” “disrespectful,” and “embarrassing” constituted a major barrier to successful outcomes.

*These participants stated that they are not optimistic that the City Council would accept collaborative outcomes from a task force, nor are they confident that Councilmembers, on all ideological sides, will not try to influence the work of a task force through public and/or private means.<sup>[130]</sup>*

Ultimately, despite a desire on “both sides” to create solutions to fix the housing issues facing the City, the CCP report concluded that convening a task force was not feasible at that time, and if one was convened it was unlikely to be successful due to the level of dysfunction in the City.<sup>[131]</sup>

### *Allegations of Harassment and Social Media Conduct*

The CCP report concluded that stakeholders were concerned that Councilmembers might use “public and/or private means” to exert undue influence making stakeholders hesitant to engage on housing issues.<sup>[132]</sup> The Grand Jury heard testimony and reviewed documents that substantiated those concerns.<sup>[133]</sup>

Throughout 2019 until the writing of this report there have been allegations of a concerted effort by members of the Council, their supporters, and their allies, to inappropriately influence public opinion and behavior.

The issues of improper influence included housing and homelessness policy, the recall, and RWCP investigations. These perceived influences have created discomfort for some of the City Staff, commissioners, and Councilmembers. Grand Jury interviews, public testimony, workplace complaints, and investigative reports document complaints of “harassment,” which played out across multiple public forums. We heard testimony about a former member of the City’s leadership being spat on and called names while leaving work and a City staffer who made allegations of harassment by a Councilmember’s interns.

Multiple witnesses testified to memos and information related to investigations being leaked to the media, and names and testimony being shared publicly when they were assured that they would not be. At least two witnesses stated that their trust had been violated by City Leadership and investigators.<sup>[134]</sup>

After reading<sup>135</sup> and receiving testimony about targeted harassing behaviors directed at City staff at City Council meetings, we watched City Council meetings online and attended City Council meetings in person.

We read letters to editors,<sup>[136]</sup> opinion pieces,<sup>[137]</sup> blogs,<sup>[138]</sup> and Facebook postings that were written by current and former City Councilmembers,<sup>[139]</sup> <sup>[140]</sup> County Supervisors,<sup>[141]</sup> City Commissioners,<sup>[142]</sup> community political activists,<sup>[143]</sup> <sup>[144]</sup> and residents of the City.<sup>[145]</sup> This assessment was done to help us understand what was happening across online platforms related to the public allegations of online harassment and allegations made during witness testimony to the Grand Jury.<sup>[146]</sup>

While some of the allegations of misconduct and harassment have been substantiated through City-initiated investigations, others were investigated but not substantiated, and witnesses stated some were not investigated at all.<sup>[147]</sup> <sup>[148]</sup>

Investigating allegations of workplace harassment was not the purpose of this Grand Jury’s investigation. Therefore the Grand Jury will not make any determinations on claims of harassment. However, we understand how City Staff might feel harassed and intimidated by elected officials, given the perceived disparity in stature and visibility.<sup>[149]</sup>

There have been documented HR complaints, Grand Jury testimony, and even allegations from the Council dais<sup>[150]</sup> of social media and online attacks and harassment of City Staff and Councilmembers.<sup>[151]</sup> In November 2019 the City received complaints from three members of the CPVAW Commission alleging a violation of the RWCP by a Councilmember.<sup>[152]</sup><sup>[153]</sup> The CPVAW Commissioners' complaints were in response to a Facebook post by the Councilmember on an official Councilmember Facebook page.<sup>[154]</sup> In this posting the Councilmember accused the CPVAW Commissioners of "peer pressure," "coercion," and using CPVAW in a manner that was "partisan" and "unethical."<sup>[155]</sup> The Councilmember also made other allegations that were later determined to be untrue.<sup>[156]</sup> In response to the CPVAW complaint the City hired Tim Davis, an attorney from Burke, William, and Sorensen LLP, to investigate the complaint. On March 10, 2020, the City Council released the conclusions of Mr. Davis' investigation,<sup>[157]</sup> which substantiated the complaint that the Councilmember had violated the City's Respectful Workplace Conduct Policy (RWCP) APO, Section II-#B.

The City's HR Notice of Investigation Determination report agreed with Mr. Davis' finding that the Councilmember's posting was "severe and egregious conduct that was intended or would be perceived by a reasonable person to be derogatory, insulting, slanderous, or malicious rumor-spreading and undermining" of the CPVAW Commissioners' work.<sup>[158]</sup> The City's HR Notice of Investigation Determination report also agreed with Mr Davis' report finding that the post was retaliatory in nature. While it may appear, in the absence of a stand alone social media policy, that the City was able to substantiate allegations of harassment made via social media, it took a lengthy outside investigation that cost the City \$8,824 to make that determination.<sup>[159]</sup><sup>[160]</sup>

Although the Councilmember was found to have violated the City's RWCP, the CPVAW Commissioners were informed "elected officials are held accountable for their actions by their fellow colleagues on the Council and ultimately the community", and that Councilmembers are not subject to the "traditional forms of discipline" as City Staff when they are found to have violated the same policy.<sup>[161]</sup>

### *Employee Engagement Survey*

The City of Santa Cruz released a preliminary report on the 2019 Employee Engagement Survey.<sup>[162]</sup> This survey was conducted between October 28th and December 31st, 2019 using Survey Monkey technology.<sup>[163]</sup> The intent of this third annual survey was to check the pulse of the City employees in their work environment. It uses the same questions each year and is created by the City based on the six themes used for employee engagement. As we examined this preliminary report, it became evident that it generated more questions than answers about the employees and their work environment. Here are some of the problems we found in this preliminary report:

- **Clarity on employee participation** is in question. The Equal Employment Opportunity Committee (EEOC) indicated that only **80** City employees participated in the 2019 survey. However the results state that **236** City employees participated. The report also does not indicate the total potential City

employee participation which is needed to understand the validity of the data. From the City's personnel profile data, that total is approximately 875 employees.<sup>[164]</sup>

- **Purpose of the Survey** is not clearly defined and the questions are misleading. Due in part to the organization of the report, the questions do not always fit the theme as defined.
- **Demographics** are confusing. It is not clear whether they cover everyone, or only those who completed the survey.
- **Engagement** definition is not clear. Charts provided in the report cover multiple years (2017 through 2019) but provide no reference point on validity of the comparison.
- **Validity of the Survey** is in question. Survey Monkey provides a sample size calculation<sup>[165]</sup> to help understand if response levels are adequate to validate the survey. Using this tool with a potential response population of 875 and a standard confidence level of 95% with a margin of error at 5%, a valid response for the City of Santa Cruz would require **268** completed surveys.

With these deficiencies it is difficult to accept this survey as an accurate assessment of the City employees and their work environment. More effort would need to be applied to a survey function to provide the data points for evaluating City employee engagement and provide a more targeted survey to accurately reflect City employee issues.

Several Grand Jury interviewees commented that the low participation rates were reflective of low morale among City staff.

### *Lack of Trust Among Staff*

The overwhelming message that the Grand Jury received throughout its investigation was there exists pervasive mistrust among City staff, City Council, and the public, which impairs the City's ability to function. What is the result of this distrust and unstable work environment? The Grand Jury heard from several of the interviewees that they were dissatisfied with their jobs. Employee's dissatisfaction with the work environment exacerbates other factors affecting employee attraction and retention.

### *Community Relations*

City of Santa Cruz residents have been watching this disparity play out at City Hall and one could argue that they are sending signals that they are tired of the chaos. On March 3, 2020 voters went to the polls and voted to recall two Councilmembers<sup>[166]</sup> who had been investigated and found to be in violation of the RWCP, but City residents sent an earlier signal that they were losing faith in City Leadership when they responded to the City's public survey discussed below.

### *Loss of Public Trust—Public Opinion Survey*

The Public Opinion & Marketing Research firm of Gene Bregman & Associates has conducted thirteen public opinion polls of City of Santa Cruz residents over the last



twenty-one years. The City Manager received the results of the most recent poll in November 2019.<sup>[167]</sup> Figure 5, which appeared in the poll, shows that the percentage of City residents who think that City Leadership is doing an excellent or good job is at its lowest point (37%), in the history of these polls. The percentage of residents who think the City Council is doing an excellent or good job is also at its lowest point (20%).

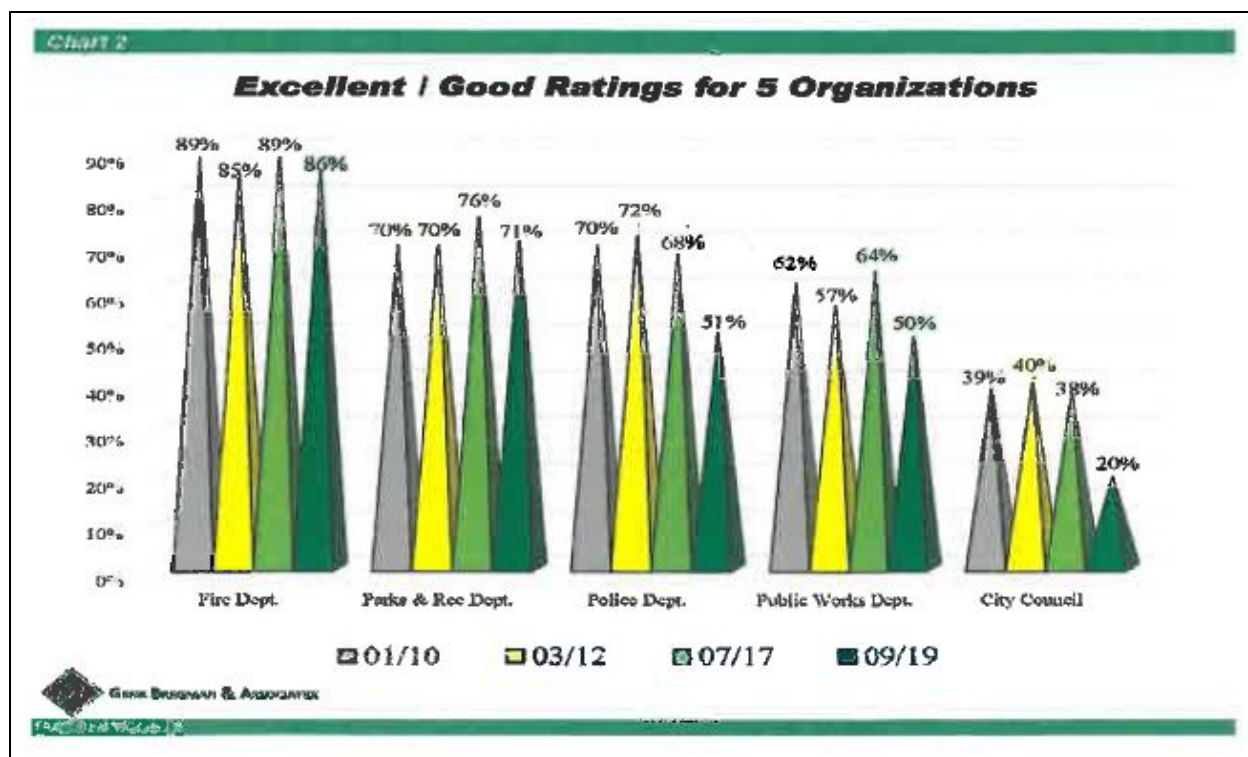


Figure 5. Survey Ratings by City Department (2010, 2012, 2017, 2019)<sup>[168]</sup>

The low ratings of City Leadership may affect the City’s ability to raise money. In a discussion of the potential passage of a Transient Occupancy Tax (TOT) increase of either two or three percent, the survey author stated:

*While opposition can sometimes be overcome, there are red flags that signal it would be more difficult at this time. First, are the declining job ratings being given to Santa Cruz City government, in general, as well as for the City Council and other City departments, in particular.*<sup>[169]</sup>

The top two reasons that respondents gave for opposing an increase in TOT were the following:<sup>[170]</sup>

- A. “We cannot trust the City Council to keep its promise to use the money properly unless the tax measure specifically says how the money must be used”, and
- B. “We should not increase our taxes to pay for the excessive salaries and benefits of city bureaucrats”

### *Decorum in City Council Meetings*

As the elected legislative body for the City of Santa Cruz, the City Council meets in a public setting on a regular basis to conduct City business. These City Council Meetings have defined schedules and agendas with a prescribed opportunity for public commentary.<sup>[171]</sup> However, both Councilmembers and the public have demonstrated disruptive behavior. This results in the Council not being able to complete business efficiently nor for all members of the public to have their voices heard. The disruptive meetings are also a deterrent for members of the public who choose to avoid the intimidating crowds and the extra-long meetings.

The City Council Handbook contains a detailed description of expected meeting decorum. It includes an ex-officio sergeant-at-arms for the Council who will carry out all orders and instructions of the presiding officer to eject anyone who disrupts the meeting.<sup>[172]</sup>

In addition, the California League of Cities recommends ways to conduct public meetings that conform to Brown Act requirements.<sup>[173]</sup> Councilmembers should also remember that as elected officials it is their obligation to be as transparent as possible to better serve their constituents. The Grand Jury recommends that they refer to the “ABCs of Open Meeting Laws”<sup>[174]</sup> and “Dealing with Difficult Situations at City Council Meetings”<sup>[175]</sup> to ensure that both Councilmembers and the public behave in an orderly fashion during meetings.

That being said, wielding a heavy hand in attempting to maintain meeting decorum may yield unintended consequences, particularly when some members of the public view meeting disruption and civil disobedience as a free speech right and civic duty.<sup>[176]</sup>

An example of what can go wrong occurred on March 12, 2002, when a member of the public gave a Nazi salute during a City Council Meeting.<sup>[177] [178]</sup> The Mayor called for the individual to be ejected and he was subsequently arrested.

A decades long court battle ensued between the City of Santa Cruz and the member of the public.<sup>[179]</sup> The case gained national notoriety,<sup>[180]</sup> and was eventually resolved in 2012, with a jury decision in favor of the City.<sup>[181]</sup> Even so, the City’s estimated legal fees were \$150,000.<sup>[182]</sup>

### ***Culture, Shared Trust and Accountability***

Does the City Leadership have an organizational culture of shared trust and accountability, allowing it to function effectively?

#### *Accountability and Authority*

Who has the authority and who is accountable when things go well and when they do not? Is it the City Manager, who is not elected, but has the administrative power, oversees the budget and is responsible for all personnel decisions and day to day operations of the City? Is it the City Council, which lacks administrative authority and is prohibited from interfering in the work taking place at City Hall,<sup>[183] [184]</sup> but is ultimately

the body that can remove the City Manager from his or her position with a majority vote? Who do the voters believe should have the authority to make the decisions for their city and ultimately for where their tax dollars should go? What happens when the voters, City Staff, Commissioners, Councilmembers, and community members are all pointing fingers at each other as they make accusations of dysfunction, harassment, and ineffective leadership?

Across the board, interviewees testified to the Grand Jury about a loss of confidence in City Leadership. Many interviewees stated that many of the City's current and ongoing issues could have been avoided with better management. We heard and read about conflict on the City Council and between City Leadership, and City Staff. Witness testimony educated us to a level of dysfunction and lack of trust that was so divisive that Councilmembers chose not to share work projects that could have increased functionality on the City Council and at City Hall. We were alarmed to learn of the tens of thousands of dollars spent by the City to investigate serious allegations of workplace misconduct (see [Appendix C](#)).

The Grand Jury concluded that the City Council should consider a transition to the Mayor-Council form of government and a Strong-Mayor leadership. This form of government establishes leadership, accountability, checks and balances, and is a form of government that most people are more familiar with. In the meantime, the City Leadership should assess what changes can be made to create a more transparent process that leads to a more effective, efficient, and responsive government. Restoring trust and faith within the walls of City Hall has the potential to help restore public trust in government.

### *Culture and Trust*

Beyond observing and analyzing individual events and their impact, we considered the bigger picture of what underlies the chaos and dysfunction of the City Leadership. Our interviews and observations demonstrated a lack of trust and commitment to change, and reluctance to take personal responsibility. Instead, events and 'others', i.e. not each and every individual, were to blame for the dysfunction.

A data driven study published in the Harvard Business Review looked at the critical elements of establishing and changing a culture for the better.<sup>[185]</sup> Four factors drove cultural values:

- leadership commitment
- consistent messaging and communications
- individuals taking responsibility
- peers holding each other accountable.

During the March 10, 2020 City Council meeting, the Conflict Resolution Center (CRC) reported that one-on-one Councilmember coaching sessions had been completed. Councilmembers listened to and thanked the CRC. What was lacking were statements of individual responsibility, ownership of the problems, and commitment to change. Another observation to note about the CRC engagement is that the contract between

the City and the CRC contained no measures of performance or success.<sup>[186]</sup> This compromised the ability of the City Council to hold the CRC accountable for results, and to hold themselves accountable for meaningful, measured progress toward the goal of conflict resolution.

The Grand Jury concluded that the City Council has not yet prioritized continued remediation of their conflicts. Its focus has been on finding ways to assign blame. In Council meetings, Councilmembers are not yet admitting their contributions to the dysfunction, nor are they committing to do better. Absent reprimand or censure, they should adopt the practice of coaching and supporting each other—not challenging and reprimanding each other—in order to hold each other to a higher standard of behavior.

#### *A Model for Trust and Accountability*

Patrick Lencioni, in his book *The Five Dysfunctions of a Team*,<sup>[187]</sup> presents an excellent business model for understanding how conflict resolution ultimately leads to results.

[Appendix A](#) contains the five dysfunctions pyramid. To summarize:

- The pursuit of individual goals and personal status erodes the focus on collective success.
- The need to avoid interpersonal discomfort prevents team members from holding one another accountable for their behaviors and performance.
- The lack of clarity or buy-in prevents team members from making decisions they will stick to.
- The desire to preserve artificial harmony stifles the occurrence of productive, ideological conflict.
- The fear of being vulnerable with team members prevents the building of trust within the team.

Unfortunately, all of these behaviors and symptoms have been observed during Council meetings and in interactions among City Leadership and City Staff over the past 18 months. Here are examples of incidents and behaviors which should be addressed and corrected in one-on-one or group meetings:

- Trust: At least one Councilmember used a staff of interns but did not share the hiring methods nor best practices with other Councilmembers due to lack of trust with the other Councilmembers.<sup>[188]</sup>
- Trust: Lack of trust was specifically cited in the housing CCP report in early 2019.<sup>[189]</sup>
- Conflict: The City Manager issued a memorandum which restricted one Councilmember's access to City Staff.<sup>[190]</sup>
- Conflict: Complaints of harassment in violation of the RWCP were documented in the Rose report.<sup>[191]</sup>
- Committed Decisions: The City Council displayed apathy during the March 20, 2020 readout of progress by the CRC.

- **Committed Decisions:** The Mayor delivered a message about alleged harassment and bullying to the Council at the February 12, 2019 Council meeting without goals, consequences, or commitment to act; and the CRC did not begin its work until October.<sup>[192] [193]</sup>
- **Mutual Accountability:** From the Housing Task Force Feasibility report – “The current Council is engaged in actions and discourse that is unsatisfactory to almost all the interview participants.”<sup>[194]</sup>
- **Collective Success:** From the Housing Task Force Feasibility report—“Under current circumstances and using the Council’s current goals as a target, it is very unlikely that a task force will be successful.”<sup>[195]</sup>

In addition to the lack of trust demonstrated between Councilmembers, interviews revealed an overall lack of trust between Councilmembers and City Staff, and City Staff among themselves. City Staff reported feeling unsupported by City Leadership during times of intense conflict and stress, and others reported that they were intentionally undermined. Many reported that these tensions started early 2019, but were not dealt with and so were left to fester. City staff also testified that they did not trust HR to support them or maintain confidentiality.

### *Rebuilding Trust Transparently*

Developing processes, including an agenda setting process, that are transparent even to the public, fostering a less “caustic” environment, and finding a path to shorter meetings would be a good place to start towards mending the rifts at City Hall. Transparency and friendly work environments not only build trust among colleagues, but could restore trust within the community and possibly encourage a larger cross-section of the community to attend meetings and promote collaborative problem solving between Santa Cruz City government and City residents.

The City of Santa Rosa has faced many of the same issues that the City of Santa Cruz has faced, including allegations of workplace harassment and a lack of trust in government.<sup>[196]</sup> In 2014 the Mayor of Santa Rosa convened The Mayor's Open Government Task Force (Task Force)<sup>[197]</sup> to look at issues of community engagement and how to rebuild trust in the community. The Task Force acknowledged that rebuilding trust and overcoming community frustration was a complex task and the solutions were not simple, stating: “...*the solutions to these issues will be solved through a comprehensive community engagement strategy that invites everyone to the table.*”<sup>[198]</sup>

The Task Force made multiple recommendations and suggested a strategic plan for implementing them.<sup>[199]</sup> Recommendations included:<sup>[200]</sup>

- *Set a Council goal of open and transparent government*
- *Develop a culture focused on communication*
- *Build a strong civic infrastructure – educate people about how best to engage*
- *Establish Santa Rosa as a leader in civic engagement with the goal of increasing openness, transparency and accountability*

- *Close the communication loop—acknowledge the value of community input, wisdom, and participation*
- *Genuinely engage and partner with neighborhoods, volunteers, businesses, institutions, and other organizations which support our community*

Oftentimes, cities only reach out to their constituents when they need to get them onboard with a project or at election time. The City of Santa Cruz needs to do more than that—it needs to heal divisions and build trust. The Grand Jury believes the Santa Rosa Task Force recommendations listed above would be well applied to the City. The City of Santa Cruz would benefit from developing a task force similar to the Santa Rosa Mayor’s Open Government Task Force, to work on building community relationships and transparency in City government.

## Conclusion

The period from November 2018 through the present day has been particularly tumultuous, divisive, and painful for the Santa Cruz City Leadership and City Staff, and the Community. The consensus among Grand Jury interviewees was trust and communications were broken on many levels. Few expressed confidence that a culture of trust and open communication could be re-established.

The Council-Manager form of city government requires and assumes a partnership between City Council and City Staff.<sup>[201]</sup> It cannot function effectively if there is unresolved conflict among those parties.

It might be reasonable to conclude that the dysfunction was situational rather than systemic. The root causes of divisions in the City might have been the coincidence of an alleged progressive majority and attempts at tackling the complex and incendiary labyrinths of affordable housing and homelessness. But the Grand Jury heard testimony and found evidence to the contrary. We learned that divisions existed prior to November 2018, and that the recall, if it were to be successful, would do little to heal those divisions.

After the presentation of CRC findings to the City Council, Councilmembers expressed sadness over the conflicts that led to CRC involvement. But they did not fully acknowledge or take responsibility for their roles in the conflict, nor did they pledge to apply what they had learned to future conduct, or suggest that ongoing work and training in conflict resolution should be a high priority.<sup>[202]</sup>

Currently, in part due to COVID-19 constraints of remote proceedings and dial-in public comment, City Council meetings are outwardly less contentious. But what lessons were learned from the last 18 months that could provide guidance to Council and City Staff, working as a team, to improve their performance in solving existing and future crises?

In a May 7, 2020 memorandum, the City Manager estimated that the City now faces huge budget deficits in the next 2 fiscal years.<sup>[203]</sup> These deficits will lead to substantial pain and hardship for the City and its residents. Surveys, Grand Jury testimony, and public comment have all demonstrated a lack of confidence in City Leadership. Can Council and City Staff restore trust and accountability in the midst of these challenges?

When times are tough, it is tempting to conclude that there isn't time to work on organizational improvements, and that all resources should be focused on getting through the tough times. But impacts of dysfunction are amplified during such times. Weaknesses are revealed that may hinder optimal response.

This report suggests many improvements to City strategy, policies, and process. But as the legendary educator and business management guru Peter Drucker remarked, "Culture eats strategy for breakfast."<sup>[204]</sup> In other words, policies and strategy are important but without a culture of trust, transparency, teamwork and effective communications, even the best strategy will not lead to organizational success.

Trust is a commodity that is lost quickly and regained slowly. For the City of Santa Cruz, now is time to begin restoring that trust.

The Grand Jury therefore respectfully submits the following findings and recommendations.

## Findings

- F1.** City Leadership fails to consistently follow and enforce the City's Respectful Workplace Conduct Policy and have no effective or consistent definition of egregious behavior in that policy.
- F2.** The City Council's conduct policy is insufficient to guide behavior and lacks enforcement provisions.
- F3.** The onboarding process for newly elected Santa Cruz City Councilmembers is not adequate or timely, leaving them unprepared to act as a team and inadequately oriented on multiple subject matters.
- F4.** City employees do not feel supported and protected by the City Manager and Human Resources.
- F5.** There are disagreements and a lack of transparency on how the City Council meeting agendas are set.
- F6.** Failures to amend City Council Policy 6.9 resulted in a lack of comprehensive guidelines to address interactions between City Council and City Staff.
- F7.** Lack of a well-defined social media policy leads to confusion about the appropriate use of social media.
- F8.** The public has lost confidence in the City Leadership's ability to function effectively.
- F9.** The Assistant City Manager and City Manager do not manage to key performance indicators and measures of success.
- F10.** The designation of a City Council position as part-time, with insufficient compensation, may limit the candidate pool and negatively affect City Council performance.
- F11.** The City does not have an elected mayor position which limits the ability of voters to assign accountability when City government is dysfunctional and ineffective.

- F12.** Lack of a formal intern policy for Councilmembers has caused confusion, disruption and a burden on City Staff.
- F13.** Lack of trust among City Councilmembers impedes constructive discourse and decision making.
- F14.** The Conflict Resolution Center (CRC) contract lacks performance criteria, making it difficult to determine whether conflict resolution was successful. The CRC engagement also failed to address conflicts between City Council and City Staff.
- F15.** Major conflicts and dysfunctions were recognized by City Staff, City Council, and the public in February 2019, but there was a failure to seek remediation for those conflicts until October 2019.
- F16.** Without a current, detailed strategic plan, the City Staff and City Council goals and objectives are unclear.
- F17.** Poor performance and antagonism at City Hall resulted in lost opportunities and could impair the City's ability to raise money.
- F18.** The City Council's inability to control disruptive behavior during meetings increases meeting length and inhibits a representative cross-section of the public from participating.
- F19.** The employee engagement survey methodology is flawed, and may not accurately represent employee sentiment. The survey does not have the ability to present results per City department and thus the interpretation of results and recommendations is compromised.

## **Recommendations**

- R1.** The City Manager should examine the current onboarding process and devise ways to ensure a smooth and timely transition for incoming Councilmembers. Input should be sought from current and previous Councilmembers and staff by December 31, 2020. (F3)
- R2.** The City Manager and Human Resources should review their complaint procedures, perform exit interviews, and perform targeted surveys to identify where and how they can support employees in a way that City Staff feel heard and supported by December 31, 2020. (F1, F2, F4, F19)
- R3.** The City should establish a Transparency Task Force to create a process for establishing an open and transparent agenda setting process and to take on the task of re-establishing trust across City Hall, City Council, and the residents of the City by December 31, 2020. (F5, F17)
- R4.** City Council should appoint a coach to observe meetings and provide feedback and performance improvement opportunities by December 31, 2020. (F1, F3, F8, F13, F15, F17)



- R5.** City Council, with support from the Equal Employment Opportunity Committee and Human Resources, should write and approve a Code of Conduct that includes a specific definition of egregious behavior and their commitment to Respectful Workplace Conduct Policy enforcement by December 31, 2020. (F1, F2, F3, F6, F7, F13, F15, F17)
- R6.** The City should establish and incorporate into the City Council handbook a well-defined social media policy, that takes into consideration the need to preserve information pursuant to the Public Records Act. The policy should be applicable to all City Staff, Councilmembers, Commissioners, contractors, volunteers, and interns by December 31, 2020. (F7)
- R7.** The City Manager should define key performance indicators for the City which cascade to department heads and third-party contractors for monitoring and management of key performance metrics by December 31, 2020. (F7, F9, F14)
- R8.** City Council should work with the City Manager and Human Resources to develop a formal policy for interns and volunteers who will be working on behalf of Councilmembers by December 31, 2020. (F12)
- R9.** Councilmembers should define a schedule for regular one-on-one meetings to build trust and enable understanding of positions and resolution of disagreements by December 31, 2020. (F3, F5, F6, F8, F13, F15, F17)
- R10.** The City Council and City Manager should follow the City’s defined process for creating and updating the Five-Year Strategic Plan by December 31, 2020. (F16)
- R11.** The City Council should re-establish the Charter Amendment Committee, which will bring forward recommendations in the areas of City Council compensation, composition and workload. The committee should have sufficient authority to hire independent consultants to complete their work by December 31, 2020. (F8, F10, F11)
- R12.** The City Council should explore creative strategies for curbing public disruption during meetings so that the Council can conduct business in an efficient manner, and Council, City Staff, and members of the public feel heard, but do not feel bullied, harassed or intimidated by December 31, 2020. (F18)
- R13.** The City Council should re-establish a working group to update the Council Policy 6.9, to more clearly define interactions between City Council and City Staff when making requests, and should do so by December 31, 2020. (F6)
- R14.** City Human Resources should establish an annual Employee Engagement and Satisfaction survey that meets standard recommended survey methods. The survey should provide effective statistical information while preserving anonymity. The results of the survey should be shared with the public by December 31, 2020. (F19)

- R15.** The City Manager and City Council should independently make public acknowledgments of the difficulties and dysfunctions that have plagued the City for the last 18 months, and make commitments which are consistent with the implementation of the Grand Jury's recommendations by December 31, 2020. (F1–19)

### Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz City Council	F2–F3, F5–F8, F10–F11, F13, F15–F18	R1, R3–R6, R8–R13, R15	90 Days September 23, 2020

### Requested Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz City Manager	F1, F3–F10, F12, F14–F17, F19	R1–R3, R5–R10, R14–R15	90 Days September 23, 2020
Santa Cruz City Human Resources Director	F1, F3–F4, F6–F7	R1–R2, R5–R6, R8, R14	90 Days September 23, 2020
Santa Cruz City EEO Committee	F1, F3–F4, F6–F7	R1–R2, R5–R6, R8, R14	90 Days September 23, 2020

### Definitions

**Administrative Powers:** The power to administer or enforce a law. Administrative powers can be executive, legislative, or judicial in nature. Administrative power intends to carry the laws into effect, practical application of laws and execution of the principles prescribed by the lawmaker.

**Administrative Procedure Order (APO):** The City's procedures for conducting day-to-day business, issued by the City Manager

**At Will Employee:** An employee where employment may be terminated at any time by either party without reason, explanation, or warning.

**Brown Act:** Guarantees the public the right to attend, participate and discuss in meetings of local legislative bodies. This Act solely applies to California City and county government agencies, boards, and councils. Brown Act protects the rights of citizens to participate in open meetings at local level and county level.

**California Government Code (GOV):** California Government Codes are 29 legal codes enacted by the California State Legislature. Together these codes make up the general statutory law of California.

**Charter Amendment Committee (CAC):** A Committee of 13 community members. The committee's purpose is to make recommendations to the City Council on whether the Council should explore potential changes to the City Charter.

**Censure:** A formal, and public, group condemnation of an individual, often a group member, whose actions run counter to the group's acceptable standards for individual behavior.

**City:** [City of Santa Cruz](#)

**City Charter:** A document, used by [Charter Cities](#), that acts similarly to a constitution and which provides greater authority to the city adopting it than is provided by state law.

**Commission for the Prevention of Violence Against Women (CPVAW):** A Santa Cruz City Commission whose mission is to collaborate with local stakeholder partners and law enforcement to ensure best practices to respond to and prosecute violent crimes against women.

**Confidence Level:** The **confidence level** tells you how sure you can be. It is expressed as a percentage and represents how often the true percentage of the population who would pick an answer lies within the confidence interval. The 95% confidence level means you can be 95% certain; the 99% confidence level means you can be 99% certain. Most researchers use the 95% confidence level.

**Conflict Resolution Center (CRC):** Local non-profit organization that addresses conflict at all stages—from prevention to intervention in homes, neighborhoods, workplaces, and courts. Coming up with effective alternatives to litigation, hostility, and violence.

**Council-Manager:** City Council oversees the general administration, makes policy, sets budget, and appoints a professional city manager to carry out day-to-day administrative operations. Often the mayor is chosen from among the council on a rotating basis.

**Councilmembers:** Members of the Santa Cruz City Council.

**Discontentment:** A state of dissatisfaction; a person who is dissatisfied, typically with the prevailing social or political situation.

**EEOC:** The Equal Opportunity Committee serves as a communication channel between City employees, the community, the City Manager, and the Equal Employment Opportunity Coordinator on Equal Opportunity Employment concerns. It acts in an advisory capacity to the City Council in all matters pertaining to Equal Opportunity Employment.

**Electorate:** All the people in the area or country who are entitled to vote.

**Governance:** Establishment of policies, and continuous monitoring of their proper implementation, by the members of the governing body of an organization.

**Human Resources (HR):** The department responsible for employee development, recruitment, and benefits, and employee relations.

**Jurisdiction:** The power to exercise authority over persons and things within a defined geographical territory or field of responsibility.

**Just Cause Evictions:** Just cause eviction ordinances protect tenants from arbitrary, discriminatory or retaliatory evictions, while ensuring that landlords can lawfully evict tenants as long as they have a good reason

**League of California Cities** (LCC): The League of California Cities is an association of California city officials who work together to enhance their knowledge and skills, exchange information, and combine resources so that they may influence policy decisions that affect cities

**Mutually assured destruction (MAD):** is a military theory that was developed to deter the use of nuclear weapons. Neither side will attack the other with their nuclear weapons because both sides are guaranteed to be totally destroyed in the conflict.

**Mayor-Council:** Mayor is elected separately from the council, is often full-time and paid position, with significant administrative and budgetary authority. Depending on the municipal charter, the mayor could have weak or strong powers. Council maintains legislative power. A city manager may be appointed and maintain limited administrative authority

**Onboarding:** the action or process of integrating a new employee into an organization or familiarizing clients with an organization's services.

**Opportunity cost:** is the profit lost when one alternative is selected over another. The concept is useful simply as a reminder to examine all reasonable alternatives before making a decision

**Public Records Act (PRA):** ([Gov. Code § 6250 et seq.](#)) requires the retention, production, and public disclosure of government records unless exempted by law for privacy considerations.

**Robert's Rules of Order:** is a guide for conducting meetings and making decisions as a group and is widely known as parliamentary procedure. It was developed to ensure that meetings are fair, efficient, democratic and orderly.

**Respectful Workplace Conduct Policy (RWCP):** The City of Santa Cruz Administrative Procedure Orders APO II-1A, APO II-1B, and Council Policy 25.2. These policies and procedures are designed to establish behavioral and workplace standards to support a culture of collaboration, inclusion, and productivity.

**Sacramento State College of Continuing Education Consensus and Collaboration Program (CCP):**

**Santa Cruz City Council (City Council):** A City Council is a group of duly elected officials who serve as the legislative body of a city and are tasked with representing the interests of their constituents.

**Santa Cruz City Councilmember (Councilmember)**: Elected officials serving on the City Council who are tasked with representing the interest of their constituents.

**Santa Cruz City Hall (City Hall)**: Santa Cruz City Hall, the building where City Leadership, City Staff, and City Council conduct the City's business.

**Santa Cruz City Leadership (City Leadership)**: Consists of City Manager, Department Heads, and City Council.

**Santa Cruz City Manager: (City Manager)**: The City Manager is appointed by and reports directly to the City Council. The City Manager is responsible for the overall administration of the City and for seeing that City Council policies are carried out.

**Santa Cruz City Staff (City Staff)**: Includes City employees (non-management).

**Stakeholders**: Any person or organization that has a legitimate interest in a specific project or policy decision.

**Strong Mayor**: Serves in the Mayor- Council form of government and is directly elected by the voters. The Strong- Mayor has administrative authorities and veto powers.

**Transient Occupancy Tax (TOT)**: The City levies an **11%** Transient Occupancy Tax on any space where accommodations are offered for periods of thirty days or less. The tax is paid by the occupant and collected by the operator. The operator then remits the tax to the City.

**Weak Mayor**: a mayor in a mayor-council method of municipal government whose powers of policy-making and administration are by charter in large degree subordinate to the council

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Superior Court of California, County of Santa Cruz  
Santa Cruz City Council Meetings

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## Appendix A



Figure A1. **The five dysfunctions of a team.** [\[205\]](#)



## **Appendix B**

### **Key Attributes of Exceptional City Councils**

The Institute for Local Government has developed a list of six key attributes of exceptional City Councils:<sup>[206]</sup>

- ***Develop a sense of team-a partnership with the city manager to govern and manage the city;***
- ***Have clear roles and responsibilities that are understood and adhered to;***
- ***Honor the relationship with staff and each other;***
- ***Routinely conduct effective meetings;***
- ***Hold themselves and the city accountable; and***
- ***Have members who practice continuous personal learning and development.***

## Appendix C Financial Cost of Dysfunction

Table C1. Direct Costs for 2019-2020

<b>Direct Costs</b>	
Item	Cost (\$)
<b>Housing Task Force Feasibility Study</b>	<b>40,000</b>
<b>Rose Report</b>	<b>18,219</b>
<b>Tim Davis Report</b>	<b>8,824</b>
<b>CRC</b>	<b>11,325</b>
<b>Total:</b>	<b>78,368</b>

Source: Compiled from multiple sources<sup>[207] [208] [209] [210] [211]</sup>

Table C2. Estimates of Possible Indirect Costs for 2019-2020

<b>Estimates of Indirect Costs</b>	
Item	Cost (\$)
<b>Increased City Attorney Fees</b>	<b>300,000</b>
<b>Increased City Council Services and Overhead</b>	<b>114,000</b>
<b>Ross Camp Cleanup</b>	<b>135,479</b>
<b>Recall Election</b>	<b>158,764</b>
<b>Total:</b>	<b>708,243</b>

Source: Compiled from multiple sources<sup>[212] [213] [214] [215]</sup>



## Fire and Safety Inspections in Santa Cruz County

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### Summary

Fire agencies, now numbering thirteen across Santa Cruz County, are responsible for not only responding to emergencies but assisting in their prevention. One aspect of the prevention process is ensuring fire and safety codes are complied with, especially in facilities housing the most vulnerable. At a time when both fire danger and respiratory illness are at all time highs, this responsibility is as important as it has ever been. California Health and Safety Codes mandate that fire and safety inspections be performed annually for schools and multifamily residences. The code also mandates that reporting of compliance is performed annually to the governing body. The Grand Jury has found that many of the County's agencies do not fully comply with mandated inspection and reporting. We recommend that the status of these inspections, especially those involving public facilities, be communicated to the public and that gaps in compliance or the ability to inspect be addressed in the 2021 budgeting cycle.

## Background

On September 27, 2018, with a vote of 80 to 0, the California State Senate passed Senate Bill 1205, which added section 13146.4 to the California Health and Safety Code ([Appendix A](#)). Effective January 1, 2019, this requires Fire and Safety inspections, pursuant to California Health and Safety Code sections 13146.2 and 13146.3, to be performed and reported annually.

California Health and Safety Code sections 13146.2,<sup>[01]</sup> 13146.3,<sup>[02]</sup> and 13146.4,<sup>[03]</sup> shown in Figures 1–3 below, require fire agencies to annually inspect schools, and any multi family residence such as hotels, motels, apartment buildings, and care residences. Section 13146.4 requires these agencies annually report on compliance to their governing body.

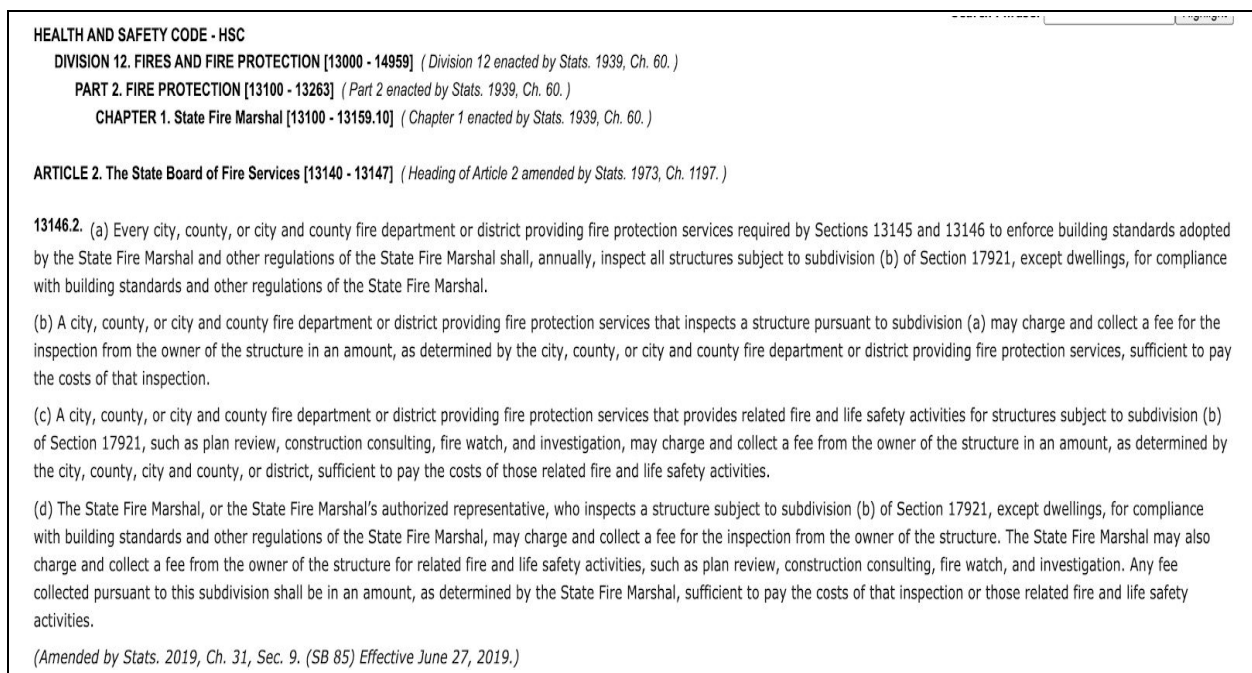


Figure 1. Health and Safety Code section 13146.2<sup>[04]</sup>

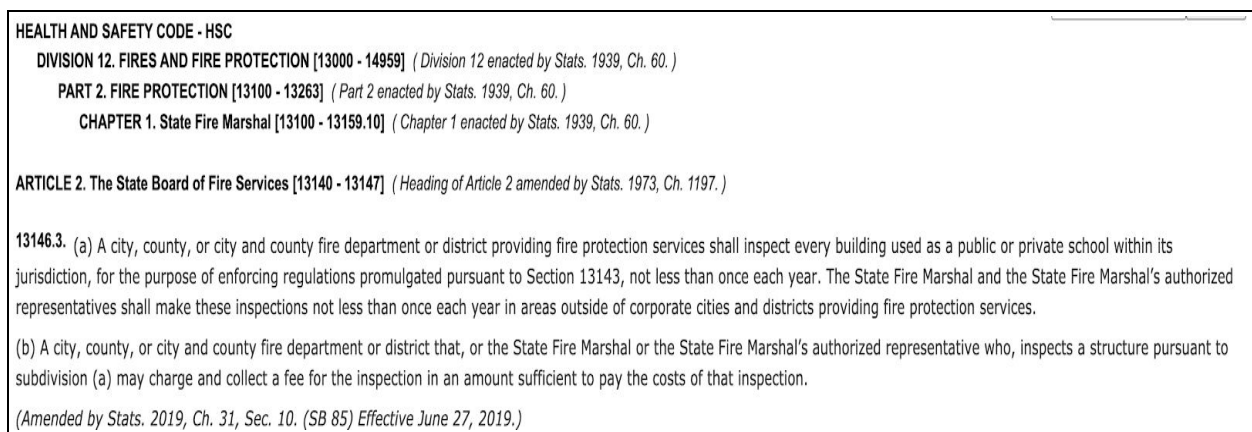


Figure 2. Health and Safety Code section 13146.3<sup>[05]</sup>

<p>HEALTH AND SAFETY CODE - HSC</p> <p>DIVISION 12. FIRES AND FIRE PROTECTION [13000 - 14959] (Division 12 enacted by Stats. 1939, Ch. 60.)</p> <p>PART 2. FIRE PROTECTION [13100 - 13263] (Part 2 enacted by Stats. 1939, Ch. 60.)</p> <p>CHAPTER 1. State Fire Marshal [13100 - 13159.10] (Chapter 1 enacted by Stats. 1939, Ch. 60.)</p> <p>ARTICLE 2. The State Board of Fire Services [13140 - 13147] (Heading of Article 2 amended by Stats. 1973, Ch. 1197.)</p> <p>13146.4. (a) Every city or county fire department, city and county fire department, or district required to perform an annual inspection pursuant to Sections 13146.2 and 13146.3 shall report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3.</p> <p>(b) The report made pursuant to subdivision (a) shall occur when the administering authority discusses its annual budget, or at another time determined by the administering authority.</p> <p>(c) The administering authority shall acknowledge receipt of the report made pursuant to subdivision (a) in a resolution or a similar formal document.</p> <p>(d) For purposes of this section, "administering authority" means a city council, county board of supervisors, or district board, as the case may be.</p> <p>(Added by Stats. 2018, Ch. 854, Sec. 1. (SB 1205) Effective January 1, 2019.)</p>
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Figure 3. Health and Safety Code section 13146.4<sup>[06]</sup>

Although the importance of these inspections may be self-evident, we would like to emphasize the inherent wildfire risk in Santa Cruz County. It is prudent and extremely high value to exercise risk mitigation activities of this nature. Many buildings are old and therefore likely lack modern fire-retardant materials in their construction. Many are located in the Wildland Urban Interface,<sup>[07]</sup> defined as:

*... a place where "humans and their development meet or intermix with wildland fuel." Communities that are within 0.5 miles (0.80 km) of the zone are included.*<sup>[08]</sup>

Inspections ensure adequate building entry and exit for both first responders and residents and help mitigate unfavorable conditions that could impede quick entry and exit. Inspections thus reduce the risk of possible prolonged exposure to smoke. When managed accordingly, the inspections of subdivision facilities such as hotels and apartments should not result in additional costs to the inspecting agency since California Health and Safety Code section 13146.2 allows collection of fees from those inspected to cover costs of the inspection.<sup>[09]</sup>

## Scope and Methodology

The scope of this investigation has been limited to assessing Santa Cruz County Fire agencies' compliance with the California Health and Safety codes referenced above based on inspection reports, interviews, inspection tracking ledgers, and governing board resolutions. It does not address the quality of the inspections. The Grand Jury may make observations based on reports and inspection frequency, citations, and re-inspections. The investigation did not address if fees were collected for inspections.

A California State Auditor's database on school populations was used to determine the number of students per school. This was done to provide context to a missed inspection. Inspection data was tabulated and assessed for compliance per the codes referenced above. In some cases, when inspection plans had fewer facilities listed than expected, Google Maps was used to identify facilities not in the plan but within the jurisdiction of the agency. The compilation of the inspection reports or ledgers is

detailed later in this document. Yearly facility inspections that were believed to be incomplete and thus non-compliant with the annual inspection requirement were highlighted in yellow or red. Red was used for schools where there was no evidence of inspection in 2020, or for residence categories where over 30% were not inspected within the last year.

## Investigation

Given the importance of the fire safety inspection and reporting mandate from state law, the Grand Jury felt it prudent to assess the jurisdictions with the most facilities and their ability to be compliant with the mandate. We assessed six of the 13 agencies serving Santa Cruz County for information regarding these inspections. These six agencies were thought to have the greatest quantity of facilities requiring inspection in their jurisdiction; the six agencies include:

- Aptos-La Selva & Central Fire Protection Districts
- Scotts Valley Fire District
- Santa Cruz County Fire
- Felton Fire District
- City of Santa Cruz Fire Department
- City of Watsonville Fire Department

In most cases we were able to assess compliance or non-compliance of inspections. Compliance of reporting to the governing body by all agencies (or jurisdictions) cannot be assessed until the end of 2020 or until all boards have been reported to.

### ***Aptos La Selva and Central Fire Districts***

Aptos La Selva Fire District and Central Fire District have organizationally merged. (See [Appendix B](#)). Although they still have separate and independent governing bodies, they have restructured their organizations to perform as one, providing operational and administrative efficiencies.<sup>[10]</sup> These efficiency gains are evident in the number of inspections, citations, and reinspections performed. The inspection report information received from this district was the most organized and provided the most insight into what appeared to be a highly robust inspection and reporting process. The two districts share a common inspection and reporting database.<sup>[11] [12]</sup> All schools in the Aptos District were inspected in 2019 including preschools and daycares.<sup>[13]</sup> Tables 1 and 2 below present a summary of inspection results for 2019 done by Aptos - La Selva and Central respectively. Even though not all inspections of non-school facilities were completed in 2019, the abundance of citations, re-inspections, and resulting improvements should pay off in the years ahead in both reduction of risk and the number of reinspections. Of particular concern is the surprising number of facilities that failed inspection for all types, shown as “non-compliant.”

**Table 1**

Aptos La Selva Fire and Safety Inspections				
Facility Type	Department Identified	Inspected 2019	Uninspected 2019	Uninspected 2019
Apartment	33	26	7 (2)	21% (2)
Residential Care	7	5	2 (2)	29% (2)
Hotel-Motel	7 (1)	6	1 (2)	14% (2)
School or Daycare	15	15	0	0%
Total	62	52	10 (2)	16% (2)

(1) One large facility required 22 inspections or reinspections in 2019  
(2) Inspections performed first quarter of 2020  
Reinspections not in counts

Source: Grand Jury's Summary of Aptos-La Selva Fire & Safety Inspection Report<sup>[14] [15]</sup>

**Table 2**

Central Fire and Safety Inspections				
Facility Type	Department Identified	Inspected 2019	Uninspected 2019	Uninspected 2019
Apartment	50 (1)	50	- (-1)	- (1)
Residential Care	7	5	2	29%
Hotel-Motel	17	14	3	18%
School or Daycare	51	36	15 (2)	29%
Total	75	105	20	

(1) Apartment facility category was not evaluated for completeness  
(2) Uninspected were of type preschool, kindergarten, or daycare facilities  
Reinspections not in counts

Source: Grand Jury's Summary of Central Fire District Inspections<sup>[16]</sup>

### Scotts Valley Fire District

The Scotts Valley Fire District serves a population of over 20,000 people, approximately twice the size of the City of Scotts Valley population.<sup>[17]</sup> The Scotts Valley Fire District asserts that it is in compliance with mandated annual safety inspections for facility types requiring inspection (schools, hotels, care homes, etc.). This is asserted in a Board of Directors for the Scotts Valley Fire District resolution on January 8, 2020 ([Appendix C](#)) stating that the district has twenty-two of these types of facilities and that all twenty-two inspections were conducted as required. The district also sent a record documenting the results of the completed inspections.<sup>[18]</sup>

However, the Grand Jury found 30 advertised schools, preschools, daycares, private schools, apartment complexes, and hotels/inns advertising for business. One very large

adult overnight learning center which is advertised to be able to sleep 377 guests at a time, was not on the list of 22 facilities inspected.<sup>[19]</sup> As such, we are concerned that the inspection plan is incomplete and that the Scotts Valley Fire District may not be as compliant as it believes it is.<sup>[20]</sup>

### **Santa Cruz County Fire**

Table 3 presents a summary of inspection results for Santa Cruz County Fire. County Fire inspected five schools in its jurisdiction in 2019 and three schools in 2018.<sup>[21]</sup> One school within its jurisdiction, Bradley Elementary, was not included on the inspection list. County Fire did not inspect any multi-family residences on its inspection list in 2018 or 2019.<sup>[22] [23]</sup> While only two multi-family residences were listed, the Grand Jury identified nine other residences in the jurisdiction that were not on the inspection list. Also worth noting, 64 additional businesses were on its inspection list and only 11 of those businesses were inspected over the two year period of calendar year 2018 through 2019.<sup>[24]</sup> Of the 64 other businesses identified on the County Fire inspection ledger, only two were inspected in 2019 and nine in 2018.<sup>[25]</sup> We have no evidence that the Santa Cruz County Board of Supervisors has received a 2019 compliance report yet.

**Table 3**

County Fire & Safety Inspections							
Facility Type	Total	Un-identified (1)	County Identified	Inspected 2018	Inspected 2019	Uninspected 2019	Uninspected 2019
Apartment/Motel/Hotel	11	9	2	0	0	11	100%
Schools	6	1	5	3	5	1	17%
All other Businesses			64	9	2	NA	NA

(1) Grand Jury Identified facilities not on County Fire inspection plan

NA=not applicable to the inspection codes that are the Subject of this report

Note: Annual requirement for inspections began Jan 1, 2019; 2018 data provided for reference.

Source: Grand Jury's Summary of Santa Cruz County Fire & Safety Inspections<sup>[26]</sup>

Note: the correct Table 3 was inserted on 6/27/2020

### **Felton Fire District**

With an enrollment of 2,217 students, four of the six schools of the San Lorenzo School District fall within the jurisdiction of the Felton Fire District.<sup>[27]</sup> Felton Fire District was unable to provide a record of inspections to the Grand Jury. Inspections were performed but, as the Felton Fire District admits, performed in an ad-hoc, non-systematic manner that lacked record keeping. Felton Fire District is aware of its non-compliance and is actively taking steps to remedy this situation and be compliant by January 2021. It also has a goal of best practice transparency by publishing its inspection report on its website.<sup>[28]</sup>

### **City of Santa Cruz Fire Department**

The City of Santa Cruz has the largest population base of all the cities, towns and villages in Santa Cruz County. It is also a destination city and in proximity to a University



of California campus, and as such has a large number of hotels and apartment buildings.

According to the Santa Cruz City Fire Department,<sup>[29]</sup> 24 of 36 schools (67%) in its district were uninspected in 2019 and 86% were uninspected in 2018. Of the 36 schools, 16 are in the Santa Cruz School District serving 7,000 students.<sup>[30]</sup> Of the 282 apartments on the City of Santa Cruz Fire Department's inspection list, only 41 were inspected for a non-compliance percentage of 85%.<sup>[31]</sup> Of the 50 hotels, 19, or 38%, were uninspected.<sup>[32]</sup> The Grand Jury did not analyze if the inspection list was in fact complete. We would like to note however that there was no change in the City of Santa Cruz Fire Department's total facility counts for calendar years 2018 and 2019. It is a concern that the count of 382 total facilities to inspect notated as "Existing" in Table 4 did not change from 2018 to 2019. We would also like to note that the facility inspections for these state mandated annual inspection categories decreased from 2018 to 2019 by 40%.

**Table 4**

Santa Cruz Fire and Life Safety Inspections					
Facility Type	City Identified	Inspected 2018	Inspected 2019	Uninspected 2019	Uninspected 2019
Apartments	282	98	41	241	85%
Residential Care	5	5	5	0	0%
Hotels	50	24	31	19	38%
Institutional	9	7	9	0	0%
Schools	36	5	12	24	67%
<b>Total</b>	<b>382</b>	<b>170</b>	<b>102</b>	<b>280</b>	<b>73%</b>

*Note: Annual requirement for inspections began Jan 1, 2019; 2018 data provided for reference.*

Source: Grand Jury's Summary of City of Santa Cruz Fire & Safety Inspections<sup>[33]</sup>

Note: Table 4 columns were moved on 6/27/2020

We were unable to find a public record that the governing body, the City Council of Santa Cruz, had been notified of the level of non-compliance. As such, we are very concerned that this gap may not be addressed during the 2021 budgeting cycle.

### **City of Watsonville Fire Department**

With over 11,000 students, the City of Watsonville has more students than any other city in Santa Cruz County.<sup>[34]</sup> There are 16 schools on the City of Watsonville Fire Department's inspection list. Of the 16 schools, 13 were inspected in 2019.<sup>[35]</sup> Those uninspected in 2019 were inspected in 2018. The Grand Jury identified four schools with a total enrollment of over 2,500 students that were not on the City of Watsonville Fire Department's inspection list and are identified in Table 5. There was insufficient time before this report publication to reconcile the absence of those four schools.

(Appendix D)

**Table 5**

Watsonville Fire & Safety Inspections							
Facility Type	Total	Un-identified (1)	Identified	Inspected 2018	Inspected 2019	Uninspected 2019	Uninspected 2019
Apartment	42		42	23	29	13	31%
Motel/Hotel	9	5	4	0	4	5	56%
Residential Care	3		3	2	3	0	0%
Schools	20	4	16	12	13	7	35%

(1) Grand Jury Identified facilities not on County Fire inspection plan

*Note: Annual requirement for inspections began Jan 1, 2019; 2018 data provided for reference*

Source: Grand Jury's Summary of the City of Watsonville Fire & Safety Inspections<sup>[36]</sup>

Watsonville has a large number of apartment buildings. Even though 29 were inspected in 2019, there were 13 that remained uninspected. The City of Watsonville Fire Department inspected all hotels and motels on its inspection list. However, five hotels were missing from the list, indicating the list is not updated frequently enough. Also absent from the inspection list were private preschools, kindergartens and daycare facilities.

The City of Watsonville Fire Department intends to notify its governing body of compliance status at the scheduled June 6th, 2020 City Council Session. We find that this is very late in the 2021 budgeting cycle to provide such a report for a city with such a large degree of non-compliance and safety risk.

### **Investigation Epilogue**

As a frame of reference to provide perspective on the uninspected facilities, we tallied the inspection results for the Central Fire District. We did this to emphasize the value of inspections and the fact that robust inspections really do identify safety issues. Table 2 above shows the results for 2019 for the Central Fire District; adding the statistics for 2018 (for reference, as no compliance was required), over 200 inspections were performed in total. The Grand Jury's analysis shows over 40% of the facilities inspected failed inspection and close to 20% were given a correction notice. Of the 51 schools inspected, 11 resulted in a failed inspection or a correction notice issued. These data highlight the importance that regular inspections be prioritized and performed by fire agencies, and that leadership hold agencies accountable for inspections and compliance.<sup>[37]</sup>

## Findings

- F1.** The City of Santa Cruz Fire Department has not adequately inspected all schools, hotels, apartments, and licensed residential care facilities for fire and safety per California Health and Safety Code sections 13146.2, 13146.3, 13146.4, and 171921(b).
- F2.** The City of Watsonville Fire Department has not adequately inspected all schools, hotels, apartments, and licensed residential care facilities for fire and safety per California Health and Safety Code sections 13146.2, 13146.3, 13146.4, and 171921(b)
- F3.** The Felton Fire District has not adequately accounted for the inspection of all schools, hotels, apartments, and licensed residential care facilities for fire and safety per California Health and Safety Code sections 13146.2, 13146.3, 13146.4, and 171921(b).
- F4.** Santa Cruz County Fire has not adequately inspected all schools, hotels, and apartments for fire and safety per California Health and Safety Code sections 13146.3, 13146.4, and 171921(b).
- F5.** Fire Agencies serving the incorporated and unincorporated areas of Santa Cruz County have not adequately reported inspection performance and the inherent risk associated with a performance gap to residents and leadership external to the governing body.
- F6.** Fire agencies serving the incorporated and unincorporated areas of Santa Cruz County would benefit by sharing technology and processes and at times personnel, in fulfilling fire inspection requirements.
- F7.** Reporting gaps in fire inspection performance to a governing body annually at a time when that governing body is completing its budgeting process makes making budget adjustments prior to budget adoption unnecessarily challenging and may result in delay.
- F8.** Scotts Valley Fire District resolution 2020-2 is at risk of being non-compliant based on a survey of businesses and organizations consistent with California annual inspection code requirements.

## Recommendations

- R1.** Fire agencies serving the incorporated and unincorporated areas of Santa Cruz County should comply, as soon as possible, with state health codes for fire and safety inspections and reporting. Specifically, California Health and Safety Code sections 13146.2, 13146.3, 13146.4, and 171921(b). (F1–F4, F8)
- R2.** Fire agencies serving the incorporated and unincorporated areas of Santa Cruz County should, as soon as possible, ensure inspection plans reflect all facilities that fall under California Health and Safety Code sections 13146.2, 13156.3, and 171921(b). (F1–F5,F8)

- R3.** Fire agencies serving the incorporated and unincorporated areas of Santa Cruz County should, by January 2021, publish a summary of annual inspection findings on their websites. (F1–F5, F7, F8)
- R4.** The County of Santa Cruz and the City Fire Departments in the County should notify appropriate County or City leadership of the resources necessary to be compliant with inspection requirements early enough to be addressed during the agency’s annual budgeting process. (F7)
- R5.** The County and City fire agencies should amend their mutual aid agreements to provide for sharing of technology and inspection resources by June 30, 2021. (F6)
- R6.** The County of Santa Cruz County Office of Education should by January 2021 begin reviewing fire inspection reports for the schools in their jurisdiction annually at a minimum and ensure that School District leadership do the same. (F1–F5, F8)

### Commendations

- C1.** The Aptos and Central Fire Districts are commended for the persistence shown in their safety citations, re-inspections, and consistency of reporting.

### Required Responses

<i><b>Respondent</b></i>	<i><b>Findings</b></i>	<i><b>Recommendations</b></i>	<i><b>Respond Within/ Respond By</b></i>
Felton Fire Protection District Board of Directors	F3, F5, F6	R1–R3, R5	90 Days September 23, 2020
Scotts Valley Fire Protection District Board of Directors	F5, F6, F8	R1–R3, R5	90 Days September 23, 2020
Aptos-La Selva Fire Protection District Board of Directors	F5, F6	R1–R3, R5	90 Days September 23, 2020
Central Fire Protection District Board of Directors	F5, F6	R1–R3, R5	90 Days September 23, 2020
Santa Cruz County Board of Supervisors	F4–F7	R1–R5	90 Days September 23, 2020
Santa Cruz City Council	F1, F5–F7	R1–R5	90 Days September 23, 2020
Watsonville City Council	F2, F5–F7	R1–R5	90 Days September 23, 2020
Santa Cruz County Board of Education	F5	R6	90 Days September 23, 2020

## Requested Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Director of General Services	F1, F5	R1–R4	90 Days September 23, 2020

## Defined Terms

- **Wildland Urban Interface (WUI):** a place where humans and their development meet or intermix with wildland fuel. Communities that are within 0.5 miles (0.80 km) of the zone are included.

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### **Websites**

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<http://leginfo.legislature.ca.gov/faces/codes.xhtml>

California Department of Education Data Quest website

<https://dq.cde.ca.gov/dataquest/>



## Appendix A

### Senate Bill No. 1205

#### CHAPTER 854

An act to add Section 13146.4 to the Health and Safety Code, relating to fire protection.

[ Approved by Governor September 27, 2018. Filed with Secretary of State September 27, 2018. ]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1205, Hill. Fire protection services: inspections: compliance reporting.

Existing law requires the chief of any city or county fire department or district providing fire protection services and his or her authorized representatives to inspect every building used as a public or private school within his or her jurisdiction, for the purpose of enforcing specified building standards, not less than once each year, as provided. Existing law requires every city or county fire department or district providing fire protection services that is required to enforce specified building standards to annually inspect certain structures, including hotels, motels, lodging houses, and apartment houses, for compliance with building standards, as provided.

This bill would require every city or county fire department, city and county fire department, or district required to perform the above-described inspections to report annually to its administering authority, as defined, on the department's or district's compliance with the above-described inspection requirements, as provided. The bill would require the administering authority to acknowledge receipt of the report in a resolution or a similar formal document. To the extent this bill would expand the responsibility of a local agency, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

#### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 13146.4 is added to the Health and Safety Code, to read:

**13146.4.** (a) Every city or county fire department, city and county fire department, or district required to perform an annual inspection pursuant to Sections 13146.2 and 13146.3 shall report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3.

(b) The report made pursuant to subdivision (a) shall occur when the administering authority discusses its annual budget, or at another time determined by the administering authority.

(c) The administering authority shall acknowledge receipt of the report made pursuant to subdivision (a) in a resolution or a similar formal document.

(d) For purposes of this section, "administering authority" means a city council, county board of supervisors, or district board, as the case may be.

**SEC. 2.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Figure A1. **Senate Bill 1205 - California Health and Safety Code 13146.4** [\[38\]](#)

## Appendix B Central Fire District and Aptos La Selva Fire District

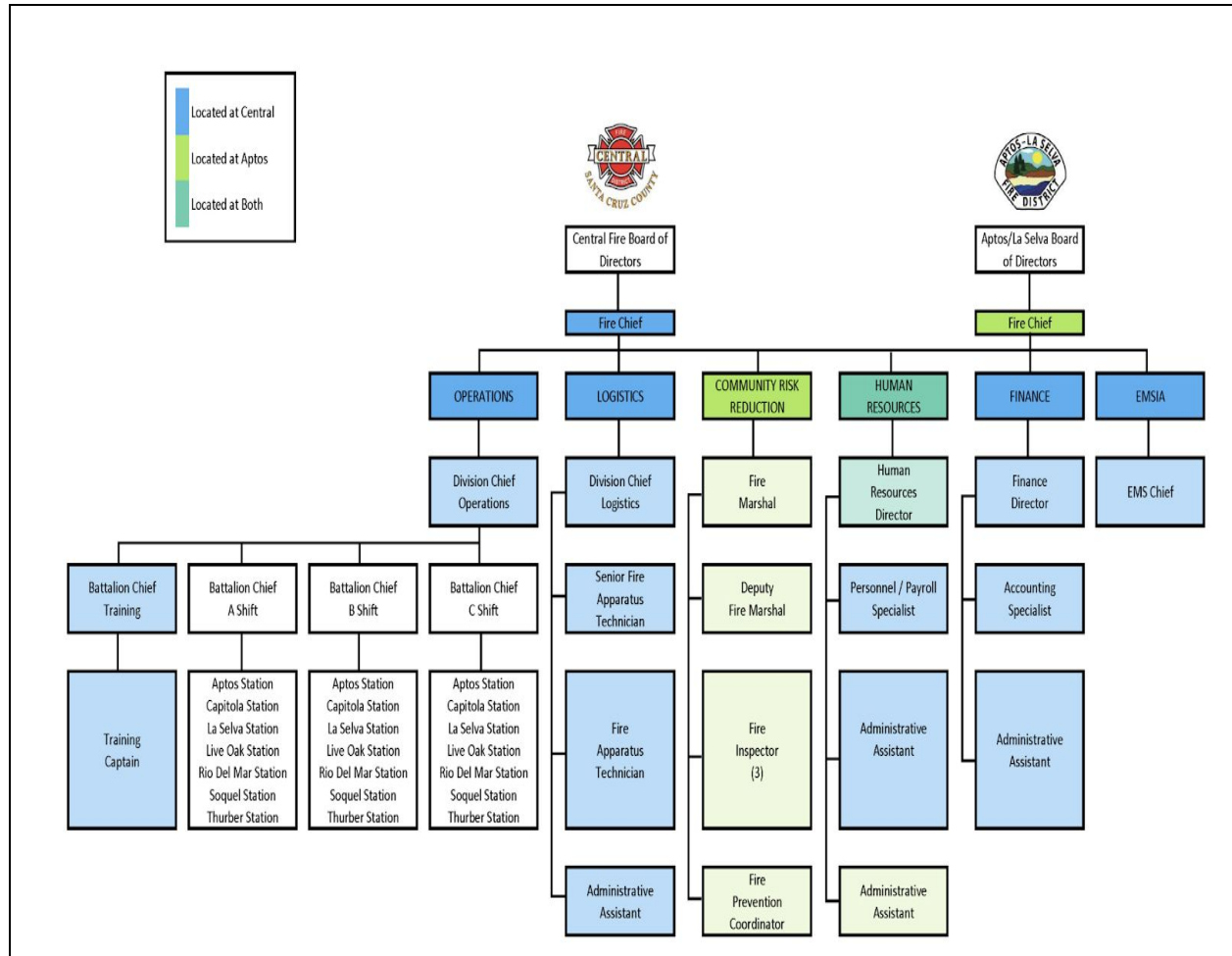


Figure B1. Merged Organization Chart <sup>[39]</sup>

**Appendix C**

**SCOTTS VALLEY FIRE PROTECTION DISTRICT**

RESOLUTION NO. 2020-2

RESOLUTION TO REPORT STATE MANDATED FIRE INSPECTIONS


WHEREAS, in accordance with Senate Bill 1205 (SB 1205), it is the responsibility of the Fire District to report to Board of Directors the state mandated inspections identified, assigned to and completed by Fire District personnel; and

WHEREAS, the current state mandated total within the Scotts Valley Fire Protection District is identified as 22. These are comprised of E (Educational), I (Institutional), R1 (Hotels and Motels), R2 (Apartments);

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that as of the date on this resolution, a total of 22 inspections have been completed for 2019. The Fire District is resolved to complete 100% of known state mandated inspections on an annual basis in accordance with SB 1205.

PASSED AND ADOPTED by the Board of Directors of the Scotts Valley Fire Protection District, County of Santa Cruz, State of California, this 8th day of January 2020, by the following vote:

	<u>AYES</u>	<u>NOES</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Director Robert Campbell	x			
Director Edward Harmon	x			
Director Joseph Parker	x			
Director Russ Patterson	x			
Director Daron Pisciotta	x			

ATTEST:  Steve M. Kovacs  
Board Secretary


 Daron Pisciotta  
Board President

Figure C1. Scotts Valley Fire Protection District Resolution 2020–2<sup>[40]</sup>

**Appendix D**  
**Grand Jury Derived**  
**Summary of City of Watsonville Fire & Safety Inspections**

Watsonville Fire Code & Safety Inspection of Schools						
School	Enrollment	Type	District	Frequency	last inspected	Compliant as of 1/1/2020?
Calabasas Elementary School	653	Public K-5th	Pajaro Valley	uninspected	unknown	No
E.A Hall Middle School	682	Public 6-8th	Pajaro Valley	uninspected	unknown	No
Pajaro Middle School	553	Public 6-8th	Pajaro Valley	uninspected	unknown	No
T.S. MacQuiddy Elementary	635	Public K-5th	Pajaro Valley	uninspected	unknown	No
Linscott Charter Elementary School	279	Charter K-5th	Pajaro Valley	bi-annual	2018	No
Landmark Elementary School	572	public K-5th	Pajaro Valley	bi-annual	2018	No
Green Valley Christian	unknown	Private K-8th	Private	bi-annual	2018	No
Ceiba College Prep Academy	525	Charter	Pajaro Valley	bi-annual	2019	Yes
H.A.Hyde Elementary School	548	Public K-5th	Pajaro Valley	bi-annual	2019	Yes
Pacific Coast Charter	302	Charter	Pajaro Valley	bi-annual	2019	Yes
Moreland Notre Dame	unknown	Private K-8th	Private	bi-annual	2019	Yes
Ann Soldo Elementary School	553	Public K-5th	Pajaro Valley	yearly	2019	Yes
Cezar E Chavez Middle School	655	Public 6-8th	Pajaro Valley	yearly	2019	Yes
Freedom Elementary School	669	Public K-5th	Pajaro Valley	yearly	2019	Yes
Mintie White Elementary	658	Public K-5th	Pajaro Valley	yearly	2019	Yes
New School Community Day	65	Public Continua	Pajaro Valley	yearly	2019	Yes
Pajaro Valley High School	1524	Public 9-12th	Pajaro Valley	yearly	2019	Yes
Radcliff Elemenatary	570	Public K-5th	Pajaro Valley	yearly	2019	Yes
Watsonville High School	2300	Public 9-12th	Pajaro Valley	yearly	2019	Yes
Rolling Hills Middle School	711	Public 6-8th	Pajaro Valley	yearly	2019	Yes
Starlight Elementary	666	Public K-5th	Pajaro Valley	yearly	2019	Yes

Figure D1. City of Watsonville School Inspections<sup>[41]</sup>

Hotels & Inns not on Watsonville Fire Dep. Inspection List	
Comfort Inn	112 Airport Blvd, Watsonville, CA 95076
Red Roof Inn	1620 W Beach St, Watsonville, CA 95076
Resestar Residential Hotel	15 W Lake Ave, Watsonville, CA 95076
Royal Inn	781 Freedom Blvd, Watsonville, CA 95076
Economy Inn	584 Auto Center Dr, Watsonville, CA 95076

Figure D2. City of Watsonville Hotels not on Inspection List<sup>[42]</sup>



## Homelessness: Big Problem, Little Progress

### It's Time To Think Outside The Box

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#### Summary

It is no secret homelessness is a significant issue for Santa Cruz County (SCCO). What may not be fully understood is the amount of time, money, and energy that has been devoted to the search for solutions. Even with all the efforts, very little progress has been made in reducing the number of individuals and families affected by homelessness. Why? The Grand Jury identified five main reasons the homeless problem persists.

First, the community views homelessness as a problem that should be addressed by elected officials; however, whatever “political will” that exists to propose housing solutions is often overcome by community resistance. Second, the County lacks an effective governance structure with the authority to manage the complexity and size of the homeless problem. Third, there are insufficient resources to support those affected by homelessness. Fourth, there is an under utilization of existing resources in the County. And fifth, the County lacks comprehensive and effective data collection and analysis systems.

Solutions to these problems are complex. However, steps can be taken to enable Santa Cruz County to more effectively manage the homeless crisis, which has become even more of a challenge due to the COVID-19 pandemic. This report illuminates local barriers to homelessness relief, and proposes potential solutions. Ending homelessness will provide significant benefits to the entire community far beyond the relief to the individuals receiving services. Together we can care for and restore dignity to some of the most vulnerable in our community, but it will take a renewed commitment on the part of all stakeholders in our County.

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## Background

Santa Cruz County has long struggled with managing its homeless population. There has been a seemingly endless number of action plans and ideas developed for shelter and housing of the homeless. The County and City agencies, faith-based organizations, nonprofit organizations, homeless advocates, local law enforcement, and even the County Probation Department have all been a part of the discussion and effort to end homelessness. You could construct the alphabet with all the acronyms that make up the organizations and County agencies that account for the millions of dollars dedicated each year to finding a solution. Each year's new solutions and ideas seem to be variations of the same old ideas that have been reworked and usually include expanding shelter hours/days, and looking for more ways to provide resources to the homeless (e.g. the new housing Navigation Centers).<sup>[01]</sup> Currently, the "best practice" is a "Housing First" approach, which contends the priority is to provide a roof over a homeless person's head and then work to address the individual's specific needs.

The Point-in-Time Count (PIT Count) homeless survey, mandated by the U.S. Department of Housing and Urban Development (HUD), is conducted every two years, generally on a single night in January, and provides a "snapshot" of people experiencing homelessness. The PIT Count is important as it is used to determine federal funding for homeless relief. According to the January 2019 PIT Count<sup>[02]</sup> there are 2,167 homeless individuals in Santa Cruz County of which 1,700 are unsheltered.<sup>[03]</sup> The PIT Count states the causes of homelessness are difficult to determine, but it does identify the top six events that lead to homelessness: Loss of Job (26%), Eviction (18%), Increased Rent (10%), Drug and Alcohol Abuse (13%), Family/Domestic Violence (10%), and Divorce/Separation/Break-up (9%).<sup>[04]</sup> It is worth noting that the accuracy of the PIT Count is frequently questioned,<sup>[05]</sup> and community agencies and government officials believe the numbers are significantly underreported.

Despite all the money, effort, activity and planning, it has been extremely challenging to find effective and acceptable solutions. The County's homeless are ignored by many until the issue dominates the news headlines. Typically, this occurs when the homeless become more visible and cannot be ignored at parks, beaches, and business locations; and/or their presence has created a potential health hazard to the community. The homeless are then usually encouraged to "move along," without regard to where they might go, the cost to their dignity, health, financial resources, or the fiscal and societal costs to the surrounding community.<sup>[06]</sup>

## Scope and Methodology

The Grand Jury investigation involved conducting interviews with 16 individuals, including members of the SCCO Board of Supervisors (BOS) and the Santa Cruz City Council, and officials from County and City homeless services providers, the Housing Authority, law enforcement, nonprofit and faith-based organizations. In addition, the Grand Jury reviewed a wide variety of local, state and national reports, as well as other county grand jury reports, to help understand the depth and breadth of homelessness

and the impact it has on our County. Additional interviews desired by the Grand Jury, such as those with homeless individuals, were not possible due to the occurrence of the Covid-19 pandemic.

The focus of the investigation centered on understanding why, after spending tens of millions of dollars, the number of homeless remains high. In addition, the Grand Jury sought to understand the extent of the homeless problem, and identify areas needing improvement. Extensive research was conducted on housing solutions that have been deployed elsewhere, including the use of tiny homes, converted shipping containers, and the maximization of underutilized buildings and parking lots to provide shelter and safe overnight parking. The investigation examined current data collection and reporting systems used to track the cost of homelessness and program results. These results are used to shape policy decisions, legislation and to make funding decisions at multiple levels. In addition, research was done on effective services that could be utilized to provide support to homeless individuals with mental health and substance abuse issues.

## **Investigation**

### ***Community Engagement and Political Will***

#### ***“Santa Cruz, We Have A Problem”***

There is a wide spectrum of views about homelessness in Santa Cruz County, all the way from a strong feeling that homeless people are all lazy drug addicts, to the other end where there is incredible compassion for those affected by homelessness. In order for politicians to be able to “move the needle” on the problem of homelessness, local leaders need to take the initiative to better educate residents, and help them understand the extent of the community wide problem.

If the only images the public has of the homeless issue are those created in the media, on the streets, and by the lack of an effective, coordinated response in SCCO, then their opposition to having homeless individuals and projects in their neighborhoods might seem reasonable.

The image that has been projected is chaotic and it often appears no one is in charge of the response. City and County projects are often funded temporarily and shelter sites secured on a temporary basis. As a result, uncertainty is created as shelters open and close, and homeless individuals are forced back out onto the street to spread out across the County’s parks and other areas<sup>[07]</sup> as they seek out parcels of land for a place to create a community. Examples of positive and negative homeless encampments illustrate the challenge in changing public perceptions.

#### **A Dark Example - The Ross Camp**

In 2019, Santa Cruz County watched the legal, political, and public health and safety battles unfold surrounding the unsanctioned homeless encampment that developed behind the Gateway Plaza shopping center in the City of Santa Cruz. The encampment, known as the “Ross Camp,” became home to approximately 200 homeless individuals.



The Grand Jury read media reporting and heard testimony from City and County officials, law enforcement, and nonprofit personnel regarding the conditions inside the Ross Camp. Testimony stated the community was established by local homeless residents, but was infiltrated by a criminal element that introduced theft, drugs, and sexual assault into the camp.<sup>[08]</sup> The primary inhabitants in the Ross Camp became individuals from outside of the County, which was unexpected as, according to the PIT Count, 74% of the homeless in Santa Cruz County were residents of the County prior to becoming homeless.<sup>[09]</sup> The Camp became a fire hazard and a public health risk, receiving an unusual number of public safety calls (76). In the 6 months the encampment was open, there were three tent fires, five fatalities and 59 medical-related emergency response calls.<sup>[10]</sup>

After multiple local and federal court actions the court deemed the Ross Camp a “nuisance” and it was ordered closed.<sup>[11] [12]</sup> The cost to the City of Santa Cruz for cleanup and very basic services to the camp, for that 6 month period, was \$266,000.<sup>[13]</sup> This amount does not include legal fees and staff expenses incurred during that time.

### **A Brighter Example - 1220 River Street**

Grand Jury witnesses stated that if the criminal elements were kept out, rules and boundaries established, and the numbers of individuals kept at reasonable levels, homeless encampments could be part of a viable solution. The encampments could be peer monitored and maintained by the residents, and would provide a sense of community, belonging and safety, and they would help to restore the dignity that is often stripped from homeless individuals.<sup>[14]</sup>

In 2018, when the City of Santa Cruz was examining the idea of tent encampments as a solution to homelessness, one City official described the program as:

*a temporary phase of a longer term plan to get people off the streets. The model we are working on is a closed campus, fully staffed, high level of accountability, so really we are setting this up not just as a place for people to be, but rather a place where they can stabilize and start their journey out of homelessness.*<sup>[15]</sup>

In February of 2018 the City of Santa Cruz and the Salvation Army opened the 1220 River Street homeless tent encampment (“River Street Camp”), and by all accounts it was a well run and functioning facility. Many who had not previously accessed County services, began receiving services while at the encampment. The shelter was a quiet facility with many residents keeping to themselves, but coming together to play Cornhole and board games. Residents stated the shelter provided a sense of community and family, something that is often lacking when living on the streets.<sup>[16]</sup>

Unfortunately, the shelter was plagued with issues, but not the stereotypes and prejudice that drive “Not in my back yard,” (NIMBY) issues which bring neighbors out in droves to protest homeless projects. The issues were logistical in nature belonging to the City and County of Santa Cruz, and mostly focused on funding.<sup>[17]</sup>

The River Street Camp which was originally funded for three months, but received multiple extensions, closed for the first time in November 2018, right at the start of the winter months,<sup>[18]</sup> but then reopened in May of 2019<sup>[19]</sup> as the City of Santa Cruz moved to shut down the Ross Camp.

On June 12, 2019 the County's Homeless Action Partnership (HAP) issued a public statement<sup>[20]</sup> committing to keep the River Street Camp open until March 15, 2020, which, according to research, cost \$75,000 per month to operate.<sup>[21]</sup> However, by January 2020, the River Street Camp had been closed due to a necessary pipe repair.<sup>[22]</sup> The encampment tents and residents were moved to the National Guard Armory which was previously used as a winter shelter, but closed to the homeless in 2016. The official statement in 2016 was that the Armory was being closed for a year-long renovation, but media reports state it was closed amid "community concerns."<sup>[23]</sup> As of January 2020, witness testimony indicated that no renovations had been performed on the Armory.

A majority of the River Street Camp residents participated in the Downtown Street Teams (discussed later in the report), and earned a stipend for cleaning up the streets of Santa Cruz. One resident described his experience after 4 weeks; praising the program for helping him to build his resume, secure job interviews, and get his life in order, "you've got to start somewhere. I just call this a grooming ground for better things to come."<sup>[24]</sup>

Although the River Street Camp was closed, it serves as an example of how a well run encampment can be an asset in the effort to manage and ultimately reduce homelessness.

### *"Not In My Backyard" (NIMBYism) and Political Will*

While well run encampments help to manage the immediate homeless problem, they are obviously not a long term solution. Multiple witnesses testified that two of the major components needed to end homelessness are creating housing and the political will to do so. They also testified to the intersection between political will and NIMBYism. Lack of political will, on the part of elected officials, is frequently tied to a desire to please constituents. Attempts to approve and build homeless and affordable housing projects are often stymied by NIMBYism.<sup>[25]</sup> When there is strong public opposition to projects, political will to approve those projects often evaporates.

### **Bending to Pressure**

Bending to the pressure of voters is something all politicians do; after all, they were voted into office to represent their constituents. However, the question is: how far to bend in accommodating the needs of some groups over those of other groups?

The Grand Jury heard testimony from multiple witnesses, including elected officials, about the pervasive lack of political will to build homeless and affordable housing projects and its direct link to NIMBYism. However, given the COVID-19 pandemic, and the current efforts by the County of Santa Cruz and Cities in Santa Cruz County (Santa Cruz, Scotts Valley, Watsonville, Capitola) (hereinafter "Cities") to enact solutions, even

if only on a temporary basis, the Grand Jury decided now was not the time to point fingers. Instead, the Grand Jury encourages all elected officials to look beyond these temporary measures to more permanent ones in each of their jurisdictions. Elected officials should look for ways to create more political will within themselves and their governing bodies, and work to reduce NIMBYism through public outreach, effective education, and community engagement. Ending homelessness is a goal that should unite our leaders and community members because solving the problem has the potential to benefit all of Santa Cruz County.

### **Polarizing Terms**

It is worth noting that Corporation for Supportive Housing (CSH) encourages engaging with those who may have opposing views, and argues that “NIMBY” is a polarizing term that does not contribute positively to the solution:

*We may depict the NIMBY crowd as narrow-minded, self interested, sometimes violent home owners who are resistant to reason and uncaring about those less fortunate. While this may be true about some people in some struggles, more often what underlies resistance to supportive housing are fears — some legitimate, some not. You should try to understand those fears so that you can respond to them appropriately.*<sup>[26]</sup>

In CSH’s publication, “*Family Matters: A Guide to Developing Family Supportive Housing*,” CSH offers methods for addressing the most common community fears.<sup>[27]</sup> It would be beneficial for the leadership of Santa Cruz County and Santa Cruz Cities to reference documents such as this when encountering housing opposition in their communities.

### **Public Outreach**

In early 2019 the Santa Cruz City Council worked through the research, planning, and approval process for a safe parking program in the Santa Cruz City-owned parking lots.<sup>[28]</sup> The City worked with a “small neighborhood group.” Notices were sent to neighboring property owners to notify them of the proposed project, which was set to run from July through the end of August, and “Temporary, no parking” signs were placed in the selected lot to inform the community the lot would be closed during safe parking hours. Despite these measures, in September 2019, when the City Council voted unanimously to approve the project, there was pushback from the neighbors.<sup>[29]</sup> The community’s immediate reaction was “How come we weren’t informed?” The Santa Cruz Sentinel quoted the Assistant to the Santa Cruz City Manager:

*The challenge is because there are existing RVs that park there, people thought that the program had started and were reacting strongly to the fact that (they believed) it had started already and outreach had not happened. I think it went on a few social media outlets and then there were a lot of questions and concerns about how we’re engaging the community on this. Unfortunately, sometimes that happens, where information that is not exactly accurate gets out and then we’re trying to catch up a little bit.*<sup>[30]</sup>

The County and Santa Cruz Cities would benefit from a more robust County-wide public outreach to engage and build trust with residents. Regular community meetings focused on the issue of homelessness could provide the opportunity for open communication. The goal of these meetings should be to provide a forum for sharing ideas and discussing potential neighborhood projects, in order for neighbors to not feel blindsided, be able to air their concerns, and for the County and City Officials to respond to questions.

Community meetings and outreach projects would be an ideal space to introduce residents to the good work already being done by nonprofit entities such as Housing Matters,<sup>[31]</sup> Downtown Streets,<sup>[32]</sup> and various Faith-Based Organizations (FBOs),<sup>[33]</sup> as well as private groups, who have established records of success. It is essential to not only keep residents informed, but to share positive outcomes and successes.

While these actions do not guarantee a positive outcome, community buy-in on homeless and low income projects is imperative, and failure to conduct community outreach has resulted in negative outcomes by allowing “rumors” and “concerns” to circulate, fueling opposition among “blindsided” residents.<sup>[34]</sup>

### ***Calling Community Members to the Table***

The Homeless Services Coordinator for Santa Cruz County stated, “*Community is a really big part of what we can and can’t do—what are people willing to accept in their community.*”<sup>[35]</sup>

As discussed, engaging the community to alleviate fears, and to earn support for proposed homeless facilities and developments is essential. Community members should be helped to understand the realities of homelessness and the homeless individuals, who would be served by these projects and services. Creating a community task force that brings everyday community members to the table with frontline workers and homeless individuals could help shift the conversation away from community opposition and toward community solutions. Bringing the community to the table would also provide a space where the false narratives and mythologies surrounding the homeless<sup>[36]</sup> could be dispelled and addressed. These false narratives and myths include:

- Homelessness is a choice, and many who live on the streets are there by choice.<sup>[37]</sup>
- Homeless people move to the Bay Area for the weather.
- Homeless people don’t need cell phones. Cell phones are a luxury.
- Why don’t they just get a job? Sleep in a shelter? And more.<sup>[38]</sup>

The Grand Jury heard testimony from multiple witnesses about the importance of community buy-in on homeless and affordable housing projects and the necessity of engagement and education prior to, and as part of the planning process.

**Building Compassion through Education**

Some realities discovered through research and testimony which the County and the Cities of Santa Cruz should introduce to the community include:

- Many homeless individuals look just like everyone else in the community.
- Approximately one third of the homeless are employed.<sup>[39]</sup>
- Approximately one third have mental health or addiction problems for which there are inadequate treatment options (See Table 1).
- Jails have become the last resort for dealing with the most serious mental health problems of the homeless, but the jail is not adequately equipped to provide treatment.<sup>[40]</sup>
- Thousands of children in the County, who do not have secure housing, were not counted in the 2019 PIT Count because they do not meet the HUD’s limited definition of homelessness.<sup>[41]</sup>
- The cost of failing to effectively cope with homelessness is greater than the cost of the solutions.<sup>[42]</sup>

**Table 1: 2019 Homeless Subpopulations**

2019 Homeless Subpopulations <sup>3</sup>				
	Sheltered	Unsheltered	TOTAL	Percent of Total Population
Chronically Homeless Individuals	123	280	403	18.6%
Persons in CH Families	32	17	49	2.3%
Veterans	23	128	151	7%
Severely Mentally Ill	71	249	320	14.8%
Chronic Substance Abuse	32	249	281	13%
Persons with HIV/AIDS	5	24	29	1.3%
Victims of Domestic Violence	20	59	79	3.6%

(3) Subpopulation categories are not mutually exclusive, so these figures do not sum to the total homeless population. People may be represented in multiple categories.

Source: Focus Strategies Report, page 4<sup>[43]</sup>

In order to make advancements in the effort to end homelessness, community involvement and education are paramount. With increased community support, politicians will have more ability to move forward with housing solutions which are so desperately needed in Santa Cruz County.

**Effective Governance Structure Needed**

Effective governance is vital when attempting to solve a problem as complex, vast and challenging as homelessness. Leadership, programs, data, funding, and accountability are just a few of the elements required in order to move the needle. According to

witness testimony, Santa Cruz County does not have the data collection mechanisms necessary to answer the most basic question, "What is the cost to our county due to homelessness?"

However, Santa Clara County performed a six-year study, the results of which were referenced by this Grand Jury to aid in understanding the scope of the homeless problem.<sup>[44]</sup>

The Santa Clara County report identified the primary areas where the costs to the county are borne, shown in Figure 1.

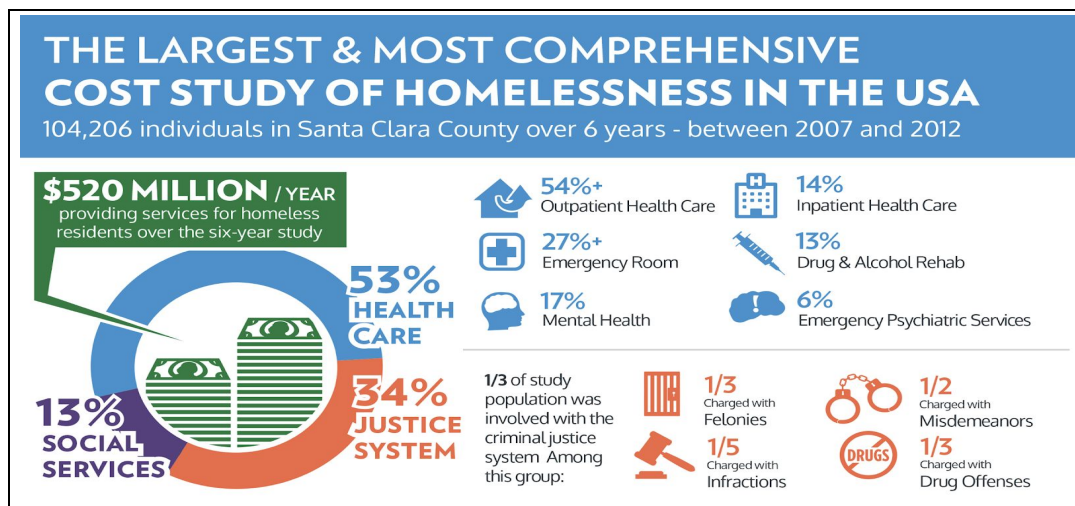


Figure 1. Homelessness Cost Study<sup>[45]</sup>

It is significant to note in the graphic that 87% of the expenditures were for healthcare and the justice systems, with only 13% spent on social services. Although not stated, one can imagine if more funding was placed on social services upfront, these back-end expenditures would be reduced.

Interestingly, the report states:

*Homeless costs are heavily skewed toward a comparatively small number of frequent users of public and medical services. For example, for all county residents experiencing homelessness in 2012, the average annual cost per person was \$5,148. However, individuals with costs in the top 5% accounted for 47 percent of all costs and had average costs of over \$100,000 per year.*<sup>[46]</sup>

Public perception often assumes a majority of homeless individuals are "chronically homeless," (defined as "a person with a disability who lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and has been homeless continuously for at least 12 months or on at least 4 separate occasions in the last 3 years.").<sup>[47]</sup> Although this segment of the population accounts for a significant portion of the costs, they are a relatively small percentage of the homeless population.<sup>[48]</sup>

Therefore, identifying and prioritizing ways to assist these individuals is an important element of this report.

*Funding Today, Gone Tomorrow*

A frequent problem identified during witness testimony, is the ongoing inconsistent funding sources and processes. With regard to funding for Permanent Supportive Housing (PSH), the National Academies of Sciences, Engineering and Medicine states:

*Funding streams and policy regulations for PSH are siloed and often impose substantive restrictions on how the funds may be used. This lack of coordination creates complications for combining or blending funds from different sources, and works against efforts to most efficiently use available funding.* <sup>[49]</sup>

A lack of consistent funding makes it extremely challenging for organizations to plan more than a year in advance, nor does it allow for agencies to fund projects that may require many years to implement. As a result, a myriad of temporary fixes tend to receive emergency funding, inhibiting the effective implementation of long term planning solutions leading to reactive and tactical rather than strategic planning. As stated by CalMatters with regard to funding of shelters,

*The untold dollars spent on these failed shelters and policies would have been better invested in permanent housing.* <sup>[50]</sup>

Improved governance and leadership has the potential to improve the funding and planning processes. For an example of an inefficient use of funding, one can look to the opening and closing of various homeless encampments and shelters in Santa Cruz over the last few years shown in Figure 2.

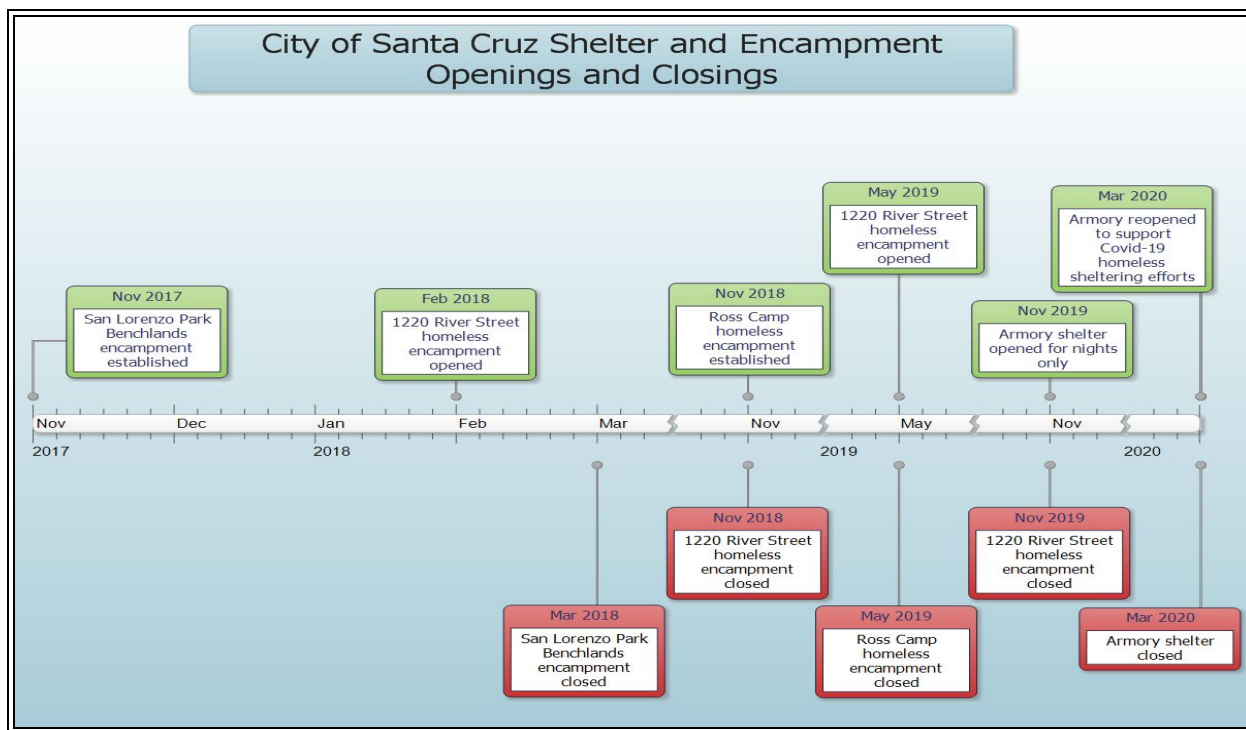


Figure 2. Encampment Openings and Closings <sup>[51] [52] [53] [54]</sup>

Managing the myriad of service providers and inconsistent available funding is a challenging task which is the responsibility of a County-wide organization, the Homeless Action Partnership, or HAP.<sup>[55]</sup>

### *Homeless Action Partnership (HAP)*

HUD requires that each county assign an organization to be its Continuum of Care (CoC) organization, the agency that receives federal homeless funding and manages the allocation of funds. HAP is Santa Cruz County's CoC, and is a collaboration of the five jurisdictions in Santa Cruz County: the County and the Cities of Watsonville, Capitola, Scotts Valley and Santa Cruz, along with a number of homeless housing and services providers.<sup>[56]</sup> It is notable that "HAP is a collaborative planning body that does not hold legal status as an entity (i.e. it is not a nonprofit organization or formally seated governmental Board)."<sup>[57]</sup> HAP receives roughly \$2.3 million from the state each year for housing subsidies and supportive services.<sup>[58]</sup>

In 2018, HAP received a one-time \$10 million grant from the state of California's HEAP (Homeless Emergency Aid Program) and CESH (California Emergency Solutions and Housing) programs.<sup>[59]</sup> These funds were to be allocated throughout the County to organizations and agencies working to reduce homelessness. According to documents received, "a highly comprehensive, countywide, collaborative process was followed in order to identify priorities and estimated budget amounts for HEAP and CESH eligible activities."<sup>[60]</sup> However, according to witness testimony, HAP was not organizationally equipped with the appropriate structure, staff, or training to develop an effective strategic plan, or process for allocating and tracking funding performance. The \$10 million was distributed by HAP among 26 projects countywide ([Appendix A](#)) and witnesses stated that selecting fewer projects with bigger grant amounts would have resulted in a better "bang for the buck."

### **So, What Bang Did The County Get For Ten Million Bucks?**

Analyzing the effectiveness of the \$10 million in funding is challenging due to the lack of consistency in the entities reporting and the accuracy of the reported data. In addition, grant money was to be spent over a two year period, and from documents provided it was stated some projects that were funded in June 2019 had not been started as of early 2020. A summary of the status reports (Table 2) provided by the funded agencies shows what services had been provided as of January 2020.

**Table 2. Summary of Outcome Responses Provided by Grant Recipients – 2019**

Number of homeless persons served	<b>376</b>
Number of persons at imminent risk of homelessness served	<b>223</b>
Number of persons served with a prior living situation of "place not meant for habitation"	<b>122</b>
Number of persons exiting to a permanent housing destination	<b>46</b>
Number of persons exiting to a safe exit, other than permanent housing	<b>145</b>
Instances of services	<b>593</b>
Instances of services - showers & toilets (Watsonville Navigation Center)	<b>6811</b>

Source: Santa Cruz County Office of Administration via document request<sup>[61]</sup>



The status reports consisted of spreadsheets with quantitative and qualitative information which was challenging to comprehend and lacked a signature of the reporting party. There is no clear and concise way to measure the information provided to track progress toward goals and objectives of the funded agency. The significance of this ineffective data reporting method speaks to the inability of HAP to effectively disperse and manage the funding received, and is further addressed in the data analysis section of this report.

### Gaining an Outside Perspective

Focus Strategies, a consulting firm hired by Santa Cruz County to analyze the manner in which the County manages its homeless population, published the “Santa Cruz County Homeless System Baseline Assessment Report” in August 2019, summarizing the issues with HAP:

*At the system level, well-informed members of the community actively participate in efforts to reduce homelessness and many examples of successful coordination exist. However, robust system-wide alignment around priorities and goals, capacity for data-driven decision making, and a more refined and empowered governance and implementation structure are needed. This aligned system will also need increased staffing capacity to support the system structure and see goals to fruition. Without these elements in place Santa Cruz cannot be said to have a fully realized homeless crisis response system in which all the parts work together toward a common set of measurable goals. **And without such a system, progress on reducing homelessness will remain elusive** (emphasis added).<sup>[62]</sup>*

### All for one, one for all

Homelessness requires a countywide solution, but not all key stakeholders are actively engaged on the HAP Board and therefore countywide solutions are more challenging. Witness testimony stated the cities of Capitola and Scotts Valley take a minimal participatory role in HAP, and are not present when strategic planning for addressing homeless solutions occurs. To the Grand Jury’s knowledge, neither city offers homeless shelter to its residents.

As can be seen by Table 3, the vast majority of homeless individuals reside in the cities of Santa Cruz and Watsonville, and in the unincorporated areas of Santa Cruz County. Capitola and Scotts Valley, which each have roughly 1% of the homeless population, send or refer their residents to the homeless service providers in Santa Cruz or Watsonville.

**Table 3. Total Unsheltered Persons by Jurisdiction**

Jurisdiction	Unsheltered in 2017	Percent of Unsheltered Population
Total Incorporated	1,314	73%
City of Capitola	21	1.1%
City of Santa Cruz	934	51.9%
City of Scotts Valley	19	1%
City of Watsonville	340	18.9%
Total Unincorporated Confidential Scattered Site	485	27%

Source: Focus Strategies Report<sup>[63]</sup>

The majority of homeless service providers and low income housing exists in two districts within the County, District 1 and District 4, which is understandable as they include the two largest cities in the County. (See [Appendix B.](#)) Identifying ways for the other three districts in the County to share in the responsibility to address homelessness is paramount and more equitable (See Figure 3 for district boundaries).

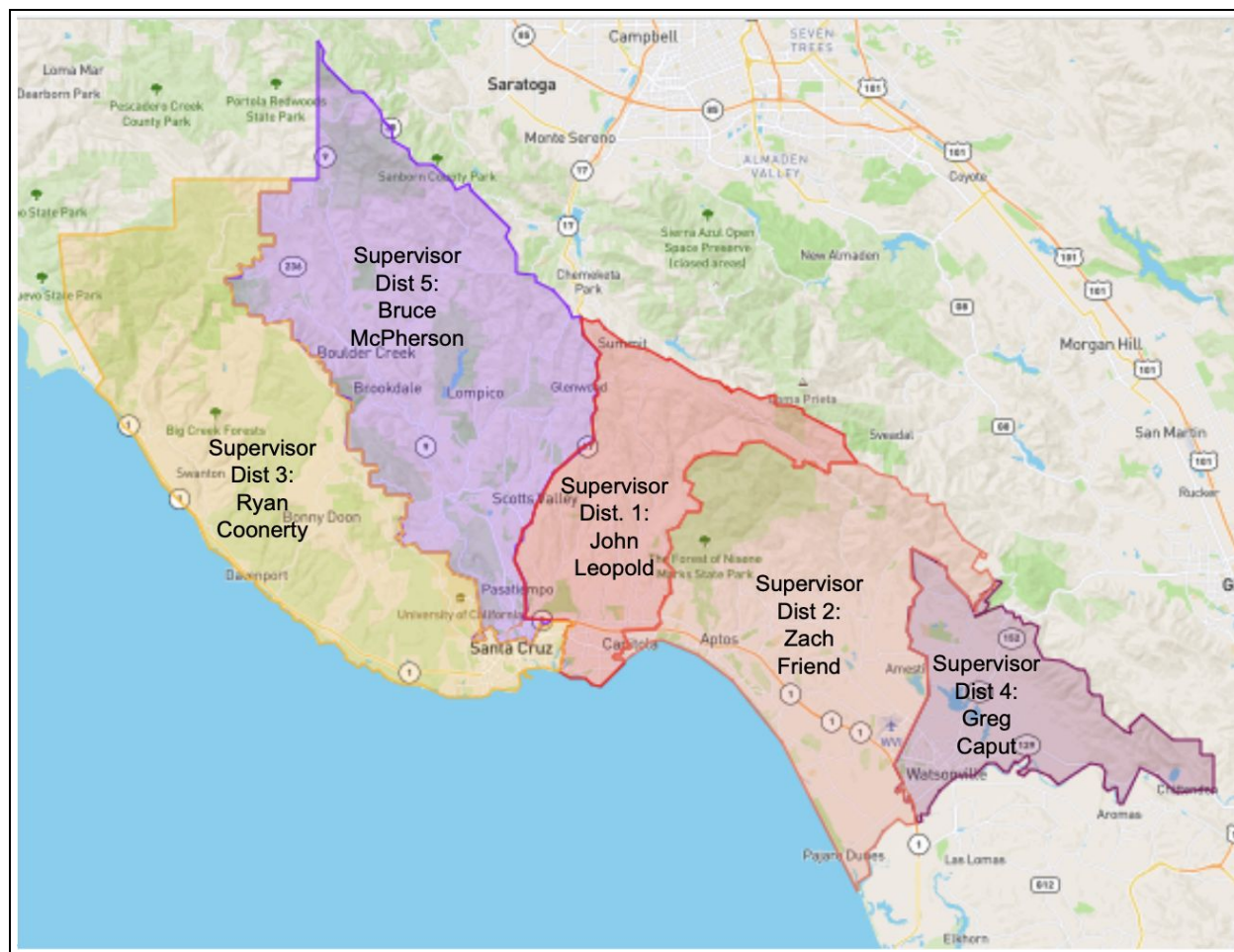


Figure 3. Santa Cruz County District Map as of January 2020<sup>[64]</sup>

### Access to Funding

HAP published an application policy and guidelines document for homeless service providers to utilize when requesting funds from the \$10million grant.<sup>[65]</sup> However, several witnesses emphasized a lack of a clear decision making and ranking process, stating HAP did not appear to provide equal access or opportunity to each applicant group seeking funding. This contention is further supported by the following statement in the Focus Strategies report:

*In general, our information gathering revealed concerns among stakeholders about a perceived lack of transparency in decision-making relating to homelessness. In our view, the problem is not primarily a lack of transparency per se on the part of decision-makers, but rather that there are many fragmented and uncoordinated planning and decision-making processes in Santa Cruz County. The absence of a well-understood and clear decision-making process generates a sense among some stakeholders that the process is mysterious or intentionally obscured.*<sup>[66]</sup>

### Accidental Adversaries

Ideally, nonprofit and faith-based groups should be working together. However, competition for funding among these groups can result in them becoming Accidental Adversaries.<sup>[67]</sup> Accidental Adversaries develop when groups working toward a common goal unintentionally obstruct each others' goals in the competition for funding. A perceived opaqueness of the process, and adversarial relationships could lead to an environment of distrust and disable the effective implementation of homelessness solutions.

#### *Homeless Governance Study Committee*

Challenges facing HAP have been known for some time. In 2017-2018, Santa Cruz County convened a Homeless Governance Study Committee to evaluate three problems that were identified:<sup>[68]</sup>

1. Lack of a regional decision-making body and structure
2. Lack of overall coordination
3. Insufficient capacity and resources

After 18 months of analysis, the recommendations of the committee were:<sup>[69]</sup>

1. *Restructure the existing HAP Board into an Interagency Policy Council (IPC) tasked with being the primary decision-maker for the homeless system and not limited to HUD activities.*
2. *Retain the Jurisdictional Executive Committee but rename it to “the Jurisdictional Coordinating Committee” and continue to coordinate interjurisdictional budgeting and cost sharing for homeless activities, such as winter shelter.*
3. *Retain the existing HAP but rename it as the General*

*Membership/Operations group.*

Their evaluation went on to state:

*While the recommendations were generally welcomed by most stakeholders, the work of the Committee was paused in 2018 before the recommendations could be finalized and adopted. As new funding streams were rolling out into the community from the State, there were some questions about appropriate membership for the IPC as envisioned, and whether this was the right approach for allocating these or other new resources. Some members of the HAP raised a question as to whether the proposed structure would need refining to ensure compliance with HUD Continuum of Care (CoC) Governance requirements. People involved in the process also became very busy with preparing for the new resources, and lack of adequate staffing capacity made it impossible to proceed on both action areas at the same time.<sup>[70]</sup>*

It was disheartening to discover this committee, whose recommendations were agreed to in principle, was ultimately disbanded. This is just another example of a study performed with the best of intentions and yet resulted in no useful outcome. **From the Grand Jury's research, it is abundantly clear, the current HAP structure is inadequate and a new structure is desperately needed.**

Of note: On March 10, 2020 the Santa Cruz County BOS received an update from Focus Strategies on their research and recommendations, and a description of a proposed new governing structure was scheduled for June 2020 (albeit this timing was pre-COVID-19).<sup>[71]</sup> As Focus Strategies are experts in their field, the Grand Jury believes the BOS should give significant consideration to their recommendation; however, they should also consider the new governing body recommendation described in the following section.

*Time for a Joint Powers Authority (JPA)*

In evaluating the governance structure, the Grand Jury's initial suggestion was for the County to create a "Czar," or single person within the County, with sole responsibility for managing the homeless problem. However, witness testimony pointed to the fact that such a person would not have the authority or buy-in from all agencies necessary to be successful in such a position.

Rather, it is clear from testimony that the governing structure should have legal authority and power to create and execute on a strategic plan to measure, track, fund and hold programs accountable in order to effectively manage the homeless situation.

The Grand Jury researched other communities to identify what types of governing structures have been utilized to manage homeless services. JPAs, or Joint Powers Authorities (also called Joint Powers Agencies), can be an effective structure when dealing with broad complex issues such as homelessness. In 2018, Orange County established a JPA to manage its permanent supportive housing problem and created the Orange County Housing and Finance Trust.<sup>[72]</sup> In 1999 Solano County established a

JPA to, among other things, provide oversight and coordination of homeless and safety net services.<sup>[73]</sup> Although the Orange County JPA is relatively new, and therefore it is difficult to measure its success, Figure 4 shows the 2019 achievements from the Solano JPA.

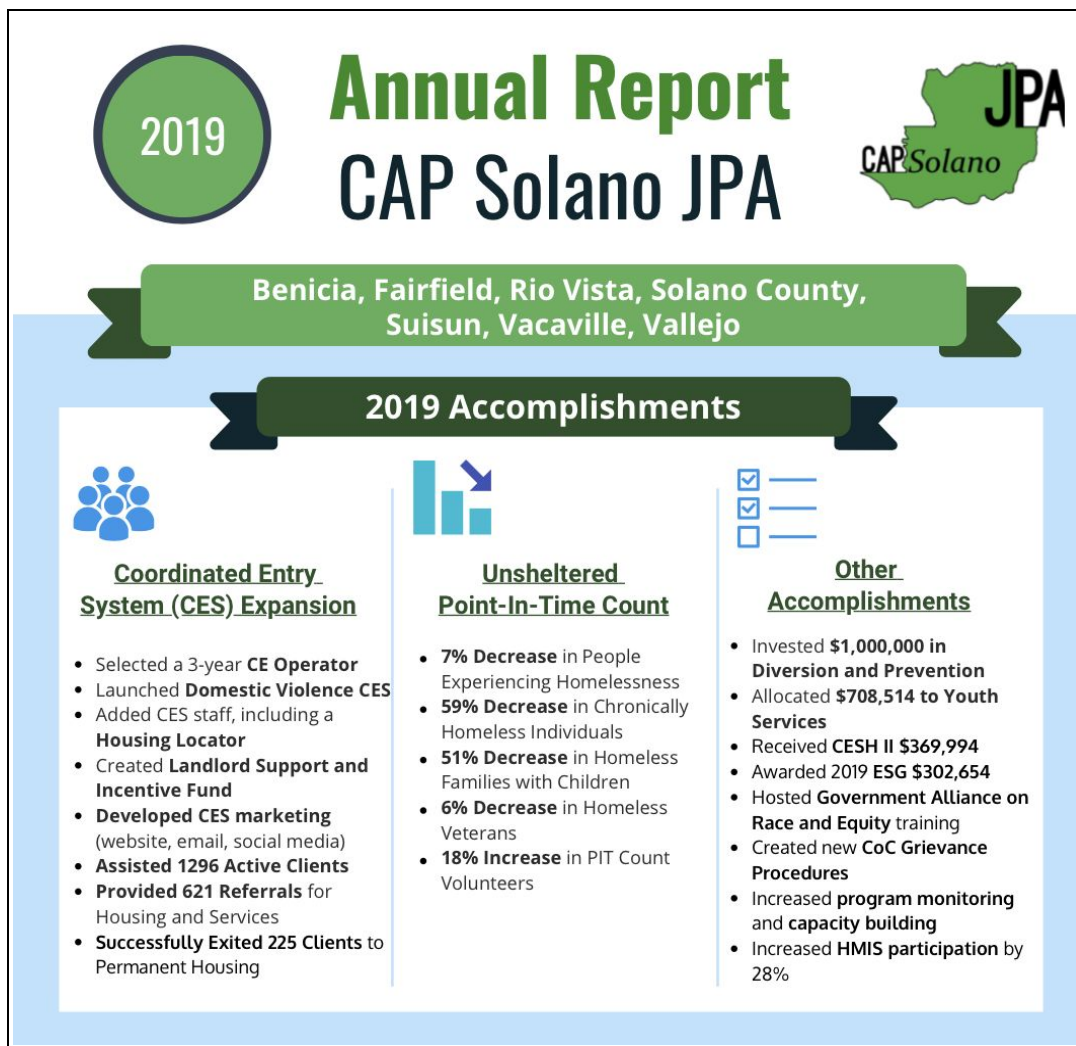


Figure 4. CAP Solano JPA Annual Report<sup>[74]</sup>

An important element of a JPA is that it is a legal entity with clearly defined governing bodies that possess the power to make decisions.<sup>[75]</sup> Establishing a JPA will require time and a significant coordinated effort between the County and Santa Cruz Cities. Of note, Santa Cruz County has had success with a JPA in the Public Library JPA.<sup>[76]</sup> **It is the opinion of this Grand Jury that an entity such as a JPA should be seriously considered as a County governance option to move forward and effectively manage the significant homeless problem in Santa Cruz County.**

### ***Insufficient Resources Available***

A variety of housing and social services are needed to effectively support the variety of issues that exist in the homeless community. The following section identifies the areas where resources are needed, outlines options to increase resources, and highlights the impact to the community of NOT having sufficient resources to support the homeless.

#### ***Mental Health and Substance Abuse Disorder***

The mental health and drug and alcohol problems plaguing those living on the streets of Santa Cruz are often on display for the public to view, but how widespread are these issues among the homeless? Homelessness can be the end result of substance abuse and addiction, but it can also be the consequence of it. Studies show that approximately 33% of homeless individuals have struggled with drug and alcohol problems, and of those, 67% have a documented history of lifelong substance use disorder (SUD).<sup>[77]</sup>

Mental illness is another common thread running through the homeless population. Approximately 33% are suffering from untreated severe mental illness, 60% of chronically homeless have a history of lifelong mental illness, and 50% have a dual diagnosis of SUD and mental illness.<sup>[78]</sup> According to the nationally recognized Treatment Advocacy Center (TAC) many of these individuals suffer from disorders such as bipolar disorder, schizophrenia, major depression, and schizoaffective disorder, and are subject to “abysmal” lives.<sup>[79]</sup> They are also 10 to 20 times more likely to be homeless than the general population.<sup>[80]</sup> Mentally ill homeless individuals are 2.7 times more likely to be the victim of a violent crime such as sexual assault or murder.<sup>[81]</sup>

The nationally reported numbers are consistent with what is reported in Santa Cruz County. The 2019 PIT Count indicated 32% of homeless individuals self-reported some form of “psychiatric or emotional condition,” 30% reported problems with drugs, alcohol, or both, and 30% reported having Post Traumatic Stress Disorder.<sup>[82]</sup>

Many experts and studies blame the closing of state mental hospitals, beginning in the 1980’s, for a rise in homelessness. These closures resulted in an estimated 26-37% of former state mental hospital patients ending up on the street within six months of hospitals closing.<sup>[83]</sup> This long term, ongoing deficit of mental health treatment continues to have consequences. It is estimated that in the United States there are **383,000** jail and prison inmates living with mental illness, and **169,000** homeless individuals have untreated severe mental illness (SMI).<sup>[84]</sup> A New York Times article described the situation in Berkeley, CA in the 1990s:

*...on any given night there are 1,000 to 1,200 people sleeping on the streets. Half of them are deinstitutionalized mentally ill people. It’s like a mental ward on the streets.*<sup>[85]</sup>

Note: The Grand Jury recognizes some of the information referenced above is dated, which is the result of federal funding having been eliminated to federal agencies performing research on mental illness and homelessness. The Grand Jury is making the assumption the data is still relevant today.

In 2014, at the request of the Santa Cruz County BOS, the Mental Health and Substance Abuse Services Division of the County Health Services Agency developed a mental health strategic plan to identify needs and gaps in providing mental health services to the community. This plan was titled “A Community Roadmap to Collective Mental Health Wellness.”<sup>[86]</sup>

The strategic planning group included stakeholders, mental health clients, families, community partners, and other community members. This team worked to identify needs and gaps and to develop priorities. In addition to identifying needs, the plan offered solutions and potential ways to implement them.<sup>[87]</sup> The five strategic priorities identified included:

- Communication, Collaboration, and Community Education
- Programs and Services
- Program Staffing
- Timely Access to Treatment
- Integrated Models of Care

Many areas of the strategic plan addressed the issue of affordable housing, but it did not specifically address the issue of homelessness. However, the strategic plan identified “Housing First” as a best practice that is effective in ending and preventing homelessness in individuals with a history of SUD, severe mental illness, or both. The plan cited a four year study, conducted by the Journal of Primary Prevention, which concluded that when placed in permanent supportive housing, a majority of those served under the best practice of Housing First, were able to achieve independent living.<sup>[88]</sup>

### **Lack of Facilities**

The Santa Cruz County Mental Health and Substance Abuse Services Agency’s 2015 Strategic Plan, (mentioned in the above section) did not address one issue that was highlighted in Grand Jury interviews and research: the staggering lack of county facilities to treat mental health, substance abuse, and co-occurring disorders.<sup>[89]</sup>

In 2009 the SCCO BOS and Dominican Hospital administrators came to an agreement to close Dominican Hospital’s Behavioral Health Unit (BHU).<sup>[90]</sup> This decision was made based on reported losses by the hospital, a sum that was not publicly available.<sup>[91]</sup> During the negotiation, the County looked for alternative ways to allow Dominican Hospital to continue to provide mental health services, including ways to reduce BHU losses. It was determined, by an outside agency, that, “Dominican’s losses would increase to \$4 million per year ... within 5 years.” The outside agency determined none of the alternative options were viable.<sup>[92]</sup>

The County opted instead to open a 16-bed Psychiatric Health Facility (PHF). The size of a PHF is regulated by federal Medi-Cal funding and limited to 16 beds.<sup>[93]</sup> Mental health facilities with more than 16 beds must be connected to an acute care treatment hospital.<sup>[94]</sup>

Telecare, a PHF, opened in 2013 and currently serves the entire County of 273,000 residents with priority given to Medi-Cal patients. Telecare's 16 mental health beds are a steep decline from the 28 beds that were previously provided by Dominican Hospital's BHU in 2013.<sup>[95]</sup>

In 2013, County Mental Health Services in Santa Cruz County provided services in total to 5,360 individuals for mental illness or thought disorders. Dominican's BHU saw 1,625 individuals in 2012. Of those seen, more than 1300 were placed on involuntary holds (California Welfare and Institutions Code (WIC) § 5150) and 266 voluntarily pursued help.<sup>[96]</sup>

To be involuntarily committed to a psychiatric facility via a WIC § 5150 hold, individuals must meet at least one of three criteria, danger to self, danger to others, or gravely disabled.<sup>[97]</sup> Gravely disabled is defined as: unable to provide food, shelter or clothing for themselves because of a mental disorder or impairment by chronic alcoholism, per WIC § 5008(h). If a homeless individual has a severe thought disorder, yet they have some access to shelter or food, they do not necessarily meet the criteria for grave disability.<sup>[98]</sup>

In SCCO, where over 9,100 County residents have been identified as suffering from severe mental illness, 16 beds seems woefully inadequate.<sup>[99]</sup> To the Grand Jury's knowledge, there is nothing prohibiting the County from building multiple 16 bed PHF facilities. The challenge would be to identify funding and locations to build such facilities.

### **Advocating for the Mentally Ill**

The National Alliance on Mental Illness Santa Cruz County (NAMISCC) is an advocacy group whose primary focus is advocating for individuals suffering from severe mental health conditions, and providing support to families seeking services and treatment for a loved one.<sup>[100]</sup> In their role as advocate, NAMISCC heard frequently from families regarding their deep dissatisfaction with the lack of treatment available for the mentally ill in the community.<sup>[101]</sup>

In 2017, in response to these complaints, NAMISCC developed an Acute Crisis Services Task Force.<sup>[102]</sup> The Task Force specifically focused on the Crisis Stabilization Program at Telecare. NAMISCC did a deep dive into the history of County and private hospital closures, funding stream changes, and policy changes that shifted care from the State into the hands of the County. Throughout the report NAMISCC points to the severe lack of mental health beds and services, and concludes Santa Cruz County is seen as having "a range of different levels of care, but the capacity is insufficient at most levels of care."<sup>[103]</sup> The report states the insufficiency is "due to a lack of options for development of new housing beds."<sup>[104]</sup> This lack of beds creates pressure to move patients out quickly, avoid admissions to the hospital, and to stick to the "prevailing philosophy" that hospitalization should be avoided.<sup>[105]</sup> This mental health bed deficit leads to one-third of Crisis Stabilization Program patients who are determined to need hospitalization, being sent out of the County to other locked facilities<sup>[106]</sup> which requires



door to door transportation by ambulance.<sup>[107]</sup> Placing Santa Cruz County mental health patients outside of the County creates a greater financial burden on the County and exacerbates the burden on the individual's family.

The NAMISCC report stated that:

*One truth that independent analysts, county mental health directors, and others seem to fully agree on is that the funding necessary to provide enough capacity and flexibility to meet individual patient needs from inpatient care to community outpatient services has not been sufficient. This is especially true in regards to housing needs – it is an incredibly difficult process for an individual with a serious mental illness and chronic homelessness to achieve recovery, absent a pathway to affordable and supported housing.*<sup>[108]</sup>

### **A Step in the Right Direction**

#### *Expanding Existing Services*

Of note, in December 2019, South County Behavioral Health was opened in Watsonville. This new facility took the place of a much smaller facility and brought expanded services to the community.<sup>[109]</sup> This 13,500 square-foot facility offers ambulatory (walk-in) services. Some of the services provided by the facility include: “SUD services, walk-in crisis help, occupational therapy services, a team for transition-age youth and older adults, and other health services.”<sup>[110]</sup>

The opening of the new South County Behavioral Health facility is a step in the right direction; however, much more capacity is still needed in the County for mental health services, and specifically in the area of inpatient facilities as detailed above. Santa Cruz County should also look to build strong regional partnerships to create additional mental health and SUD treatment beds outside of the County. And, as detailed in the Under Utilized Resources section of this report, Santa Cruz County should also look at under utilized properties, such as the SCCO Juvenile Hall, to create space for treatment facilities and supportive housing.

#### *Creating Housing*

The Santa Cruz County BOS, in November 2019, voted to approve an affordable housing project in Live Oak. This development, which will be located at 17th Avenue and Capitola Road, will have 57 low rent apartments. There will also be an 11,000 square-foot dental clinic operated by low income dental provider Dientes Community Dental, and Santa Cruz Community Health Centers will operate an 18,000 square-foot medical clinic on the property as well. This development will combine low income housing and services.<sup>[111]</sup>

The Grand Jury commends the Santa Cruz County Board of Supervisors for these significant steps, but also realizes that neither of the projects directly addresses the immediate problem of homelessness. While these are important steps in the right direction, more needs to be done.

### Drain on Emergency Personnel

The lack of services for the homeless has an impact, not only on the homeless, but also on the institutions and the personnel providing emergency and crisis services throughout the community as detailed below and throughout this report.

The Grand Jury heard from witnesses that one of the most impacted providers of emergency services, by the homeless crisis, is law enforcement, and in the City of Santa Cruz, a majority of the calls that the police department responds to, are related to homelessness. One witness in law enforcement described the impact as a “drip, drip, drip that leads to a PTSD effect” on officers which leads to an impact on moral and officer recruitment and retention.

In 2019, mental health cases accounted for one third of the bookings into the Santa Cruz Main Jail and contributed significantly to the overcrowding. <sup>[112]</sup>

The 2017 NAMISCC report acknowledged the large role law enforcement plays in crisis management for some mentally ill individuals and their families. They noted:

*They are active participants in assisting our families, and have shared that they experience similar difficulties with shortage of crisis services, lack of beds, etc.* <sup>[113]</sup>

SCCO Sheriff Jim Hart has shared his concerns publicly. In January 2019, his deputies responded to 293 calls regarding “emotionally distressed” individuals in the unincorporated areas of Santa Cruz County, (this does not include cities), and most of those calls involved substance abuse. As Sheriff Hart describes it, “drug and alcohol abuse are so interwoven with behavioral health cases, there is no easy distinction for deputies.”<sup>[114]</sup> Mental health, substance abuse, and the criminal justice system go hand in hand. The Grand Jury heard testimony from other law enforcement, City, and County officials, and County stakeholders, confirming mental illness, drug addiction, and homelessness are being criminalized because there is a lack of resources to treat these individuals appropriately. Families often call 911 as a last resort to seek help for a family member who is in crisis, and 911 is often called for those on the street who are in a crisis mode. The lack of resources, and the utilization of the emergency response system as the alternative, has required law enforcement and correction officers to step into the role of social worker. This is a nationwide problem that has led to local and national law enforcement agencies requiring officers to undergo training to learn how to deescalate tense situations that might involve mentally ill or intoxicated individuals. <sup>[115]</sup> <sup>[116]</sup>

The Grand Jury has concluded that the County should seek ways to take this burden off the County’s law enforcement and corrections officers. Even if officers have been provided de-escalation training, they are not professional mental health workers; thus they lack the resources to assist individuals who are in crisis due to homelessness, addiction, mental health issues, or at times all three. These issues should be treated like the social, psychiatric, and medical conditions they are. The Grand Jury believes the County should look to our neighbors in the North for a solution.

CAHOOTS (Crisis Assistance Helping Out On The Streets)<sup>[117]</sup> is a mobile crisis intervention team that operates 24 hours a day, 7 days a week in Springfield and Eugene, Oregon (the two largest cities in Lane County, Oregon). The crisis team is dispatched “through the Eugene police-fire-ambulance communication center” as well as through a non-emergency number. The CAHOOTS team consists of a “medic” or nurse and a crisis worker who is an experienced mental health worker. “This team responds to calls that do not appear to be related to legal issues or threats of violence. CAHOOTS provides immediate stabilization in case of urgent medical need or psychological crisis.”<sup>[118]</sup> Services include: crisis counseling, suicide prevention, substance abuse services, housing crisis services, resource connection and referrals, advocacy and “(in some cases) transportation to the next step in treatment.”<sup>[119]</sup>

CAHOOTS costs Lane County \$2.1 million annually. But crisis workers estimate there is “over \$15 million a year in cost savings, both through our ER diversion, through picking up calls that would otherwise have to be handled by law enforcement or EMS - a more expensive response.” CAHOOTS’ crisis workers stated that out of roughly 24,000 calls in the last year (2019) they only had to escalate and call in law enforcement 150 times.<sup>[120]</sup>

The Grand Jury believes a program in our county, such as CAHOOTS, would be beneficial to those receiving its services, as well as the County’s law enforcement and medical personnel. The BOS should work with City and the County law enforcement agencies to identify funding in their budgets, and launch a program similar to CAHOOTS to reduce the overall costs of homelessness to the County.

Mental health, substance abuse, incarceration, and chronic homelessness have a large impact on public cost. (See Figure 5.) When homeless individuals are discharged from jails and hospitals, they are usually not provided with the care and services needed to prevent another series of medical, psychiatric, or social crises. They are also not given the resources needed to make the changes that would interrupt the use of acute care services and detention facilities as primary care providers.<sup>[121]</sup> The County does not collect similar information as provided in Figure 5, but the Grand Jury assumes a similar usage of our EMS, healthcare facilities, and County jail creates a significant financial burden on the County of Santa Cruz and the Cities. And, as mentioned above, it takes a significant toll on our emergency personnel.

Attempting to track the expenses to the County for emergency services related to homelessness is challenging because, as mentioned, this data is not collected in the County. Research from Santa Clara County indicates that among their homeless population over 25% used the emergency room; 17% used mental health services; 14% were hospital inpatients; 13% used drug and alcohol rehabilitation services; and 6% used emergency psychiatric services.<sup>[122]</sup> Outpatient healthcare services were the most commonly used services by the homeless as shown in the research conducted in Santa Clara County.<sup>[123]</sup> The Economic Roundtable chart below breaks down the annual financial cost of homelessness in Santa Clara County (2007-2012).<sup>[124]</sup>

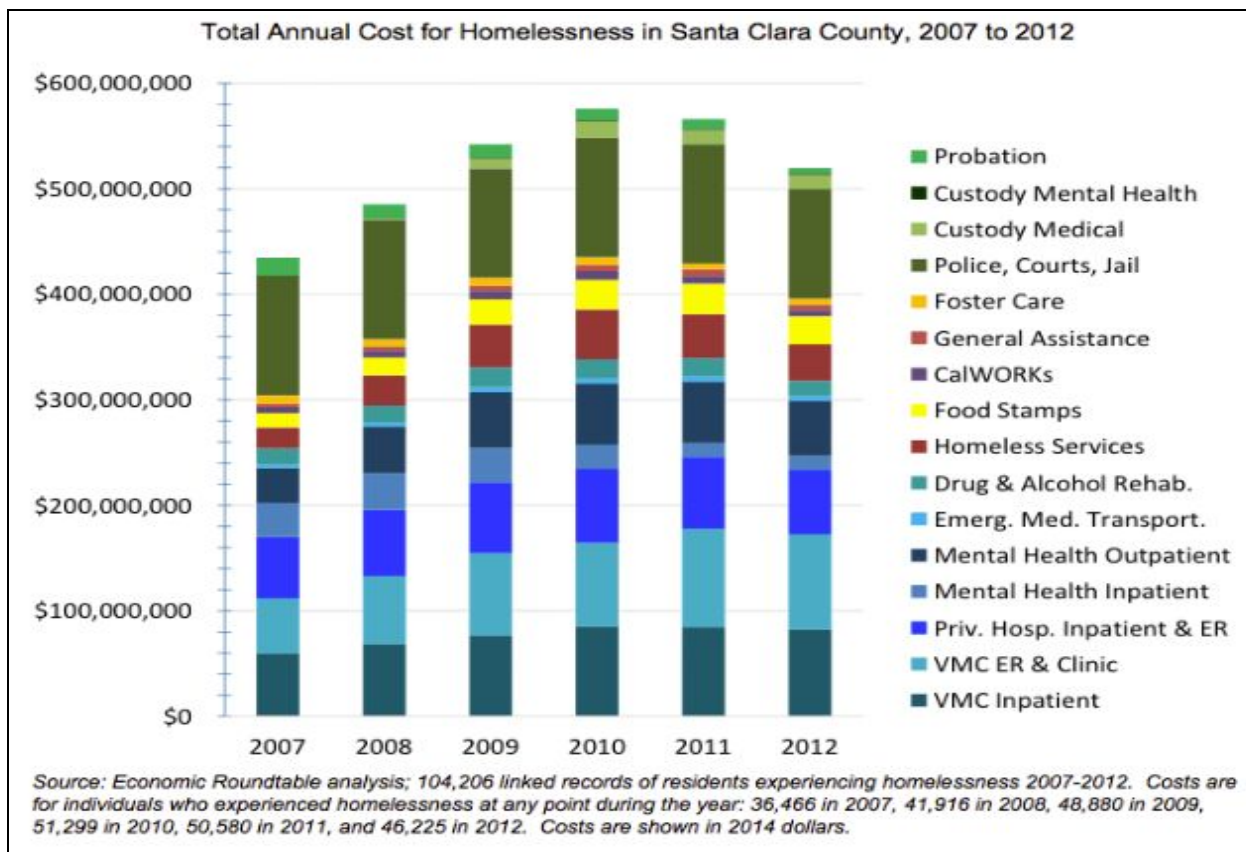


Figure 5. **Santa Clara County Cost of Homelessness, 2007–2012**<sup>[125]</sup>

It is reasonable to assume that Santa Cruz County expenses would be relatively similar, and that a large financial burden is placed on a variety of County agencies and stakeholders. When Santa Cruz County has the ability to effectively track this financial burden, the County will be better able to allocate resources more efficiently, and measure progress.

#### **Providing Assistance When and Where Needed**

The Grand Jury heard testimony about individuals who sought treatment but were unable to receive it when they were ready. One such example was a homeless woman seeking treatment on a Thursday, and being told to come back on Monday because the County did not have the resources available at the time. By Monday the opportunity to get her treatment was lost because she could not be located. We heard the frustration from the agencies seeking to help individuals, but often finding there were no services available.

The Grand Jury believes if the County broke down the silos between Santa Cruz and other counties, and expanded contracts to allow more individuals to be treated outside of our county, more services would be available when needed. Ideally, there would be an emergency case manager or team to respond to emergency calls from individuals on the street who wanted help getting into a mental health or SUD treatment facility, and there would actually be someplace for them to go.

## *Surrounding the Vulnerable with Support*

### **Case Management**

Case managers assist homeless individuals, and families at risk of becoming homeless. They provide assistance in acquiring the skills and resources necessary to access medical, mental health, housing, employment, and educational resources. Case managers can assist with accessing County services and obtaining critical documents such as a Social Security card, drivers license, or birth certificate. Case managers also assist with preventative services. These resources are an essential element in preventing homelessness and helping the existing homeless, especially the chronically homeless, to achieve and maintain stability.<sup>[126]</sup>

Santa Cruz County should allocate the funding and resources necessary to ensure case managers are available to help all individuals in need, and to provide extended services to those identified by the County as high needs individuals. Case managers providing long term supportive services can help identify issues and implement problem-solving solutions, before housing becomes at risk. Based on testimony and research cited throughout this report, the Grand Jury believes the investment in case managers would not only benefit the homeless individuals, but would minimize the chance the County would need to spend resources on re-housing.

### **Permanent Supportive Housing**

The United States Interagency Council on Homelessness defines Permanent Supportive Housing (PSH) as housing that:

*links decent, safe, affordable, community-based housing with flexible, voluntary support services designed to help the individual or family stay housed and live a more dignified and productive life in the community. There is no time limitation, and tenants may live in their homes as long as they meet the basic requirements of tenancy. While participation in services is encouraged, it is not a condition of living in housing. Housing affordability is ensured either through a rent subsidy or by setting rents at affordable levels.*<sup>[127]</sup>

Unfortunately, witness testimony and research indicates that in SCCO there is a severe shortage of PSH and case managers. Witnesses also stated that oftentimes case managers were unavailable at shelters and navigation centers when needed to assist with housing needs.

In 2012, the Homeless Services Center (now Housing Matters) began the 180/180 initiative<sup>[128]</sup> in collaboration with other nonprofits and the County. The goal was to house 180 of the most vulnerable homeless individuals and assist them in creating a 180 degree change in their lives. By July, 2014, the successful initiative led to 200 people housed and the creation of the 180/2020 initiative.<sup>[129]</sup> According to witness testimony and research, as of April 2020, this program had housed 950 people, with at least 350 individuals permanently housed.

The 180/2020 initiative was also instrumental in working with the Santa Cruz Housing Authority to create the Disabled and Medically Vulnerable (DMC) Program, a program meant to rapidly house the most vulnerable homeless population using housing vouchers.<sup>[130]</sup> This program provides up to 120 vouchers on a rolling basis and allows those who are eligible to bypass the usual Section 8 waiting list.<sup>[131]</sup>

The Grand Jury received testimony, from multiple witnesses, that described housing and service programs that were working successfully, but were lacking in number and supportive services. In addition to a limited number of vouchers, housing options, and case managers, witnesses testified to problems related to supportive services that ended after a year. For some individuals, terminating services too soon allows problems, such as drug and alcohol relapses, to go unnoticed until housing is at risk or lost, and leads to individuals having to be rehoused multiple times. This results in an ineffective use of resources.

### Shelter Shortage

Shelters are temporary emergency solutions for families and individuals that are intended to provide relief from an immediate crisis. Shelters provide protection and safety from the elements of living outdoors and on the streets. The 2019 Focus Strategies report identified a total of 439 shelter beds currently available in the County, down from 481 in 2015 (Figure 6).<sup>[132]</sup> Of the 439 beds identified, only 279 have year round capacity. The other 160 beds are seasonal beds, thus only available during the winter months.<sup>[133]</sup>

	Total Capacity 2019 HIC (Beds)	Total Capacity 2018 HIC (Beds)	Total Capacity 2017 HIC (Beds)	Total Capacity 2016 HIC (Beds)	Total Capacity 2015 HIC (Beds)
Emergency Shelter	439	435	387	475	481

Figure 6. **Emergency shelter capacity**<sup>[134]</sup>

The Grand Jury heard testimony and reviewed evidence that confirms SCCO has a significant lack of shelter beds. On January 31, 2019, when the PIT Count was conducted, only 22% of homeless individuals were sheltered.<sup>[135]</sup> Given the sheltered population in 2009 was 32% and in 2019 it was 22%, it is clear that in 10 years no significant progress has been made in increasing the number of homeless individuals residing in shelters.<sup>[136]</sup> (See Figure 7.)

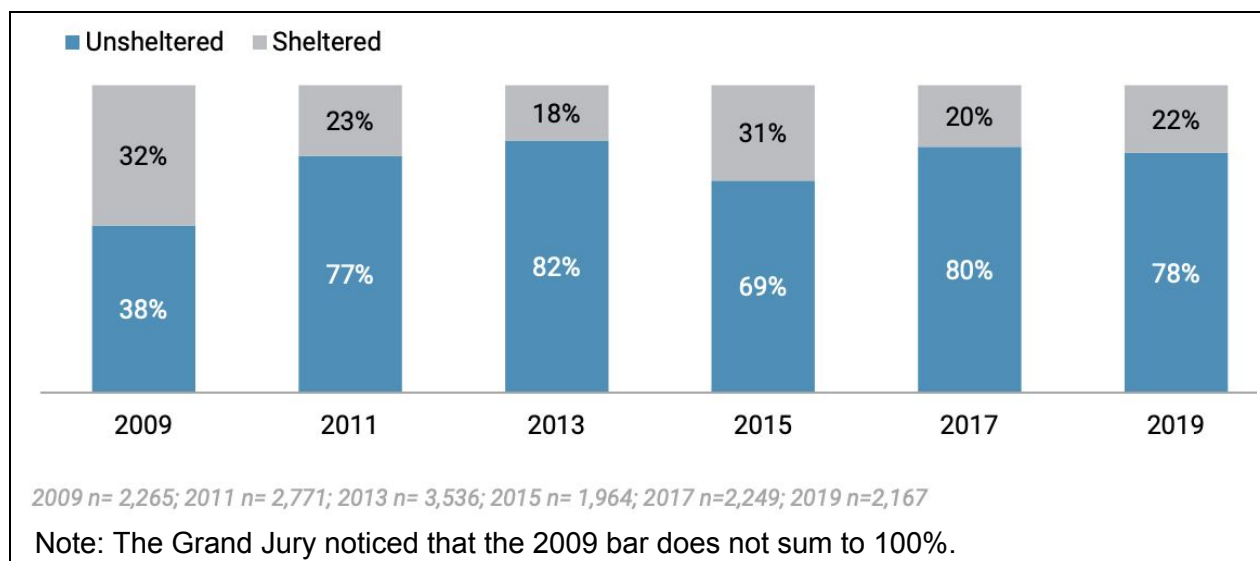


Figure 7. **Total Homeless Population by Shelter Status**<sup>[137]</sup>

### Asking the Question

If Santa Cruz County has only enough shelter beds to house 22% of the homeless population (Figure 7), where are these individuals supposed to go? This becomes an even more pressing question when the emergency winter shelters are closed and the capacity to shelter the homeless drops even further.

### Diversion and Prevention Programs

Diversion and prevention programs can be local, state, federal, and/or nonprofit programs designed to help individuals who are at risk of falling into homelessness. These programs offer assistance with emergency rental payments, eviction defense, rental deposits, and utility bill payments for those at risk of losing housing, and rapid re-housing for those newly homeless.<sup>[138]</sup>

The Focus Strategies Report assessed the County’s prevention and diversions options:

*The community lacks a strong and fully integrated diversion/problem-solving practice that deploys problem-solving as an important tool to be used at multiple touchpoints in the community. Diversion/problem-solving is an intervention that can work with people seeking assistance to help some identify immediate alternatives and reduce the inflow of people into homelessness.*<sup>[139]</sup>

The research performed by this Grand Jury supports the findings of Focus Strategies and agrees that more emphasis should be placed on increasing the resources allocated to diversion programs.

CalMatters describes the problem of homelessness as complex and difficult “with options that range, at best, from imperfect to limited.”<sup>[140]</sup> Many of the options identified were described as being expensive to build, taking a long time to implement, and lacking in

political will.<sup>[141]</sup> Prevention did **not** suffer from any of those shortcomings. Rather, prevention was rated as an inexpensive option that could be implemented quickly, and one that enjoys strong political will.<sup>[142]</sup> Santa Cruz County currently provides funding to nonprofits such as the Community Action Board (CAB),<sup>[143]</sup> Families in Transition (FIT), and the Housing Authority (HA).<sup>[144]</sup>

The HA offers rental deposit assistance equal to one month's rent in the cities of Santa Cruz and Capitola where the assistance is considered a loan, and in unincorporated Santa Cruz County where it is provided via a grant.<sup>[145]</sup> All HA assistance is income dependent and is based on area median income (AMI). In Santa Cruz County AMI is \$98,000 (2019). To qualify for HA rental deposit assistance in Capitola, the applicant's AMI must be at or below 80% (\$78,400), and in the City of Santa Cruz, AMI must be at or below 60% (\$58,800). In unincorporated Santa Cruz County, AMI must be at or below 50% (\$49,000), and applicants must also be homeless, or in danger of becoming homeless.<sup>[146]</sup>

### ***Rapid Rehousing***

Rapid rehousing is a targeted intervention and rent subsidy program that assists newly homeless individuals and families. The program provides short term case management services, assistance in the procurement of housing in the community, and rent subsidies. This program can help prevent individuals and families from falling into long term homelessness, needing shelter beds, or becoming unsheltered. Although SCCO increased the number of rapid rehousing beds from 131 in 2015 to 204 in 2019, witnesses stated that this amount is still insufficient. Without data to understand the extent of the need, it is difficult to propose the needed number of additional beds.<sup>[147]</sup>

Based on the 2019 PIT Count,<sup>[148]</sup> 40% of homeless individuals self-identified as being homeless for the first time, suggesting Santa Cruz County could do more in the area of Diversion and Prevention and Rapid Rehousing.

### ***Barriers to Providing Support***

Case managers can only do so much without adequate housing for those they support. It is evident from research and witness testimony that the County of Santa Cruz and Cities must provide more shelter, housing, and services for the homeless. Many interviewees spoke to the challenge of housing the homeless, and specifically the chronically homeless.

### ***No to Shelter, Yes to Housing***

The Grand Jury asked multiple witnesses about the chronically homeless, and those we often read and hear about who are unwilling to go to shelters. We were told that while these individuals would say “no” to a shelter bed, most would say “yes” to housing. Witnesses identified the “3 P’s” – possessions, pets, and partners, and not being able to bring them into a shelter, as the most common reason given for not wanting to enter a homeless shelter.<sup>[149]</sup> Sadly, for women, it is often a fear of violence that prevents them from accepting a bed in a shelter. Domestic violence is the leading cause of



homelessness for women, and homeless women are more likely to be, or have been, victims of violent physical and sexual assaults than women who are housed.<sup>[150]</sup>

### Creating Space

The often cited barrier to building housing and creating space for homeless projects are the lack of space and land. Many homeless people congregate on and around Coral Street in Santa Cruz, where Housing Matters and the County offer many of the County's homeless services. The Grand Jury believes that Coral Street is an ideal location for the City and County of Santa Cruz to collaborate with Housing Matters to create additional housing and services. This could be accomplished by permanently closing Coral Street to through traffic and building structures that are relatively inexpensive and easy to construct, for example, tiny homes (which are typically 600 square feet or less).

#### *Thinking Outside of the Box to Build Homes - Innovative Housing Alternatives*

CalMatters rated tiny home communities and cabin communities, built using "tough shed structures," as being relatively inexpensive and quick to build.<sup>[151]</sup>

Oakland has created 4 such communities containing 20 cabins, each capable of housing two individuals. Each cabin has an estimated building cost of \$5,000 per unit and annual operational cost of \$21,250.<sup>[152]</sup> In addition to housing, these communities provide meals, case managers, and supportive services.<sup>[153]</sup>

Many Grand Jury witnesses agreed that tiny home communities would be an innovative and creative idea. Such a community could be useful in serving those who are more challenging to house and need more intensive support. Tiny home communities vary in size and population, e.g., Hope Village<sup>[154]</sup> in Oregon, Betty's Blue Angel Village<sup>[155]</sup> in Eureka, California, and Community First Village<sup>[156]</sup> in Texas. These tiny home communities can also be used as transitional programs that bridge into permanent housing.

Sacramento Mayor Darrell Steinberg, who leads the California state commission focused on the state's homeless crisis has stated that, "*cities will never produce the volume of affordable housing needed by subsidizing only standard-sized apartments.*"<sup>[157]</sup> The Mayor is calling on the City of Sacramento to make a \$30 million investment into the rapid expansion of tiny homes.<sup>[158]</sup>

In February 2020 the City of San Jose opened the doors to their first tiny home community. The forty-unit transitional housing community will house up to 80 individuals.<sup>[159]</sup> Residents comply with stringent criteria and a thorough background check. They are expected to work toward meeting the goal of permanent housing, and must pay a percentage of their income toward rent.<sup>[160]</sup> San Jose has another 40 unit tiny home community slated to open in the summer of 2020, and in the wake of the COVID-19 pandemic has committed to building an additional 500 units to house the homeless in their community.<sup>[161]</sup> Tiny homes can be an attractive housing option as they tend to be less expensive and faster to build than multi story facilities.

CalMatters puts the upfront cost for building apartment structures at hundreds of thousands of dollars.<sup>[162]</sup> Cabin communities (total building cost of \$5,000/unit), like tiny homes, trailers, and low cost projects are a very reasonable alternative.<sup>[163]</sup> Two features that make these alternatives great options for our County are their small size, and the fact that some are built on wheels and can be moved from location to location as needed. (See Figure 8.)



Figure 8. Tiny House Examples

### **It Takes a Village and a Community**

Santa Cruz County and Cities' agencies and our community members should look to Humboldt resident and homeless advocate Betty Chinn for inspiration when tackling the issue of homelessness. Ms. Chinn immigrated to the United States as an orphaned child from China after surviving the Cultural Revolution, living homeless on the streets and having to search for food in a local dump. After immigrating she eventually found herself married, with children, and living in Humboldt County. Spotting signs of homelessness within her children's school, she started providing services in the form of blankets and meals to the students and families at the school, but she did not stop there. Recognizing community-wide issues she built her services up one step at a time using her own money and community donations. Ms. Chinn credits the community with the success of her mission and makes the case that it really does take a village to solve the issue of homelessness. As stated on the nonprofit's website:

*As Betty likes to say, she is the 'middle man,' simply helping people realize the joy of giving and making sure everyone gets what they need. At a time of increasing need, the community is coming together to sustain Betty's growing endeavor. When Betty takes on a new project, contractors volunteer their services, businesses donate supplies and people line up to help. Community members offer their time to help cook, while others sort clothes, pick up donations, organize events, and more. Over the last decade, Betty's mission has become a community mission.*<sup>[170]</sup>

The Betty Kwan Chinn Foundation now consists of many services and programs: showers, a day center, a 32-bed family shelter, and a tiny home village.<sup>[171]</sup>

Betty's Blue Angel Village is a tiny home transitional living community. The tiny homes were constructed from Conex shipping containers that were retrofitted into double bedrooms,<sup>[172]</sup> and the Village now houses up to 40 people.<sup>[173]</sup> This 90-day program helps to restore self-worth, dignity, and offer a sense of community, while providing supportive services and helping homeless individuals save money, get into stable housing, and receive other services needed to stabilize their lives.<sup>[174]</sup>

The Grand Jury believes that SCCO needs a "Betty Chinn." It is our hope that Santa Cruz County will step up or engage someone who is capable of being that person. In addition, we believe, and heard from many witnesses, that SCCO would benefit from small permanent and transition communities similar to Betty's Blue Angel Village, located throughout the County. We also heard testimony that, much like safe parking programs which are peer managed, PSH communities could be quite successful if they too were peer managed.

### **ADUs (Accessory Dwelling Units)**

The Urban Institute found that in the United States for every 100 very low income households there are only 29 affordable housing units, and for a family of 4, where both parents are earning minimum wage, it could take years to get into an affordable home.<sup>[175]</sup>

The lack of affordable housing in Santa Cruz County significantly affects the homeless.<sup>[176]</sup> With the extreme need for more affordable housing, increasing the number of ADUs would add to the housing inventory and potentially provide more low income housing, keeping more individuals from entering homelessness.

There are new financial building incentives from the County of Santa Cruz, such as reduced or waived permit fees and the Forgivable Loan Program for homeowners to build ADUs.<sup>[177]</sup> Homeowners with ADUs should be encouraged to participate in the rental program offered by the Santa Cruz County Housing Authority. Under this program, landlords are paid a market rate amount of rent if their property is part of the Section 8 Program housing pool.<sup>[178]</sup>

In January 2020 California housing law AB 68 passed calling for changes to the Building Codes of ADUs.<sup>[179]</sup> These changes include faster approval processing times and the relaxing of certain building restrictions or requirements. Cities such as San Jose have embraced the need for the development of ADUs for affordable housing by rethinking their approach and system. Their Planning Department streamlined their systems and services,<sup>[180]</sup> which is showcased in their user-friendly Planning, Building and Code Enforcement website.(See Figure 9.)

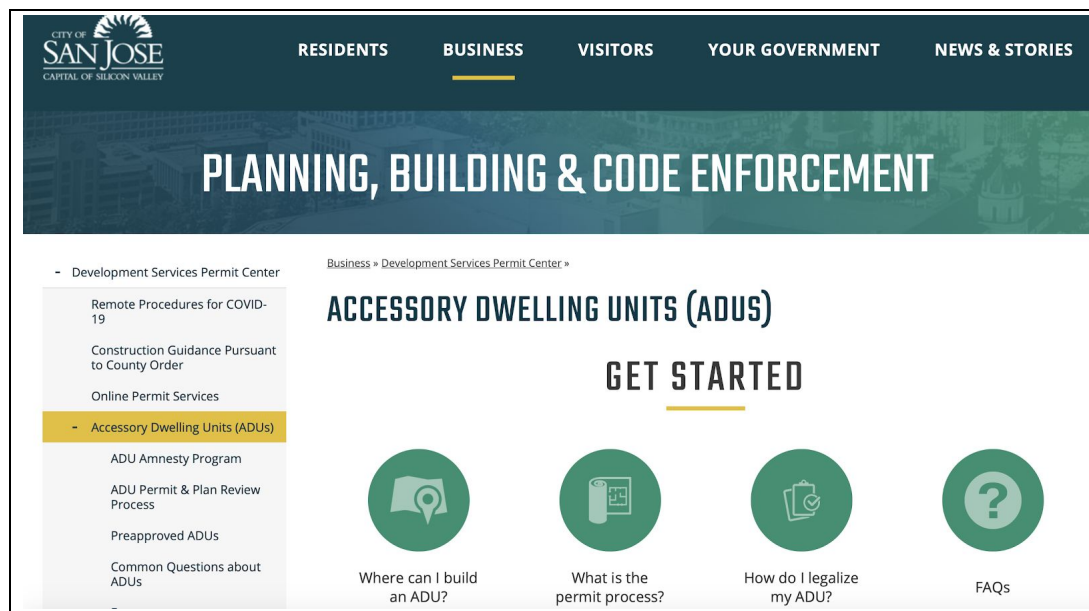


Figure 9. San Jose City ADU Website<sup>[181]</sup>

San Jose’s approach is to provide financial incentives and support to those persons interested in building affordable housing on their private property. Their website lists pre-approved vendors for faster plan approval, financial incentives such as forgivable loans and “ADU Tuesdays” to help prospective owners fast track through the permit process.<sup>[182]</sup>

The SCCO Planning Department ADU website also highlights many changes to the building requirements to comply with AB 68, along with waived or reduced fees and forgivable loans of up to \$40,000 for owners agreeing to rent to low income renters.<sup>[183]</sup>

However, the website is not user friendly,<sup>[184]</sup> and would benefit from a redesign to clarify services and resources. (See Figure 10.) The County of Santa Cruz Planning Department should consider offering a version of San Jose’s “ADU Tuesdays”<sup>[185]</sup> to help prospective owners fast track through the permit process.

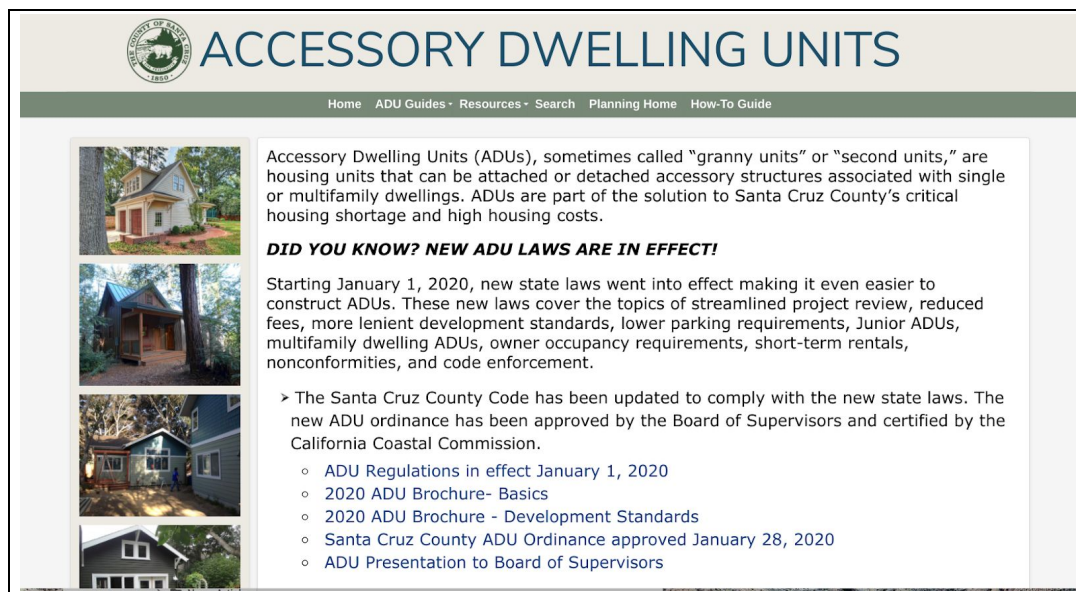


Figure 10. Santa Cruz County ADU Website<sup>[186]</sup>

### It's A Win-Win

Rountree Detention Facility in Santa Cruz County offers a variety of skills classes to inmates.<sup>[187]</sup> On a recent Grand Jury tour of the facility, jurors learned that inmates assemble small home-like structures in one of these classes. As an option, to create more housing and possibly ADUs, the Grand Jury suggests the SCCO Sheriff utilize the Rountree Jail’s skills classes to build structures that could assist in housing the homeless population. Such a program could be a win-win by improving the skills of inmates and building much needed housing for the county.

### It Can Be Done

While some Santa Cruz County and City officials were quick to throw out the standard, “It can’t be done,” “There is nowhere to build,” and other excuses, many were in favor of these outside of the box solutions and several identified land where PSH and tiny home communities could be built if there was the political and community will to support these solutions. Interviewees from nonprofit organizations and FBOs were very enthusiastic and the Grand Jury heard testimony that some nonprofit organizations in SCCO have either looked at and/or have implemented some variation of some of these options. From the FBOs and nonprofits, the Grand Jury heard a willingness to partner with the County on these projects.

As outlined above, other communities have been able to implement successful alternative housing options. The Grand Jury believes some of these could be viable options for SCCO, and should be implemented in scales that are appropriate.

### **Utilization of Existing Resources**

The County of Santa Cruz is rich with resources; the key is to more effectively utilize what is available.

#### *Underutilized Parking Lots*

Looking around Santa Cruz County, one cannot help but notice there are many parking lots that sit almost entirely empty overnight, with parking forbidden. These lots could provide a safe place to sleep for people living in their vehicles, offering an alternative to parking in residential neighborhoods, where there are no accommodations for security or sanitary facilities. Overnight parking in neighborhoods generates antagonism and opposition to the homeless when what is needed is understanding and community support for programs designed to resolve problems related to homelessness.<sup>[188]</sup>

Select County and City owned parking lots would be logical locations for safe parking programs for homeless individuals living in their vehicles. Portable toilets, hand washing stations, and showers could be made available and safely provided. Success of such arrangements, like those run by the Association of Faith Communities (AFC), involve vetting of participants and providing supervision.<sup>[189]</sup> In addition to the AFC Safe Spaces, witness testimony stated the Santa Cruz City Police Department provides an overnight parking program for three vehicles on a nightly basis in their downtown parking area. Increased flexibility in the planning and permitting process by Cities and the County could assist FBOs to more effectively utilize parking resources available to them. Limits imposed on the numbers of vehicles allowed to park overnight in parking lots, should be reasonable and not so restrictive as to be prohibitive.

#### **College campus parking**

The impact and costs to Santa Cruz caused by UCSC on-campus housing shortages is widely acknowledged and is part of the ongoing crisis of local homelessness.<sup>[190]</sup> Providing appropriate accommodation for students living in vehicles would address a small part of the University's burden on the community at large.

Overnight parking is prohibited on both UCSC and Cabrillo College campuses. Students attempting to sleep in their vehicles on the UCSC campus are rousted and forced to move off campus to sleep in residential and business neighborhoods. The situation has become so dire a group of students calling themselves the "Snail Movement" have been in discussion with UCSC officials to design a safe parking program on campus.<sup>[191]</sup> In addition, in an attempt to mandate safe parking programs on community colleges such as Cabrillo, a bill introduced in the California legislature, AB 302, states:

*If a community college campus has parking facilities on campus, the governing board of the community college district shall grant overnight access to those facilities to any homeless student for the purpose of sleeping in the student's vehicle overnight, provided that the student is enrolled in coursework, has paid enrollment fees if not waived, and is in good standing with the community college district without requiring the student to enroll in additional courses.*<sup>[192]</sup>

Note: A number of amendments were added to the bill as it was being reviewed by the California legislators, and as of the printing of this report, AB 302 was, “Ordered to inactive file at the request of Senator Hill.”<sup>[193]</sup> However, should AB 302 pass at some point, more parking for students on community college campuses would go far in helping alleviate the problem, at least temporarily.

College campuses spend funding on enforcement personnel to remove students who are sleeping in their vehicles. A better utilization of these resources might be to create a peer monitored safe parking program that provides sanitation facilities such as showers and portable restrooms. Although a temporary and hopefully short term solution, and no substitution for true housing, safe parking is preferable to no safe overnight parking when those are the only two choices.

Santa Cruz County and Cities should work in cooperation with our local colleges, emphasizing the need for them to commit to participating in creating solutions such as safe parking programs for the short term and more affordable student housing in the longer term.

#### *“Land, They’re Not Making Any More Of It”*

The lack of land on which to place shelters or permanent housing for the homeless was stated as a problem by multiple witnesses. It is true that land is scarce; however, the Grand Jury, through a document request, obtained a listing of several hundred County owned vacant or undeveloped parcels (not including City owned parcels). Attempting to identify parcels that might be utilized for building tiny home communities, temporary housing or more permanent supportive housing is outside the expertise of this Grand Jury.

The parcel shown in Figure 11 was utilized following the 1989 Loma Prieta earthquake.<sup>[194]</sup> This lot held 43 3-bedroom trailers that were supplied to the County by FEMA (Federal Emergency Response Agency) for a term of sixteen months.<sup>[195]</sup> Families lived in the trailers until they found housing, or until FEMA reclaimed the trailers. Those living in trailers when they were reclaimed were given temporary housing and housing vouchers.<sup>[196]</sup>

This is one example of open land that the Grand Jury believes should be considered for a tiny home community or other temporary or permanent housing. It should be noted, multiple “FEMA parks” were opened following the Loma Prieta Earthquake, but the Grand Jury only evaluated this one location.

The Grand Jury encourages all city and county planning departments to analyze vacant and/or undeveloped land within their jurisdictions to identify parcels that could be utilized to build shelter for the homeless.



Figure 11. **Google Map showing vacant land adjacent to the County Government Mental Health Building, at 1430 Freedom Blvd, Watsonville.** [\[197\]](#)

### *Who's Not Sleeping In Those Beds?*

Every year the Grand Jury is required to inspect the detention facilities in Santa Cruz County, and in January 2020, the Grand Jury inspected the Santa Cruz County Juvenile Hall in Felton. During that inspection the Grand Jury discovered the SCCO Juvenile Hall is following the state wide trend of lower youth incarceration rates. [\[198\]](#) In California the youth crime rate has decreased so dramatically that from the first quarter of 2018 to the first quarter of 2019 the bookings in California Juvenile Halls decreased by 11%. [\[199\]](#) In March 2019, 70% of California juvenile detention beds were unoccupied. [\[200\]](#) This has led to other counties consolidating, closing, and reconsidering the future of their juvenile facilities. [\[201\]](#) [\[202\]](#) [\[203\]](#)

On the day the Grand Jury inspected the SCCO Juvenile Hall, the staff provided the Grand Jury with details about the facility, staff, and inmates. The Grand Jury learned that at the time of the inspection, there were 10 youth incarcerated, with 22 full time staff and 16 additional on-call staff to support the facility. The Grand Jury also learned the average number of youth incarceration at the SCCO Juvenile Hall is 15 per day, and in addition, the facility supports roughly 300 youth receiving probation services. [\[204\]](#)



With a budget of nearly \$5,000,000,<sup>[205]</sup> a large facility with very low usage, and the trend toward consolidating juvenile halls and even closing them down, the Grand Jury suggests the County consider transitioning the use of SCCO Juvenile Hall and the surrounding property into a treatment and multi-faceted supportive services center for homeless individuals (Figure 12). The Grand Jury believes this would be a better use of resources and more appropriate than using the County Jail to house addicted and mentally ill individuals.

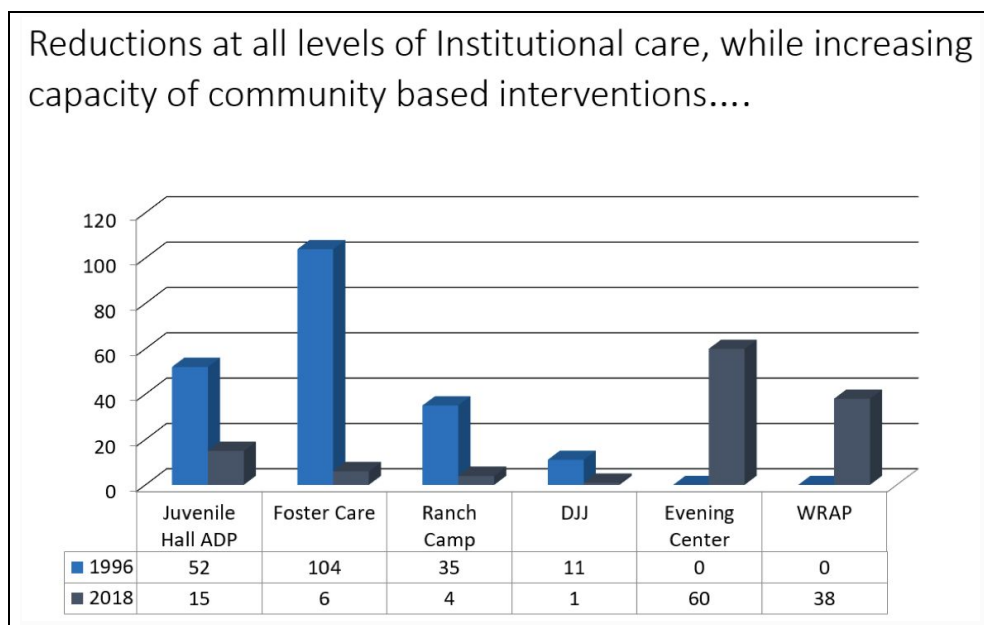


Figure 12. **SCCO 2018 Juvenile Probation Report, page 5**<sup>[206]</sup>

*Engaging the Business Community*

Santa Cruz County is filled with creative, talented people who should be invited to help develop successful solutions to homelessness. Witness testimony stated there is virtually no outreach performed to encourage local businesses to engage in solving the homeless problem. Outreach to the Santa Cruz County Chamber of Commerce, and the Santa Cruz Cities’ Chambers of Commerce, would be a good place to start as many of the County’s innovative thinkers are not currently seated at the table. There are a variety of businesses, such as those in construction, marketing, and data sciences that should be encouraged to add to or increase their participation in homeless solutions in the community. In failing to engage with local businesses, our City and County leaders squander the opportunity to learn from and leverage this valuable local resource.

### *Faith-based Organizations*

SCCO has a large faith-based community and many of the FBO are doing admirable work to help the homeless in their communities, but testimony from witnesses made it clear that the County's FBOs are an underutilized resource in the community. Witnesses also testified to the power of the church in the community and the impact and influence faith leaders can have on their congregations. When members of the faith community were asked if that influence could include garnering support for local homeless projects and getting congregants onboard to donate time, services, land, and money to build projects such as tiny homes to house the homeless, the answer was a resounding yes. The Grand Jury was surprised to learn, through witness testimony, that one of the County's largest FBOs allocates only 17% of their outreach funding for local outreach projects. However, an official from this FBO stated more support could and would be provided if asked.

The Grand Jury was further surprised to discover the one organization that is trying to bring together the FBOs in an organized fashion is a small nonprofit operating with limited resources and support. According to witness testimony, the AFC is an organization with a small staff and base of volunteers.<sup>[207]</sup>

AFC was awarded grants totaling \$685,642 from HAP in 2019 and did the best they could with the resources they had at the time. (See [Appendix A](#).) The Grand Jury heard testimony that AFC felt ill prepared to receive the large grant because they did not have the infrastructure in place to support the large grant, and they did not feel adequately supported by the County. It is worth noting the similar testimony, mentioned earlier in this report, that HAP also felt ill-prepared to receive the 2019 \$10 million grant because of a lack of organizational infrastructure.

The Grand Jury also heard testimony that if given adequate resources and funding, AFC possesses the knowledge and skills to help the County establish the foundation of permanent supportive housing communities throughout the County.

Other California cities and counties, recognizing the value of the FBOs, have formed collaborations. The City of Riverside in Southern California, held a Faith Summit to bring together many of their community FBOs and created the "Love Thy Neighbor" Initiative.<sup>[208]</sup> San Diego formed the Interfaith Shelter Network: 70 FBOs that provide shelter and services to homeless individuals utilizing 4,000 volunteers per year to provide those services, working in partnership with San Diego County.<sup>[209]</sup>

FBOs services complement those of governmental agencies and having a group of faith leaders to help guide solutions will be a valuable resource at the table and in the community.

Santa Cruz County and Cities should include FBOs in homeless solutions by creating a Countywide team to reach out to the leaders in our faith-based communities. Outreach to these organizations should include planning a retreat where ideas for solutions and

collaboration can be shared, and the work on building a partnership between the County, Cities, and FBOs can begin.

Ashley Fischer said it best in her 2017 article:

*FBO homeless ministries are at the forefront of program innovation and organizational transformation for improving positive outcomes for the homeless individuals and families served. Partnering with their local communities and sometimes government, faith-based organizations are often able to work toward effectively treating the issue of homelessness because they recognize humans as spiritual and relational beings, in addition to beings with material needs. According to this case study,<sup>[210]</sup> faith-based organizations provide 60% of the emergency shelter beds for the homeless population in America. Faith-based organizations' unique capacity to identify the interdependence of spiritual, physical, relational, mental-health, and vocational well-being has, sadly, often been overlooked.<sup>[211]</sup>*

### **Data Collection and Analysis Tools Required**

#### *Challenges to Accurate Data and Reporting*

As mentioned, based on the PIT Count Survey, Santa Cruz County has 2,167 homeless individuals.<sup>[212]</sup> Multiple witnesses testified that these counts are not accurate and only reflect a percentage of the homeless population, and that the extent of the homeless population in our County remains difficult to verify.

The high cost of rent in Santa Cruz County leads to a severe shortage of affordable housing. As a result, many homeless families and individuals end up:

- “Doubled up”
- “Couch surfing”
- Living in their vehicles
- Camping in remote areas
- Living in motels or hotels

These individuals are under-counted in the PIT Count as they do not technically qualify as homeless due to HUDs limited definition of homelessness, as described earlier.

#### **Counting the Students**

Another significantly under-counted population appears to be homeless students. While the SCCO 2019 PIT Count states 303 (14%) of the homeless counted were under the age of 18, data from the Santa Cruz County Office of Education tells a different story.<sup>[213]</sup> (See Table 4.)

Under the McKinney-Vento Homeless Assistance Act, schools in the United States identify homeless students based on a broader definition of homelessness than the definition used by HUD.<sup>[214]</sup> This federal law requires each state to come up with a plan on how to give homeless children the same access and opportunity as housed children

to achieve the state's academic standards.<sup>[215]</sup> As can be seen in the chart below, the number of homeless students, especially those “doubled-up,” is significant, far more than the 303 homeless youth identified in the PIT Count survey.

The McKinney-Vento Act does provide some federal funding to states. The funds are targeted for homeless students “for the purpose of facilitating the identification, enrollment, attendance, and success in school of homeless children and youths.”<sup>[216]</sup> Funds may only be used to benefit homeless students and for very specific purposes such as extra-curricular activities, academic enrichment classes, and school uniforms.

**Table 4. Santa Cruz County Homeless Student Count 2018-2019 School Year**

School District	Living Situation				
	Shelters	Doubled-up	Unsheltered	Hotel/ Motel	Total
*Independent Schools	1	49	3	0	<b>53</b>
Live Oak School District	17	286	3	12	<b>318</b>
San Lorenzo Valley Unified School District	2	23	2	1	<b>28</b>
Santa Cruz City School District	27	43	1	5	<b>76</b>
Scotts Valley Unified School District	8	18	4	13	<b>43</b>
Soquel Union Elementary School District	1	5	1	1	<b>8</b>
Pajaro Valley Unified School District	120	3855	14	23	<b>4012</b>
Santa Cruz County Office of Education Alternative Education Schools	0	21	0	0	<b>21</b>
Pre-Schools	53	123	14	0	<b>190</b>
<b>TOTALS:</b>	<b>229</b>	<b>4423</b>	<b>42</b>	<b>55</b>	<b>4749</b>
*Independent Schools include: Mountain School, Bonny Doon Elementary, Pacific Elementary, and Happy Valley Elementary					

Source: Santa Cruz County Office of Education Document request<sup>[217]</sup>

The United States Homelessness Institute for Children, Poverty, and Homelessness, explains this discrepancy best:

*...the United States lacks a unified federal definition of homelessness, leading to discrepancies in how families experiencing homelessness are counted, as well as what types of assistance they can qualify for. While the U.S. Department of Education (ED) uses an inclusive definition of homelessness to guide the annual count of students experiencing homelessness, the Department of Housing and Urban Development (HUD), which funds most programs and services available to families that experience homelessness, limits its definition to those living in shelter or*

*unsheltered on the street. This means that the majority of these families, including more than 80% of students experiencing homelessness—those living doubled-up and those staying in paid out-of-pocket hotels or motels—are excluded from the annual HUD homeless counts.*<sup>[218]</sup>

The impact on the 80% of students that are excluded from the annual HUD homeless count is that their needs go unmet, they do not receive targeted resources, and they are not considered eligible for all homeless services.<sup>[219]</sup>

### **Fragmented Data Management**

Currently in our county information tracking of homeless services provided is recorded/tracked by using the HMIS (Homeless Management Information System).<sup>[220]</sup> HUD requires the use of the HMIS system in order for organizations to receive federal funding for homeless programs. According to witness testimony, the HMIS program is not available or used by all of the various organizations providing homeless services in the County, nor does it include a dashboard with up to date data. The system is fragmented with some agencies collecting only select data and then having only limited access to information. The inaccuracy of the data makes it virtually impossible for city and county agencies, nonprofits and FBOs focused on homeless issues to coordinate and collaborate. As a result, effective decision making is severely hampered.

### **Data Matters**

In order to measure the effectiveness of various programs, a dashboard is needed to enable providers to easily see what services are available at any given time. There are a number of tools available, but none fit the needs of the service providers. In February 2020, the County of Santa Cruz launched “Vision Santa Cruz,” a dashboard that documents the Attainable Housing objectives, goals, and progress.<sup>[221]</sup> Designed as an informational tool for the public, and updated every six months, this dashboard represents a significant improvement in educating the public. However, it is not the dashboard needed by homeless service providers. **The providers need a more robust dashboard that contains up to date, accurate Countywide information with all providers inputting their respective data to enable service providers to operate more efficiently, and to enable the generation of meaningful metrics to measure progress.** Currently the primary data entry tool utilized in the County is Smart Path.<sup>[222]</sup>

### **Smart Path to Housing and Health**

HUD mandates that Continuum of Care (CoC) service providers such as the Homeless Action Partnership (HAP) create a Coordinated Entry System (CES) to help streamline access to housing and housing assistance.<sup>[223]</sup> These entry systems must “be easily accessible no matter where or how people present,” (i.e. no matter the location, whether in person, virtually, or on the phone),<sup>[224]</sup> and the same tool be used in all CES locations where an individual or family is assessed. In Santa Cruz County this community wide CES is called the Smart Path to Housing and Health (Smart Path).

Smart Path was launched in Santa Cruz County in 2018 and uses the Smart Path Assessment, which is also known as the Vulnerability Index Service Prioritization Decision Assistance Tool (VI-SPDAT),<sup>[225]</sup> to assess the needs of homeless individuals. Those in need of services can go to homeless services providers throughout the County, or call 2-1-1, to access Smart Path and have their needs assessed. The assessment is used to prioritize decision making and to determine how best to deploy and target scarce resources.<sup>[226]</sup> Those who have the highest needs and vulnerabilities are prioritized to receive services. The Smart Path assessment includes four main categories: A History of Housing and Homelessness, Risks, Socialization and Daily Functioning, and Wellness.<sup>[227]</sup>

Although Smart Path has improved the ability to identify those with the greatest needs and get them services, Focus Strategies highlighted some significant issues with the system. First, it lacks a diversion component. Second, emergency shelter bed availability is not included. Third, there is no ability to recategorize an individual's needs once they have been assessed. These shortcomings reinforce the need for a more robust management system.<sup>[228]</sup>

### ***Silicon Valley Triage Tool***

The California League of Cities maintains that collecting data and understanding the cost of homeless are critical in addressing the issue of homelessness and in targeting resources.<sup>[229]</sup> The Grand Jury believes SCCO should be tracking the impacts on Santa Cruz County and Cities and its stakeholders more effectively. The Silicon Valley Triage Tool, used in Santa Clara County, could be a resource to help Santa Cruz County achieve that goal.

The Silicon Valley Triage Tool collects a variety of types of information including demographics, criminal history, medical and behavioral health information, etc. and calculates the probability a homeless individual will have high ongoing costs.<sup>[230]</sup> This allows for in-depth engagement with these individuals via a case manager who enrolls them into a permanent supportive housing program, regularly monitors their progress, and arranges additional services as needed.<sup>[231]</sup> The result has been a dramatic improvement in outcomes, and a reduction in costs from a pre-housing cost of \$56,366 to a post-housing cost of \$37,083 representing a cost reduction of \$19,282 per person per year (after accounting for the costs of housing and services).<sup>[232]</sup> Of note, 10% of the homeless individuals accounted for 61% of the expenses. When those high needs individuals were supplied with permanent supportive housing and supportive services, the cost savings to Santa Clara County were significant, dropping from an annual average of \$62,475 to \$19,767.<sup>[233]</sup>

## Conclusion

The issue of homelessness in Santa Cruz County is not new, nor is it going to be solved overnight. Santa Cruz County has a lot of challenging work ahead. There are five key areas this Grand Jury has identified that are in need of attention.

First and foremost is the need for the community and the elected leadership to work more closely together to come up with solutions to address the multitude of issues faced by the County. Education of the community to the realities of the homeless problem, and engaging the community more into the process would allow elected officials to exercise the political will needed to provide additional housing and services throughout the County.

Second, there is a need for a new governance structure to be accountable for managing the complexity of the homeless problem, and it is recommended the County consider the formation of a JPA, a legal entity with representation from all the Cities in the County. The JPA would need strong leadership to oversee the allocation of funding, take responsibility for measuring and tracking effectiveness, and hold organizations accountable for non-performance.

Third, additional funding must be allocated to improve services and increase case managers available to homeless individuals. To minimize the cycling in and out of the judicial and medical systems due to illnesses such as mental health and substance abuse, and to reduce burden on law enforcement, the county should adopt a 24-hour crisis response team similar to Oregon's CAHOOTS team. Funding is also needed to increase the number of shelter beds and permanent supportive housing if Santa Cruz County is ever to make a dent in the overall number of homeless persons in the County. The promotion of ADUs to increase the supply of affordable housing would reduce the strain on the housing market which is forcing so many to live on the streets, in their cars, or on someone's couch.

Fourth, Santa Cruz County and Santa Cruz Cities should be more effective in utilizing existing resources. County and City owned land should be made available to provide safe parking, and to build easily constructed homeless communities, transitional housing, and permanent supportive housing using a variety of shelter options such as tiny homes and trailers. In addition, there is a need for closer engagement with local businesses and faith-based organizations who can be significant assets in providing solutions to the homeless crisis.

And finally, all participants in the homelessness effort must be rowing in the same direction. New data gathering and measuring mechanisms need to be adopted by all agencies supporting the homeless. Consistent and accurate data is vital to enable the entire system to work effectively for all.

## Findings

- F1.** The inaccuracy of the HUD PIT Count results in significant numbers of homeless adults and children not being counted and therefore not receiving needed services.
- F2.** The lack of coordination between key stakeholders is a significant barrier to the efficient and capable implementation of homelessness solutions.
- F3.** The public opposition to homeless solutions is partially due to a lack of education, engagement and political will by City and County leadership.
- F4.** Santa Cruz County elected officials have been unable to combat NIMBYism, which is a significant barrier to getting projects approved and built to support the homeless.
- F5.** Inconsistent and unclear funding sources and processes inhibit the effective implementation of solutions that require long term planning and sustained operations.
- F6.** The Homeless Action Partnership (HAP) is not organizationally equipped with the appropriate authority, structure, leadership, staff, training or processes and as a result is ineffective in its mission of reducing homelessness.
- F7.** An insufficient number of treatment facilities in Santa Cruz County for mental health and substance use disorders leaves homeless individuals without necessary treatment options.
- F8.** Because Santa Cruz County lacks adequate prevention and diversion programs, individuals who could remain in their homes with minimal cash assistance are ending up homeless.
- F9.** The lack of Permanent Supportive Housing (PSH) results in the significant compounding of the homeless issue.
- F10.** Supportive services are limited to one year; this limitation can contribute to instability, a loss of housing, and a return to homelessness.
- F11.** A lack of case managers and outreach results in homeless individuals not having timely access to necessary supportive services.
- F12.** There are parcels of land throughout the county that appear to be unused or underutilized, and could possibly be used to build housing for the homeless.
- F13.** Santa Cruz County law enforcement response to homeless, addiction, and mental health issues has the potential to criminalize social, medical, and psychological conditions. This requires law enforcement to perform the role of social worker; a role for which they lack the resources and mental health training.
- F14.** There is a lack of leadership from County and City officials to engage the business community in exploring potential solutions to homelessness.



- F15.** The Rountree Detention Center provides inmates with construction skills training. This training could be effectively applied to the building of tiny homes or other structures that could provide much needed housing.
- F16.** Santa Cruz County and Cities, despite owning numerous parking lots, choose not to utilize their parking lots for safe parking programs, which results in an underutilization of resources that could help reduce homeless parking in neighborhoods and business districts.
- F17.** Faith-Based Organizations are an underutilized resource in the effort to end homelessness.
- F18.** Due to the inconsistent collection of Homeless Management Information System (HMIS) data, the accuracy of funding decisions for service providers is negatively impacted.
- F19.** Santa Cruz County lacks an organization that is accountable for tracking the cost of homelessness, allocating funding, and measuring the effectiveness of funding which results in the inability to make progress toward solving the homeless problem.
- F20.** There are tools available, such as Santa Clara County’s “Silicon Valley Triage Tool,” that could be applied to Santa Cruz County to allow the County to better understand the true cost of homelessness enabling the County to use public resources more efficiently.
- F21.** If underutilized parcels of land throughout Santa Cruz County were identified, such as the area near Coral Street in Santa Cruz, and the parcel adjacent to the County Government Mental Health Building in Watsonville, these parcels could potentially be used to increase the number of beds and services to support the homeless.
- F22.** The information provided in the ADU section of the Santa Cruz County Planning Department’s website is not user friendly, and therefore not as encouraging as it could be to homeowners looking to build much needed housing for the County.

## Recommendations

- R1.** Santa Cruz County and Cities should coordinate to perform a count of the number of homeless individuals in the County annually, and use that contact opportunity to encourage individuals to enroll in the Smart Path system. (F1)
- R2.** The Santa Cruz County Board of Supervisors and City Councils should jointly develop programs, services, and housing equitably distributed throughout each district and city in the County, communicating to the public an itemized list of such and broken down by supervisorial district by July 1, 2021. (F2)
- R3.** By December 31, 2020, the Santa Cruz Administrative Officer (CAO) and Cities should create a Community Task Force that includes City Managers, nonprofit leaders, former homeless individuals, media personnel, community members, and political leaders to create good will, and encourage collaboration in solving homeless issues. (F3, F4)
- R4.** Santa Cruz County and Cities should collaborate to develop a JPA that would be responsible for setting short and long term goals to reduce homelessness, measuring the cost of homelessness, allocating funding, and tracking the effectiveness of funding, by July 1, 2021. (F5, F6, F19)
- R5.** The Santa Cruz County Health Services Agency should expand relationships with regional psychiatric hospitals to identify more beds and treatment options when they are unavailable in Santa Cruz County by December 31, 2020. (F7)
- R6.** The Santa Cruz County Administrative Officer (CAO) and the County's City Managers should identify parcels of land within their jurisdictions that could be utilized to supply homeless services and/or temporary or permanent housing, and report such sites to their governing bodies by December 31, 2020. (F9, F21)
- R7.** In the Fiscal Year 2021-2022 budget, the Santa Cruz County Board of Supervisors should direct the agencies that provide grant funding for homeless services to prioritize more funding for case managers, diversion and prevention programs, and the extension of supportive services to more than one year when appropriate. (F8, F10, F11)
- R8.** Santa Cruz County should redesign their Planning Department's ADU web page to showcase and direct interested visitors to begin the ADU process online, using the San Jose or Santa Clara Planning Department's web sites as a model by December 31, 2020. (F22)
- R9.** By December 31, 2020, the City of Santa Cruz should evaluate whether closing Coral Street permanently to thru traffic, to make more space available for additional housing and services for the homeless, would be a viable option. (F13)

- R10.** Beginning in December of 2020, the Santa Cruz County Administrative Officer and the County’s City Managers should direct their agencies involved with homelessness to engage with local business leaders including Chambers of Commerce, to collaborate on innovative solutions that could reduce the number of homeless. (F14)
- R11.** The Santa Cruz County Sheriff should assess the viability of instituting a program at the Rountree Detention Center to train inmates to build small housing structures such as tiny homes or ADUs, to increase the amount of homeless housing. The results of this should be reported to the Santa Cruz County Board of Supervisors by December 31, 2020. (F15)
- R12.** By December 31, 2020, the Santa Cruz County Board of Supervisors and the County’s City Managers should direct appropriate agencies and staff to implement a city and county wide safe parking program using the successful model of the Association of Faith Communities (AFC). This should include investigating whether college campus parking lots could be incorporated into this program. (F16)
- R13.** Santa Cruz County and Cities should coordinate a retreat for all Faith Based Organizations (FBOs) in the County to collaborate on how to work cohesively on the issue of homelessness. (F17)
- R14.** Effective with fiscal year 2021-2022, the Santa Cruz County Administrative Office should work with the Homeless Action Partnership (HAP) to ensure that grants awarded to homeless service providers require a contract that mandates the use of the Homeless Management Information System (HMIS). (F18)
- R15.** By the beginning of fiscal year 2021-2022, Santa Cruz County Administrative Officer should develop and implement a system for tracking the cost of homeless, fashioned after the Silicon Valley Triage Tool, and require it be utilized by all agencies receiving funding for homeless services of any kind. (F20)
- R16.** Santa Cruz County Board of Supervisors should request the Santa Cruz County Administrative Officer investigate and report on the viability of converting the underutilized County Juvenile Hall campus, located at 3650 Graham Hill Rd, Felton, CA into a facility focused on fulfilling crucial homeless, mental health and substance abuse needs by December 31, 2020. (F7)
- R17.** By December 31, 2020, Santa Cruz County Planning Department should evaluate whether using the parcel of land adjacent to the County Mental Health Building to provide more temporary or permanent housing for the homeless would be a viable option, and report the results to the Board of Supervisors by December 31, 2020. (F21)

- R18.** Santa Cruz County should create a 24-hour mobile crisis response unit that includes medical staff and an experienced crisis worker to respond to emergency 911 calls and non-emergency police calls that do not involve legal issues or threats of violence. The Santa Cruz County Board of Supervisors should work with the County's law enforcement agencies to identify funds in their budgets that could be allocated to this program. The Grand Jury recommends the County consider using CAHOOTS (Crisis Assistance Helping Out On The Streets) in Eugene, Oregon as a model. (F13)

## Commendations

- C1.** The Grand Jury would like to commend the Santa Cruz County Board of Supervisors and the Santa Cruz County Human Services Agency for building the South County Behavioral Health facility, thereby expanding behavioral health services in the South County.
- C2.** The Grand Jury would like to commend the vast number of individuals, non-profits, faith-based organizations and County agencies, who are dedicated and working hard to support and reduce the homeless population in Santa Cruz County.

## Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1–F22	R1–R18	90 Days September 28, 2020
Santa Cruz County Sheriff	F13, F15	R11	60 Days August 31, 2020
Capitola City Council	F1–F6, F12–F14, F16–F17, F19, F21	R1–R4, R9, R12–R13	90 Days September 28, 2020
Santa Cruz City Council	F1–F6, F12–F14, F16–F17, F19, F21	R1–R4, R9, R12–R13	90 Days September 28, 2020
Scotts Valley City Council	F1–F6, F12–F14, F16–F17, F19, F21	R1–R4, R9, R12–R13	90 Days September 28, 2020
Watsonville City Council	F1–F6, F12–F14, F16–F17, F19, F21	R1–R4, R9, R12–R13, R17	90 Days September 28, 2020

**Requested Responses**

<b><i>Respondent</i></b>	<b><i>Findings</i></b>	<b><i>Recommendations</i></b>	<b><i>Respond Within/ Respond By</i></b>
Santa Cruz County Administrative Officer	F7–F11, F14, F16–F18, F20–F21	R5–R7, R13–R16	90 Days September 28, 2020
Santa Cruz County Human Services Agency	F7–F8, F10–F11, F21	R5–R7, R15, R17–R18	90 Days September 28, 2020
Santa Cruz County Information Services Department	F22	R8	90 Days September 28, 2020
Santa Cruz County Planning Department	F21–F22	R8, R17	90 Days September 28, 2020
Capitola City Manager	F3–F6, F9, F12–F14, F16–F17, F19, F21	R3–R4, R6, R9–R10, R12–R13	90 Days September 28, 2020
Santa Cruz City Manager	F3–F6, F9, F12–F14, F16–F17, F19, F21	R3–R4, R6, R9–R10, R12–R13	90 Days September 28, 2020
Scotts Valley City Manager	F3–F6, F9, F12–F14, F16–F17, F19, F21	R3–R4, R6, R9–R10, R12–R13	90 Days September 28, 2020
Watsonville City Manager	F3–F6, F9, F12–F14, F16–F17, F19, F21	R3–R4, R6, R9–R10, R12–R13	90 Days September 28, 2020
City of Capitola Chief of Police	F13	R18	60 Days August 31, 2020
City of Santa Cruz Chief of Police	F13	R18	60 Days August 31, 2020
City of Scotts Valley Chief of Police	F13	R18	60 Days August 31, 2020
City of Watsonville Chief of Police	F13	R18	60 Days August 31, 2020

## Definitions

- **Accidental Adversaries:** When groups of people who ought to be in partnership with each other become enemies. This can occur when each group is competing for the same vital resources.
- **Accessory Dwelling Units (ADU):** sometimes called “granny units” or “second units,” are housing units that can be attached or detached accessory structures associated with single or multifamily dwellings.
- **Association of Faith Communities (AFC):** is an incorporated association of local faith communities in Northern Santa Cruz County banding together to alleviate suffering through interfaith action.
- **California Welfare and Institutions Code (WIC) § 5150):** an individual can be placed involuntarily in a locked psychiatric facility, for an evaluation for up to 72 hours. Any peace officer or specific individuals authorized by a county government may place the hold. Three criteria apply – the individual is assessed to be: a danger to themselves, a danger to others, or "gravely disabled". Defined by an individual's lack of ability, due to their mental illness, to provide for their food, clothing, or shelter. In the case of children, it is the inability to use food, clothing, or shelter even if it is supplied.
- **California Welfare and Institutions Code (WIC) § 5008(h):** defines the term “gravely disabled” an individual's lack of ability, due to their mental illness, to provide for their food, clothing, or shelter. In the case of children, it is the inability to use food, clothing, or shelter even if it is supplied.
- **California Emergency Solutions and Housing (CESH):** A state-funded block grant program to address the needs of homeless individuals and families and assist them in regaining stable housing.
- **Chronically Homeless:** A “homeless individual with a disability,” as defined in the Act, who:
  1. Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and has been homeless (as described above) continuously for at least 12 months or on at least 4 separate occasions in the last 3 years where the combined occasions must total at least 12 months.
    - a. Occasions separated by a break of at least seven nights.
    - b. Stays in institution of fewer than 90 days do not constitute a break.
  2. An individual who has been residing in an institutional care facility for fewer than 90 days and met all of the criteria in paragraph (1) of this definition, before entering that facility; or
  3. A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraphs (1) or (2) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

- **Continuum of Care (COC):** A system to reduce the incidence of homelessness in CoC communities by assisting homeless individuals and families in quickly transitioning to self-sufficiency and permanent housing.
- **Coordinated Entry System (CES):** A community-wide system that seeks to effectively and efficiently match people experiencing homelessness to available housing and services that best fit their specific needs and situation. An emerging best practice for conducting assessments and referrals that provides a “no wrong door” approach to addressing homelessness.
- **Corporation for Supportive Housing (CSH):** A corporation with the mission to advance solutions that use housing as a platform for services to improve the lives of the most vulnerable people, maximize public resources and build healthy communities.
- **Crisis Stabilization Program:** A direct service that assists with deescalating the severity of a person's level of distress and/or need for urgent care associated with a substance use or mental health disorder.
- **Disabled and Medically Vulnerable (DMC):** a housing voucher program with a limited waiting list preference for disabled and medically vulnerable homeless persons.
- **Diversion Program:** A strategy that prevents homelessness for people seeking shelter by helping them identify immediate alternate housing arrangements and, if necessary, connecting them with services and financial assistance to help them return to permanent housing.
- **Doubled-up:** The informal wording used to describe a concept included in the McKinney-Vento Act’s definition of homeless. It refers to shared living arrangements, some of which may be considered homeless, while others may not be, depending on various factors.
- **Emergency Shelter:** Any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements.
- **Federal Emergency Management Agency (FEMA):** an agency of the United States Department of Homeland Security. The agency's primary purpose is to coordinate the response to a disaster that has occurred in the United States and that overwhelms the resources of local and state authorities
- **Faith-based Organization (FBO):** An organization whose values are based on faith and/or beliefs, which has a mission based on social values of the particular faith, and which most often draws its activists (leaders, staff, volunteers) from a particular faith group.

- **Families in Transition (FIT):** Provides housing, education programs and services created specifically to help South County families who are homeless or at risk of becoming homeless.
- **Homeless Emergency Assistance Program (HEAP):** A \$500 million block grant program designed to provide direct assistance to cities, counties and Continuums of Care (CoCs) to address the homelessness crisis throughout California.
- **Homeless Action Partnership, HAP:** A collaboration of the five jurisdictions in Santa Cruz County (the County and the Cities of Santa Cruz, Watsonville, Capitola and Scotts Valley) along with homeless housing and services providers.
- **Homeless Definitions - HUD Exchange**
  - **Category 1 Literally Homeless:** An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
    - (i) Has a primary nighttime residence that is a public or private place not meant for human habitation;
    - (ii) Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or
    - (iii) Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.
  - **Category 2 Imminent Risk of Homelessness:** An individual or family who will imminently lose their primary nighttime residence, provided that:
    - (i) Residence will be lost within 14 days of the date of application for homeless assistance;
    - (ii) No subsequent residence has been identified; and
    - (iii) The individual or family lacks the resources or support networks needed to obtain other permanent housing.
  - **Category 3 Homeless under other Federal statutes:** Unaccompanied youth under 25 years of age, or families with Category 3 children and youth, who do not otherwise qualify as homeless under this definition, but who:
    - (i) Are defined as homeless under the other listed federal statutes;
    - (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application;
    - (iii) Have experienced persistent instability as measured by two moves or more during in the preceding 60 days; and
    - (iv) Can be expected to continue in such status for an extended period of time due to special needs or barriers.



- **Category 4 Fleeing/ Attempting to Flee DV:** Any individual or family who:
  - (i) Is fleeing, or is attempting to flee, domestic violence;
  - (ii) Has no other residence; and
  - (iii) Lacks the resources or support networks to obtain other permanent housing.
- **Homelessness Management Information System (HMIS):** A local information technology system used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness.
- **Housing First:** An approach that offers permanent, affordable housing as quickly as possible for individuals and families experiencing homelessness, and then provides the supportive services and connections to the community-based supports people need to keep their housing and avoid returning to homelessness.
- **Housing Urban Development (HUD):** A U.S. government agency that supports community development and homeownership. The Fair Housing Act prevents discrimination in housing based on sex, race, color, national origin, and religion.
- **Joint Powers Agreement (JPA):** A formal, legal agreement between two or more public agencies that share a common power and want to jointly implement programs, build facilities, or deliver services. Officials from those public agencies formally approve a cooperative arrangement.
- **Joint Powers Authority or Agency (JPA):** A new, separate government organization created by the member agencies, but is legally independent from them. Like a joint powers agreement (in which one agency administers the terms of the agreement), a joint powers agency shares powers common to the member agencies, and those powers are outlined in the joint powers agreement.
- **Jurisdiction:** The power to exercise authority over persons and things within a defined geographical territory or field of responsibility.
- **National Alliance on Mental Illness Santa Cruz County (NAMISCC):** The Santa Cruz chapter or a national advocacy group that is dedicated to building better lives for the millions of Americans affected by mental illness.
- **Navigation Centers:** Low-threshold, high-service temporary shelter programs for adults experiencing homelessness.
- **Not In My Back Yard (NIMBY):** A person who objects to the siting of something perceived as unpleasant or potentially dangerous in their own neighborhood, such as a landfill or hazardous waste facility, especially while raising no such objections to similar developments elsewhere.

- **Permanent Supportive Housing (PSH):** A proven, effective means of reintegrating chronically homeless and other highly vulnerable homeless families and individuals with psychiatric disabilities or chronic health challenges into the community by addressing their basic needs for housing and providing ongoing support.
- **Point In Time Survey (PIT):** A HUD mandated biannual count of sheltered and unsheltered people experiencing homelessness on a single night in January.
- **Political Will:** Political intention or desire (in early use not as a fixed collocation); (later) specifically the firm intention or commitment on the part of a government to carry through a policy, especially one which is not immediately successful or popular.
- **Post Traumatic Stress Disorder (PTSD):** A mental health condition that is triggered by a terrifying event — either experiencing it or witnessing it. Symptoms may include flashbacks, nightmares and severe anxiety, as well as uncontrollable thoughts about the event.
- **Prevention Programs:** Provides financial assistance to individuals and families at imminent risk of becoming homeless to maintain their housing or find suitable alternative housing before becoming homeless.
- **Rapid Re-housing:** Permanent housing, but the assistance is meant to be temporary.
- **Request For Proposal (RFP):** A document that solicits proposals, often made through a bidding process, by an agency or company interested in procurement of a commodity, service, or valuable asset, to potential suppliers to submit business proposals.
- **Safe Parking:** A program that gives a temporary, overnight, safe location to park for individuals and families living in a vehicle while providing access to services that will transition them into more stable housing.
- **Section 8 Program:** Allows private landlords to rent apartments and homes at fair market rates to qualified low income tenants, with a rental subsidy administered by Home Forward. “Section 8” is a common name for the Housing Choice Voucher Program, funded by the United States Department of Housing and Urban Development.
- **Sheltered:** An individual/family living in a supervised publicly or privately operated shelter designed to provide temporary living arrangement.
- **Shelter:** A building set up to provide for the needs of homeless people; often including shelter, food, sanitation and other forms of support.

- **SMART PATH, Housing and Health: Coordinated Assessment and Referral System:** A coordinated entry system that streamlines access to housing assistance and services for all people experiencing homelessness. Individuals and families will complete uniform assessments at a variety of easy to access locations throughout the county.
- **Stakeholders:** Any person, organization, social group, or society at large that is invested in the success or outcome of an enterprise, project, or endeavor. Thus, stakeholders can be internal or external to the business. A stake is a vital interest in the business or its activities.
- **Substance Use Disorder (SUD):** A disease that affects a person's brain and behavior and leads to an inability to control the use of a legal or illegal drug or medication. Substances such as alcohol, marijuana and nicotine also are considered drugs.
- **Treatment Advocacy Center (TAC):** A non profit organization dedicated to eliminating barriers to the timely and effective treatment of severe mental illness
- **Tiny Home:** a small house, typically sized under 600 square feet. While they can be built on foundations, most tiny homes are built on trailers. This style of tiny house is often referred to as a THOW (tiny house on wheels).
- **Transitional Housing:** Temporary housing for certain segments of the homeless population, including working homeless people who are earning too little money to afford long-term housing. Transitional housing is set up to transition residents into permanent, affordable housing.
- **Unsheltered:** An individual or family whose primary nighttime residence is a public/private place not designed for or ordinarily used as a regular sleeping accommodation for human beings. These are people living on the street or in makeshift shelters (tents, boxes), motorhomes (RV), vans, or cars.

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<https://santacruzlocal.org/2019/12/18/santa-cruzans-share-input-on-homeless-shelters/>

### **Site Visits**

Housing Matters, Coral Street, Santa Cruz, CA  
Juvenile Hall, Felton, CA  
Rountree Detention Center, Watsonville, CA  
Land surveys, Watsonville, CA

### **Websites**

Butte County Departments <http://www.buttecounty.net/departments>  
County of San Luis Obispo <http://www.slocounty.ca.gov/site4.aspx>  
Curry TB Center, UCSF  
[https://www.currytbcenter.ucsf.edu/sites/default/files/product\\_tools/homelessn essandtbtoolkit/general.html](https://www.currytbcenter.ucsf.edu/sites/default/files/product_tools/homelessn essandtbtoolkit/general.html)

## Appendix A HEAP & CESH 2019 Award Decisions

Table A1. HEAP & CESH 2019 RFP Award Decisions

Applicant/Project	Activities Funded	HEAP Amount	CESH Amount	Total
City of Santa Cruz Land Purchase	Land Purchase for: Emergency Shelter, Hygiene Day Services	\$1,400,000	\$0	\$1,400,000
Reservation of Funds for North County Navigation Center/Year Round Shelter Operations	Navigation Center Year-Round Emergency Shelter Day Services Hygiene Services	\$1,030,294	\$177,888	\$1,208,182
Salvation Army South County Navigation Center	Shelter Case management Housing navigation Hygiene services Basic needs services Rental assistance	\$822,112	\$177,888	\$1,000,000
Encompass CS YHDP Youth Resource Center	Youth/young adult day center services Respite beds	\$787,003	\$0	\$787,003
Adobe Services Rapid Rehousing Program	Rapid rehousing Financial assistance Housing navigation	\$382,383	\$217,617	\$600,000
Homeless Services Center Paul Lee Loft Shelter Operations	Shelter Case management Hygiene services	\$555,000	\$0	\$555,000
Community Action Board Watsonville Works!	Case management Transitional work experience	\$459,182	\$0	\$459,182
Community Action Board Rental Assistance Program	Prevention Case Management Rental assistance	\$381,985	\$69,833	\$451,818
Community Action Board YHRT (Youth Homeless Response Team)	Youth and young adult: Case management Housing navigation Employment & education referrals Benefits referrals Emergency vouchers	\$422,835	\$0	\$422,835
Association of Faith Communities (AFC) Faith Community Shelter	Shelter Case management Hygiene services	\$402,692	\$0	\$402,692
Monarch Services DV Emergency Shelter Capital Improvements	Capital improvements Domestic violence shelter Motel vouchers	\$350,000	\$0	\$350,000
Santa Cruz County Housing Authority Landlord Incentives & Move In Costs	Financial assistance Landlord bonuses Unit repair fund	\$251,700	\$68,315	\$320,015

Table A1. HEAP & CESH 2019 RFP Award Decisions, continued				
Applicant/Project	Activities Funded	HEAP Amount	CESH Amount	Total
Community Bridges Mountain Community Resources	Case management Hygiene services Basic needs services	\$240,478	\$0	\$240,478
Association of Faith Communities (AFC) SafeSpaces Parking	Parking Hygiene services Volunteer meals	\$237,950	\$0	\$237,950
Cabrillo College Emergency Housing Services Program	Rental assistance	\$137,724	\$0	\$137,724
MHCAN Shower	Showers	\$110,994	\$0	\$110,994
Congregational Church, Soquel MCHC Shower the People	Portable showers Hygiene services	\$61,270	\$0	\$61,270
Bill Wilson Center Shared Housing for Youth	Youth/young adults: Shared housing Case management Financial assistance Host incentives	\$58,300	\$0	\$58,300
Santa Cruz County CoC Lead Planning	CoC planning/coordination	\$0	\$44,471	\$44,471
Community Technology Alliance Santa Cruz County HMIS	HMIS services	\$0	\$44,471	\$44,471
Santa Cruz County HSD Smart Path to Housing and Health	Coordinated entry services	\$0	\$44,471	\$44,471
Wings Homeless Advocacy Vital Identification Records	Birth certificates and other ID services	\$38,700	\$0	\$38,700
<b>TOTAL</b>				<b>\$8,975,556</b>

Source: Santa Cruz County HEAP and CESH Awards 2019<sup>[234]</sup>

Table A2. 2019 HEAP LOI and Emergency Allocation Award Decisions

Applicant/Project	Activities Funded	HEAP Amount	CESH Amount	Total
<b><i>Emergency Sheltering LOI (Letter Of Intent)</i></b>				
Association of Faith Communities (AFC) SafeSpaces Parking	Parking Hygiene Services Volunteer Meals etc.	\$45,000	\$0	\$45,000
Homeless Services Center Paul Lee Loft and Hygiene Bay	Shelter Case management Hygiene services	\$120,000	\$0	\$120,000
Salvation Army Santa Cruz Emergency Shelter	Shelter Case management Hygiene services Basic needs services	\$195,000	\$0	\$195,000
Salvation Army Watsonville Emergency Shelter	Shelter Case management Hygiene services Basic needs services	\$110,000	\$0	\$110,000
<b><i>Emergency Allocations - immediate public health &amp; safety hygiene and urgent sheltering needs</i></b>				
City of Santa Cruz - River Street		\$64,677	\$0	\$64,677
City of Santa Cruz Hygiene at Gateway Plaza		\$100,000	\$0	\$100,000
Homeless Services Center Hygiene Bay		\$18,000	\$0	\$18,000
Salvation Army - River Street Camp		\$206,323	\$0	\$206,323
<b>TOTAL</b>				<b>\$859,000</b>
<b>TOTAL including EMERGENCY AWARDS</b>				<b>\$9,834,556</b>
<b>TOTAL including 5% set aside for admin</b>				<b>\$10,362,771</b>
<b>Balance available from grants of \$10,564,307</b>				<b>\$201,536</b>

Source: Santa Cruz County HEAP and CESH Awards 2019<sup>[235]</sup>

## Appendix B Homeless Services Information

**Table B1. Partner agencies participating in the HMIS system by District**

<b>District 1</b>	<b>District 3</b>
<a href="#">Association of Faith Communities</a>	<a href="#">Homeless Garden Project</a>
<a href="#">VFW Halls</a>	<b>District 4</b>
<a href="#">Encompass</a>	<a href="#">Community Action Board</a>
<a href="#">Front Street</a>	<a href="#">VFW Halls</a>
<a href="#">Homeless Persons Health Project</a>	<a href="#">Pajaro Rescue Mission</a>
<a href="#">Housing Matters</a>	<a href="#">Pajaro Valley Shelter Services</a>
<a href="#">Veterans Resource Center</a>	<a href="#">Salvation Army</a>
<a href="#">Adult Protective Services</a>	<a href="#">Behavioral Health</a>
<a href="#">Behavioral Health</a>	<a href="#">Housing Choices</a>
<a href="#">Downtown Streets Team</a>	<a href="#">Families In Transition</a>
<a href="#">Janus of Santa Cruz</a>	<a href="#">Salud Para La Gente</a>
<a href="#">Mental Health Client Action Network</a>	<b>District 5</b>
<a href="#">The Housing Authority</a>	<a href="#">Mountain Community Resources</a>
<b>District 2</b>	<a href="#">Wings Homeless Advocacy</a>
<a href="#">Association of Faith Communities</a>	

Source: Compiled from documents requested of the Human Services Department that covered 2018.

**Table B2. Low income housing comparisons**

City	Number of Housing Complexes	Webpage with the Information
Capitola	3	<a href="https://www.lowincomehousing.us/CA/capitola.html">https://www.lowincomehousing.us/CA/capitola.html</a>
Santa Cruz	27	<a href="https://www.lowincomehousing.us/CA/santa_cruz.html">https://www.lowincomehousing.us/CA/santa_cruz.html</a>
Scotts Valley	2	<a href="https://www.lowincomehousing.us/CA/scotts%20valley">https://www.lowincomehousing.us/CA/scotts%20valley</a>
Watsonville	16	<a href="https://www.lowincomehousing.us/CA/watsonville.html">https://www.lowincomehousing.us/CA/watsonville.html</a>

Source: The webpage for each city is linked above.

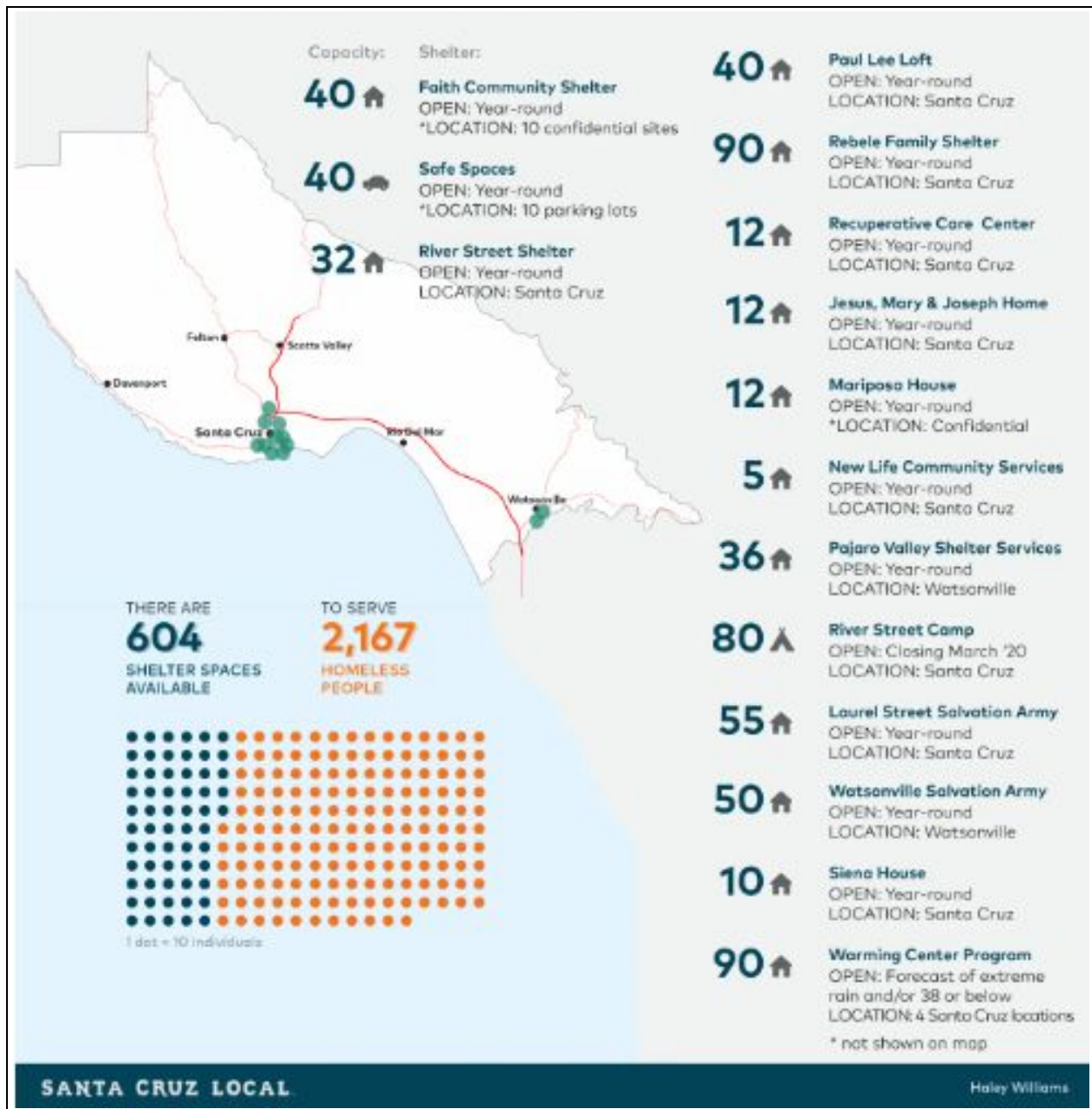


Figure B1. Homeless Shelters in Santa Cruz County<sup>[236]</sup>





## **Ready? Aim? Fire!**

### **Santa Cruz County on the Hot Seat**

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#### **Summary**

As the specter of climate change increases, so does the fear and likelihood of more wildfires in populated areas. As evidenced by the 1991 Tunnel Fire in the Oakland Hills and more recent fires (Mendocino Complex, Carr, Camp), Santa Cruz County faces increasing risk to life and property from a wildfire. The Grand Jury recognizes it is important to do everything possible to prevent emergencies from occurring. This can best be accomplished by creating an environment that reduces risk and adopts best practices.

The Santa Cruz County fire organization is extremely complex, making it challenging to properly gauge the level of risk mitigation, effectively measure emergency response, or determine citizens' readiness to evacuate in an emergency. In addition, residents must be educated on the importance of being prepared, and on their role in reducing the likelihood of a wildfire.

The Grand Jury determined Santa Cruz County residents would benefit from greater efficiency and transparency from the multitude of fire agencies in the county, with the goal of improving preparedness and response. The Grand Jury recommends improvements be made in assessing risk, establishing performance targets, and communicating progress toward those targets. Further, progress and performance reporting must be easily accessible to the public and communicated in concise, understandable terms. Lastly, in order to provide the level of protection residents need and deserve, governing bodies must make data-driven decisions and hold leaders accountable for their results.

While this Grand Jury investigated and reported on the complexities and difficulties of the organization of multiple fire agencies in Santa Cruz County, the Grand Jury respectfully recognizes and commends the dedication of our firefighters as they attend to the safety and well-being of the community.

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## Background

Although Santa Cruz County has experienced large fires such as the Lockheed Fire in recent years, it has not suffered a fire of the magnitude of the Camp Fire or the Oakland Hills Fire, which directly and drastically impacted large urban populations. The Lockheed Fire was remote from any town center, and although fierce and raging, forced evacuation of a comparatively small number of residents. That lack of experience however, adds to the challenge of emphasizing prevention.

Santa Cruz County, with its unique and diverse geography and microclimates suitable for vegetation to flourish, plus urban areas adjacent to, or integrated into this dense vegetation, has a population where over 50% live in what is classified as a Wildland Urban Interface zone (WUI).<sup>[01]</sup> This zone is considered the highest risk area of wildfire due to the abundance of both fuel and ignition sources.<sup>[02] [03]</sup>

According to the United States Forest Service Santa Cruz County has the largest percentage of WUI of all the counties in the state of California.<sup>[04]</sup> Over 167,000 people reside in close to 72,000 homes in this high risk fire zone shown in Figure 1 below and in detail in [Appendix A](#).

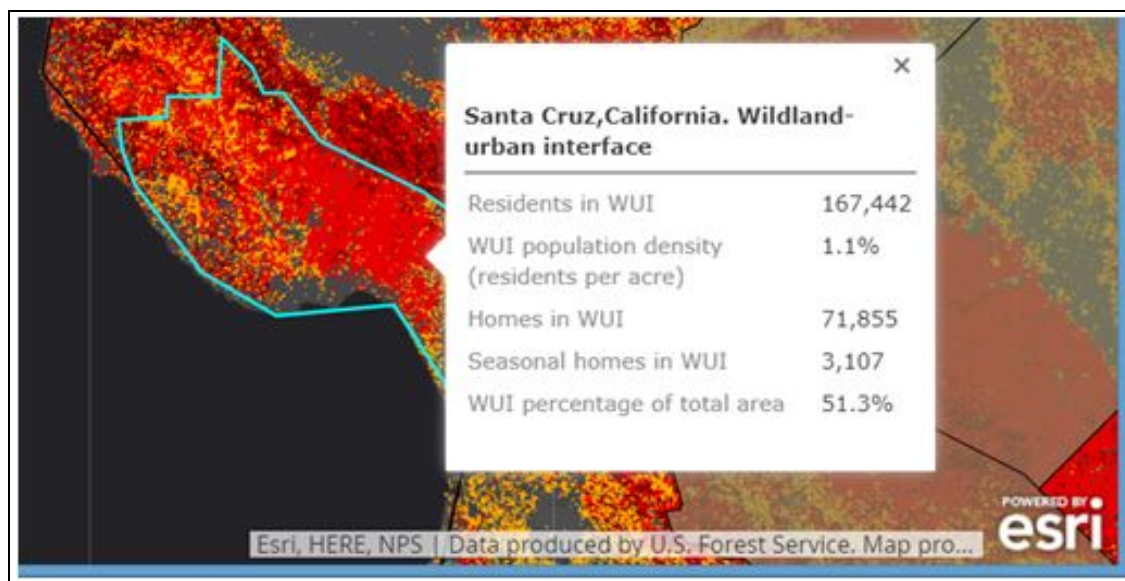


Figure 1. **Santa Cruz County Wildland Urban Interface Statistics**<sup>[05]</sup>

The Santa Cruz County Local Hazard Mitigation Plan (LHMP)<sup>[06]</sup> emphasizes the magnitude of the risk faced by current residents by describing earlier local fires and the conditions that fueled them:

*The potential magnitude or severity of future fires could be predicted from experience gained from the recent fires of 2008 (Summit Fire) and 2009 (Lockheed Fire). In those fires, spotting exceeding 1 mile, torching of conifers, flame lengths exceeding 100', area ignition and sheeting were all observed. In 2008, over 75 structures were destroyed in 3 fires alone.*

**Similar fuels (Manzanita/Knobcone, Eucalyptus, chaparral, and mixed conifer forestland), topography and weather conditions are expected to be encountered in future fires creating a repeat of extreme fire behavior exhibited in recent large local fires.**

**While normal weather conditions in the Santa Cruz Mountains can be categorized as cold and damp with extensive marine influence (fog), several times each year conditions are created where fuel moisture levels have been measured below 5% with temperatures above 90°, and north winds greater than 45 mph.**<sup>[07]</sup> (emphasis added)

The Oakland Hills Fire of 1991 is a good model of the speed and devastation of a wildfire out of control. Oakland has similar terrain and vegetation, coastal fog conditions, and an abundance of older structures built to codes much like those in Santa Cruz County today. These similar traits may foretell similar wildfire speed and devastation in our county. Figure 2, graphics and images of the Oakland Hills Fire remind us that even fires that bring quick response can spread rapidly and destructively.<sup>[08]</sup>

Since 1991, there have been improvements in weather forecasting, building codes and materials, communications, alerts systems, command and control systems, fire retardants, and apparatus. Yet, because of other factors (e.g. climate change), the threat is as strong, or possibly stronger than ever before.

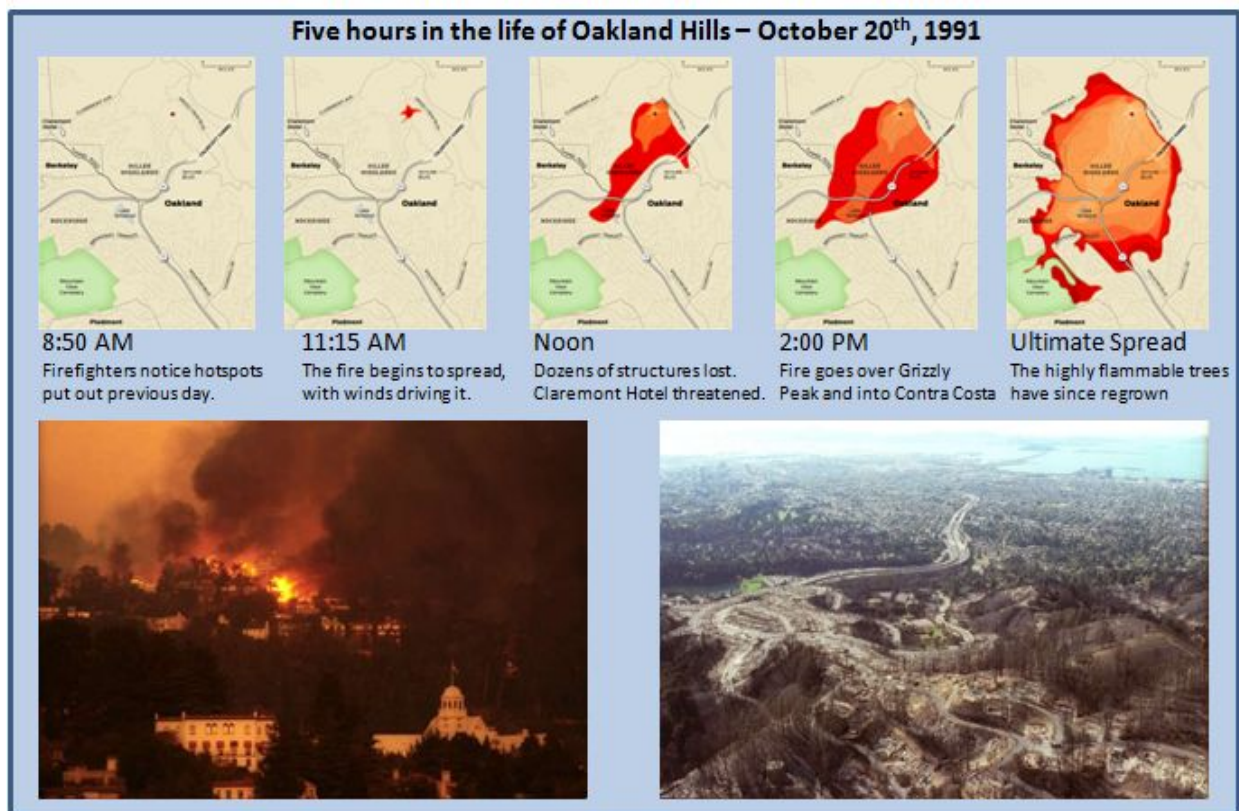


Figure 2. Oakland Hills Fire October 20th, 1991<sup>[09]</sup>

It is now abundantly clear that climate change has had, and will continue to have, a powerful impact on large scale fire risk in California. Climate change has resulted in increased focus at the national level such as new surveillance systems, and at the state level with new fire code legislation, vegetation abatement, and audits. Private sector electric companies are pouring millions of dollars into infrastructure upgrades, vegetation management and alert systems in addition to mitigating their own risk by way of scheduled power outages.<sup>[10]</sup> A significant portion of this investigation will assess how our local government and our community are addressing this growing risk.

In Santa Cruz County, fire protection is composed of fire protection districts (fire districts), city fire departments, the Santa Cruz County Fire Department (County Fire), and the California Department of Forestry and Fire Protection popularly known as CAL FIRE. These agencies do not have overlapping geographical boundaries of jurisdiction as seen in Figure 3.

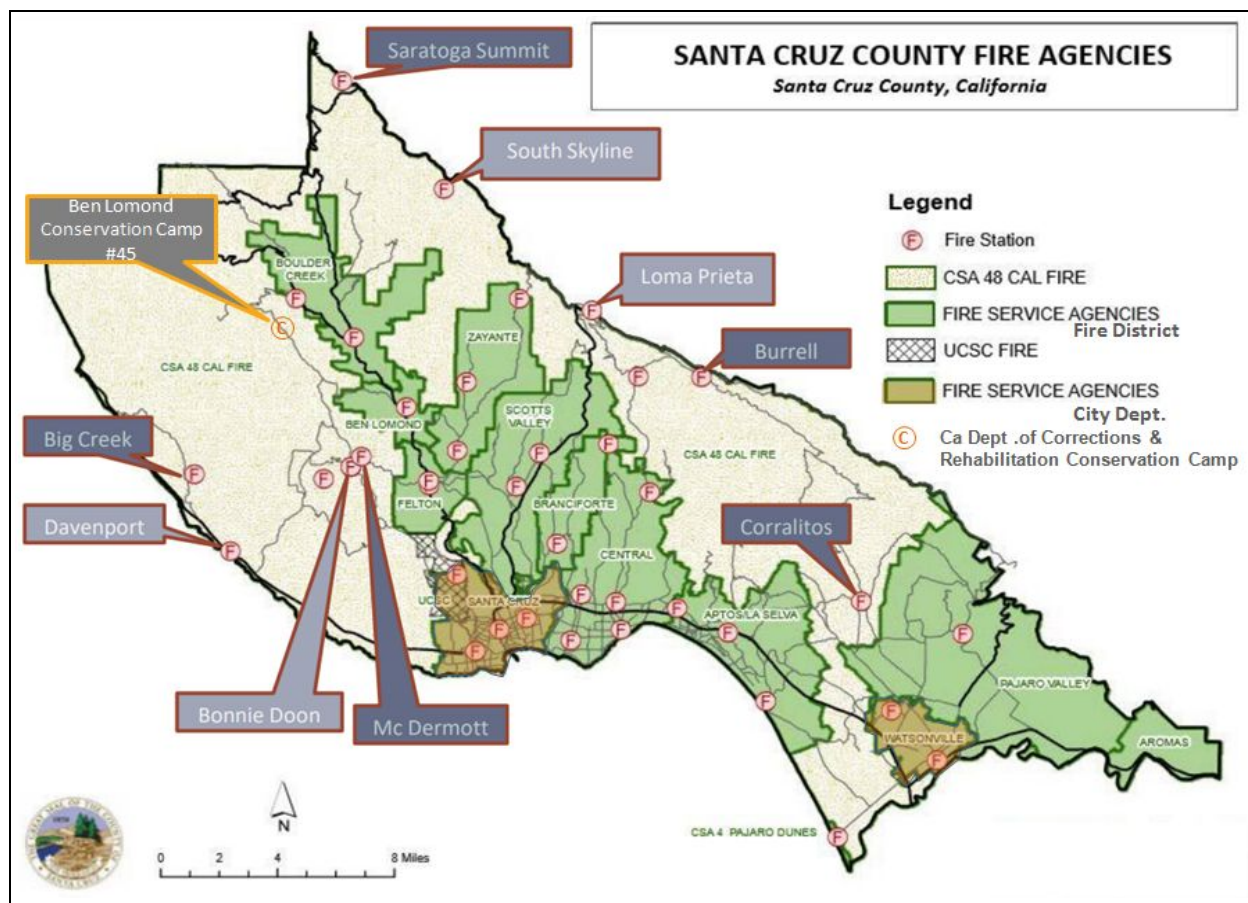


Figure 3. Santa Cruz County Fire Agencies<sup>[11]</sup>

However, fire agencies have mutual aid agreements which enable them to help one another across jurisdictional boundaries when emergencies exceed local resources. Mutual aid is usually requested on an as needed basis by the local incident commander. Mutual aid is typically voluntary, and may not occur if the requested agencies are dealing with incidents of their own and/or do not have enough equipment or firefighters

to share at the time. This complex organizational structure and the management of mutual aid agreements are also considered in this report. Finally, in January 2019, the Governor of California issued executive order 1.8.19-EO-N-05-19 that asserted:

*...the people of the State of California expect that their government will take all possible actions to protect life, property, and forests from deadly megafires, and will do so with an urgency that matches the scope of the threat.*<sup>[12]</sup>

This order called for increased attention on policy, methods, urgency, funding, and education associated with wildfire.

It is with that philosophy of urgency and expectation that this Grand Jury also investigated our local government's processes, practices, and priorities.

## **Scope and Methodology**

The scope of this investigation was comprehensive in nature. It explored many aspects of fire agency services, including risk mitigation, response, alerts, evacuation, and education. For these service areas, the Grand Jury evaluated planning, execution, measurement, and governance. Not all agencies (county, city, district) were investigated to the same extent, but were examined closely enough to make both generalized and specific recommendations.

The usual methods of investigation were employed including: interviews with leaders, agency staff and residents; attendance at outreach events and visits to numerous sites associated with fire/disaster response; document request and analysis for critical data measurements of performance.

To help identify key issues for our county, the Grand Jury also reviewed many reports including other California Grand Jury reports, Local Agency Formation Commission (LAFCO) reports, State Auditor reports, consultant studies, and journalistic investigations. The Grand Jury did not constrain our reviews of reports to those just from Santa Cruz County; we felt that many counties in California have similar challenges with regard to fire risk, from which we may extract relevant topics of investigation. This is evidenced by the sample in Table 1 below:

Table 1. California Grand Jury Fire Service Related Reports

County	Civil Grand Jury Report
Marin	2019: Wildfire Preparedness: A New Approach <sup>[13]</sup> “Fire code inspections, policies and procedures intended to manage and reduce vegetation, and evacuation planning are inadequate”
Contra Costa	2019: Fire Inspection Records and Reporting <sup>[14]</sup> “...confirmed that the Fire District had fallen behind on completing all the state-mandated fire inspections for schools and multifamily residences”
Butte	2019: Camp Fire Lessons Learned <sup>[15]</sup> “...chances of survival can be greatly enhanced by increasing...safe places for evacuating residents to gather when evacuation becomes impossible.” 2009: Wildfire and Safety Considerations <sup>[16]</sup> “...recent evacuations, traffic reduced to a crawl once fleeing vehicles encountered traffic controls in adjoining cities.”
Sonoma	2018: Fire Emergency Response <sup>[17]</sup> “Sonoma County has 43 individual fire districts that are functionally independent... The California Fire Chiefs Association recommends that counties and the state develop a proactive system rather than a reactive system.”
Santa Cruz	<b>2015: Fire District...Response Times, Mutual Aid, and Consolidation<sup>[18]</sup></b> “...districts would benefit from increased shared services or consolidation.” <b>2008: What is County Fire<sup>[19]</sup></b> “Volunteer fire companies are key to the fire protection of rural areas of the county. “...call reports provided by Cal Fire to the Board of Supervisors are incomplete” To offset rising costs of County Fire, the Board of Supervisors chose to reduce costs by cutting staffing.”
San Diego	2015: Back-County Fire Protection - Where We Are Today <sup>[20]</sup> “improve and expand mutual aid agreements...”
Alameda	2014: Oakland Fire Department - Commercial and Vegetation Inspections <sup>[21]</sup> “The Grand Jury concluded there were lax ... collection practices in both the commercial inspection program and the city’s vegetation management program.”
Santa Clara	2011: Fighting Fire or Fighting Change <sup>[22]</sup> “Public safety consumes 50%-70% of city budgets Fire departments should rethink their response protocols—which are based on an historically fire-oriented model that does not match today’s medical-based demand for emergency services.” 2007: Record Keeping In Disarray at San Jose Bureau of Fire Prevention <sup>[23]</sup>
Santa Barbara	2011: Improving Our Emergency Alert System in the 21st Century <sup>[24]</sup> 2001: Regional Approach to Providing Better Fire Protection and Emergency Medical Services <sup>[25]</sup>

Sources noted with each report.

## Investigation

Our investigation sought to answer these important questions:

- How well does the organization of the fire departments across the County maximize their effectiveness and efficiency?
- Are the risks of wildfire occurrence and containment accounted for and mitigated?
- Does emergency response meet the criteria for safety and security of life and property?
- In the event of a wildfire event, can the public be alerted, evacuated, and sheltered in time?
- Is the public sufficiently educated about fire risk and prepared to mitigate personal property and community risk?
- How well do the fire agencies and the governing bodies in counties and cities make data-driven decisions and hold responsible leaders accountable for their results?

## Organization

One unexpected yet necessary aspect of this investigation was understanding the structure of the Santa Cruz County fire organization. Many California counties are served by a single fire protection district (fire district), a highly structured, well balanced organization with a single set of policies, procedures, and priorities. Santa Cruz County's organization consists of ten fire districts, two city fire departments, one large California university, and CAL FIRE, which is supported by five independent community volunteer battalions. The Aromas Tri-County Fire Protection District serves three counties, including a small fragment of Santa Cruz County. The City of Capitola contracts its beach services to the City of Santa Cruz. The CAL FIRE regional unit that provides fire protection to the County of Santa Cruz also provides fire protection services to San Mateo County and the Pajaro Fire District. Unlike the fire districts, where the fire chief and organization report directly to a governing body (i.e the fire district's board of directors), city fire departments report to the city manager. The CAL FIRE contact is administered by the office of the County Administrative Office (CAO)/General Services Director/Office of Emergency Services(OES). [\[26\]](#) [\[27\]](#) [\[28\]](#) [\[29\]](#) [\[30\]](#) [\[31\]](#)

All fire organizations have mutual aid agreements with the other fire organizations that enable sharing aid and reimbursement of costs. In some cases sharing is on a reciprocal basis. It can get complicated when aid is sent out of the County.

Due to the dizzying nature of Santa Cruz County's fire organization, the Grand Jury mapped out the relationships in order to understand its complexity, which resulted in the development of the chart in Figure 4 below.

When Santa Cruz County is compared to Contra Costa County, a mid-size Bay Area county, and Los Angeles County, a very large Southern California county, the differences in complexity are clear. The issues and challenges arising from this complexity will be discussed throughout this report.



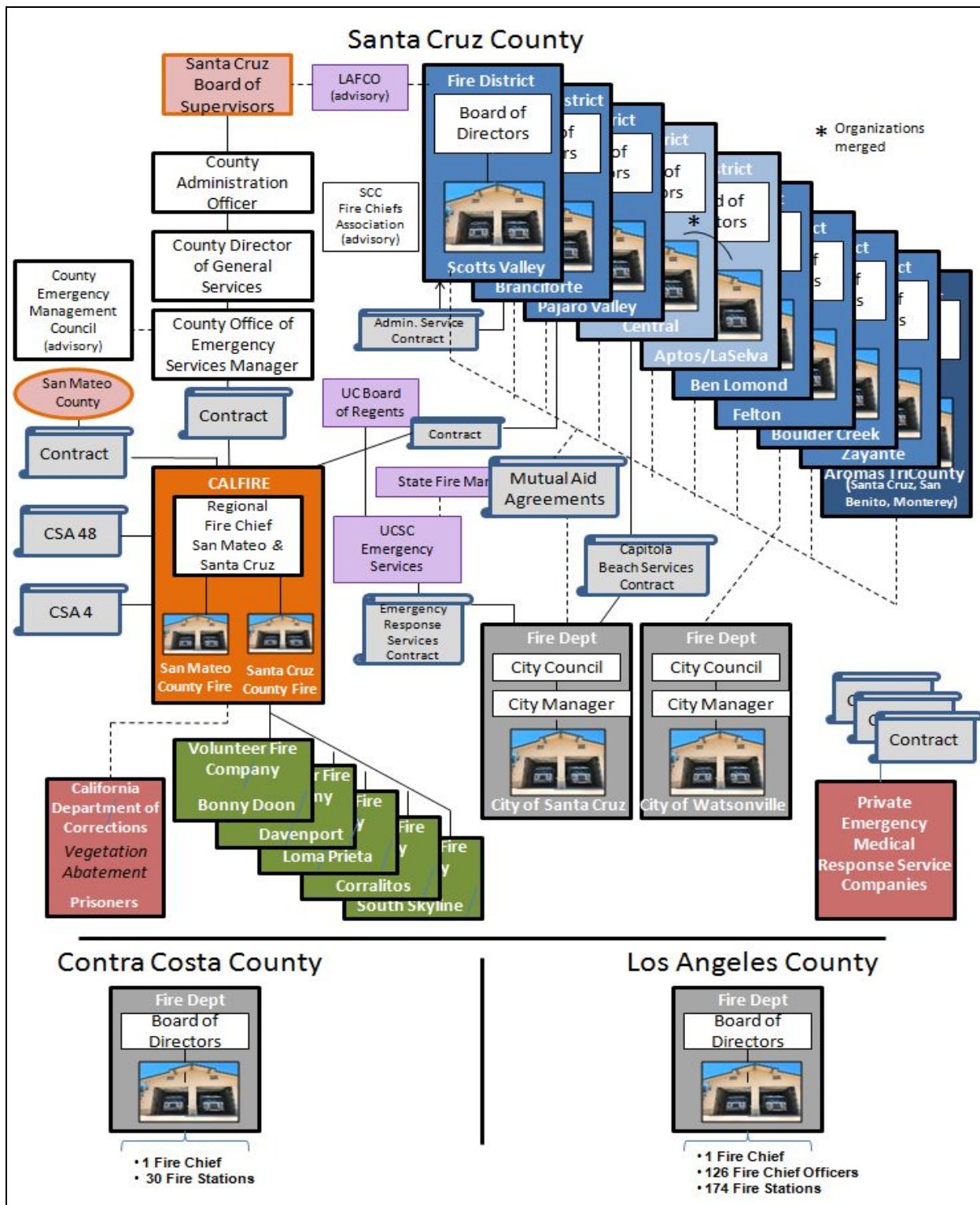


Figure 4. A Comparison of Fire Organization Structures for three Counties [32] [33] [34] [35] [36] [37] [38] [39]

### *Fire Districts and City Fire Departments*

Fire districts are local government agencies that provide essential and specific fire related services, and are governed by the local residents of the district.<sup>[40]</sup> Like all special districts of California, they must follow state laws pertaining to public meetings, record keeping, and elections. The major funding source for fire districts is property tax revenue.<sup>[41]</sup> Each local government agency shares a portion of this revenue based on an established percentage or allocation factor.<sup>[42]</sup> There are ten fire districts in Santa Cruz County.

The districts use the dispatch services provided by Santa Cruz Regional 911 Center (Netcom). CAL FIRE/County Fire calls for service are dispatched separately, utilizing CAL FIRE's Felton Emergency Command Center (ECC).

### *County Fire*

In unincorporated areas, fire protection is provided by the County. Because counties often consist of large and diverse geographical areas, providing a consistent and adequate service level across all areas can be difficult. The County Service Area Law (California Government Code §25210.1 et seq.) was created in the 1950's to provide a means of providing expanded service levels in areas where residents are willing to pay for the extra service.<sup>[43]</sup>

In Santa Cruz County, the unincorporated areas not covered by a special district are covered by the County. There are two County Service Areas (CSAs), CSA 4 and CSA 48. CSA 4 is a small 1/4 square mile area known as Pajaro Dunes, CSA 48 covers the balance. Services differ for these two CSAs due to the differences in the tax assessments approved by the voting residents of the CSA.<sup>[44]</sup>

Volunteer firefighters make up the bulk of County Fire Department staffing, with supplemental staffing from CAL FIRE. The County and CAL FIRE have a contract for services managed by the County Office of Emergency Services (OES). These services include:<sup>[45]</sup>

- Emergency Fire Protection, Medical and Rescue Response
- Basic Life Support Services
- Dispatch Services
- Fire Code Inspection, Prevention and Enforcement Services
- Land Use/Pre-Fire Planning Services
- Disaster Planning Services
- Staffing Coverage
- Extended Fire Protection Service Availability (Amador Plan)

### **Volunteer Companies**

County Fire depends on the participation of organized volunteer fire companies. "The volunteer companies allow for a level of staffing and distribution of fire stations and equipment that could not otherwise be accomplished."<sup>[46]</sup> Volunteers are professionally

trained firefighters but are non-salaried. The County funds a CAL FIRE officer year-round to manage the training of volunteers. Volunteer companies rely on community donations to support the purchase or upgrade of equipment and to assist in the upkeep of fire stations not otherwise supported by County funds. There are five volunteer companies located in CSA 48. All but one of these volunteer companies operates out of its own fire station. The company that does not is co-located at a CAL FIRE facility.<sup>[47]</sup>

According to Santa Cruz County Fire documentation of Frequently Asked Questions in support of the recent Proposition 218 ballot measure,<sup>[48]</sup> “Santa Cruz County Fire has 25% fewer paid firefighters on staff today than we did 10 years ago and a 45% reduction of volunteer firefighters (down from 110 to 60)”. This reduction in volunteers appears significant.

### **California Department of Corrections & Rehabilitation Assistance**

Santa Cruz County has one of four State “conservation camps”, the Ben Lomond Conservation Camp #45, located on Empire Grade.<sup>[49]</sup> This camp is actually a low security State prison, housing, training and employing low risk inmates to work on fire fighting, brush clearing and other labor intensive tasks. They form the front line of firefighters, working with chainsaws and hand tools to clear the lines, forming fire breaks, lighting backfires, hauling hoses, doing whatever they are asked by their commanders. The system allows for a small number of qualified inmates from the Santa Cruz County Jail to be assigned to the Ben Lomond Conservation Camp, giving eligible County Jail inmates the opportunity to move from the Jail to the Camp and serve as firefighters.<sup>[50]</sup>

With the reduction of the numbers of non-violent prisoners being incarcerated, diminishing numbers of prisoners available for fire fighting pose a manpower issue for available fire fighting crews. These crews are very valuable because of their low pay rate, earning a dollar an hour extra pay for dangerous service on the fire lines, working alongside firefighters earning an “annual mean wage of \$74,000 with benefits.”<sup>[51]</sup> Further demonstrating the inequities of the prison emergency labor system in California, there are women prisoners being housed in a firehouse outside of their Chowchilla California prison, serving as EMTs, riding in their trucks, entrusted with giving emergency medical care to members out in the community, earning \$.53 per hour, women are prisoners and will not be allowed to hold EMT jobs in civilian life, because of their criminal histories, despite their training and proven abilities.<sup>[52]</sup>

### **Risk and Mitigation**

California Governor executive order N-05-19 directed California state agencies to identify policy changes, funding changes, and priority changes to augment and improve the value received from the one billion dollars of forest management funding already allocated to address fire mitigation.<sup>[53]</sup> This section addresses what the government at the local level is doing and not doing to protect life, property and forests from a potentially deadly megafire.

Most at risk for wildfire are those areas where high density populations intersect with areas abundant with fuel for fire, the Wildfire Urban Interface zone (WUI).<sup>[54]</sup> This area is typically considered a high risk area because the urban presence provides sources of ignition, and in major fires like the Camp Fire, the houses themselves become the major fuel source.<sup>[55]</sup> As stated earlier, Santa Cruz County has the largest number of people living in a designated WUI of any county in the state (see Figure 1 above).

In Santa Cruz County, the high risk areas are not limited to the WUI, but also include areas of high vegetation in proximity with an ignition source and far from a fire station. These typically are areas with rural homes and businesses or high voltage electrical devices. Within the urban area itself, there are groves of highly flammable Blue Gum Eucalyptus trees growing in close proximity to ignition sources such as recreational warming fires (hereafter warming fire), outdoor burning, and sparks from gas powered engines and motors.

Strategies for mitigating these risks and minimizing impacts include limiting potential fuel, preventing ignition, limiting the spread of fire by early detection, quick and effective response, and in the worst case scenario, either quick and effective evacuation, or providing shelter-in-place tactics in the event no evacuation routes are available. This section focuses on fuel management, ignition prevention, and early detection.

#### *Quantified Risk Assessment - ISO*

One approach for determining the risk level of homes in your community is the use of one of the risk metrics developed by experts in risk assessment, the insurance industry. A company called the ISO (Insurance Services Office) creates ratings for fire departments and their surrounding communities.<sup>[56]</sup> These ratings calculate how well-equipped fire departments are to put out fires in that community. The ISO provides this score, often called the "ISO fire score," to homeowners' insurance companies. The insurers then use it to help set homeowners insurance rates. The more well-equipped your fire department is to put out a fire, the less likely your house is to burn down. And that makes your home less risky, and therefore less expensive to insure.

An ISO fire insurance rating, also referred to as a fire score or Public Protection Classification (PPC), is a score from 1 to 10 that indicates how well-protected your community is by the fire department.<sup>[57]</sup> In the ISO rating scale, a lower number is better: 1 is the best possible rating, while a 10 means the fire department did not meet the ISO's minimum requirements. Scores are developed based on 1) the assessed quality of your local fire department, including staffing levels, training, and proximity of the firehouse, 2) availability of water supply including prevalence of hydrants and water available for firefighting, 3) quality of the communications systems, and 4) community outreach including fire prevention and safety courses.<sup>[58]</sup>

The ISO provides the information for free to any fire department it inspects but does not provide the information directly to homeowners. Homeowners are advised that if your department has a poor score, it is a good idea to take extra steps in fireproofing your home. However the Grand Jury found no evidence that any of the fire agencies in the County broadly publish their ISO scores. It is evident that many of these agencies know

what the scores are from references in minutes, announcements, and newspaper articles. The 2007 and the 2016 LAFCO Municipal Service Reviews for Stanislaus County published the ISO scores for nearly every fire agency reviewed. Santa Cruz County LAFCO has not.<sup>[59]</sup> <sup>[60]</sup>

All County residents would benefit if their fire agency not only published their current ISO score but previous scores. This would not only help them understand the cost of their homeowners insurance relative to others in the County, but it would help them decide the amount of energy to apply to help offset that risk. In addition it would allow residents to monitor the efforts applied by their fire agency to improve service, and reduce the impact of fire.

As a frame of reference, the Grand Jury discovered on a scale of 1 (exemplary) to 10, (unsatisfactory) the Scotts Valley Fire District was assessed as a “2” in 2018.<sup>[61]</sup> In 2013, County Fire was assessed as a “5”, (assessed as a “6” the year before), for properties within 1,000 feet of a hydrant and properties beyond 1,000 feet of a hydrant, but within 5 miles of a station.<sup>[62]</sup> The Grand Jury was unable to determine with readily available information if County Fire is still scored as an ISO 5 for the above referenced categories.

### *Risk Management and Coordination*

Addressing risk mitigation categories (fuel management, ignition prevention, and early detection) requires coordination between multiple departments and agencies. In all cases, a thorough assessment of the risk’s probability of occurrence and impact is required to effectively prioritize, fund, and manage the mitigation activities. Management of the risk includes timely periodic reassessment.

It should be noted that Santa Cruz County lacks a comprehensive risk management function. Per the County Personnel Department website, risk management is limited to risks to liability and property, worker’s compensation, unemployment insurance, risk administration, and health benefits.<sup>[63]</sup> Operational and financial risks are not covered. Risks to public health and safety are not covered.<sup>[64]</sup>

In order to better understand how fire related activities can overlap multiple stakeholders, the Grand Jury created Table 2. The table shows the breadth of the cross functional nature of risk mitigation across a single institution such as a city or county. What it does not reflect is the relationship between all the departments associated with all the jurisdictions (county, cities, university, commission, fire districts, or school districts.)

<p>The Grand Jury found little evidence that essential information and data required to effectively manage fire risk in the County was available to operational managers who have the responsibility to minimize the impact of wildfire.</p>
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Table 2. Wildfire Risk Mitigation Activities Across Santa Cruz County

	<b>Educate</b>	<b>Plan &amp; Mitigate</b>	<b>Respond</b>	<b>Evacuate</b>	<b>Govern</b> • Provide Vision • Assess Risk • Hold Accountable • Establish Policy • Fund Appropriately
<b>Boards</b>	• Community outreach				
<b>Mgmt/ Leadership</b>	• Community outreach	• Assess Risk • Hold Accountable • Fund Appropriately • Partner with Institutions	• Assess Risk • Hold Accountable • Fund Appropriately	• Communicate	• Assess Risk • Hold Accountable • Establish Policy • Fund Appropriately • Compliance
<b>Fire Dept.</b>	• Community outreach	• Inspect (identify code violations) • Clear Vegetation	• Extinguish, Assist & Protect	• Protect during Evacuation	
<b>OES</b>	• Community outreach • Educate leadership • Publish	Develop: • Hazard Mit. Plan • Emergency Ops Plan • Evacuation Plan • Provide Surveillance	• Manage 911 and Reverse 911 Alert systems	• Command & Control of Evacuation	
<b>Planning Dept. /GIS</b>		• Prepare/Update/Status /Report Hazard Mit. Plan • Develop Maps,			
<b>Bldg. Dept.</b>		• Issue & Enforce Code Violations			
<b>Public Works &amp; IT Depts.</b>		• Repair Hazardous Facilities and Infra. • Sustain /Improve IT/COMMS & Support Sys		• Support & Protect Infra  • Manage IT	
<b>Parks &amp; Rec.</b>		• Clear Vegetation			
<b>Law Enforcement</b>		• Enforce Illegal Burns • Supervise Vegetation Abatement	• Assist & Protect	• Execute Evacuation	
<b>Dept. of Corrections</b>		• Clear Vegetation			
<b>Institutions (e.g. PG&amp;E)</b>		• Clear Vegetation • Remove Hazards • Monitor Hazards			
<b>School Districts</b>	• Educate students • Drills	• Develop safety plans • Maintain to code			
<b>Community Organizations</b>	• Community outreach • Educate leadership • Publish	• Clear Vegetation • Monitor Hazards			
<b>Residents</b>	• Educate Friends & Family			• Understand Evacuation Plans	

Source: Grand Jury Developed from multiple sources<sup>[65]</sup>

### Risk Plans

Key to any consideration of managing risk is a plan to mitigate the risk. This investigation was able to locate a number of independent plans associated with various jurisdictions within the County, but was unable to locate any plan that was centralized or integrated with any other. County plans are not integrated with city plans nor with fire district plans. Plans are not kept up to date. Plans seldom cross departmental boundaries. No evidence was found to show progress made on any of the plans.

By most accounts plans were not plans at all, because they did not propose specific actions with schedules to complete, but rather were composed of strategies. Plans examined included General Plans, Hazard Mitigation Plans, Emergency Operations Plans, and Inspection Plans, and a single jurisdiction's Vegetation Management plan for a single area.<sup>[66]</sup> Of note, the only Evacuation Plan the Grand Jury could locate on the internet was on the City of Santa Cruz's website, where the plan was easy to locate.<sup>[67]</sup> These plans are summarized below.

**Table 3. Agency Emergency Response, Hazard Risk Mitigation Plans**

Jurisdiction	Local Hazard Mitigation Plan (last update)	Emergency Operations/ Management Plan (last update)	Community Wildfire Protection Plan (last update)	Fire Inspection Plan status	Vegetation Management /Fuel Abatement Plan
Santa Cruz County	2015 <sup>[68]</sup>	2015 (Draft) <sup>[69]</sup>	2018 <sup>[70]</sup>	deficient <sup>[71]</sup>	deficient <sup>[72]</sup>
City of Santa Cruz	2018 <sup>[73]</sup>	2018 <sup>[74]</sup>	none	deficient <sup>[75]</sup>	unpublished
City of Scotts Valley	none	2015 <sup>[76]</sup>	none	district compliance asserted <sup>[77]</sup>	unknown
City of Watsonville	in development	none	none	deficient <sup>[78]</sup>	unknown
City of Capitola	2013 <sup>[79]</sup>	none	none	unknown	unknown
Fire Districts	NA	NA	none	Felton, Aptos, Central <sup>[80]</sup>	unknown

Sources: Embedded in Table

In Santa Cruz County, the primary plan in place for mitigating wildfire risk is the Hazard Mitigation Plan.<sup>[81]</sup> Its purpose is to identify and characterize hazards, and to identify and prioritize the mitigation activities. The threats of wildfire change frequently due to increases in population and development. The updating of plans to mitigate damage from wildfire is surprisingly infrequent. The Hazard Mitigation Plan for Santa Cruz County has not been updated since September 2015.

On the mitigation side of the equation, there are frequent changes in methods, new technologies, changes in response capabilities, and improvements in knowledge and understanding of the problems. Lessons can be learned from many communities such as Butte County and Sonoma County. Technologies improve constantly in areas such as collaboration and communication between responsible agencies, imaging, and artificial intelligence. Building materials improve. Response staff levels change. Funding opportunities and sources change. Priorities change.

The Grand Jury asks, “Why does a county that has the largest population in the state living in high risk wildfire areas only update its hazard plan once every five years?” Our conclusion is that the timing is driven by the U.S. Federal Emergency Management Agency (FEMA) requirement to update plans at least every five years to qualify for mitigation planning grants. This requirement does not prohibit plans from being updated more frequently when necessary and appropriate. County residents, especially those living in high risk areas, would benefit if the County updated the wildfire section of its Hazard Mitigation Plan, or created lower level, detailed and actionable plans yearly to account for the constant changing conditions referenced above.

The Hazard Mitigation Plan is not being used in managing wildfire risk, and some witnesses interviewed by the Grand Jury were not even familiar with its contents.<sup>[82]</sup> During the course of the investigation, it became clear this important plan is not being used as a management tool, nor is it being used to support active mitigation of one of the County’s greatest potential hazards to residents. The mitigation plans, which follow FEMA guidelines, have been structured to enable frequent and cost effective updating.<sup>[83]</sup> The City of Capitola’s Hazard Mitigation Plan asserts that characteristic, but even so, the City has not updated the plan since 2013. Yet the plan itself states that it was designed to facilitate its update when new data is available. Data changes frequently.<sup>[84]</sup>

Institution of a process that explicitly correlates department budgets and activity plans to the Hazard Mitigation Plan could reduce the County and City hazard risk level and could also encourage accountability and intra-departmental collaboration. Jurisdictions not having any Risk Mitigation Plans, such as Watsonville and Scotts Valley, should immediately correct this critical omission. See Table 3 above.

Hazard Mitigation Plans often lack adequate detail regarding identified risks and recommended mitigation activities. These activities are necessary to provide effective and specific guidelines for action. Further, the plans do not appear to have followed the FEMA guide for hazard mitigation planning.<sup>[85]</sup>

For instance, the FEMA guide recommends consideration of location when quantifying impact and provides the example:

*Community B has a high population density in the north and a very low population density in the south... Community D is located in a mountainous region with its population spread between the suburban areas in the foothills and the rural mountain communities, ...*<sup>[86]</sup>



This level of detail is not provided in the plans of the County and cities.

A primary source of ignition for recent large scale wildfires in the state has been power company owned electrical equipment.<sup>[87]</sup> Pacific Gas and Electric Company, currently in bankruptcy court, a situation driven by liabilities from wildfire related lawsuits, has stepped up its efforts to locate its high risk equipment. One of the reasons the equipment is dangerous is its age, condition, and its proximity to vegetation, much of which is on private or government property. The Grand Jury was unable to identify evidence that County authorities are aware of where high risk equipment is located, and therefore are unable to conduct inspections, supervise or assist with vegetation removal, or even to notify residents of the location, nature, and level of the risk.

The County of Santa Cruz Local Hazard Mitigation Plan (2015-2020) follows Federal Emergency Management Agency (FEMA) guidelines for risk management.<sup>[88]</sup> In the Plan, Wildfire Hazard Risk strategy B-4 states: “Maintain adequate Fire Suppression and Prevention staffing levels to meet the needs of the County residents and development trends.”<sup>[89]</sup> Nowhere in the plan does it specify what these needs are or the basis of assessing these needs. Nor does it specify who is responsible for developing a detailed plan for suppression and prevention regarding the type of vegetation, or thinning requirements. Furthermore, nowhere in the County’s contract with CAL FIRE does it provide a basis of needs.<sup>[90]</sup> Nowhere in County Fire’s annual presentation to the County Board of Supervisors are the *needs* of the County or “basis” of proposed resource level specified, either for fire suppression or prevention.<sup>[91]</sup> The Grand Jury thinks that if these needs are not specifically delineated, the risk of understaffing and inadequate planning can neither be measured nor addressed. It was concluded that the risk to County residents is extremely high, because leadership does not know what they need to be doing to address staffing and planning needs in order to be “adequately” safe.

In order to develop useful and current data required to estimate staffing needs, creation of an accurate database is necessary. Fuel abatement must be coordinated between jurisdictions and/or departments. Surveys of needs are necessary. Abatement status needs to be understood. Building inspection plans need to be complete.<sup>[92]</sup> Abatement on County property is predominantly performed by State prisoners under the supervision of CAL FIRE and as such, is not always an available labor resource. A robust assessment and analysis of the work needed should be completed promptly. This work should be based on the current status and include informed projections for the future.

Accurate staff levels required for fuel abatement could thereby be determined. The difference between current staffing and actual required staff levels needs to be determined and communicated to the County Board of Supervisors and the public so everyone understands the level of risk, and what it will take to reduce those levels of risk. Update plans to address what can be addressed. Come to understand what risks cannot be mitigated so that residents can adjust their plans and behavior in appropriate ways. With respect to fire prevention, it is just as important to know what is not getting done, as it is to know what is getting done.

## The Community Wildfire Protection Plan

In 2008, shortly after the Summit Fire, which burned 4,000 acres, CAL FIRE, in association with the Santa Cruz County and San Mateo Resource Conservation District, met with community and agency stakeholders in San Mateo and Santa Cruz Counties regarding their wildfire concerns.<sup>[93]</sup> Through this process, the community-identified hazards, assets at risk, and information on high priority areas in need of fuel reduction were solicited. Projects were defined and prioritized to address the needs. These were all documented in the Santa Cruz County - San Mateo Community Wildfire Protection Plan (CWPP).<sup>[94]</sup> The plan is referred to as “a living document that will adapt to a changing landscape with changing priorities.”<sup>[95]</sup> It also states, “A plan becomes outdated the moment it is published, unless there is an established updating process.”<sup>[96]</sup> Ten years after conception, eight years after publication, and six months after four of the most destructive fires in California history, the CWPP was finally updated in 2018.<sup>[97]</sup>

This regional CWPP provides a strategic view of the risk areas, and identifies the organizations that have submitted proposals in alignment with project goals. The CWPP notes that since there are “numerous jurisdictions in the county, with differing interests,” it is to be used as a “flexible planning tool.”<sup>[98]</sup> It also states, “A CWPP must be developed collaboratively, must prioritize fuel reduction areas, and must provide recommendations to reduce the ignitability of structures.... It allows the community to conduct wildfire prevention planning across the landscape by recommending projects that benefit the community as a whole.”<sup>[99]</sup> And most importantly the **“CWPP should be utilized as the foundation for additional, detailed, site-specific CWPPs to be prepared for communities throughout the region.”**<sup>[100]</sup>

The Grand Jury believes that the CWPP is strategic and directionally sound. However, to be truly effective, a closed loop level of accountability is required where priorities for improvement actions are delineated, project status is assessed, new projects proposed and detailed community-specific plans are developed.

Santa Cruz County would greatly benefit if steps were taken to implement the CAL FIRE, San Mateo - Santa Cruz Unit 2018 recommendation of developing detailed, site specific Community Wildfire Protection Plans for communities throughout the County.

There is a CAL FIRE 2019 Strategic Plan which includes more project detail than the CWPP.<sup>[101]</sup> The project list shows many projects which are incomplete, and the data and images used are as much as 10 years old.

The Grand Jury is also concerned with the accuracy of the level of risk reported to County residents. As an example, the updated 2018 plan states that 20,858 Santa Cruz County homes are located in the WUI. This is in significant contrast to the 71,855 Santa Cruz County homes, that according to the United States Department of Forestry, are located within the designated WUI.<sup>[102]</sup>

### *Vegetation Management*

Vegetation management is a key element in reducing the risk of fire, and enabling access in an emergency. The Grand Jury heard testimony that other than during construction phases, only residences and power lines have regulations requiring ongoing maintenance for vegetation management. There is no rule or program that mandates that all roads, even critical evacuation routes, must be kept cleared to meet defensible space requirements. Public roads have to be maintained for sight line clearing, but not fire prevention. Therefore, existing policies addressing vegetation management should be updated to ensure clearance for evacuation and access for emergency vehicles.<sup>[103]</sup>

County Wildfire Hazard Risk B-4 identifies the need to “reduce fire risk in the Wildland Urban Interface (WUI) by advocating the use of improved building materials and appropriate code enforcement, including defensible space and fuel reduction programs.” The Local Hazard Mitigation Plan (LHMP)<sup>[104]</sup> does not quantify an actual risk due to fuel. It does not specify what needs to be reduced or how to reduce it, nor does it reference other plans that could contain this needed information.

The Grand Jury finds that the County’s LHMP lacks sufficient detail to quantify or prioritize the risks, or the means to measure progress at mitigating the risks, or effectiveness of the steps performed in mitigating the risks.

The City of Santa Cruz has identified similar risk in its LHMP,<sup>[105]</sup> and has made significant progress in its work to acquire a grant to address vegetation at DeLaveaga Park and Pogonip. Of additional concern is the fuel abatement within the domain of fire districts. The majority of fire districts have significant WUI zones. The WUI zones within these districts are frequently outside of the City of Santa Cruz’ (or other cities’) responsibility area. They are also outside of the responsibility of County Fire. Local Hazard Mitigation Plans are not in place nor are there specific plans to address vegetation/fuel. Scotts Valley Fire District, for instance, addresses what it calls “weed abatement,”<sup>[106]</sup> and simply provides recommendations to residents on how to manage their weeds.

### *Home Hardening*

Home Hardening is a key factor in mitigating damage in the Wildfire Urban Interface. “Extreme wildfire conditions are inevitable.”<sup>[107]</sup> There is extensive and convincing evidence of the effectiveness of hardening houses. Recognizing the importance of improving a home’s resistance to fire, in 2019 the California Legislature enacted California Government Code Section 8654.2 (see [Appendix B](#)). This statute provides financial assistance for home retrofitting to communities and populations particularly vulnerable to the threat of wildfire.

Ways to mitigate fire danger to structures include installation of modern vent screens that conform to the County’s WUI codes, properly designing and managing landscapes, performance of annual fire code inspections, and increased surveillance. Hardening a

home or other structure against wildfire also includes employing fire resistant materials and construction methods for protection against flying burning embers generated by a wind driven wildfire. Effectively hardening a single home is where it begins, and experience has shown that hardening communities is more effective than firebreaks, such as freeways, which can be breached by wind driven fires. Coffey Park in Santa Rosa was swept by fire primarily driven by gale force winds that jumped across Highway 101, a multi-lane freeway.<sup>[108]</sup>

Firewise USA® (Firewise) is a voluntary program that provides a framework to help neighbors get organized, find direction, and take action to increase the ignition resistance of their homes and community, and will be discussed later in this report.<sup>[109]</sup> Firewise provides many recommendations on making houses safer such as installing fine screening of vents to prevent wind-blown embers from entering the structure, as mentioned above. application of fire retardant coating to wood surfaces, general maintenance such as cleaning rain gutters, and use of fire resistant plants for landscaping. The Witch firestorm in San Diego County in 2007 left five fire-hardened developments unburned while surrounding houses burned. Effective treatment of the houses and surrounding yards and landscaping minimized their vulnerability to the wildfire when it came.<sup>[110]</sup>

#### *Early Warning Systems: ALERTWildfire*

The explosion of fire detection technology in recent years has resulted in new early warning capabilities. One of those systems is the ALERTWildfire Surveillance System. The system, developed by a small consortium of West Coast universities using relatively low cost ultra high definition imaging cameras, was tested successfully in Lake Tahoe from 2014-2016 and has been embraced by most of California's power companies, including PG&E since.<sup>[111]</sup> The cameras, characterized as "near infrared" and sensitive to the radiation emitted by fire, provide constant real-time fire surveillance of areas in their field of view. Video is distributed over a microwave network and streamed real time on the ALERTwildfire.org website, and made available to the world.<sup>[112] [113] [114]</sup>

The ALERTWildfire website asserts the system can: (1) discover/locate/confirm fire ignition, (2) quickly scale fire resources up or down appropriately, (3) monitor fire behavior through containment, (4) during firestorms, help evacuations through enhanced situational awareness, and (5) ensure contained fires are monitored appropriately until thoroughly extinguished.<sup>[115]</sup>

As the system matures, the capability to automate wildfire identification will improve. The ALERTWildfire is working on integrating artificial intelligence algorithms into the notification system to filter out fire and smoke detection not associated with a wildfire. Figure 5 shows images captured from a Ventura County camera that reduced the impact and magnitude of the Maria Fire of Ventura County fire in October 2019.<sup>[116]</sup> Until automation becomes practical, monitoring of video by an actual person is still required. Some communities, keenly concerned with their safety, have organized themselves to keep a careful watch on the video.

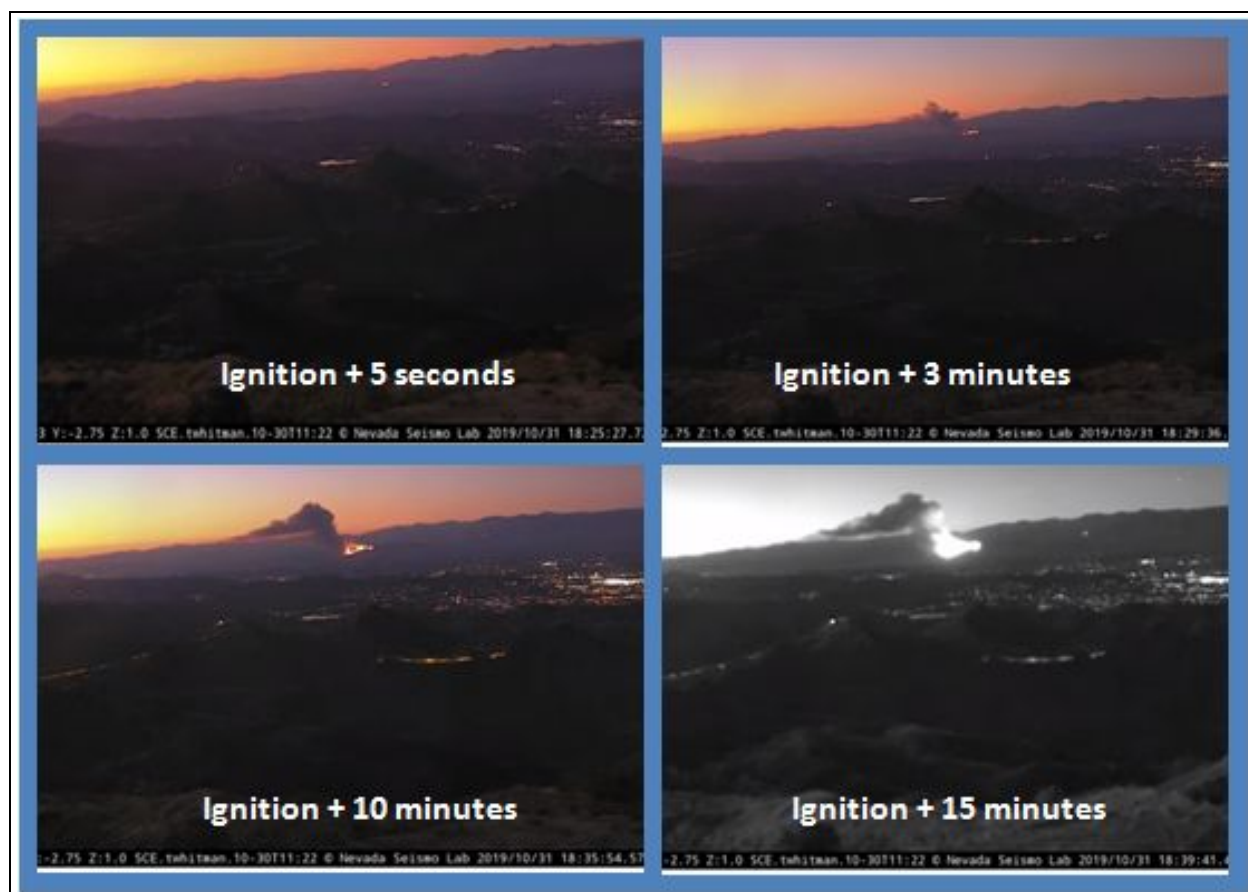


Figure 5. Image Captures of ALERTWildfire Video Surveillance Maria Fire of Ventura County Oct 31, 2019<sup>[117]</sup>

Any organization, not just electric power companies, can participate, becoming sponsors and installing observational video systems. A camera installation costs \$20,000 and includes site survey, installation, and configuration.<sup>[118]</sup>

This relatively low cost technology offers new opportunities for constant, real time surveillance. Santa Cruz County, with the highest number of residents living in a WUI in the state, has limited coverage from a single camera at Bonny Doon. This camera points towards San Mateo and is not configured to rotate for an expanded view of Santa Cruz County, although has that capability.<sup>[119]</sup> San Mateo County to the north has complete coverage, as does Santa Clara County to the north.<sup>[120]</sup> The WUIs in Monterey County and San Benito County to the southeast have nearly complete coverage. By contrast, Santa Cruz County, as stated above, has virtually no coverage. According to ALERTWildfire, as of this report, camera coverage for Santa Cruz County is not in any near term plan.<sup>[121]</sup>

All ALERTWildfire cameras have rotational capabilities. The camera in Santa Clara County on Mt. Chaul at an elevation of 3500+ feet, shown in Figure 6 (right) below, has a potentially extensive view into Santa Cruz County, but has not been configured to cover all potential directions. Cameras in Monterey County that once rotated toward

Santa Cruz County, but were too low and too distant to be practical, are now stationary and only monitor Monterey and San Benito counties. [122]

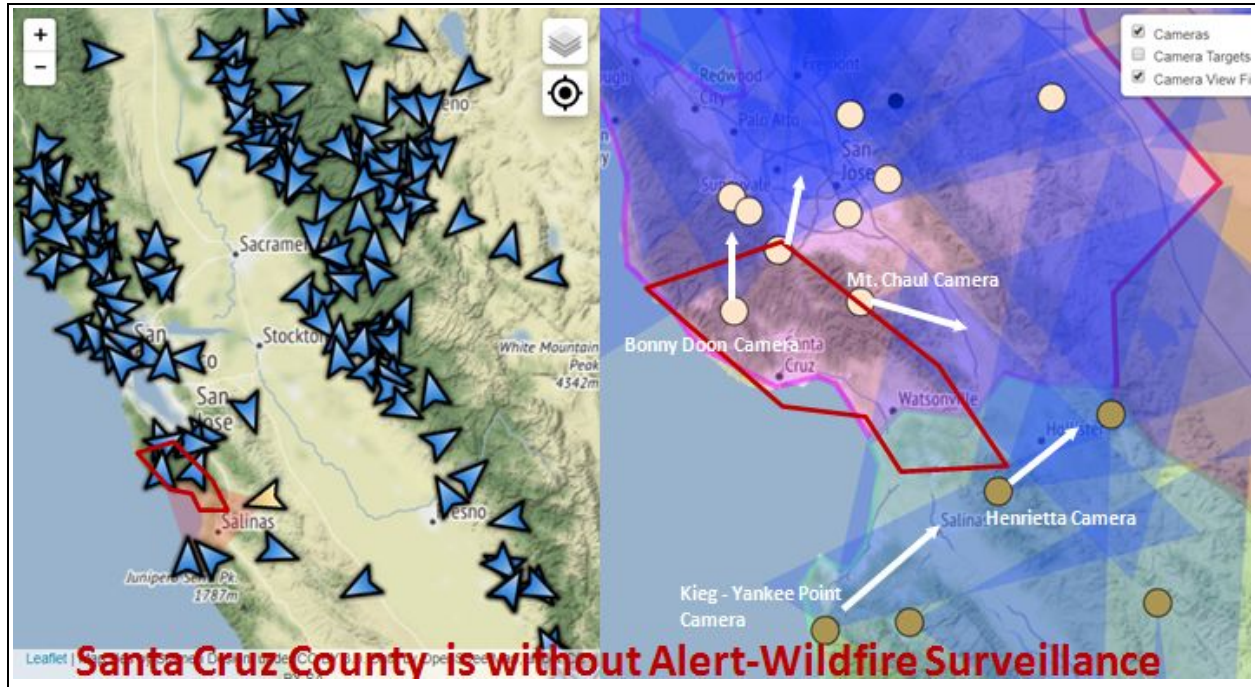


Figure 6. ALERTWildfire Coverage Oct 2019 - April 2020 [123]

Figure 6 (left) shows the locations of cameras and the directions they point. The camera at Mt. Chaul, as shown in Figure 6 (right) and Figure 7, clearly has a direct line of sight into a large vegetated area of Santa Cruz County. If PG&E is not interested in configuring the camera to rotate toward Santa Cruz County, the County should immediately evaluate a procurement of a camera that monitors the County from this location.



Figure 7. Mt. Chaul - ALERTWildfire Camera Location and real time Image<sup>[124]</sup>

The camera at the summit in Bonny Doon, shown in Figure 8, has not been configured to rotate and survey Santa Cruz County to the south, east, or west. It only covers a small portion of Santa Cruz County to the north plus a large part of San Mateo and Santa Clara Counties. Like the camera at Mt. Chaul, it could be rotated to assist in monitoring an already identified fire, but is not so configured. As you can see from the image in Figure 7, when it was rotated to potentially observe the wildfire that occurred the morning of June 10, 2020 in Henry Cowell State Park, a large portion of the view was obscured by trees. Nonetheless Santa Cruz County residents would benefit if the camera was configured to rotate to those areas that are not obscured.

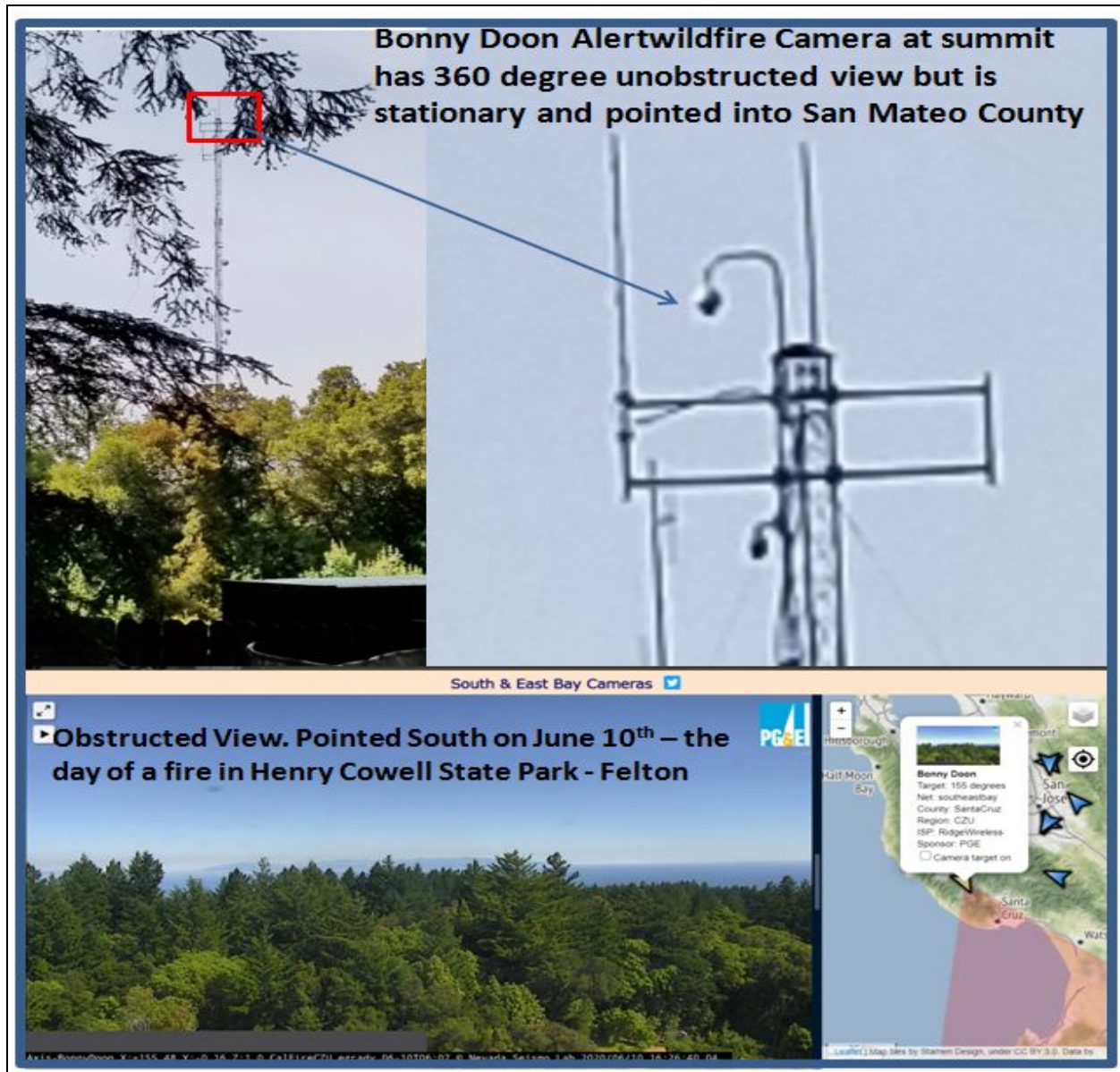


Figure 8. Bonny Doon ALERTWildfire Camera<sup>[125]</sup>



### *A Special Risk: The Eucalyptus Groves of Santa Cruz*

One of the fire risks in the City of Santa Cruz shared with the Oakland Hills is the presence of Blue Gum Eucalyptus groves. The bark that sheds from these trees contains highly flammable oils, and in the presence of ignition sources such as warming fires the bark becomes a threat worthy of special attention. Warming fires are tolerated within the City as long as they conform to regulated size, and are not within twenty five feet of flammable material.<sup>[126]</sup> The Grand Jury learned through our investigation that the policy of law enforcement is not to ticket violators. With this risk in mind, the Grand Jury wanted to better understand the size and location of these groves and their proximity to fire stations and learn what the City is doing to manage the risk.

Figure 10 (next page) identifies the sizable groves, their location relative to fire stations, an example of proximity to multi-family residences, and a line of sight perspective from the County's emergency communications platform located in the midst of one of the more substantial eucalyptus groves in DeLaveaga Park. At least one and sometimes two fire stations are within 1 mile of these groves. Figure 10 also provides a conceptual surveillance perspective, should the County or City consider the installation of an ALERTWildfire Camera on the County's existing communications platform located inside DeLaveaga Park. Figure 9 below provides an example of the surveillance image of the Santa Clara Valley using a camera with a good perspective view.

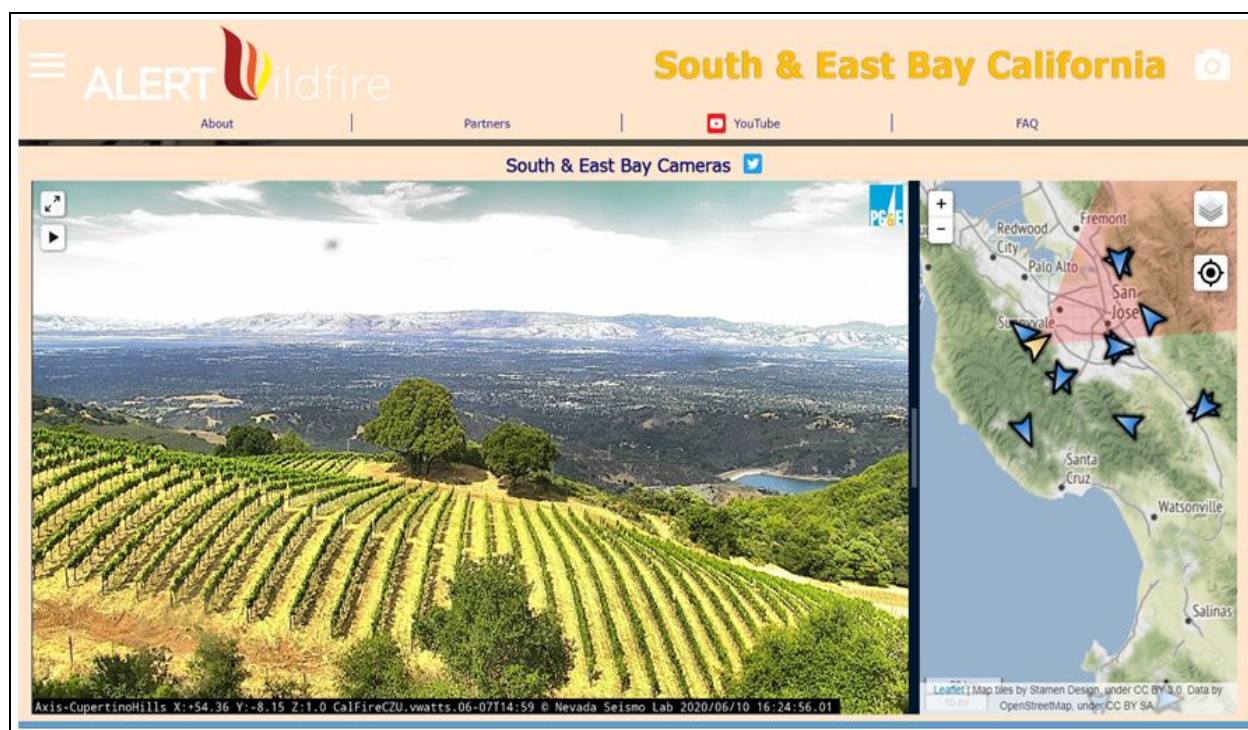


Figure 9. ALERTWildfire Surveillance Image of Santa Clara Valley - June 10, 2020<sup>[127]</sup>

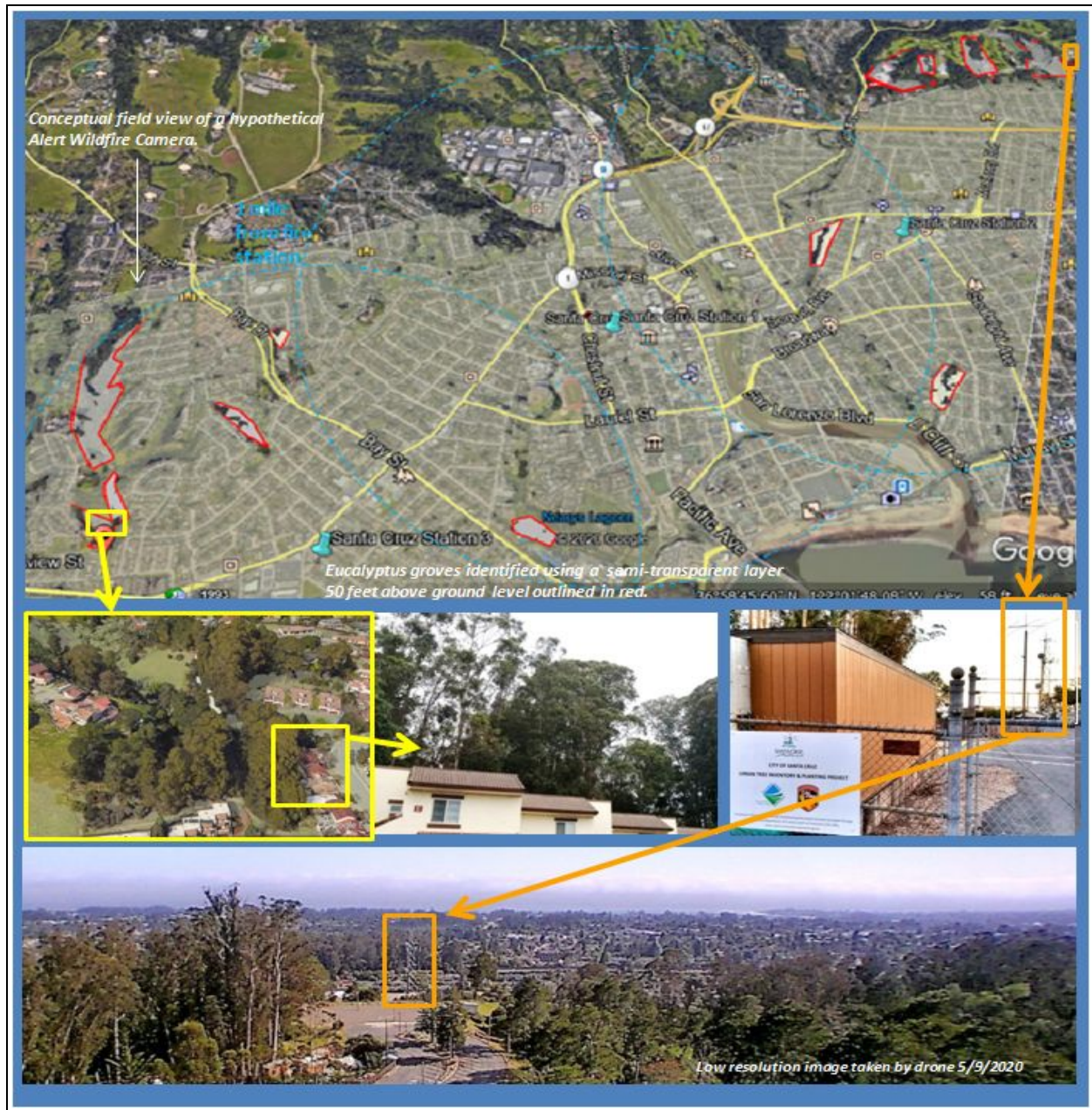


Figure 10. **Conceptual City of Santa Cruz High Risk Fire Zone Surveillance**<sup>[128]</sup>

In 2018 the City of Santa Cruz applied for a grant to help fund fuel abatement in DeLaveaga Park. It received that grant, and with the help of CAL FIRE, performed significant fuel abatement.<sup>[129]</sup> According to the Santa Cruz City Parks and Recreation Department and administration at the City Fire Department, recent abatement activities have also taken place in other groves, such as those located in Arroyo Seco (pictured above) and Pogonip. In addition, native trees have also been planted as noted by the sign at the 911 center (located between the 17th green and the 18th tee of the DeLaveaga Golf Course )referencing the Urban Tree Inventory and Planting Project funded by the California Department of Forestry and Fire Protection.<sup>[130]</sup> The Grand Jury saw evidence of that work at DeLaveaga Park.

### Emergency Response

*Emergency response includes any systematic response to an unexpected or dangerous occurrence. The goal of an emergency response procedure is to mitigate the impact of the event on people and the environment.*<sup>[131]</sup>

#### Emergency Response Calls

We tend to think of fire departments as primarily responding to fires. However, fire departments are called upon for a variety of reasons, including fire, medical, traffic, and hazard emergencies, not to mention false alarms. In the past 40 years, the composition of emergency responses has changed significantly. Figure 11 below depicts these changes nationwide.<sup>[132]</sup>

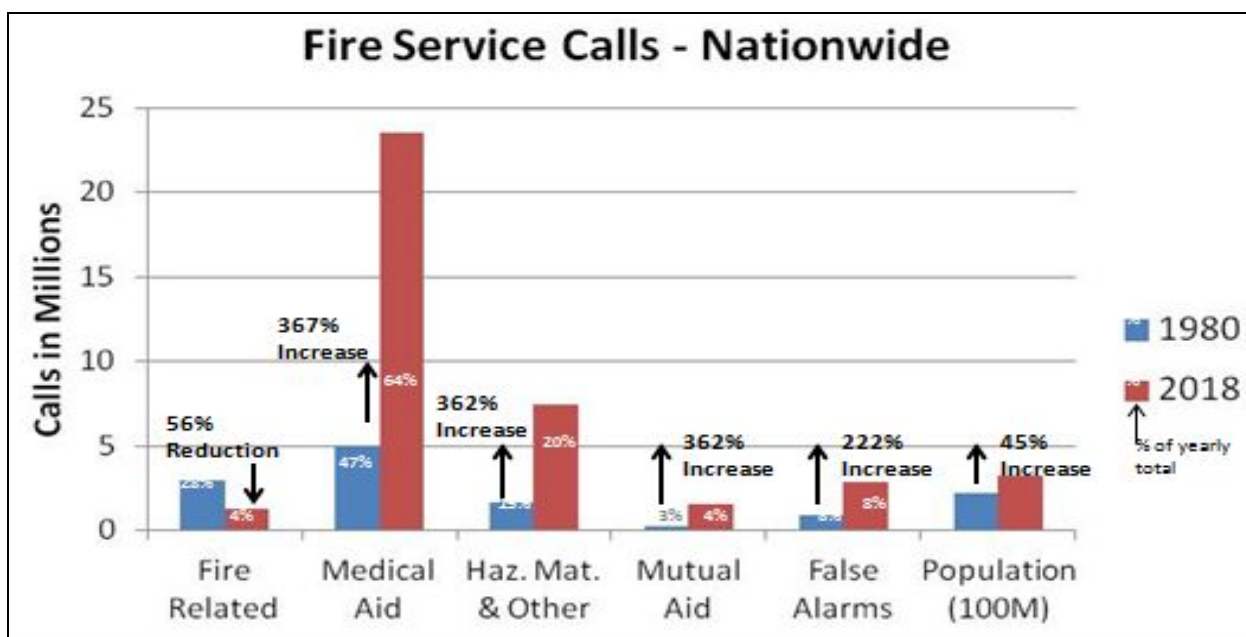


Figure 11. **The Change in Emergency Response for the Nation’s Fire Depts**<sup>[133]</sup>

As shown in Figure 11, between 1980 and 2018, fire related calls have been reduced 56% even as the population increased over 45%. Improved technology, building materials, and building codes clearly have had a favorable impact. This same period also saw explosive growth in wireless communication, which may have contributed to the 367% increase in medical aid calls. As a result, fire related and medical related calls that were once relatively similar at 28% and 47% of all calls respectively, diverged enormously and are now 4% and 64%. In other words, medical calls that once outnumbered fire calls close to 2 to 1 now outnumber fire calls 16 to 1, nationwide. Medical incidents are now by far the number one type of emergency service requested from today’s fire departments.

Similar changes have occurred during this same period in Santa Cruz County. Figure 12 shows call types for County Fire serving the 24,000 residents of CSAs 48 and 4, a city

fire department (Santa Cruz, serving approximately 70,000 city residents and UCSC students), and a fire protection district (Central, serving 56,000 residents that includes Live Oak, Capitola, and Soquel). The distribution of call types can be seen in Figure 12.

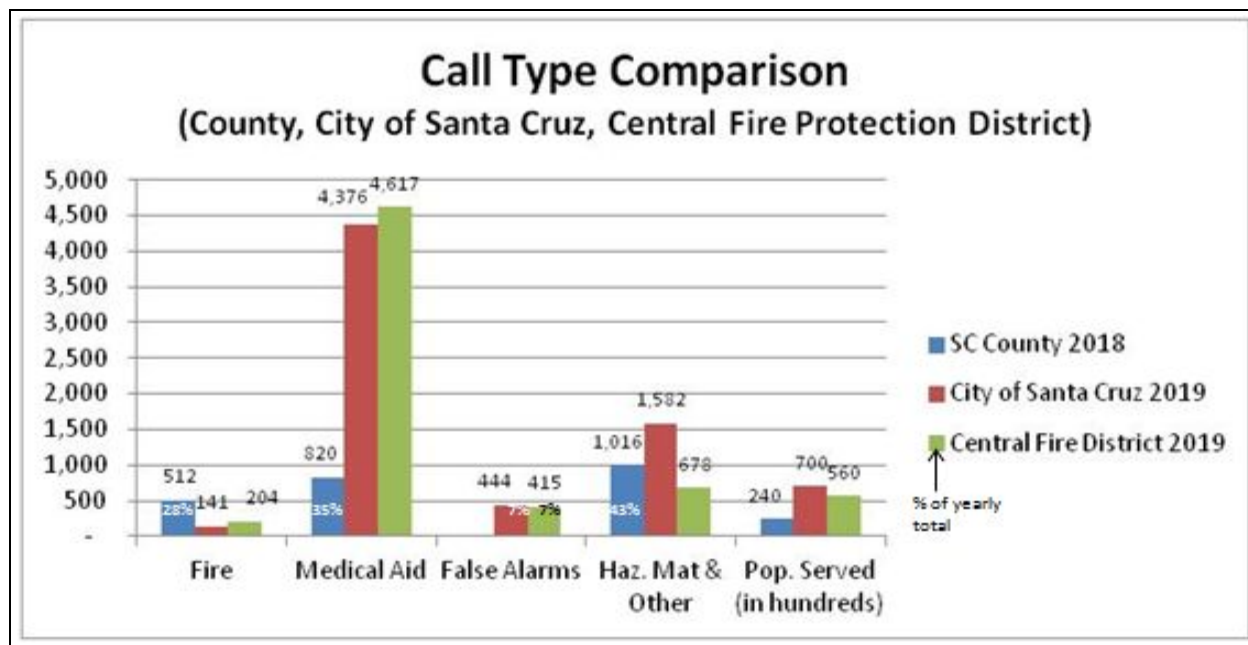


Figure 12. **Emergency Service Call Types - Santa Cruz County** [\[134\]](#) [\[135\]](#) [\[136\]](#)

The data in Figure 12 shows the relative ratio of fire calls to medical calls is very different between the rural responsibility area of County Fire (8 to 5) compared to the more urban areas of the City of Santa Cruz (31 to 1) and Central Fire (23 to 1). Also worth noting is that the false alarm calls of Santa Cruz and Central (7%) are very much in alignment with the false alarms nationwide (8%).

### *Emergency Medical Response Service*

Given the high need for medical emergency response, it is clear fire departments must be concerned with possessing the required skills and capacity to meet the various emergency response requirements, especially that of medical in more urban communities.

That is the case with fire protection in the County. The fire departments and districts in the County provide either Advanced Life Support (ALS) or Basic Life Support (BLS). [\[137\]](#) [\[138\]](#)

The ALS vehicle has a paramedic on board, along with an Emergency Medical Technician (EMT). The vehicle is equipped with airway support equipment, cardiac life support, cardiac monitors as well as a glucose-testing device. The ALS vehicle also carries medications onboard. The patients in an ALS vehicle can receive a higher level of medical monitoring which may include a continuous IV drip, chronic ventilator, or cardiac monitoring. [\[139\]](#) [\[140\]](#)

The paramedics and EMTs who staff the ALS vehicle have a higher level of training than those who operate the BLS vehicles. Due to their advanced training, ALS personnel are allowed to start IVs, administer medications, and give injections to help stabilize the patient on the way to a nearby trauma center.<sup>[141]</sup><sup>[142]</sup>

Emergency Medical Technicians staff BLS vehicles which are designed for patients who have lower extremity fractures, patients transferred to sub-acute care facilities or who are discharged to home care, psychiatric patients, and other non-emergency medical transportation. EMTs that staff BLS vehicles are not allowed to perform any procedures that break the skin of patients, which includes giving injections, administering medications, starting an IV, or any necessary medical process, including cardiac monitoring.<sup>[143]</sup><sup>[144]</sup>

County Fire only provides BLS emergency medical services to the 24,000 residents of CSAs 4 and 48.<sup>[145]</sup><sup>[146]</sup> The other quarter million residents of the County, served by the fire districts or city fire departments, receive ALS emergency services. These agencies are able to provide ALS by ensuring that enough of their firefighters are trained as paramedics and have apparatus properly equipped for ALS services.

According to CAL FIRE, it is estimated that providing year round ALS support to the 24,000 residents currently receiving BLS support, would cost roughly \$10 to \$11 million per year, excluding operational costs.<sup>[147]</sup> Given this amount is roughly equal to the size of the entire current County Fire budget,<sup>[148]</sup> the County would have to double its fire budget in order for residents in CAL FIRE's jurisdiction to obtain the same level of emergency response services as residents in urban areas in the County. As a point of comparison, the Scotts Valley Fire District, with \$6.5 million<sup>[149]</sup> in total expenditures during its 2016-2017 fiscal year, and with its 19 licensed and accredited paramedics, provided ALS medical service to its 20,000 residents residing within its 24 square miles of responsibility.<sup>[150]</sup>

### *Two in and Two Out*

The Grand Jury identified issues with regard to staffing capacity. The federal mandate regarding fire response is "two in, two out," meaning there must be two firefighters on the outside of a structure in case the two going into the structure are in need of rescuing.<sup>[151]</sup> This requirement is met in CSAs 48 and 4 during the fire season by CAL FIRE and their stations. This requirement is not being met by Santa Cruz County Fire during the non-fire season.<sup>[152]</sup>

In December 2019, the County presented Proposition 218 to the voters in CSA 48, recommending an increase in taxes to pay for additional firefighters.<sup>[153]</sup> The proposition was passed by the voters in January 2020,<sup>[154]</sup> and should result in reduced delay times for firefighters entering a structure. When these extra personnel are hired, the fire response best practices standard "two in, two out" should be satisfied. However, medical training at a BLS level may still be insufficient to save lives, especially in areas where transportation time is long.

### *Local Response Time Performance*

Probably the most critical standard to measure effectiveness of fire emergency response is **response time**:

*Response time is an important aspect of emergency response. This refers to how long it takes emergency responders to arrive at the scene of an emergency after the emergency response system has been activated. A long response time can result in increased and permanent damage, a higher likelihood of fatalities, and greater distress to those involved. **As such, response time is often used as a proxy for the effectiveness of an emergency response program.**(emphasis added)<sup>[155]</sup>*

Response time goals are set by local authorities. The starting baseline is based upon the National Fire Protection Agency (NFPA) standards discussed later. Through studies or planning efforts the authority may adjust these actual goals based upon the specific needs and capabilities of the particular fire jurisdiction.

National best practices dictates the response time target should be six minutes 90% of the time for all emergency calls. “Brain death can occur in six minutes or less in cardiac arrest incidents, and a house fire can create untenable conditions in a home within the same timeframe.”<sup>[156]</sup> Therefore, it is critically important to measure and minimize response times.

Response times are where the rubber meets the road. However, this critical data is very hard to find. Few fire agencies in the County publish response data either in current form or past where trends in performance can be reviewed. Nor do they publish their target response time.

The review and analysis of available response data resulted in more questions than answers. The Grand Jury found a large disparity in response times between County Fire and the more urban districts. There were differences between agencies and within agencies themselves based on year or location, with no explanation as to why. This prompted the question: what should the response time be? What are the standards? What are other counties performing to?

As an example, the response time for fire related calls for County Fire in 2017 and 2018 was a little over 37 minutes and 35 minutes respectively yet in 2015, 2016, and 2019 it was between 25 and 26 minutes.<sup>[157]</sup> A ten minute difference in response to a fire can be significant. Average medical response time for County Fire is between 13 and 14 minutes which is 10 to 20 minutes faster than a fire response.<sup>[158]</sup> Fire Districts’ average response times for structure fires in 2017 were between a low of five minutes for Branciforte to a high of nearly 13 minutes for Zayante.<sup>[159]</sup> In the sections that follow, this report will address in detail what the Grand Jury learned with respect to standards and their relevance to local response time performance.

Figure 13 below from the 2017 Santa Cruz Regional 9-1-1 Annual Report<sup>[160]</sup> depicts the average total response times for structure fire for the agencies they serve. For urban/suburban fire agencies (Aptos/La Selva, Central, Santa Cruz, Scotts Valley, and

Watsonville) only Aptos/La Selva and Scotts Valley are slightly outside of compliance. For rural agencies (Boulder Creek, Ben Lomond, Felton, Zayante, and Branciforte), only Zayante response times are outside of compliance. This data is not reported in the 2018 or 2019 9-1-1 annual reports. <sup>[161]</sup> <sup>[162]</sup>

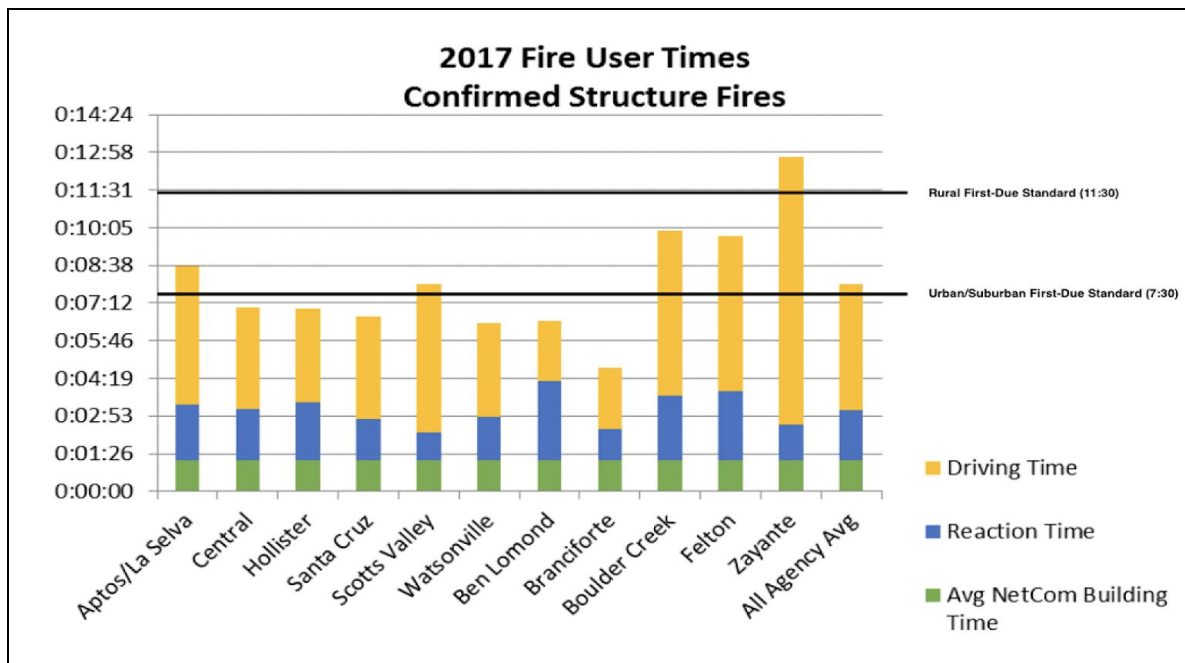


Figure 13. Fire Agency Response Times For Structure Fires <sup>[163]</sup>

With regard to Figure 13:

- The First-Due Total Response Time Standards for Urban/Suburban and Rural Localities were overlaid on top of the 9-1-1 Annual Report Figure. <sup>[164]</sup>
- The Grand Jury is unclear whether the reported times are “first-due” or an average for every responding unit. *First-Due Total Response Time* is the time it takes for the first units to arrive at a scene of an emergency.

“First-due” is a critically important performance indicator as first-due units can mitigate the extent of loss of life and property. In this case, even if the times in Figure 13 are the less stringent average of all responding units, as discussed in further detail below, it is clear the districts are better or close to compliance to the first-due standards recommended by Citygate. Citygate is a large company that specializes in providing Fire and Emergency Medical Service consulting, analysis, and studies to fire agencies across the Western United States. <sup>[165]</sup>

The Grand Jury received a report for all fire incident types in CSA 48 for 2015-2019, with total response times listed for each resource that was dispatched for the incident. To support comparison with the data above, the Grand Jury restricted incident types to exclude wildland fires, and events not associated with structural fires. Finally, only the fastest response time for each incident, assuming it aligned to “first-due” response was

used. For 2017, the average first-due, total response time in CSA 48 was 16:33.<sup>[166]</sup> This exceeds the National Fire Protection Agency (NFPA) 1720 standard of 14:00 for rural areas.<sup>[167]</sup>

Additional information from a “frequently asked questions” on CSA 48, written to support Proposition 218, stated the following, “The average 9-1-1 response time for Santa Cruz County Fire - CSA 48 area is approximately 10 minutes.”<sup>[168]</sup> This response time does not align with the 2017 data reported above or the more current 2019 Computer Aided Dispatch (CAD) data discussed below.

In 2017, two efforts to set response times for Aptos/La Selva and Central Fire Districts produced the same goals for their responding units: “*first-due units should arrive within 7:30 minutes from 9-1-1 notification, and ERF resources should arrive within 11:30 minutes of 9-1-1 notification, all at 90 percent or better reliability.*”<sup>[169]</sup> <sup>[170]</sup> Figure 14 reflects the latest first-due response times for the Aptos/LaSelva Fire District using the most recent data the Grand Jury could locate (2016). It shows that 2016 first-due response performance was slower than this goal by nearly three minutes (35%).

Incident Location	2016
District-Wide	10:27
Station 1	9:54
Station 2	10:27
Station 3	11:59

Source: Aptos/La Selva FPD incident records; SCR911 CAD records

Figure 14. **Aptos/LaSelva Fire District First-Due Response Times – 2016**<sup>[171]</sup>

Based upon this performance, Citygate provided the following assessment for improvement:<sup>[172]</sup>

*Numerous factors influence the District’s first-due response performance, including large fire station first-due response areas, longer-than-expected dispatch center call processing and crew turnout time performance, and slower travel times due to the District’s topography, road network, and daily traffic congestion.*

*Citygate recommends the following to improve first-due response performance:*

- *Collaborate with Santa Cruz Regional 9-1-1 to improve call processing performance more in alignment with industry-recognized best practice standards while maintaining dispatch accuracy.*



- *Work to improve 90th percentile turnout time performance to meet a recommended target of 2:00 minutes or less.*
- *As long-term funding permits, consider dynamic deployment of one or more “fast response” units during peak traffic congestion and/or peak service demand periods. This option should not be considered until long-term fiscal planning identifies ongoing stable revenues sufficient to support this cost in addition to the other fiscal recommendations identified above.*
- *As capital funding permits, consider relocation of Fire Station 3 closer to Highway 1 in the vicinity of San Andreas Road and Seascape Boulevard.*

Fast response units referenced above are defined as: smaller (1- to 1/2-ton or less) apparatus with Emergency Medical Services (EMS) and minimal firefighting service capabilities.<sup>[173]</sup>

The Grand Jury did not attempt to verify progress with regard to Citygate’s recommendations.

For the Central Fire Protection District, the call to first arrival response performance **over the preceding three years** (2014-2016) is significantly slower than the Citygate 7:30 minute goal by 33% (2:31 minutes).<sup>[174]</sup>

Zone	Response Time
District-Wide	10:01
Station 1	9:43
Station 2	9:58
Station 3	11:47
Station 4	9:40

Figure 15. **Central Fire Protection District First-Due Response Times – 2016**<sup>[175]</sup>

In review of this data, Citygate provided the following recommendations<sup>[176]</sup> to improve first-due response performance:

- *Collaborate with Santa Cruz Regional 9-1-1 to improve call processing performance to achieve better alignment with industry-recognized best practice standards while maintaining dispatch accuracy.*
- *Work to improve 90th percentile turnout time performance to meet a recommended goal of 2:00 minutes or less.*

- *As capital planning and funding permit, consider relocating Fire Stations 3 and 4 to sites outside of a designated flood zone that, to the extent possible, enhance first-due travel time coverage for their higher population and building density response areas.*

The Grand Jury finds that the most important measure of fire service effectiveness, first-due total response time, is not clearly and consistently documented for public review. According to NFPA standards, this should be documented annually through a standard reporting method. Although average response times are often available in annual reports, it is not clear how they are being calculated and against what standard of performance they are being assessed.

The response time data from Central Fire District is shown in Figure 16 below. There are two important questions that would help with critical examination of this data: 1) How do the results compare against specified targets or best performance standards; 2) Why is Soquel consistently slower than the other stations, and what is the relevance of these differences?. The source report provided no such explanation.

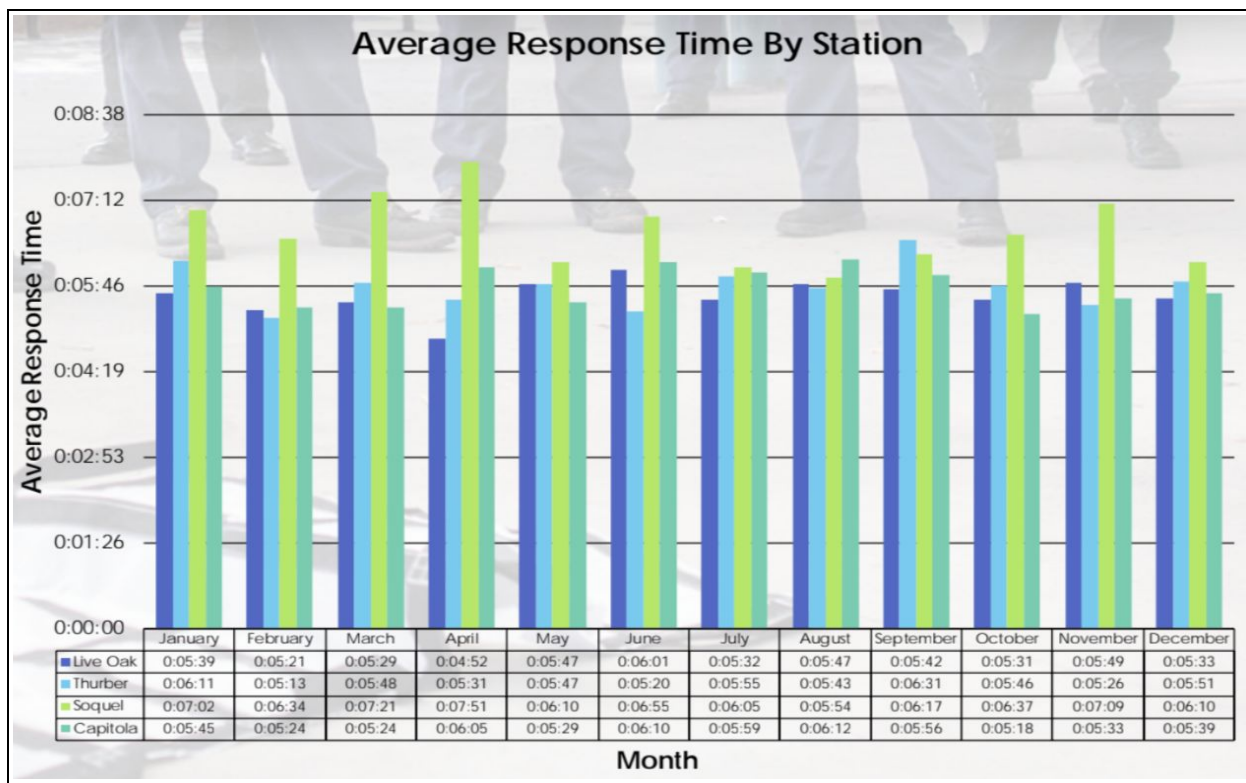


Figure 16. **Central Fire District Response Times, 2019**<sup>[177]</sup>

To further illuminate the differences between rural and urban response times, the Grand Jury requested and received response time data from CAL FIRE, a distinctly more rural service area than that serviced by Central Fire. Table 4 provides CAL FIRE’s response times in County rural areas for fire emergencies. Explanations of response time causal factors were not provided to the Grand Jury, nor could explanations be found in the public domain. As can be seen by comparing data in Figure 16 with Table 4, the

response times in the more urban areas, such as those covered by the more urban Central Fire, are within the target response time of less than 6 minutes 90% of the time, while rural areas are a challenge for the delivery of consistent response times.

**Table 4. County Fire Average Response Times to Fire calls**

Year	Number of Incidents	Average Response Time	Percent of Response Times under 5 Minutes	Percent of Response Times under 10 Minutes
2019	310	00:25:18	23.83%	41.45%
2018	332	00:35:39	23.94%	38.83%
2017	318	00:37:34	22.07%	38.50%
2016	321	00:26:03	20.57%	42.58%
2015	296	00:25:06	20.69%	43.35%

Source: Santa Cruz CAL FIRE<sup>[178]</sup>

Countywide EMS Service is provided through a combination of fire agency first responders (with ALS Capability) and through a contract administered by the Santa Cruz County Health Services Agency with American Medical Response, West (AMRW).<sup>[179]</sup>

*To ensure contract response performance compliance, AMRW has partnered with the Emergency Medical Services Integration Authority (EMSIA), a Joint Powers Authority consisting of 11 Santa Cruz County fire agencies providing ALS first-responder services pursuant to a Prehospital Emergency Medical Services Agreement with AMRW. Under this agreement, the fire agencies provide certain ALS services within their respective service areas, thus enabling AMRW to provide emergency medical and transport services under the County contract with modified (longer) response time requirements, as shown in the table below.*

Population Density <sup>1</sup>	ALS First Responder	ALS Ambulance
Urban	8:00 minutes or less @ 90%	12:00 minutes or less @ 90%
Suburban	12:00 minutes or less @ 90%	18:00 minutes or less @ 90%
Rural	20:00 minutes or less @ 90%	30:00 minutes or less @ 90%

<sup>1</sup> Urban density: 101–500 per square mile; suburban density: 51–100 per square mile; rural density: 5–50 per square mile  
Source: Santa Cruz County Emergency Ambulance Agreement

**Figure 17. Santa Cruz Countywide EMS Response Standards**<sup>[180]</sup>

In reviewing available data and documentation for Santa Cruz County Fire (CSA 48), actual performance measures shown in Table 5 were uncovered for average total response time for EMS incidents. For instance, as shown in Table 5 below, CAD reports

reflect that over 629 EMS incidents in 2019 where CAL FIRE responded had an average response time of 13:44. This is significantly under the 20:00 standard for rural locations, but above the 12:00 for suburban locations shown above. The Grand Jury was not able to determine how to differentiate suburban incidents from rural incidents in the data provided.

**Table 5. County Fire Average Response Time to Medical Calls**

Year	Number of Incidents	Average Response Time	Percent of Response Times under 5 Minutes	Percent of Response Times under 10 Minutes
2019	629	00:13:44	21.25%	49.72%
2018	677	00:13:50	18.43%	49.55%
2017	689	00:14:06	21.40%	50.51%
2016	699	00:13:47	25.33%	50.83%
2015	657	00:13:38	27.67%	56.22%

Source: Santa Cruz County Fire<sup>[181]</sup>

### *Response Time Best Practices*

It is clear that the risks and associated level of service requirements for fire departments may vary over time and will definitely vary across jurisdictions. This raises the question of whether there are well-defined levels of service targets for emergency response for each of our fire agencies. In addition, if there are, are they being monitored for compliance? The Grand Jury was unable to locate any targets published by County fire agencies to help us make this assessment. We searched to find an authoritative framework of best practices, consensus or mandated standards of performance, and assessment processes and roles. The search led to the following:

- Codes and Standards: National Fire Protection Association (NFPA)<sup>[182]</sup>
- Best Practices, Assessment Processes & Roles: Center for Public Safety Excellence (CPSE)<sup>[183]</sup> and the Commission on Fire Accreditation International (CFAI)<sup>[184]</sup>

NFPA standards represent the consensus of international fire officials for performance of fire agencies with regard to equipment, deployment tasks and staffing, and response times for various types of risk. These are not mandatory, but are used by the Authority Having Jurisdiction (AHJ) to establish performance statements for a fire agency. The AHJ is “an organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.”<sup>[185]</sup> In fact, the Grand Jury discovered the following: there are no mandatory federal or state regulations directing the level of fire service staffing, response times, or outcomes. Thus, the level of fire protection services provided are a local policy decision:<sup>[186]</sup>

The CPSE and CFAI provide a standard process to assess and potentially accredit fire agencies. The Grand Jury is not concerned with the issue of accreditation in this report, and therefore focused on the part of the process that produces **performance statements** for fire agency services, Assessment and Planning. These performance statements are important to inform the public and assure accountability to the respective governing boards.

Performance Statements are described by the CPSE below:<sup>[187]</sup>

*Performance statements are used to illustrate what your department is delivering with its existing resources. The performance statement brings together elements found in the Community Risk Assessment and their analysis, to tell your residents and policy-makers the type, depth and scope of services they receive. By showing the current performance (baseline) versus the target (benchmark) times, the reader can understand the difference or “GAP” between the two measures.*

*The establishment of the baseline and benchmark measures is a combination of the technical knowledge of the department staff and the political judgement of the AHJ. It is important that these measures, once established, be communicated in a transparent manner to the residents protected by the fire department. ... This analysis requires the department to set aside its current practices and carefully examine what is needed based on the identified level of risk associated with a particular incident or structure type.*

*The performance statement can be a powerful tool to easily communicate current performance to its external stakeholders. It also tracks a department’s efforts to narrow the GAP between what it is doing today vs the adopted performance target.*

These performance statements are part of a specification referred to as Standard of Response Coverage (SORC), a.k.a. Standard of Coverage (SOC) that should be published in fire agency master plans and annual reports. A SORC or SOC is about **matching resources to risk** and is described by the NFPA as:<sup>[188]</sup>

*Following a community hazard/risk assessment, fire service leaders prepare a plan for timely and sufficient coverage of all hazards and the adverse risk events that occur. This plan is often referred to as a Standard of Response Coverage... those written policies and procedures that establish the distribution and concentration of fixed and mobile resources of an organization.*

#### *Establishing A Performance Baseline*

[Appendix C](#) contains a sample of a baseline performance statement and its matching target performance statement for an imaginary fire agency. Each statement contains a

performance standard for initial response (a.k.a. first-due) capabilities and Emergency Response Force (ERF or First- Alarm) capabilities.

The Grand Jury believes it is critically important that performance statements are established, regularly measured and reviewed, and easily available to the general public. NFPA standards specify service performance be evaluated annually. Evaluation requirements can be found in [Appendix D](#).

Given the importance of this national standard, the Grand Jury searched for annual reports and master plans for available performance statements for each fire jurisdiction in Santa Cruz County, and found:

- County of Santa Cruz/CAL FIRE (Combined, Rural) - No formal performance statements found
- City of Santa Cruz (Career, Urban/Suburban) - No performance statements found
- City of Watsonville (Career, Urban/Suburban) - No performance statements found
- Scotts Valley (Career, Urban/Suburban/Rural) - Limited performance statements found in Standard Operating Procedures (SOPs)
- Branciforte (Volunteer) - No performance statements found
- Pajaro Valley (Career, Rural) - No performance statements found; emergency services provided by Watsonville Fire Department by contract
- Central (Career, Suburban/Rural) - Informal response time goals found, but no performance statements aligned to risk zones and services; Central Fire Protection District of Santa Cruz County Standards of Coverage and Management/Administrative Assessment<sup>[189]</sup>
- Aptos/LaSelva (Career, Suburban/Rural) - Performance statements found; Aptos/La Selva Fire Protection District Emergency Services Master Plan<sup>[190]</sup>
- Ben Lomond (Volunteer, Suburban/Rural) - No performance statements found
- Boulder Creek (Volunteer, Suburban/Rural) - No performance statements found
- Zayante (Volunteer, Suburban/Rural) - Provides performance goals in their fire policy manual

The Grand Jury finds that without formally specified baseline and target performance statements, it is difficult to align stakeholders around the level of fire services that is an optimal balance of what the community desires and what it can afford. These statements do not currently exist or are not externally communicated as required by best practice standards.

As stated above, probably the most critical measure to assess effectiveness of fire emergency response is **response time**. The way response time is measured and reported can vary across fire agencies. This can make it difficult to compare performance across reporting jurisdictions. However, establishing explicit performance statements that includes performance time gaps and clearly defines what part of the response time spectrum is being considered can address this issue. NFPA standards define a sequence of response time events that must be measured.<sup>[191]</sup> (See [Appendix E](#).)

NFPA also defines standards of performance for each event in the sequence. There are different standards for career fire departments (NFPA 1710), typically in urban and suburban areas (see [Appendix F](#)), and volunteer fire departments (NFPA 1720), typically in rural settings.<sup>[192] [193]</sup> These standards are set based upon technical understanding of the time based progression of fire and medical incidents and the potential damage that can be caused if the incident is not mitigated within that time frame.

For emergency medical services, the NFPA **travel time** standards are:<sup>[194]</sup>

- 4 minutes or less for the arrival of a unit with a first responder and an Automatic External Defibrillator (AED). (NOTE: this is the same travel time requirement as for fire suppression incidents.)
- 8 minutes or less for the arrival of an Advanced Life Support (ALS) unit, where this service is offered by the fire department; assumes that the AED or Basic Life Support (BLS) units have already arrived in the 4 minute period.

NFPA does not provide response time standards for wildland fires except for the specification that the crew should be able to initiate direct attack operations within ten minutes of arrival.<sup>[195]</sup> (NFPA 1720 extends these response time specifications for volunteer and cooperating fire agencies.<sup>[196]</sup>)

Based upon these NFPA standards, a starting point for the Authority Having Jurisdiction (AHJ) considerations for *total response time of career fire departments is*: first-due units should arrive within 6:39 minutes from 9-1-1 notification, and ERF resources should arrive within 10:39 minutes (low/medium hazard) of 9-1-1 notification, all at ninety percent or better reliability (for structural fires).<sup>[197]</sup>

After reviewing additional documentation, the Grand Jury noted the following caveat with regard to response time standards:<sup>[198]</sup>

*In Citygate’s experience, very few fire agencies can meet this response performance standard, primarily due to existing resource distribution and the costs associated with re-locating those resources. Citygate therefore recommends that its **urban/suburban client agencies consider a first-due performance measure of 7:30 minutes or less from fire dispatch notification, 90 percent of the time, and a performance measure of 11:30 minutes or less for arrival of the last ERF resource. For rural agencies, Citygate recommends a first-due performance measure of 11:30 minutes or less and an ERF performance measure of 15:30 or less (emphasis added).***

Citygate also clarifies the importance of specification and measurement of a first-due response goal for fire suppression and EMS services with a reminder that crews should arrive before brain death occurs or a fire spreads beyond the room of origin, which means arriving within a seven to eight minutes total response time.<sup>[199]</sup>

Restating, meaningful assessment of emergency response must be done using a *first-due total response time* goal, “...**that is within a range to give the situation hope for a positive outcome...**”<sup>[200]</sup> Following the recommendations of Citygate, actual

first-due performance measures for both fire suppression and EMS incidents should be compared to the following standards:

- **For urban/suburban client agencies, first-due performance measure of 7:30 minutes or less from fire dispatch notification, 90 percent of the time**
- **For rural client agencies, first-due performance measure of 11:30 minutes or less**

As indicated earlier, the Grand Jury attempted to find and acquire the most current response time performance data from fire departments in the County; this proved to be difficult. Response time data is provided from a variety of sources, depending on the year and the reporting district: 911 Annual Reports, Fire Agency Annual Reports or Fire Service Studies, LAFCO Municipal Service Reviews, and Computer Aided Dispatch (CAD) Reports. Oftentimes, it was not possible to find the appropriate documents on agency websites.

Another challenge was the lack of clarity and/or consistency in the definition of the actual metric being reported. The range of metrics obtained included: average total response time across all incidents, average total response time by incident type, travel time, turnout time, and alarm time. Except in the case of the Santa Cruz County CSA 48 CAD reports<sup>[201]</sup> where the Grand Jury could not find definitive sources for performance as measured by first-due total response time, the most important measure of effective response.

### **Alerts and Evacuation**

It is no surprise to any Santa Cruz County resident that traffic choke points and bottlenecks exist along primary traffic corridors and in the roads and streets intersecting them. How does ease of access into and out of communities in our County compare with those in other areas? STREETLIGHT Data Corporation, a “big data” leader in transportation analytics analyzed 30,000 communities with a population under 40,000 and identified 800 of them with unusually high evacuation risk based on traffic characteristics.<sup>[202]</sup> Lompico, the 1,137 resident community adjacent to Loch Lomond Reservoir, and shown on the map below, has an unusually high evacuation risk.

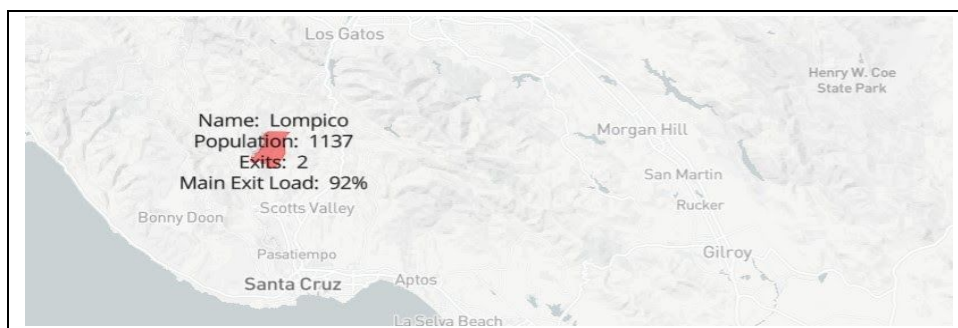


Figure 18. High Risk Evacuation Community Evacuation Map<sup>[203]</sup>



In June 2009, the Butte County Civil Grand Jury published a report entitled "Wildfire and Safety Considerations." That report stated:

*With 60,000 acres burned and 200 homes lost, the wildfires in the foothills of Butte County during the summer of 2008 were the most severe in recent history. Three of four major evacuation routes south from Paradise were closed due to heavy smoke and fire. The fourth evacuation route was jammed with single-lane traffic, making the (seven mile) trip from Paradise to Highway 70 nearly three hours long. ...It is imperative that safety considerations be adequately addressed in the referenced 2030 General Plan" (under development).*<sup>[204]</sup>

Ten years later, in June 2019, shortly after the most devastating California fire in the last century, the Butte County Civil Grand Jury wrote:

*Several recommendations of the 2008-2009 Grand Jury were completed prior to the November 8th wildfire. These included the clearing of vegetation along the Skyway ...the paving of Forest Highway 171, and the drafting of detailed community emergency action plans. These changes saved lives. The main evacuation routes in High Fire Hazard Severity Zones within our county must also receive vegetation clearing. This will allow the best possible chance of safely evacuating residents during future fire events. Rapid evacuation of large populations can easily be halted by downed utility lines and poles, trees and debris, and disabled vehicles. Residents' chances of survival can be greatly enhanced by increasing the number of temporary safe places for evacuating residents to gather when further evacuation becomes impossible. The use of just a few of these areas saved the lives of hundreds of trapped Camp Fire evacuees. Emergency planning must be expanded ...to prepare for the major influx of traffic. During recent evacuations, traffic reduced to a crawl once fleeing vehicles encountered traffic controls in adjoining cities.*<sup>[205]</sup>

For residents of Santa Cruz, the excerpt from the Butte County Grand Jury report above is well worth reading again. It contains profound, wise, and timely observations and recommendations that we ignore at our peril.

These reports clearly contain lessons deserving attention to be learned regarding evacuation risk.

There has been increased attention at the state level, with state auditors assessing county readiness associated with experience gained following the fires of Butte, Sonoma, and Ventura Counties. In 2019, the California State Auditor published report 2019-103 entitled "California Is Not Adequately Prepared to Protect Its Most Vulnerable Residents From Natural Disasters."<sup>[206]</sup> This report focused on an audit of the three counties that experienced large and destructive wildfires in 2017 and 2018 including Butte County, and concluded that best practices and those recommended by FEMA, had not been followed, and that all three counties were ill prepared. Focus was on the

county ability to protect their most vulnerable residents, but the findings could easily apply to those least vulnerable as well. No one is free from wildfire risk when it comes your way.

The State found that:

*...despite having access to technology that could reach all cell phones in their evacuation zones, Butte and Sonoma did not send alerts using that technology. Instead, both counties sent messages through notification systems that reached landlines and reached a person's cell phone only if that person had pre-registered to receive emergency alerts from the county.*<sup>[207]</sup>

There were no arrangements or plans in place for post emergency shelter such as transportation, equipment such as cots, amenities such as showers, and toilets for temporary shelters. Counties were without evacuation plans and could not issue effective alert and warning messages for all of their residents for whom they were responsible, not just those in locations difficult to access or those with disabilities who might require assistance.<sup>[208]</sup>

### **Alerts**

In the Midwest, when tornadoes are a threat, neighborhood sirens wail. In the 1960s, 70s, and 80s, emergency audio notifications were received with handheld transistor radios. Today, in 2020,, one depends on a small screen, on a charged mobile phone, with a network connection, a provider providing, available capacity, and advance registration to an alert system. That is not necessarily progress. Like Butte and Sonoma Counties that were found to be inadequately prepared cell phone alert notifications by the State Auditor, Santa Cruz County also depends on a system of advance registration. Agencies responsible for public safety do a great job of publicizing and publishing website links to the emergency notification system CodeRED™,<sup>[209]</sup> however technology for comprehensive alert notification is not being aggressively pursued. According to the County Office of Emergency Service, there are only a little over 17,000 registered accounts for the CodeRED™ emergency alert system.<sup>[210]</sup> The County has over a quarter million residents, therefore a large percentage of residents are not subscribed. The County could not provide the Grand Jury with a number of households with at least one CodeRED™ subscribed phone number associated with the household.

### **Alert Lessons Learned**

The Butte Grand Jury noted that:

*With the fire's rapid progress, many communication cables and cell towers were burning and became unusable, disrupting the CodeRED™ evacuation orders. The situation was further complicated with no electricity for TV, radio, or internet in the affected areas. The only notification systems left were emergency vehicle sirens and bull horns...word-of-mouth with families and neighbors...and immediate action.*<sup>[211]</sup>

Some cities in California have begun using hailing devices. Their device of preference is the Long Range Acoustic Device known as the LRAD, developed by the LRAD corporation (now re-branded as Genesys Inc.).<sup>[212]</sup>



Figure 19. LRAD Corporation's Long Range Acoustic Device<sup>[213]</sup>

LRADs have been effective tools in notifying residents of the need to evacuate. An LRAD can send auditory warning messages and warning tones over areas of up to 5.4 square miles.<sup>[214]</sup> The Cities of Laguna Beach, Newport Beach, Mill Valley and Menlo Park have all adopted LRAD systems to assist in alerting residents during a fire emergency.<sup>[215] [216] [217]</sup>

With the cost of an LRAD in the range of \$25,000, an LRAD system would be a high value tool in alerting residents in areas of Santa Cruz County.

### *Evacuation*

FEMA advises that if an official government source advises you to evacuate, do so immediately.<sup>[218]</sup> Only when there's a serious threat to public safety is a mandatory evacuation ordered. FEMA also advises you to obtain guidelines on how to evacuate your family and pets when time really matters. Residents must know what to do when a quick evacuation is necessary, and what to do if a little more time is available. Citizens need to learn and know possible evacuation routes. In some events, evacuating home, work, or school can lead to greater risk. In these situations, awareness of how and when to shelter-in-place should be well known and understood.<sup>[219]</sup>

The County Office of Emergency Services (OES), within the County Office of General Services, is responsible not only for administering the County Fire contract, but also for managing the County responses to emergencies, including those that require evacuation. The manager of the OES is also responsible for directing operations during an event that requires evacuation. The County OES does not publish evacuation routes or safe shelter sites before they are needed. This is a concern and this Grand Jury is not alone in this concern. After the 2018 Camp Fire, the 2019 Butte County Grand Jury

found the information from the Butte County Emergency Alert System did not provide timely information on evacuation locations, and information about evacuation routes was not reaching the public for whom it was intended.<sup>[220]</sup> The San Mateo County Grand Jury found that residents in only four communities, containing less than two percent of the San Mateo County population, received information about alternative emergency evacuation routes and shelter sites in advance of an actual emergency.<sup>[221]</sup> The Santa Cruz County OES' position on publishing evacuations routes in advance, or shelter locations, is that it produces more harm than good, since routes could change depending on conditions.

In 2019, KLD Engineering, PC, conducted a Wildfire Evacuation Time Estimate Study for PG&E.<sup>[222]</sup> The scope of the study was to model and analyze the evacuation of a cluster of seven communities in the San Lorenzo Valley between Santa Cruz and San Jose. The goal of the study was twofold: (1) to determine how long it would take to evacuate these communities (individually and as a whole); and (2) to provide a framework/methodology for other cities/communities in high fire risk areas to estimate how long it would take to evacuate.<sup>[223]</sup> The Grand Jury was unable to find any evidence that this study has been shared with the County to support emergency management, nor shared with residents of the County.

Interested in assessing road conditions associated with a San Lorenzo Valley evacuation, the Grand Jury made a site visit to one of the San Lorenzo evacuation routes, Alba Road. Alba Road is a designated evacuation route in the event Highway 9 is blocked. It is about four miles long and is one of the few roads that connect Highway 9 to Empire Grade. Its entry point on Highway 9 is pictured in Figure 20 below.<sup>[224]</sup>



Figure 20. San Lorenzo Valley Evacuation Route - Alba Road<sup>[225]</sup>

In its current state, the Grand Jury concludes that Alba Road is not adequate to be used as an evacuation route. In some areas, it has a 10% grade.<sup>[226]</sup> In others, it is reduced to only a single narrow lane and is extremely curvy. The intersection with Highway 9 is poorly signed, has severe pot holes, and is clearly not a County priority. See Figure 21.



Figure 21. San Lorenzo Valley Evacuation Route - Alba Road conditions<sup>[227]</sup>

### Evacuation Experience From Butte County

After the 2018 Camp Fire of Paradise, the 2019 Butte County Grand Jury wrote:

*...fire was initially spreading at 4,600 acres an hour, eventually devouring 153,336 acres. The wind-driven embers ignited spot fires all over ...For many, survival meant finding immediate temporary shelter when evacuation became impossible. Examples included a church, gas station, market parking lot...*

*News reports have widely credited these temporary refuge areas as having saved many lives during the Camp Fire. This has prompted communities throughout Northern California to now demand that their local governments identify these possible areas within their own locales.*

*For those unable to leave, most deaths occurred in or near their residences. For many survivors, the frantic mass exodus was dangerous because of severe congestion and gridlock with so many cars, flames along the roadside, and not enough exit roads.*

*Before several of the latest fires, “Plan A” was always to evacuate. After much study by CAL FIRE experts and emergency personnel, Plan A is now “Be Prepared in Advance and Leave Early.”<sup>[228]</sup>*

## **Education**

An informed and engaged public with an understanding of the risk of wildfire, its impact on life and property, knowing how to protect themselves and respond appropriately is of paramount importance. In conjunction with first responders, an educated and engaged public can result in minimizing the loss of life and property.

An important responsibility of all fire agencies is the education of the communities they serve by way of available means of publication and public engagements. As part of this investigation, the Grand Jury reviewed websites, monitored news announcements, attended community meetings and presentations, and reviewed reports assessing education and community involvement for Santa Cruz and other counties.

### *So how are we doing?*

All agencies publish substantive educational material on their websites. Some are exemplary. Many, like the City of Santa Cruz, make education material available on their websites.<sup>[229]</sup>

Community programs and presentations are predominantly made by local fire agencies, but also occasionally by the County such as the, "California On Fire", lecture and discussion at the Rio Theater in 2019.<sup>[230]</sup> That well promoted event attracted over two hundred attendees. California was literally on fire at the time. Social media is used effectively to provide information and to announce events, as well as the traditional news media in both print and broadcast forms.

The biggest concern of the Grand Jury, with respect to education of the public, is not the willingness and ability of the agencies to transmit information. The biggest concern is with the public, acknowledging and acting on the information provided. Effective communication requires engaged participants on both sides. The need to connect and engage with the community should be major concerns of our fire and emergency response leadership.

In spite of the big turnout at the Rio Theater event cited above, low turnout at some public outreach events indicates part of the underlying lack of awareness by some members of the public. Indications of lack of public engagement is evidenced by the high level of vegetation surrounding many structures on private property, and the level of participation in opt-in alert systems. The Grand Jury commends fire agencies for their perseverance in reaching out to engage the attention of residents, but more results of public awareness and action are needed.

The largest challenge in educating the community about wildfire seems to be public apathy, possibly due to lack of experience. Many residents in Santa Cruz County have the attitude that "it won't happen here." This may stem from the fact that Santa Cruz County is located in a coastal area.<sup>[231]</sup> Fog, humidity levels, and the presence of redwood trees, which are somewhat fire resistant, lead residents to believe there is a reduced chance of wildfire damage. Nonetheless, not all of the local forests are composed of redwood trees, and historically significant fires have occurred in Santa Cruz County. Current residents have been fortunate that conditions of wind and

humidity prevailing during recent fires have been favorable enough to enable fire fighters to successfully contain and extinguish fires before they progressed from bad to horrific.

Given the long term nature of climate change and the increase of fire risk that comes with it, the education of our youth is as important as informing our adult population. Most fire agencies in the County have a variety of programs or initiatives to address this, such as school visits, ride alongs, children’s lesson books, and teen fire service education. Some agencies are stronger than others. None show any evidence of measuring or reporting the effectiveness of their educational outreach. Most efforts are passive in nature. That is, parents need to look for the material, and schools must reach out to the fire agency.

Every County emergency service agency website publishes active links to alert system registration, yet the Grand Jury learned that only roughly 17,000 residents out of over 270,000 in the County have registered for emergency alerts.

County fire agency wildfire preparedness materials are well done and resident education is attempted, but fails to sufficiently reach and motivate residents to act.

Timing for encouraging engagement in preparedness is everything, and education could be most effective when residents have a heightened sense of awareness of wildfires, such as in the summer and fall months of drought. A great time for public outreach could be just prior to a PG&E Public Service Power Shutdown.

### *Lessons from Marin County*

Marin County published their 2019 Grand Jury report on fire risk, from which numerous comparisons can be drawn to Santa Cruz County.<sup>[232]</sup> Marin stated they face unprecedented danger to life and property from wildfire. The Marin County Grand Jury reviewed the conditions that make their county vulnerable to wildfire, assessed plans currently in place in order to correct them, and recommended a new approach to meeting these challenges.

In analyzing the education of the public, the Marin County Grand Jury found the public’s ignorance of how to prepare for and respond to wildfires makes Marin County vulnerable. Their findings included:<sup>[233]</sup>

- Most people do not know how to make their homes fire resistant or create defensible space by cutting back vegetation.
- Many have failed to collect emergency supplies or plan for evacuations.
- Nearly 90% of Marin County’s residents had not signed up to receive emergency alerts.
- Programs to educate the public for wildfire are not well known and are offered infrequently. Marin County’s only organization assigned to educate the public about wildfires is understaffed.
- Regarding alerts, the two crucial emergency alert systems in Marin County have a flaw that restricts their reach. Both Alert Marin and Nixle, are opt-in systems, warning only those who have registered.

Marin County posed a bond issue in the recent election, which was passed with 69% of the vote. Their stated objectives included:<sup>[234]</sup>

- Improve emergency alert and fire warning systems.
- Improve evacuation routes and infrastructure for quicker and safer evacuations.
- Reduce hazardous vegetation and protect native species using environmentally-responsible practices.
- Expand defensible space and fire safety inspections.
- Protect roads, bridges, power and communication lines, schools, police and fire stations.
- Provide support for seniors, low-income homeowners and people with disabilities needing assistance keeping their homes fire resistant.
- Expand neighborhood wildfire safety and preparedness programs.

The Grand Jury asks: How can Santa Cruz County similarly fund fire risk mitigation and education? Would the citizens of Santa Cruz County also support a bond issue to fund objectives similar to those passed by the voters of Marin County?

### *FireWise*

Firewise USA® is a voluntary program that provides a framework to help neighbors get organized, find direction, and take action to increase the ignition resistance of their homes and community.<sup>[235]</sup>

The FireWise Institution provides helpful information; however, there are only eight registered FireWise communities in Santa Cruz County.<sup>[236]</sup> Four are located in urban areas around Santa Cruz (Western Dr., Highland/Hillcrest Terrace, Prospect Heights and Paradise Park), while four are in the WUI near the Santa Clara County line (Las Cumbres, Sunset Ridge Rd., Marty Rd., and the Riva Ridge HOA). Comparatively, in Marin County, a county with a similar population, there are over 60 FireWise sites.<sup>[237]</sup>

A significant amount of fire prevention and preparedness information is available, through [FireWise](#) and other local organizations and agencies. An information session was conducted by the City of Santa Cruz in August 2019 where the public was invited to learn about ways to prepare for a wildfire. The information presented, if acted on by residents, would have a substantial impact on risk mitigation. Less than 20 residents attended the event. Sending information via direct mail in utility bills and/or property tax statements should be considered as other ways of educating the public with the goal of reducing risk when fires occur.

FireWise.org provides a wealth of information on simple acts such as the blocking of structure vents with fine screening, applying fire retardant coating to wood surfaces, keeping flammable composting materials away from the house, and the planting of fire resistant plants. These efforts pay big dividends when wildfire strikes.<sup>[238]</sup>



## **Governance**

*... the way in which a public authority exercises its power to fulfill its role as a service provider, maintaining the rule of law, to protect citizens and to ensure economic and social development of its people rights.*<sup>[239]</sup>

The Grand Jury felt it important to assess how well the fire system as a whole in Santa Cruz County, consisting of several coordinating organizations, performs with regard to governance functions. To make a credible evaluation, the Grand Jury felt it was important to find and adopt a well-defined assessment framework for governance. The framework should provide clear evaluation criteria, be based upon solid research, and must have been applied in various contexts of governance. The Grand Jury found such a framework called the Local Governance Barometer (LGB).<sup>[240]</sup>

The Grand Jury considered the baseline LGB criteria to define a set of criteria relevant to the problem of fire services of the County. These main criteria are: 1) accountability, 2) effectiveness, 3) transparency, 4) participation, and 5) equity. The first three criteria will be addressed in this section. Participation was addressed in the Education section of this report. Equity will not be addressed.

The model includes these key elements: clear responsibility and authority to make decisions, leadership to hold responsible parties accountable, reporting of decisions and results, and consequences if commitments are not met.

Although the Grand Jury did not apply quantitative methods to these criteria, they were used as categories for assessing evidence of good governance. For the remainder of this section, evidence of these factors will be discussed.

### *Responsibility, Authority, and Leadership*

As depicted in Figure 4, the tremendous complexity of the County's fire services organizational structure spreads accountability across several agencies. In some cases the performers of fire services are career personnel, and in other districts they are dominated by volunteers. For many services, effective execution requires coordination across boundaries which are controlled by numerous mutual aid agreements. A further complication: the citizenry plays a key role as well, especially in fire risk mitigation.

Leadership comes into play at three levels. Executive management (e.g. CAO, City Manager, Fire Chiefs) are responsible for implementing the policies and procedures. Second, a board is accountable for the formulation and oversight of the governance process (e.g. County Board of Supervisors, Special District Governance Boards, City Council). Finally, supporting these two governing levels can be advisory committees such as the County's Emergency Management Council (EMC).<sup>[241]</sup>

In this complex organization, it is very hard to mark clear lines of responsibility and authority. The phenomena of wildfire, which knows no boundaries, must currently be managed across a myriad of organizational boundaries. This requires a substantial amount of coordination and mutual support agreements in order to serve the needs of the County. Relationships must be strong, contracts understood and managed to, goals

established, integrated plans developed, and performance measured. Fire risk mitigation perhaps should be a County-wide concern and managed as such.

The independent fire organizations in the County lack a single governing body and thus should depend on a framework of standards, and codes at the federal, state and county levels to govern. An organization of fire chiefs called the Santa Cruz County Fire Chiefs Association does exist, but it is not a governing body and is closed to outside review and participation.<sup>[242]</sup>

No one entity in the County is performing a leadership role in Fire Hazard Mitigation. Thus, the lines of authority from leadership to performers are not clearly defined, making accountability difficult.

### *Reporting and Consequences*

There are different types of reporting requirements including: status, performance, compliance reporting, and audits. All are important to the goal of accountability. Regular status reports provide an ongoing narrative of activities, issues, and resolutions. Performance reports provide measures of progress against key measurable goals. Audits, and compliance reports allow stakeholders to assess compliance to applicable regulations or to terms of a contract. The following is what the Grand Jury discovered with regard to fire performance reporting in the County.

The organization responsible for reviewing special district performance is LAFCO, a State sponsored commission led by leaders of the County (two County supervisors, two special district directors, and one member of the community).<sup>[243]</sup> The Grand Jury reviewed the last twenty years of LAFCO's review of the Santa Cruz County fire districts and spheres of influence which include CSA 4 and CSA 48. There were two reviews, one in 2007<sup>[244]</sup> and one almost ten years later in 2016.<sup>[245]</sup> The focus of the reviews were financial risk, and fire and emergency service response. The majority of the assessments were self-assessments in the form of a survey responded to by each district fire chief in addition to the County Fire Chief representing CSA's 48 and 4.

The Grand Jury also examined, through document requests, interviews, and review of Santa Cruz County Board of Supervisor meetings, the presence or absence of reporting and review.

With respect to reporting accountability, the Grand Jury discovered:

1. The County Board of Supervisors does not receive, in its annual report from CAL FIRE, data and analysis to reflect the gaps that exist between current performance and what the community needs, so that informed budget decisions can be made.
2. The County Board of Supervisors and the CAO do not fully hold CAL FIRE accountable for its contract with the County.
3. LAFCO reviews fire districts only once every ten years and does not adequately address fire prevention performance such as inspections and fuel abatement.

Furthermore, reporting statistics and formats utilized by fire agencies throughout the County are inconsistent and therefore difficult to evaluate and at times impossible to

compare. Mechanisms to properly set goals, measure progress and report to stakeholders for vegetation removal and inspection compliance are inadequate. Not a single performance metric was identified on any of the agency websites or annual reports regarding these important activities. A good example of annual reporting of performance across the County to all residents can be found in [Appendix G](#), which shows how Los Angeles County, on its website, presents performance data to its residents.

### *Effectiveness Through Planning, Capacity and Results*

In this section, the Grand Jury is specifically looking at the effectiveness of the governance or management of the fire services system. It was important to look at the sum, the complete system, as opposed to the parts, i.e. the individual agencies.

Fire prevention is a County-wide concern. Wildfire ignition and spread does not recognize the city or special fire district boundaries that comprise Santa Cruz County's complex ecosystem of fire agencies. This presents a challenge to the efficient and effective alignment of resources to the accomplishment of a common goal. So, how effective is fire prevention management in Santa Cruz County at creating a unified effort toward minimizing the vulnerability of residents, property, and the environment to the ravages of wildfire?

There are no County-wide mutual aid agreements or plans that capture a common vision and approach.

Where could coordinated management be created? The Grand Jury believes the Santa Cruz County Emergency Management Council (EMC) could be the right place.<sup>[246]</sup> The EMC was established to manage compliance with the legal requirements of the State and to assist the County Board of Supervisors and the Director of Emergency Services in the administration of Chapter 2.26 of the Santa Cruz County Code.<sup>[247]</sup> The EMC is empowered to develop and recommend for adoption by the County Board of Supervisors, **emergency and mutual aid plans and agreements**, and such ordinances, resolutions, rules and regulations as may be necessary to implement such plans and agreements, and any necessary amendments thereto.<sup>[248]</sup> Plans are needed to provide the most detailed specification of actions and resources to achieve well defined objectives. With so many disparate performers, acceptable control and coordination of fire risk mitigation activities requires a detailed plan. The Grand Jury found no evidence of an integrated plan to guide proactive and preventative action with regard to fire risk mitigation. Further, the Grand Jury observed that existing individual plans are not up to date, are not based upon current or accurate data, and do not provide a gap analysis against key goals. This reflects the lack of any clear goal setting process for County fire risk mitigation.<sup>[249] [250]</sup>

This Grand Jury is not alone in concluding that effective governance requires current, up to date plans with broad spectrum input and consideration. Below is a 2019 finding of the Santa Cruz County Regional Transportation Committee (SCCRTC):

*Santa Cruz County Office of Emergency Services (OES) should work with CHP, Santa Cruz County Fire Chiefs Association, Cal Fire "CZU" Felton Area, volunteer fire districts in the SLV, Santa Cruz City Fire Department, and the Santa Cruz County Sheriff's Department, and should regularly meet and update emergency management plans.*<sup>[251]</sup>

The Grand Jury has found evidence of broad hazard mitigation planning in individual jurisdictions.<sup>[252] [253] [254] [255] [256]</sup> However, it is the Grand Jury's observation that daily operations focus primarily on the emergency response part of the plans. In addition, there is a robust planning framework for the creation of an integrated set of plans for dealing with wildfire prevention, the Community Wildfire Prevention Plan (CWPP). The CWPP concept was discussed in more detail in the Risk section of this report.<sup>[257]</sup>

### *Resource Capacity and Results*

A key element of effectiveness is the acquisition and allocation of resources to match capacity to need. In a difficult funding environment, competition for resources is intense. In order to build capacity to meet goals, a compelling case must be made by fire agency leadership. Yet, without goals, measurement, and gap analysis, no case can be made.

In June 2018, the Santa Cruz County Civil Grand Jury made the recommendation that:

*The Board of Supervisors should direct the County Administration Officer to implement performance budgeting over the next two-year budget cycle.*<sup>[258]</sup>

The County Board of Supervisors responded with a commitment to implement and also noted an ongoing pilot program that would "feature public-facing dashboards that allow users to understand policy issues and assess department performance. These (Parks & Rec & Probation Dept.) pilots will be included in the two-year budget document for FY 2019-20 and FY 2020-21."<sup>[259]</sup> Evidence of this commitment was found on the County's Operations website page, which provides even more transparency than the commitment itself.<sup>[260]</sup> However, no evidence was found of public facing performance driven budgeting for County Fire services.

<p>The Grand Jury discovered that data-driven budgeting is not being performed by the County for most fire related emergency services or other agencies for risk mitigation activities.</p>
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Budgets should not be developed based on the status quo. In order for data-driven budgeting to work effectively, clear benefits, requirements and associated costs must be provided to budget authorities.

Other reporting sources have reviewed issues of deficient funding and capacity for fire risk mitigation. Items that stand out are:

- The Boulder Creek Fire Protection District does not have sufficient reserves to pay for projected equipment costs, other capital needs, and a reserve for contingencies.<sup>[261]</sup>
- The Branciforte Fire Protection District has a small revenue base, a low funding balance, an existing loan that was used to purchase an engine, and insufficient funds in its capital reserve to purchase a new engine.<sup>[262]</sup>
- The Central Fire Protection District does not have sufficient revenue to maintain current staffing levels and pay for salaries, increasing pension costs, post-retirement health insurance liabilities, and other operating costs.<sup>[263]</sup>
- Central Fire should relocate a station to the intersection of Soquel and Capitola by closing two in the flood plain and constructing a new one.<sup>[264]</sup>
- Most agencies' financial obligations have increased faster than their revenues. Some agencies have structural deficits that threaten maintenance of the current service levels.<sup>[265]</sup>
- Two City of Santa Cruz Fire stations have driveways in need of repair and have not received a high enough priority by the City to be funded, and so remain unfunded and unrepaired.<sup>[266]</sup>
- Most Santa Cruz County fire districts and departments have been unable to comply with state mandated fire and safety building inspections.<sup>[267]</sup>
- To provide an appropriate level of service and response, the City of Santa Cruz is in need of a Fire Station located near the Santa Cruz Beach Boardwalk and the Santa Cruz Wharf.<sup>[268]</sup>

Good governance cannot be achieved without goals that are aligned with an organization's capacity.

### *Transparency - Actionable Data and Information for Stakeholders*

Transparency is the essence of good governance. Without it, political trust is diminished, planning is uninformed, assessment and accountability are not possible, and broad participation is unlikely to be achieved. Relevance is another aspect of transparency. Directly responsible parties and other stakeholders must not be inundated with irrelevant data and information. So, what are the key elements of transparency for fire risk mitigation? Based upon the Grand Jury investigation, the following variables must have correlation of past, current, and future measures to adequately inform stakeholders:<sup>[269]</sup>

- fuel management, which includes vegetation management of defensible space and areas in proximity of ignition sources,
- ignition prevention and early detection, which includes ignition source locations and type (equipment, recreational warming fires), surveillance location gaps,
- inspection backlog of fire related fuel management facilities and their risk severity,

- incident response time, which includes fire protection response time gaps, medical and rescue response time gaps,
- citizen education, because citizens must be educated enough to support community and personal mitigation efforts, and be prepared for a fire event.

The Grand Jury found little evidence of formal measurement or reporting mechanism to provide key planning and execution data and information on the variables above for key stakeholders: the County Board of Supervisors, CAO, City Managers, and the public.

A key element of transparency, especially for public stakeholders, is through online channels. Each of the fire administrations is responsible for its own website presence and data publication.

The Grand Jury observed that most fire agency websites provide clear and effective guidance on alerts and preparations. However, they lack consistency in reporting of response, prevention data and performance results.

One commendable example that this is possible is shown by the Central Fire District, which documents a strategic plan including inspection objectives and resources.<sup>[270]</sup> Central Fire was recently recognized:

*Central Fire District received the District Transparency Certificate of Excellence by the Special District Leadership Foundation (SDLF) in recognition of its outstanding efforts to promote transparency and good governance. Central Fire Protection District is the first fire district in Santa Cruz County to receive this award.*<sup>[271]</sup>

This recognition was created by the Special District Leadership Foundation (SDLF) in an effort to promote transparency in the operations and governance of special districts to the public, and to provide special districts with an opportunity to showcase their efforts in transparency.<sup>[272]</sup>

## **Conclusion**

Our investigation sought to answer important questions.

***How well does the organization of the fire departments across the County maximize their effectiveness and efficiency?*** After substantial investigation and research, because of the lack of accessible historical data, lack of assessment or audit data, and differences in reporting between agencies, the Grand Jury was unable to quantitatively evaluate effectiveness and efficiency. The complex fire organization structure in the County demands significant attention.

***Are the risks of wildfire initiation and containment accounted for and mitigated?*** Seldom is an event as risky as wildfire completely mitigated. The Grand Jury was unable to find published information by fire departments in the County that quantitatively assessed mitigation efforts or any resulting risk levels. The best quantitative metric the Grand Jury was able to locate is the Insurance Service Office (ISO) rating. These standardized ratings are not published by the County fire agencies, so the public remains uninformed about these insurance ratings. The Grand Jury found that far more attention is paid to reaction than prevention and transparency.

***Does emergency response meet the needs of the criteria for safety and security of life and property in the County?*** The Grand Jury found:

- Fire emergency responses account for a minority of all emergency calls, and medical calls have increased dramatically since 1980. Medical response targets should be measured and communicated.
- Other out of County agencies convey how they were performing against national standards and agency goals, but the Grand Jury found no such reports for Santa Cruz County.
- There is a degradation in the quality of reporting of 911 response time, a lack of data reported from some fire districts, and inconsistent reporting practices from those that do.
- LAFCO merely summarizes the self-assessment performed by the fire agencies in Santa Cruz County.
- There are significant inconsistencies in response time data across jurisdictions.

***In the event of a wildfire, can the public be alerted, evacuated, or sheltered in time?*** The Grand Jury was unable to affirmatively answer this very important question, but found:

- Table top simulations are performed by the Office of Emergency Services (OES)
- No evidence of the publication to the public of the evacuation study performed for PG&E in 2019, by experts in the field.
- A lack of attention to road maintenance on designated evacuation routes.
- A population undersubscribed to the CodeRED™ Alert System used by the County.
- No evidence of designated, published shelter locations and little evidence of awareness of potential shelters on evacuation routes.
- Santa Cruz County's Emergency Management Plan is both out of date and updated infrequently.

***Is the public sufficiently educated about fire risk and prepared to mitigate personal property and community risk?*** The answer to this question is unequivocally no. Perhaps more could be done with outreach. Perhaps more could be done leveraging the media and with increased attention to youth. The challenge though is getting the attention of those residents at risk, and getting them to act. The solution to this challenge clearly is with the community itself and its leaders.

***How well do the fire agencies and the governing bodies in counties and cities make data-driven decisions and hold responsible leaders accountable for their results?*** At the County level, the Grand Jury believes there is much room for improvement in both quantitative budgeting, decision making, and holding those responsible accountable to their commitments. Commitments can be made either by contract, by state code, or as benchmark standards of service. Fire districts appear to pay the most attention to data. For cities, the Grand Jury is aware of the challenges fire departments face in competing for general funding. For this reason, governing bodies should pay increased attention to establishing appropriate priorities for addressing critical fire safety needs.

## Findings

### *Risk and Mitigation*

- F1.** Vegetation/fuel management and abatement are not receiving the attention nor funding needed from the County of Santa Cruz Board of Supervisors, and therefore are not adhering to California Government Executive Order 1.8.19-EO-N-05-19.
- F2.** Santa Cruz County residents are at increased risk of fire danger due to the lack of risk management for wildfire. Specific risks are not formally identified, tracked, assessed for impact, nor is progress reported by fire departments in the County. Therefore, leaders responsible for budgets and accountability are left unprepared to manage risk, impact, or performance.
- F3.** City and County officials have not collaborated with PG&E to identify the location of high risk PG&E electrical equipment, and so are left uninformed as to how to manage their responsibilities or how to instruct residents about potential danger due to proximity to this equipment.
- F4.** Most of Santa Cruz County in addition to the City of Santa Cruz with its large eucalyptus groves are not being monitored by the ALERTWildfire Imaging Surveillance system and would be well served by the installation of cameras capable of monitoring coastal areas occupied by eucalyptus groves in areas harboring potential sources of ignition.
- F5.** Santa Cruz County would greatly benefit if steps were taken to implement the CAL FIRE, San Mateo - Santa Cruz Unit 2018 recommendation of developing detailed, site specific Community Wildfire Protection Plans for communities throughout the County.

### *Emergency Response*

- F6.** Response time data for fire departments in Santa Cruz County is challenging to obtain. Santa Cruz Regional 9-1-1 previously reported response time data in their annual reports, but did not do so in the 2018 or 2019 annual reports.
- F7.** Residents living in the CSA-48 receive a lower level of emergency medical support than those living in more urban areas where ALS is provided.
- F8.** Santa Cruz County Fire, through its contract with CAL FIRE, has not been meeting the "two in, two out" requirement, reducing their ability to respond effectively and quickly to individuals or structures needing attention in a fire emergency. Proposition 218 was proposed and passed to be able to satisfy the "two in, two out" requirement, without a clear commitment by County Fire that that standard will be consistently met in all CSA-48 locations. In addition, no analysis was presented to quantify the effect on response time.



- F9.** The number of County Fire volunteer firefighters has decreased from 110 to 60 since 2004. There has been no analysis done on the impact this reduction in staffing has had on the level of service provided to residents. Reductions in available numbers of prison firefighters likewise should be acknowledged.
- F10.** Roadside vegetation in rural areas of the County is not being cleared consistently which could potentially increase emergency response time, putting life and property in unnecessary danger. Furthermore, evacuations could be restricted as there is no rule or program that mandates that roads, even critical evacuation routes, be kept cleared meeting defensible space requirements.

### **Alerts & Evacuation**

- F11.** There are only approximately 17,000 accounts for the Santa Cruz County opt-in CodeRED™ emergency system, which implies that a significant portion of the County may not receive emergency alert messages, which potentially reduces residents' opportunity to take action in a timely, life-saving manner.
- F12.** Long Range Acoustic Devices (LRADs), have been deployed in other areas of the state and have proven effective tools in alerting residents in urban and rural areas to a wildfire. However, Santa Cruz County has no such devices, increasing the risk to County residents.
- F13.** High risk communities in the County are left unnecessarily vulnerable due to the lack of easily accessible, published information of refuge/assembly areas and structures.
- F14.** Because the County does not publish a “shelter in place” plan, when a fire expands rapidly, residents cannot make informed decisions about whether to shelter in place or evacuate.
- F15.** Unlike the City of Santa Cruz, the County does not publish emergency evacuation routes, purportedly to avoid having old or untimely information being followed in an emergency. The County therefore withholds revealing evacuation routes until an emergency is in progress, likely creating unnecessary risk and potential for chaos.
- F16.** In the Wildland Urban Interface zone, and in many town centers, traffic choke points exist, and in some instances have roadway obstacles to traffic flow such as overgrown vegetation, concrete medians, curbs, and lane reductions resulting in roads that are inadequate for mass evacuations.
- F17.** Santa Cruz County residents, and especially those living in District 5, would benefit if the 2019 San Lorenzo Evacuation Study performed by KLD Engineering was made available on a County agency web site and publicized.

- F18.** Santa Cruz County has not sufficiently implemented lessons learned from Butte County's Paradise Fire on the importance of traffic management during an evacuation. It is imperative the County Office of Emergency Services ensures coordination between neighboring communities to manage traffic light sequencing and conversion of two-way roads into one-way evacuation routes, enabling mass evacuation during a wildfire.

### ***Education***

- F19.** Wildfire preparedness informational materials are well done and public education is attempted by fire departments in the County, but fails to sufficiently reach and motivate residents to act.
- F20.** The FireWise institution provides a valuable fire prevention program and, as of March 2020, there were eight FireWise communities registered in the County. Marin County, by contrast, with a similar population, has sixty registered communities, highlighting the need for more FireWise promotion and participation in Santa Cruz County.
- F21.** The County Office of Emergency Services and fire agencies in the County encourage residents to be prepared for an emergency, however the passive mechanisms such as web sites used to encourage preparedness are not proving to be sufficient.
- F22.** Property owners in the County are responsible for their own vegetation management, yet they are often not sufficiently educated about vegetation management practices, or do not have the capability, financial resources, or desire to create defensible space.

### ***Governance & Transparency***

- F23.** No single organization in the County is assuming a leadership role in Fire Hazard Mitigation. It is not clear whose responsibility it is to minimize this County wide risk.
- F24.** The annual report to the County Board of Supervisors and the County Administrative Office by County Fire/CAL FIRE does not provide data or analysis of resources, response times, code enforcement, inspection, or education. This information is necessary to show what gaps exist between current performance and community needs in order for informed budget decisions to be made. Without adequate background information, the Board of Supervisors is unable to hold CAL FIRE accountable for the specific responsibilities specified in their contract.
- F25.** The four fire protection districts in the San Lorenzo Valley would benefit by further aligning their policies and procedures in anticipation of future consolidation.

- F26.** Reporting data, statistics, and formats utilized by fire agencies throughout the County are highly inconsistent, uncoordinated, and therefore not readily evaluated and compared. The standard Insurance Services Office (ISO) rating system would be useful to adopt. Response time data are not well described or consistently reported by the jurisdictions, making accurate assessment difficult, especially by other agencies or by the public.
- F27.** The 2015 County of Santa Cruz Emergency Operations Management plan does not adequately address evacuation, and references data too outdated to be useful, such as a population density map from the 2000 census.
- F28.** The 2016 LAFCO Municipal Service Review of Fire Districts report and its 2006 predecessor do not adequately address district performance in the areas of Fire Risk Reduction (specifically: inspections, vegetation management, and education).
- F29.** The Grand Jury finds that formally specified baseline and target performance statements, in alignment with the Center for Public Safety Excellence Assessment Process, neither currently exist nor are they reported by fire departments in the County as required by best practice standards. There are no goals set or measures made of progress for review by the Board of Supervisors regarding County Fire/CAL FIRE performance. Other fire districts in the County are similarly remiss in reporting to their governing bodies. Appropriate goals would include progress on response times, vegetation management, and code inspection progress, all of which are necessary to properly quantify the budget and resources required for full-time, volunteer, and prison inmate workforces, in appropriate, affordable proportions.
- F30.** Due to the inconsistent reporting of response times provided by CAL FIRE in Proposition 218, conflict with information supplied by document request to the Grand Jury, and due to lack of performance standards for response times, voters may have been ill-informed when voting on the proposition.

## Recommendations

- R1.** Santa Cruz County, under the auspices of the Emergency Management Council (EMC) with LAFCO support, should study a governing structure that would tie all fire agencies in the County together with common leadership, objectives, sharing of data, and maximized use of resources. (F23, F25)
- R2.** The Santa Cruz County Board of Supervisors should require CAL FIRE and County Fire to provide quarterly and annual reports to the County General Services Department with specified data and success metrics for each of the contract requirements, beginning with the current fiscal year. (F2, F24, F26, F29)
- R3.** The Santa Cruz County Board of Supervisors should require CAL FIRE, in conjunction with the General Services Department, to provide annual operations reviews with performance metrics and annual improvement objectives, beginning with the current fiscal year. (F2, F24, F26, F29)

- R4.** The fire districts of Santa Cruz County should establish a plan by January 2021, to develop actionable Community Wildfire Protection Plans (CWPP) that follow the framework established by the 2018 Santa Cruz County - San Mateo County CWPP. (F2, F5, F22)
- R5.** Santa Cruz Regional 9-1-1 should include response time data, for each fire department in their annual reports, starting with the 2020 annual report. (F6, F26)
- R6.** The County Board of Supervisors should request that the County Fire Chief submit an analysis and a recommended plan to assess whether to provide Advanced Life Support (ALS) year round to the County Fire service area by the 2021-2022 budget. (F7)
- R7.** County Fire should provide a plan to the County Board of Supervisors by September 30, 2020 identifying how and when the new CSA 48 tax revenue will result in the addition of six more firefighters to the response team, enabling the required “two in, two out” in a fire emergency. (F8)
- R8.** The County Board of Supervisors should set an objective for County Fire to increase the number of volunteer firefighters by July 1, 2022, as well as a plan for use of the prison workforce or an alternative. This needs to be done in concert with a comprehensive resource plan for County Fire. (F9)
- R9.** Each year, during the budget presentation, the County Board of Supervisors should require County Fire to provide a vegetation management plan, including a priority list of projects and a timeframe for their completion. (F1, F10, F16, F29)
- R10.** Santa Cruz County and Cities should create and/or update Hazard Mitigation Plans by July 1, 2021. Any new or existing plans should be updated a minimum of every three years. All plans should address wildfire risk, evacuation and shelter in place plans, emergency alerts, vegetation management, and confirm compliance with California SB 821. (F1, F2, F10, F11, F14–F16, F29)
- R11.** The CAL FIRE Ready for Wildfire website should be actively promoted and shared within the community via all available means, including printed descriptive materials inserted into utility and property tax bills, by December 31, 2020. (F19–F21)
- R12.** The Santa Cruz County Office of Emergency Services should create and publish shelter in place plans, with the cooperation of all county fire protection districts and cities, and should inform citizens of safe building locations, and on what to expect and what to do in case of wildfire, by March 31, 2021. (F14)
- R13.** LAFCO review of County fire districts should include the review of fire risk reduction plans and achievements, and LAFCO should perform this specific and focused review for all districts by June 2021. (F2, F28)
- R14.** LAFCO should increase its comprehensive review of County fire district services from once every 10 years to once every five years. (F23, F25)

- R15.** All fire districts in Santa Cruz County should coordinate with utility companies to provide information to residents, via information inserted in utility bill mailings, describing how to sign up for emergency notifications by December 31, 2020. (F19)
- R16.** Fire departments throughout the County should take an active role in encouraging communities and neighborhoods to sign up for FireWise, and be measured on their success by their respective governing boards on an annual basis. (F19–F22)
- R17.** The County Office of Emergency Services should evaluate, quantify, and report to the County Board of Supervisors on the specifics of the public state of preparedness for a large-scale emergency such as wildfire by June, 2021. (F11, F23)
- R18.** County Fire and the fire districts within the County should evaluate whether purchase of Long Range Acoustic Devices (LRADs) would be beneficial in helping notify residents to evacuate in an emergency by December 31, 2020. (F12, F15, F17, F18)
- R19.** The Board of Supervisors should require the CAO to appoint a county Risk Manager, by December 31, 2020. The Risk Manager should report to the CAO, who will be responsible for ongoing identification, analysis, quantification, and remediation planning of all fire risks across the County. This role should be considered as a service to all four cities in the County as well. (F2, F3, F24)
- R20.** The County Office of Emergency Services should inventory, designate, and publish locations by December 31, 2020 for assembly and refuge in high risk communities, designating shelter in place locations in case of threatening wildfire when evacuation from the area might not be possible. (F13–F15, F27)
- R21.** County emergency planners at all levels should provide notification of evacuation routes and/or shelter-in-place options by March 31, 2021. Notification plans should be provided for when power is out and dissemination of information by wireless or internet is difficult or impossible. (F11, F14, F15, F17, F18, F27)
- R22.** The Santa Cruz County Administrative Office should develop and sign a Memorandum of Understanding between the County and PG&E, to require that PG&E share and update quarterly the location of their aging and high risk equipment. This should include coverage of the four cities in the County and should be done by December 31, 2020. (F3)
- R23.** Santa Cruz County and Cities should invest in an ALERTWildfire Imaging Surveillance system. Cameras should be purchased, installed, and tested to achieve full coverage of the County by the beginning of the 2021 fire season. (F4)
- R24.** The County Board of Supervisors should update regulations to require evacuation routes be kept clear for fire prevention, not just for line of sight, but also for access by fire engines and other emergency equipment by the beginning of the 2021 fire season. (F15–F18, F27)

- R25.** The County Board of Supervisors should explain to the public why the Proposition 218 information on response times is inconsistent with the response time data available from County Fire by December 31, 2020. (F6, F8, F30)

## Commendations

- C1.** The Aptos and Central Fire Districts are commended for the organizational merging of their fire districts.

## Required Responses

<b>Respondent</b>	<b>Findings</b>	<b>Recommendations</b>	<b>Respond Within/ Respond By</b>
Santa Cruz County Board of Supervisors	F1, F2, F4–F8, F10–F18, F20–F24, F26–F30	R1–R3, R6–R12, R15, R17, R19, R24, R25	90 Days October 1, 2020
Local Agency Formation Commission of Santa Cruz County	F23, F26, F28, F29	R1, R13, R14	90 Days October 1, 2020
Santa Cruz Regional 911 Board of Directors	F6, F11	R12	90 Days October 1, 2020
Aptos-La Selva Fire Protection District Board of Directors	F1–F3, F5, F6, F10–F16, F19–F24, F26, F27, F29	R1, R4, R10, R11, R15, R16, R18, R21, R23	90 Days October 1, 2020
Aromas Tri-County Fire Protection District Board of Directors	F1–F3, F5, F6, F10–F16, F19–F24, F26, F27, F29	R1, R4, R10, R11, R15, R16, R18, R21, R23	90 Days October 1, 2020
Ben Lomond Fire Protection District Board of Directors	F1–F3, F5, F6, F10–F16, F19–F24, F25– F27, F29	R1, R4, R10, R11, R15, R16, R18, R21, R23	90 Days October 1, 2020
Branciforte Fire Protection District Board of Directors	F1–F3, F5, F6, F10–F16, F19–F24, F26, F27, F29	R1, R4, R10, R11, R15, R16, R18, R21, R23	90 Days October 1, 2020
Boulder Creek Fire Protection District Board of Directors	F1–F3, F5, F6, F10–F16, F19–F24, F25– F27, F29	R1, R4, R10, R11, R15, R16, R18, R21, R23	90 Days October 1, 2020
Central Fire Protection District Board of Directors	F1–F3, F5, F6, F10–F16, F19–F24, F26, F27, F29	R1, R4, R10, R11, R15, R16, R18, R21, R23	90 Days October 1, 2020

<b>Required Responses, continued</b>			
<b><i>Respondent</i></b>	<b><i>Findings</i></b>	<b><i>Recommendations</i></b>	<b><i>Respond Within/ Respond By</i></b>
Felton Fire Protection District Board of Directors	F1–F3, F5, F6, F10–F16, F19–F24, F25– F27, F29	R1, R4, R10, R11, R15, R16, R18, R21, R23	90 Days October 1, 2020
Pajaro Valley Fire Protection District Board of Directors	F1–F3, F5, F6, F10–F16, F19–F24, F26, F27, F29	R1, R4, R10, R11, R15, R16, R18, R21, R23	90 Days October 1, 2020
Scotts Valley Fire Protection District Board of Directors	F1–F3, F5, F6, F10–F16, F19–F24, F26, F27, F29	R1, R4, R10, R11, R15, R16, R18, R21, R23	90 Days October 1, 2020
Zayante Fire Protection District Board of Directors	F1–F3, F5, F6, F10–F16, F19–F24, F25– F27, F29	R1, R4, R10, R11, R15, R16, R18, R21, R23	90 Days October 1, 2020
Santa Cruz City Council	F2, F4, F11, F20, F22, F23, F27, F29	R10, R12, R15, R19	90 Days October 1, 2020
Scotts Valley City Council	F2, F11, F20, F22, F23, F27, F29	R10, R12, R15, R19	90 Days October 1, 2020
Watsonville City Council	F2, F11, F20, F22, F23, F27, F29	R10, R12, R15, R19	90 Days October 1, 2020

### Requested Responses

<b><i>Respondent</i></b>	<b><i>Findings</i></b>	<b><i>Recommendations</i></b>	<b><i>Respond Within/ Respond By</i></b>
Santa Cruz County Administrative Officer	F1–F4, F6–F8, F10–F17, F20–F24, F26–F30	R1–R3, R6, R7, R9–R12, R15, R17–R23	90 Days October 1, 2020
Santa Cruz County Director of General Services	F7, F8, F24, F26, F28, F29	R2, R6, R7	90 Days October 1, 2020
Santa Cruz County Emergency Services Manager	F4, F5, F11–F21, F23, F27	R10, R12, R17, R20, R21, R23	90 Days October 1, 2020
Santa Cruz County Fire Department	F1, F3–F12, F19–F24, F26–F30	R2–R4, R6–R9, R11, R16, R18, R23, R25	90 Days October 1, 2020
Santa Cruz City Fire Department	F3–F6, F11, F12, F19–F24, F26, F29	R4, R16, R18, R23	90 Days October 1, 2020

<b>Requested Responses, continued</b>			
<b><i>Respondent</i></b>	<b><i>Findings</i></b>	<b><i>Recommendations</i></b>	<b><i>Respond Within/ Respond By</i></b>
Watsonville Fire Department	F3, F5, F6, F11, F12, F19–F24, F26, F29	R4, R16, R18, R23	90 Days October 1, 2020
Santa Cruz City Manager	F2–F4, F11, F13–F15, F21–F23, F27, F29	R10–R12, R15, R21–R23	90 Days October 1, 2020
Scotts Valley City Manager	F2, F3, F11, F13–F16, F21–F23, F27, F29	R10–R12, R21–R23	90 Days October 1, 2020
Watsonville City Manager	F2, F3, F11, F13–F15, F21–F23, F27, F29	R10–R12, R15, R21–R23	90 Days October 1, 2020

## Definitions

- **ALS:** Advanced Life Support: Category of first responder treatment that goes beyond that of an Emergency Medical Technician. Requires paramedic equivalent training and certification by local governing agencies to implement. This differs from Basic Life Support which is administered by EMT's.
- **Amador Plan:** An agreement under which Santa Cruz County government pays CAL FIRE for fire and rescue services provided during winter/non-fire season.
- **Auto Aid:** Fire agencies providing coverage on fire or medical calls for neighboring districts/departments. The current Auto Aid system is assisted by the Computer Aided Dispatch System and based upon agreements between fire districts/departments as well as Emergency Medical Services Integration Authority and the County Fire Chiefs Association. Also known as Mutual Aid.
- **Ben Lomond Fire:** Ben Lomond Fire Protection District
- **BLS:** Basic Life Support. Generally identified with Emergency Medical Technician training (EMT).
- **Boulder Creek Fire:** Boulder Creek Fire Protection District
- **Branciforte Fire:** Branciforte Fire Protection District
- **CAD:** Computer Aided Dispatch Software system used to dispatch law enforcement, fire, and emergency medical services.
- **CAL FIRE:** California Department of Forestry and Fire Protection is dedicated to the fire protection and stewardship of local wild lands. The Department also provides emergency services. As of 2007, CAL FIRE is the new name for the State Fire Department, formerly known as CDF. CAL FIRE is a state organization funded by the state. During the fire season, typically five months (which has become longer in recent years), CAL FIRE, funded by the state, provides fire protection services in the Wildland Urban Interface of the County (CSAs 48 and 4).



- **Central Fire:** Central Fire Protection District
- **County Fire:** County Fire is a term commonly used to refer to the fire services provided by Santa Cruz County performed by CAL FIRE, under contract to the County, as well as volunteer services provided by the communities of CSA 48 and CSA 4.
- **CSA:** County Service Areas can be formed to provide residents in rural areas with services that are not generally provided by existing business or government agencies. The County Board of Supervisors serves as the governing body for County Service Areas.
- **ECC:** CAL FIRE Emergency Command Center is responsible for dispatching County Fire resources.
- **Emergency Management Council (EMC):** The County Emergency Management Council is empowered to develop and recommend for adoption to the Board of Supervisors, emergency and mutual aid plans and agreements, and such ordinances, resolutions, rules and regulations as may be necessary to implement such plans and agreements, and any necessary amendments thereto.
- **EMSIA:** Emergency Medical Services Integration Authority Joint Powers Authority formed in Santa Cruz County to oversee Emergency Medical Services and Advanced Life Support in Santa Cruz County.
- **EMT:** Emergency Medical Technician
- **Felton Fire:** Felton Fire Protection District
- **FEMA:** Federal Emergency Management Agency
- **LAFCO:** The Local Agency Formation Commission was created by state law in 1963 to regulate the boundaries of cities and special districts.
- **LHMP:** Local Hazard Mitigation Plan. Hazard mitigation planning is the process used by state, local and tribal leaders to understand risks from natural hazards and develop long-term strategies to reduce the impacts of disasters on people, property, and the environment.
- **LRA:** Local Responsibility Area Portion of land where the County is responsible to provide fire protection.
- **Mutual Aid:** Fire agencies providing coverage on fire or medical calls for neighboring districts/departments. The current Mutual Aid system is assisted by the Computer Aided Dispatch System and based upon agreements between fire districts/departments as well as Emergency Medical Services Integration Authority and the County Fire Chiefs Association. Also known as Auto Aid.

- **Mutual/Automatic Aid:** Contractual assistance between agencies. Mutual aid is assistance that is dispatched, upon request, by a responding agency. Automatic aid is assistance that is dispatched automatically. Proposition 172: Passed in 1993, this state proposition funds local public safety services. The County Board of Supervisors has the discretion to change the allocation of these funds.
- **NETCOM:** Santa Cruz County's Regional Dispatch Center, also referred to as SCR911.
- **NFPA:** National Fire Protection Association, an international nonprofit organization that advocates for fire fighting codes and standards as well as research, training, and education.<sup>[273]</sup>
- **NOAA:** National Oceanic and Atmospheric Administration, a 12,000 personnel agency of the U.S Department of Commerce whose mission is to understand and predict changes in climate, weather, oceans, and coasts, to share that knowledge and information with others, and to conserve and manage coastal and marine ecosystems and resources.
- **Pajaro Valley Fire: Pajaro Valley Fire Protection District PVFD:** Pajaro Valley Fire Protection District
- **Santa Cruz Fire: City of Santa Cruz Fire Department SCFD:** City of Santa Cruz Fire Department
- **Scotts Valley Fire:** Scotts Valley Fire Protection District
- **SCR911:** Santa Cruz Regional 91, a Santa Cruz County's Regional 911 Dispatch Center, also referred to as NETCOM.
- **SLV:** San Lorenzo Valley
- **SRA:** State Responsibility Area, a portion of land where the State of California is responsible to provide fire protection.
- **Turnout Time** - Cited by NFPA 1710 as being, "The time interval that begins when the emergency response facilities (ERFs) and emergency response units (ERUs) notification process begins by either an audible alarm or visual annunciation or both and ends at the beginning point of travel time."
- **Warming Fire** - Short for Warming Recreational Fire
- **Warming Recreational Fire** - A warming recreational fire is defined by the City of Santa Cruz Fire Department as an outdoor warming recreational fire, burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.<sup>[274]</sup>
- **Watsonville Fire:** City of Watsonville Fire Department

- **Wildland Urban Interface (WUI):** The Federal definition of WUI are developed areas that have sparse or no wildland vegetation, but are within close proximity to a large patch of wildland or areas where houses and wildland vegetation directly intermingle.
- **Zayante Fire:** Zayante Fire Protection District ZFPD: Zayante Fire Protection District

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### **Site Visits**

Santa Cruz County Emergency Operations Center

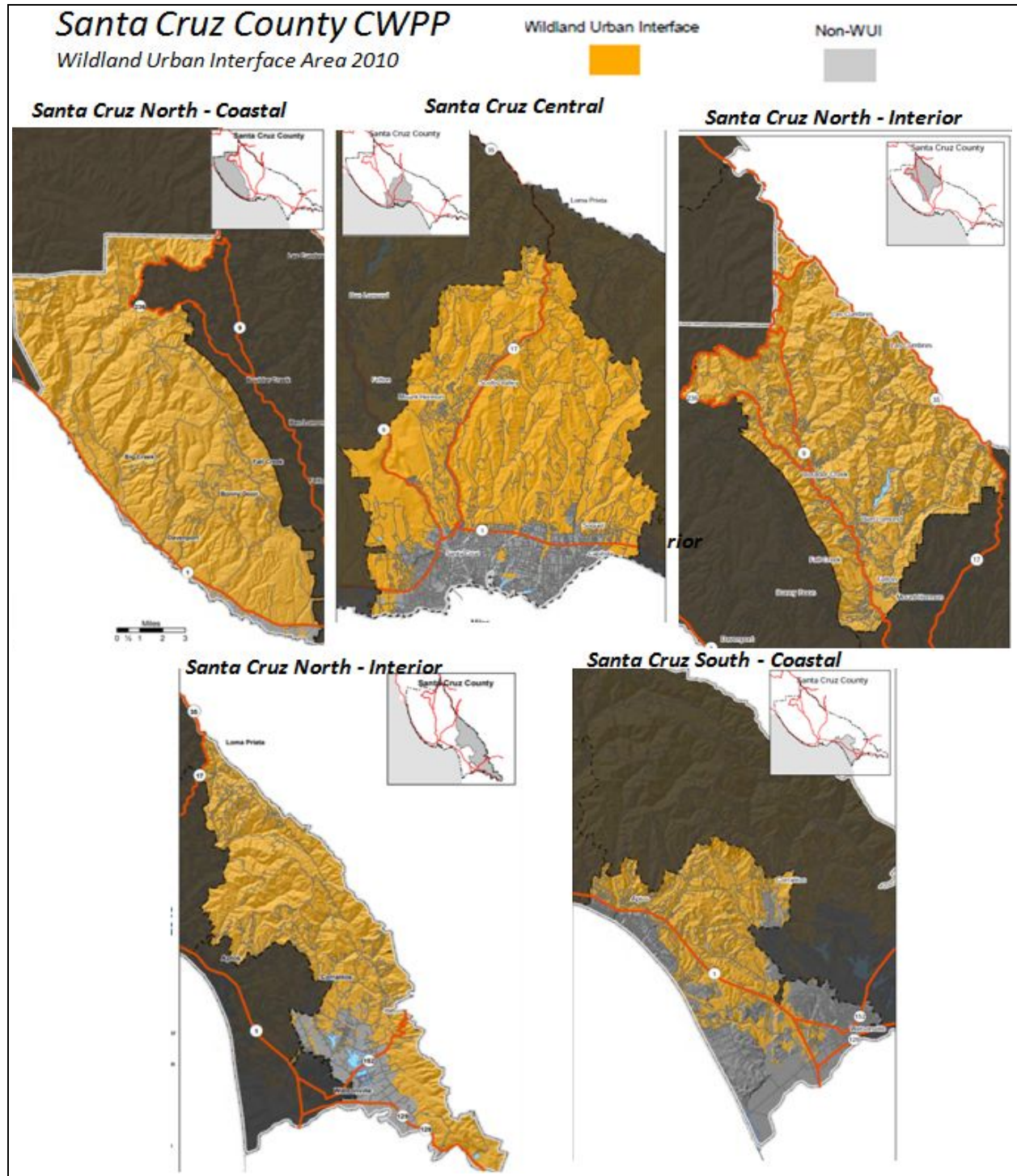
City of Santa Cruz Delaveaga Park

Alba Road, Felton, CA

### **Websites**

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<https://www.ospo.noaa.gov/Products/land/hms.html>

## Appendix A Santa Cruz County Wildland Urban Interface Maps from 2010 and 2018<sup>[275]</sup>



**Appendix B**  
**Ca. Gov. Code Section 8654.2<sup>[276]</sup>**

**Cal. Gov. Code § 8654.2**

Section 8654.2 - Legislative findings and declaration

The Legislature finds and declares the following:

- (a)** Catastrophic threats exist to lives, property, and resources in California including wildfire. Climate change, an epidemic of dead and dying trees, and the proliferation of new homes in the wildland urban interface magnify this threat and place substantially more people and property at risk than in preceding decades. More than 25 million acres of California wildlands are classified as under very high or extreme fire threat, extending that risk to over one-half the state.
- (b)** Certain populations in our state are particularly vulnerable to wildfire threats. These Californians live in communities that face near-term public safety threats given their location. Some residents in these areas are made further vulnerable due to factors such as age and lack of mobility. The tragic loss of life and property in the Town of Paradise during the 2018 Camp Fire demonstrates such vulnerability.
- (c)** While California has stringent building standards for new construction and requirements for the maintenance of defensible space in wildfire hazard areas, California must develop statewide options to encourage cost-effective structure hardening to create fire resistant homes, businesses, and public buildings within wildfire hazard areas and with a focus on vulnerable communities.
- (d)** It is the intent of the Legislature to offer financial assistance through a statewide program to communities for all-hazards in support of a comprehensive mitigation strategy and reduce or eliminate potential risks and impacts of disasters in order to promote faster recovery after disasters and, overall, a more resilient state.
- (e)** It is further the intent of the Legislature to develop a comprehensive financial assistance program to help property owners, whole communities and local governments retrofit existing housing, commercial, and public properties in wildfire hazard areas to a cost-effective standard that provides comprehensive risk reduction to protect structures from fires spreading from adjacent structures or vegetation, and to prevent vegetation from spreading fires to adjacent structures.

*Ca. Gov. Code § 8654.2*

*Added by Stats 2019 ch 391 (AB 38), s 4, eff. 1/1/2020.*

## Appendix C

### Example Performance Statement<sup>[277]</sup> <sup>[278]</sup>

*Fire service deployment, simply stated, is about the speed and weight of the response. Speed refers to initial response (first-due) of all-risk intervention resources (engines, trucks, and/or rescue ambulances) strategically deployed across a jurisdiction for response to emergencies within a time interval to achieve desired outcomes. Weight refers to multiple-unit responses (Effective Response Force or ERF) for more serious emergencies such as building fires, multiple-patient medical emergencies, vehicle collisions with extrication required, or technical rescue incidents. In these situations, a sufficient number of firefighters must be assembled within a reasonable time interval to safely control the emergency and prevent it from escalating into a more serious event.*

For 90 percent of all fire suppression incidents, the total response time for the arrival of the first due unit, staffed with 3 firefighters and 1 officer, is: 8 minutes and 20 seconds in urban areas; and 10 minutes and 55 seconds in rural areas. The first due unit is capable of: providing 500 gallons of water and 1,500 gpm pumping capacity; initiating command; requesting additional resources; establishing and advancing an attack line flowing a minimum of 150 gpm; establishing an uninterrupted water supply; containing the fire; rescuing at-risk victims; and performing salvage operations. These operations are done in accordance with departmental standard operating procedures while providing for the safety of responders and the general public.

For 90 percent of all fire suppression incidents, the total response time for the arrival of the ERF, staffed with 15 firefighters and officers, is: 12 minutes and 17 seconds in urban areas; and 20 minutes and 43 seconds in rural areas. The ERF is capable of: establishing command; providing an uninterrupted water supply; advancing an attack line and a backup line for fire control; complying with the OSHA requirements of two in and two out; completing forcible entry; searching and rescuing at-risk victims; ventilating the structure; controlling utilities; and performing salvage and overhaul. The ERF for high and special risk fires is also capable of placing elevated streams into service from aerial ladders. These operations are done in accordance with departmental standard operating procedures while providing for the safety of responders and the general public.

**Appendix D**  
**NFPA 1710 Performance Evaluation Standards**<sup>[279]</sup>

**4.1.2.5 Evaluations.**

**4.1.2.5.1** The Fire department shall evaluate its level of service and deploy delivery and alarm handling time, turnout time, and travel time performance objectives on an annual basis.

**4.1.2.5.2** The evaluations shall be based on emergency incident data relating to level of service, deployment, and the achievement of each travel time performance objective in each geographic area within the jurisdiction of the fire department.

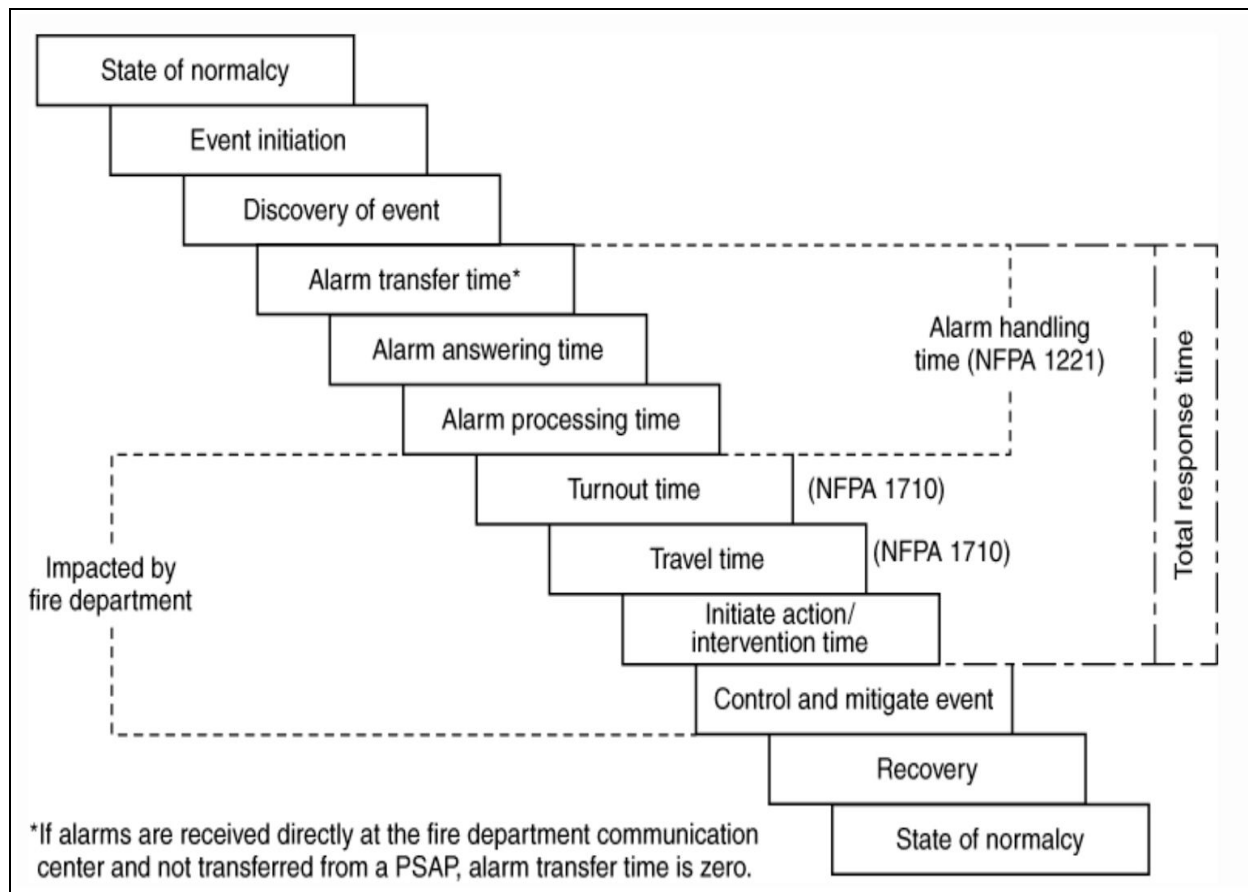
**4.1.2.6** The fire department shall provide the AHJ with a written report annually.

**4.1.2.6.1** The annual report shall define the geographic areas and/or circumstances in which the requirements of this standard are not being met.

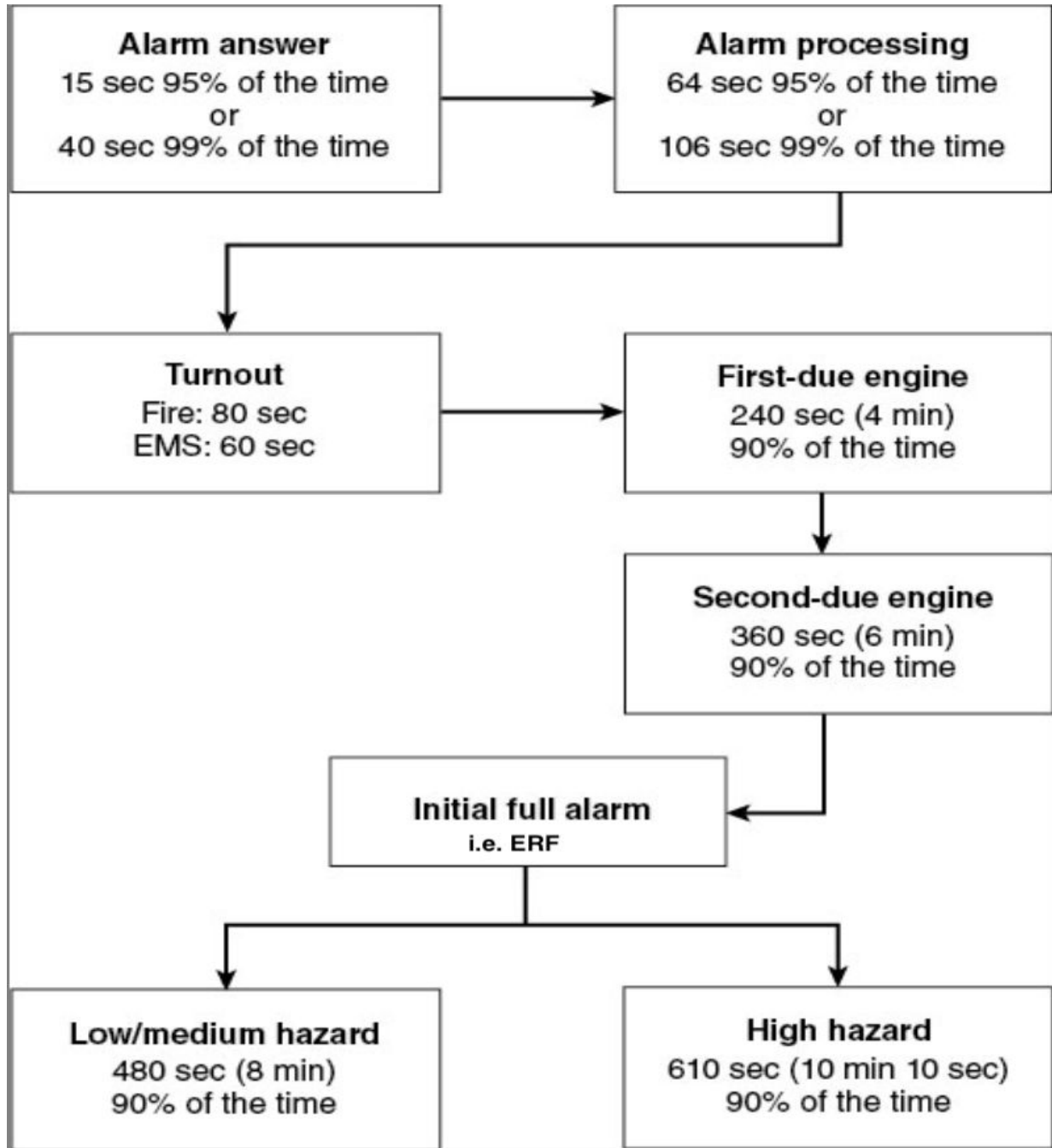
**4.1.2.6.2** The annual report shall explain the predictable consequences of these deficiencies and address the steps that are necessary to achieve compliance.

**4.1.2.6.3** The annual report shall identify any deficiencies that are anticipated to develop in the next 3 years and address the steps necessary to continue to achieve compliance to this standard.

## Appendix E NFPA Standards End-to-End Response Time Events <sup>[280]</sup>




**Appendix F**  
**National Fire Protection Association 1710 Response Timeline<sup>[281]</sup>**





## Appendix G

### A Best Practice in Performance Tracking and Transparency: Los Angeles County Fire Department 2019 Statistical Summary<sup>[282]</sup>

 County of Los Angeles <b>Fire Department</b> Fire Chief Daryl L. Osby			
2019 STATISTICAL SUMMARY			
<b>FIRE DEPARTMENT — Three Year Data 2017-2019</b>			
	2019	2018	2017
Acreage Burned	9,923	63,648	8,672
<b>FIRE INCIDENTS</b>			
Structures	1,937	2,304	1,912
Vehicles	1,611	1,716	1,821
Rubbish	2,679	2,659	2,705
Brush / Grass	780	759	724
Outside Storage	42	336	401
Misc. Property	60	800	752
<b>TOTAL</b>	<b>7,109</b>	<b>8,574</b>	<b>8,315</b>
<b>EMERGENCY MEDICAL RESPONSES</b>			
<b>TOTAL</b>	<b>333,973</b>	<b>330,059</b>	<b>324,102</b>
<b>OTHER INCIDENTS</b>			
False Alarms	26,954	23,887	23,370
Mutual Aid Provided	2,164	1,919	2,804
Haz-Mat	662	681	591
Misc. Incidents	28,119	27,752	35,403
<b>TOTAL</b>	<b>57,899</b>	<b>54,239</b>	<b>62,168</b>
<b>TOTAL INCIDENTS</b>	<b>398,981</b>	<b>392,872</b>	<b>394,585</b>
<b>Fire Loss in Dollars 2017-2019</b>			
	2019	2018	2017
Property or Structure	\$ 88,657,162	\$ 290,003,114	\$ 93,901,408
Vehicle Contents	\$ 20,319,296	\$ 22,270,615	\$ 18,675,078
Misc. Property	\$ 9,852,531	\$ 1,412,559	\$ 1,468,072
<b>Total Dollar Loss</b>	<b>\$ 118,828,989</b>	<b>\$ 313,686,288</b>	<b>\$ 114,044,558</b>
<b>LIFEGUARD — Three Year Data 2017-2019</b>			
	2019	2018	2017
Ocean Rescues	10,057	11,242	9,866
Medical Calls	14,849	15,646	16,687
Boat Rescues (Distress)	393	423	358
Missing Persons	758	1,046	1,170
O <sub>2</sub> Therapy	110	155	241
Drownings	2	4	0
Beach Attendance	50,697,049	56,045,125	63,188,840

**4,096,325 Residents**  
**1,259,866 Housing Units**  
**59 District Cities and all Unincorporated Communities**  
**~2300 Square Miles**

**DIVISION I**  
 Battalions 7, 14 & 18 – 10 Cities  
 CARSON, GARDENA, HAWTHORNE, HERMOSA BEACH, LAWDALE, LOMITA, PALOS VERDES ESTATES, RANCHO PALOS VERDES, ROLLING HILLS, ROLLING HILLS ESTATES

**DIVISION II**  
 Battalions 2 & 16 – 9 Cities  
 AZUSA, BALDWIN PARK, BRADBURY, CLAREMONT, COVINA, DUARTE, GLENDFORA, IRWINDALE, SAN DIMAS

**DIVISION III**  
 Battalions 4, 6 & 22 – 2 Cities  
 LA CAÑADA FLINTRIDGE, SANTA CLARITA

**DIVISION IV**  
 Battalions 8, 9 & 21 – 12 Cities  
 ARTESIA, BELLFLOWER, CERRITOS, HAWAIIAN GARDENS, LA HABRA, LAKEWOOD, LA MIRADA, NORWALK, PARAMOUNT, PICO RIVERA, SIGNAL HILL, WHITTIER

**DIVISION V**  
 Battalions 11 & 17 – 2 Cities  
 LANCASTER, PALMDALE

**DIVISION VI**  
 Battalions 13 & 20 – 6 Cities  
 CUDAHY, HUNTINGTON PARK, INGLEWOOD, LYNWOOD, MAYWOOD, SOUTH GATE

**DIVISION VII**  
 Battalions 1 & 5 – 6 Cities  
 AGOURA HILLS, CALABASAS, HIDDEN HILLS, MALIBU, WEST HOLLYWOOD, WESTLAKE VILLAGE

**DIVISION VIII**  
 Battalions 12, 15 & 19 – 5 Cities  
 DIAMOND BAR, INDUSTRY, LA PUENTE, POMONA, WALNUT

**DIVISION IX**  
 Battalions 3 & 10 – 7 Cities  
 BELL, BELL GARDENS, COMMERCE, EL MONTE, ROSEMEAD, SOUTH EL MONTE, TEMPLE CITY

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