

**2006 - 2007  
SOLANO COUNTY  
GRAND JURY REPORT  
AND  
AGENCY RESPONSES**



*Honorable David Edwin Power*  
**Presiding Judge  
Superior Court of California  
County of Solano**

# Grand Jury Final Report



## 2006-2007 SOLANO COUNTY GRAND JURY



**First Row:** Vern Griffith, James Stewart-2006 Foreman, Presiding Judge David Edwin Power, Terry Riddle, Thomas Kreisman

**Second Row:** Jamielynne Harrison, Administrative Assistant, Sherry Kelly, Ralph Petty, Julie Majewski, Ronald Bryant, Jacqueline Ramos, Peggy Sherrod, Joel Van Westerhuyzen

**Third Row:** Thomas Johnson, John Gales, Donald Basso, Bernard Sanders, DeWayne Tobias- 2007 Foreman, Bettye Gonzales, Richard Schumacher, Karl Uebel.

Honorable David Edwin Power  
Presiding Judge  
Solano County Superior Court  
600 Union Ave  
Fairfield CA 94553

Dear Judge Power:

On behalf of the 2006-2007 Solano Grand Jury I present its final report. Each and every member of the jury contributed substantially to the reports' totality. These citizen Grand Jurors volunteered tirelessly of their time on behalf of the community.

Special note must be made of the juror contributions of Mr. Terry Riddle, Foreman Pro-Tem, Mrs. Peggy Sherrod, Grand Jury Scribe and Mr. John Gales, Computer Director. The continued support of Mrs. Jamielynne Harrison of Department Two of the Superior Court with her inherent skills provided many necessary administrative functions which enabled the jury to focus on its primary objectives of service to the Solano County community.

The final report of the Grand Jury was accomplished successfully during changes in administrative process for the Grand Jury.

Upgrading of the electronic process was accomplished. Special thanks is due to the county for providing the jury with requested hardware, software and projector which enabled the jury to write, edit and finalize reports.

The attempt to transfer administrative support from the Superior Court to the county counsel's office was not accomplished. Future juries will await, with a positive outlook, a successful filling of this important position that meets the requirements of the jury, courts and county.

The 2006-2007 Grand Jury began July 2006 with 19 jurors. During the year the jury lost five members due to various reasons. Four jurors selected from the alternative list joined the jury and each brought with them additional assets which enhanced the jury.

It has been a pleasure working with my fellow jurors for the citizens of Solano County.

Sincerely,

**D.J. Tobias**  
**Foreman**  
**2006-2007 Grand Jury**

# Table of Contents

## I CRIMINAL JUSTICE

<b>Grand Jury Report - Solano County Sheriff/Coroner's Office – Office of Emergency Services – Sheriff's Office Dispatch Center</b>	
Sheriff's Office, Office of Emergency Services and Sheriff's Office Dispatch Center Responses	5
County of Solano Response	5
<b>Grand Jury Report – Solano County Justice Center Detention Facility Inspection</b>	
County of Solano Response	6
<b>Grand Jury Report – Solano Justice Building Court Holding Facility – Vallejo</b>	
County of Solano Response	8
<b>Grand Jury Report - Claybank Detention Facility</b>	
County of Solano Response	9
<b>Grand Jury Report - Solano County Probation Department - Juvenile Detention &amp; New Foundations Facilities</b>	
County of Solano Response	10
Solano County Presiding Juvenile Court Judge's Response	10
<b>Grand Jury Report - California Medical Facility</b>	
State of California, Department of Corrections and Rehabilitation Response	11
<b>Grand Jury Report - California State Prison Solano</b>	
<b>Grand Jury Report - Benicia Police Department and Holding Facility</b>	
City of Benicia Response	13
<b>Grand Jury Report - Dixon Police Department Holding Facility</b>	
City of Dixon Response	14
<b>Grand Jury Report – Fairfield Police Department Holding Facility</b>	
City of Fairfield Response	14
<b>Grand Jury Report – Rio Vista Police Department</b>	
City of Rio Vista Response	15
<b>Grand Jury Report – Suisun City Police Department Holding Facility</b>	
Suisun City Response	15
<b>Grand Jury Report – Vacaville Police Department Holding Facility</b>	
Vacaville Police Department Response	16
<b>Grand Jury Report – Vallejo Police Department and Holding Facility</b>	
Vallejo Police Department Response	17
<b>Grand Jury Report – California Department of Corrections and Rehabilitation Delta Fire Camp</b>	
Department of Forestry and Fire Protection Response	18
<b>Grand Jury Report – Fouts Springs Youth Facilities</b>	
County of Solano Response	19
Fouts Springs Joint Powers Authority Board of Directors' Response	20
Solano County Presiding Juvenile Court Judge's Response	20
<b>Grand Jury Report - Permission to Carry a Concealed Weapon</b>	
County of Solano Response	21
City of Benicia Response	21
City of Dixon Response	22
City of Fairfield Response	22
City of Rio Vista Response	22
City of Suisun Response	22
City of Vacaville Response	22
City of Vallejo Response	22

## II EDUCATION AND LIBRARY

<b>Grand Jury Report - Travis Unified School District Emergency Safety Plans</b>	
Travis Unified School District Response	23
<b>Grand Jury Report - Solano County Office of Education</b>	
Solano County Office of Education Response	25

## III TRANSPORTATION AND PUBLIC BUILDINGS

<b>Grand Jury Report - Solano County Veterans' Buildings</b>	
County of Solano Response	27
<b>Grand Jury Report - City of Vallejo and Mare Island Historic Park Foundation Preservation of St. Peter's Chapel and ... Other Historic Properties</b>	
City of Vallejo Response	33
Mare Island Historic Park Foundation, Inc. Response	34

## IV LAND PLANNING AND ENVIRONMENT

<b>Grand Jury Report - Solano County Food Establishment Inspection</b>	
County of Solano Response	36

## V HEALTH AND SOCIAL SERVICES

<b>Grand Jury Report - Solano County Health and Social Services Department - In Home Supportive Services</b>	
County of Solano Response	38

## VI AD HOC

<b>Grand Jury Report - Solano County Animal Care Services</b>	
County of Solano Response	40
City of Benicia Response	42
City of Dixon Response	42
City of Fairfield Response	42

*"For more information or to see complete copies of agency responses, please visit the Grand Jury website at <http://www.solanocounty.com/GrandJury>"*

### MEMBERS OF THE 2006-2007 SOLANO COUNTY GRAND JURY

Donald Basso	Benicia
Ronald Bryant	Suisun City
John Gales	Fairfield
Bettye Gonzales	Fairfield
Vern Griffith	Fairfield
Thomas Johnson	Suisun City
Sherry Kelly	Benicia
Thomas Kreisman	Fairfield
Julie Majewski	Winters
Ralph Petty	Vacaville
Jacqueline Ramos	Benicia
Terry Riddle	Vacaville
Bernard Sanders	Dixon
Richard Schumacher	Benicia
Peggy Sherrod	Fairfield
James Stewart	Vallejo
DeWayne Tobias	Benicia
Karl Uebel	Benicia
Joel Van Westerhuyzen	Vacaville

# Note to all Affected Agencies

California Penal Code §933.05 is summarized as follows:

## Findings §933.05 (a)

For each finding in the Grand Jury Report, the responding party must give one of the following two responses:

- Responding party agrees with the finding.
- Responding party disagrees wholly or partially, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for disagreement.

## Recommendations §933.05 (b)

For each recommendation in the Grand Jury Report, the responding party must state that one of the following four actions has been taken:

- Recommendation has been implemented with a summary of implemented action
- Recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation
- Recommendation requires further analysis or entity requires detailed explanation of analysis or study with timeframe not to exceed six (6) months; analysis/study submitted to officer, director or governing body of the agency being investigated.
- Recommendation will not be implemented because it is not warranted, is not reasonable, with an explanation included.

## Budgetary and Personnel Matters §933.05 (c)

If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county department head by an elected officer, both the department head and Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only budgetary or personnel matters over which it has some decision making authority. The response of the elected department head shall address all aspects of the findings and recommendations affecting his/her department.

Advance release of a report is prohibited before public release.

## Response Time and Responding Party

**Public Agency:** governing body of any public agency must respond within 90 days.

**Elected Officer or Agency Head:** elected officers or heads of agencies and department heads are required to respond in 60 days.

**City or County:** The mayor shall also comment on the findings and recommendations.

# Index of Affected Agencies

## Benicia

Benicia City Manager  
Benicia City Council  
Benicia Police Department

## Dixon

Dixon City Manager  
Dixon City Council  
Dixon Police Department

## Fairfield

Fairfield City Manager  
Fairfield City Council  
Fairfield Police Department

## Rio Vista

Rio Vista City Manager  
Rio Vista City Council  
Rio Vista Police Department

## Suisun City

Suisun City - City Manager  
Suisun City - City Council  
Suisun City Police Department  
Suisun City Fire Department

## Vacaville

Vacaville City Manager  
Vacaville City Council  
Vacaville Police Department

## Vallejo

Vallejo City Manager  
Vallejo City Council  
Vallejo Police Department  
Vallejo Architectural Heritage and Landmarks Commission

## Education

Solano County Office of Education Board  
Solano County Office of Education Transportation Service  
T.C. McDaniel Center  
Irene Larsen Center  
Golden Hills Education Center

## Travis Unified School District

Travis Unified School District School Board  
Foxboro Elementary School  
Golden West Middle School  
Vanden High School  
TUSD-Director of Transportation

## Additional Agencies

California Department of Corrections and Rehabilitation  
California Department of Forestry  
California Medical Facility  
California State Prison Solano  
Colusa County Board of Supervisors  
Fouts Springs Board of Supervisors  
Fouts Springs Superintendent  
Placer County Board of Supervisors  
Solano County Administrative Officer  
Solano County Animal Care Services  
Solano County Board of Supervisors  
Solano County Department of General Services  
Solano County Department of Health & Social Services  
Solano County Department of Human Resources  
Solano County Department of Probation  
Solano County Department of Resource Management  
Solano County Juvenile Court  
Solano County Juvenile Detention Facility  
Solano County New Foundations Facility  
Solano County Office of Emergency Services  
Solano County Sheriff/Coroner's Office

# Criminal Justice

## SOLANO COUNTY SHERIFF/CORONER'S OFFICE OFFICE OF EMERGENCY SERVICES SHERIFF'S OFFICE DISPATCH CENTER 2006-2007 Solano County Grand Jury Report

### Reason for Investigation

Under the authority of the California Penal Code §925, to investigate and report on the operations, accounts and records of the officers, departments, or functions of the county, the Grand Jury elected to review the Solano County Office of Emergency Services and the Sheriff's Office Dispatch Center.

### Grand Jury Actions

- Visited Solano County Office of Emergency Services
- Toured Office of Emergency Services' Mobile Command Vehicle
- Visited Solano County Sheriff's Office Dispatch Center
- Interviewed Sheriff's Office Employees

### Background /Summary

#### **Office of Emergency Services**

The Solano County Office of Emergency Services (OES) is located at 530 Clay Street in Fairfield. The OES is used by county staff to coordinate emergency activity during natural disasters, terrorism, and rescue missions among all seven cities and the special districts in the county. Mutual aid for neighboring counties is also coordinated through OES. During emergency situations, OES uses the Solano County Sheriffs Office Dispatch Center (Dispatch Center) to coordinate activities of the OES and other emergency agencies on various radio frequencies. OES is also responsible for planning and conducting emergency training exercises and tabletop emergency strategy sessions. The OES facility is well organized; however, it is located approximately 50 yards from a Fairfield watershed levee. This levee, on occasion, floods and causes damage and inconvenience within the OES facility.

The OES has purchased a state-of-the-art Mobile Command Vehicle that has become an integral part in responding to emergencies within the County. A critical feature of the vehicle is a radio communications system, thereby permitting all agencies within the County to share certain frequencies with the command vehicle. This unit is currently used during emergencies to coordinate communications.

A continuing challenge facing all emergency response agencies has been a lack of ability to communicate efficiently with all agencies during emergency situations. In the past, each agency would design its own communications system, on its own set of frequencies. OES has received funding for a communications system within the County. The first of six broadcast towers, supporting the command vehicle, is currently in place. The balance of the towers is to be installed by June 2007 permitting all agencies to share certain frequencies during emergency situations.

In the event of a local emergency, OES has the capability to automatically call all residents in a designated area within a ten-minute period. The OES is also working with radio station KUIC (95.3 FM) to develop the ability to cut into any program at any time to announce any emergency to the public.

#### **Dispatch Center**

The Dispatch Center is part of the Solano County Sheriff's Department and is housed within the Sheriff's Office building in Fairfield. Dispatchers receive, evaluate, and summarize calls for service for the Sheriff's Office, Isleton Police and Fire, Dixon Police and Fire, Cordelia Fire Protection District, Suisun Fire Protection District, Rio Vista Fire Districts, Montezuma Fire District, Solano Community College Police, and California Medical Facility on a 24-hour basis. In addition, dispatchers provide service to Suisun City Police and Fire on graveyard shift, coordinate air ambulance for scene calls to all areas of the County, and coordinate all mutual aid for county and out-of-county requests. They handle after hours problems for Solano Irrigation District, Animal Control, Coroner, County Roads, Public Works communications, Building and Grounds, SWAT, Chaplain, District Attorney, Probation, Parole, and Sheriff's Reserve.

Dispatchers assist law enforcement officers in the field by asking the California Law Enforcement Telecommunications System for information on vehicles, people, and law enforcement information. Dispatchers transmit on three radio channels, seven secondary channels, and several law/fire radios for other agencies. They also access twelve business lines, four Nextel phones, six 911 lines, alarm panels, fax requests, and mobile data computer messages. The Dispatch Center is often the first point of contact for emergencies, providing the citizens of Solano County 24-hour service.

The dispatchers must perform many tasks simultaneously while maintaining a high level of accuracy. Their job is demanding and highly stressful. Each dispatcher must have a working knowledge of public safety procedures, terminology, and code systems. They must make critical decisions, using their independent judgment. The dispatchers are classified and paid at the county clerical rate. The Dispatch Center often trains new employees, only to have them leave coun-

ty employment for a similar job with a city public safety agency which pays higher wages while working with less stress.

### Findings and Recommendations

**Finding 1** - The Solano County Sheriff's Office Dispatch Center and Office of Emergency Services are presently housed in an area where flooding occurs. Dispatchers must be able to perform their critical duties when any state of emergency exists.

**Recommendation 1** - The Solano County Sheriff's Office Dispatch Center and Office of Emergency Services should be housed in an area that is physically secure and safe. This becomes critical when a disaster occurs.

**Finding 2** - The dispatcher job and pay classifications are included with the clerical employee classification within the County pay system.

**Recommendation 2** - The County should conduct a job function audit and evaluation of the dispatchers' positions. Their salary should be competitive with agencies elsewhere in the Public Safety environment.

**Finding 3** - The County Dispatch Center is not able to communicate by radio with other public safety agencies in an emergency.

**Recommendation 3** - A continued effort should be made to complete the additional five communication towers needed for the new communication interoperability system by June 2007 as scheduled.

**Finding 4** - At the time of our visit, the Solano County Office of Emergency Services had been working with the owners of radio station KUIC (95.3 FM) to develop the capability to cut into regular programming at any time to make immediate emergency announcements to the public.

**Recommendation 4** - Complete the ongoing negotiations with KUIC for this valuable public service.

### Comments

The Office of Emergency Services also conducts emergency preparedness training for Community Emergency Response Teams (CERT). This training provides citizens and organizations a better understanding of what they should do before, during, and after a disaster or major emergency. We believe this to be a valuable asset for the citizens of this County.

The Grand Jury believes that the dispatch employees should be compensated at a higher level based on their job responsibilities and the stress level associated with their duties. The residents of Solano County deserve highly competent employees working as dispatchers to deal with emergencies. To maintain a high level of competence, the County must compensate dispatchers at a level consistent with other public safety agencies in the area.

### Affected Agencies

- Solano County Sheriff's Office
- Solano County Office of Emergency Services
- Solano County Department of Human Resources
- Solano County Board of Supervisors

### COUNTY OF SOLANO RESPONSE

**Sheriff's Response to Finding 1** – The Sheriff's Office agrees with the finding.

**Board of Supervisors' Response to Finding 1** – The Board of Supervisors agrees with the finding.

**Sheriff's Response to Recommendation 1** – The Sheriff's Office recognizes the importance of housing the Office of Emergency Services in a location that provides the maximum ability to respond in all disaster situations. While a location not subject to flooding would be ideal, this recommendation will not be implemented because it is not warranted at this time. The Department is working with the County Administrator's Office to explore options for an expanded Office of Emergency Services as part of the County's overall capital project planning process.

**Board of Supervisors' Response to Recommendation 1** – The Board of Supervisors agrees with the Department's response to the Grand Jury's recommendation.

**Sheriff's Response to Finding 2** – The Sheriff's Office disagrees with the finding as the dispatcher job and pay classification is not aligned with clerical employee classification. The Public Safety Dispatcher job classification is an independent classification, unrelated to clerical positions within the County. The only area of commonality shared by Public Safety Dispatchers and clerical employees is with organized labor representation. Both are currently represented by SAGE/SEIU but are in separate bargaining units.

**Human Resources' Response to Finding 2** – Human Resources disagrees with this finding because the information is inaccurate. The job series of Public

# Criminal Justice

Safety Dispatcher is assigned to bargaining unit #7 (SEIU Local #1021), which is the "Regulatory, Technical & General Services Employees" unit, not the "Clerical" unit, which is bargaining unit #9 (SEIU Local #1021).

**Board of Supervisors' Response to Finding 2** – The Board of Supervisors agrees with the departmental responses to the Grand Jury's finding.

**Sheriff's Response to Recommendation 2** – The recommendation has been implemented as the Solano County Department of Human Resources has contracted with Fox Lawson to conduct a comprehensive classification and compensation study of all county job classifications. The Public Safety Dispatcher classification is currently under review.

**Human Resources' Response to Recommendation 2** – Human Resources has implemented this recommendation with the initiation of a comprehensive classification and compensation study of all County job classifications in February 2007. The Public Safety Dispatcher classification series is currently under review. Following completion of the classification study the County will conduct a compensation study of the appropriate labor market to determine what modifications to salary are necessary, if any.

**Board of Supervisors' Response to Recommendation 2** – The Board of Supervisors agrees with the departmental responses to the Grand Jury's recommendation.

**Sheriff's Response to Finding 3** – The Sheriff's Office partially disagrees with this finding. The Solano County Sheriff's Dispatch Center is able to communicate by radio with the majority of the public safety agencies in Solano County. Currently the Sheriff's Dispatch Center is unable to communicate by radio with two local agencies, the Vacaville Police Department and the Rio Vista Police Department. The Vacaville Police Department utilizes a system of radio frequencies that are incompatible with those radio frequencies utilized by other public safety agencies in Solano County. The Rio Vista Police Department contracts for services with another county, utilizing radio frequencies that are incompatible with Solano County radio frequencies. Once the first phase of the county-wide emergency radio interoperability project has been completed, a limited number of common radio frequencies will be available for emergency use county wide. Because the Rio Vista Police Department receives communication services from another county, it is likely their inability to effectively communicate by radio in Solano County will continue.

**Board of Supervisors' Response to Finding 3** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding.

**Sheriff's Response to Recommendation 3** – The recommendation has not yet been implemented, but the first phase will be implemented as soon as the upgraded radio equipment is delivered and installed by the County's vendor. The development of the infrastructure necessary to support a county-wide interoperable radio communications system is continuing and the communication towers mentioned in the Grand Jury report are part of this planned infrastructure. Funding for the first phase of this project has been identified, contracts are in place and timelines for deliverables have been established. The contractor for this project is approximately 90 days behind in deliverables.

**Board of Supervisors' Response to Recommendation 3** – The Board of Supervisors agrees with the Department's response to the Grand Jury's recommendation.

**Sheriff's Response to Finding 4** – The Sheriff's Office concurs with the finding.

**Board of Supervisors' Response to Finding 4** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding.

**Sheriff's Response to Recommendation 4** – This recommendation has been completed and the Solano County Office of Emergency Services now has the capability of immediately providing emergency announcements to the public by utilizing radio station KUIC.

**Board of Supervisors' Response to Recommendation 4** – The Board of Supervisors agrees with the Department's response to the Grand Jury's recommendation.



## SOLANO COUNTY JUSTICE CENTER DETENTION FACILITY INSPECTION 2006-2007 Solano County Grand Jury

### Reason For Inspection

California Penal Code §919 subsection (b) provides: "The Grand Jury shall inquire into the condition and management of the public prisons within the county." Pursuant to the statute, the 2006-2007 Grand Jury inspected the Solano County Justice Center Detention Facility and Court Holding Cells.

### Grand Jury Actions

- Met with Solano County Sheriff and senior administrators
- Viewed a power point presentation of the department's operation and interviewed staff at the detention facility
- Toured and inspected detention facility and Superior Court holding cells
- Reviewed Corrections Standards Authority facility inspection evaluation report

### Background / Summary

The Solano County Justice Center Detention Facility is a 260,000 square foot facility located at 530 Union Avenue, Fairfield, California. The detention facility is commonly known as the main jail. It became operational June 1989 and was given a Corrections Standards Authority (CSA) bed capacity rating for 705 beds. After remodeling the facility, bed capacity rating increased to 740. According to CSA standards, the facility is classified as a type II facility, which means it is a local detention facility used for the detention of individuals awaiting arraignment, trial, sentencing and fulfilling commitment. On the day of inspection, the inmate population was 733. The facility is operated by, under the control of and commanded by the Solano County Sheriff/Coroner's Department.

The Sheriff and staff launched a successful recruiting campaign that addressed personnel shortages and overtime usage throughout the department. All areas are now fully staffed and overtime has been dramatically reduced.

In 2006, 19,602 individuals were booked into the facility; 8,864 for misdemeanor offenses and 10,738 for felony offenses. Every 60.6 minutes an individual was booked for a misdemeanor offense and every 48.9 minutes an individual was booked for a felony offense. In 2006, there was an overall increase in felony bookings for homicide, assault and sex crimes.

The Sheriff's Department administers several programs that assist the inmates while incarcerated. Some examples of the programs are:

- Youth and Family Services Jail Outreach
- Religious Services
- Alcoholic Anonymous and Narcotics Anonymous
- Institutional Homeless Case Management

### Youth and Family Services Outreach Jail Program

This program assists sentenced inmates with drug and alcohol problems. It provides group and individual counseling. Recovery 2, is also a part of the program. Recovery 2 is a self-help therapeutic program presented in a group setting and is facilitated by the Sheriff's Department Chaplain, Youth and Family Services and Case staff.

### Religious Services Program

This program is conducted by 2 chaplains. The program provides church services, Bible studies, Bible correspondence, personal counseling, crisis intervention and marriage services.

### Alcoholics Anonymous and Narcotics Anonymous Programs

These programs are available to all incarcerated individuals upon request. Meetings are held weekly in a group setting.

### Institutional Homeless Case Management Program

This program is for inmates that have been incarcerated for more than 30 days and will be homeless upon release. The program provides assistance with transitional housing, finding financial aid and medical providers. The program also provides assistance with finding drug/alcohol treatment programs and mental health providers.

The Sheriff's Department has been under contract with the California Forensic Medical Group since March 2004 to provide the inmates with in-house medical, dental and outpatient mental health services. Based on information received, medical staff had 48,645 contacts from January through June 2006 and mental health staff had 635 contacts during the same period.

The Sheriff noted that Workers' Compensation injury claims have been reduced since the creation of the Custody Response Team. The CRT is deployed when necessary to remove combative, uncooperative inmates and during emergencies. The CRT receives approximately 100 call outs annually. Over 50% of the call outs resulted in voluntary compliance.

The Sheriff's Department Custody Division took the following actions to improve overall operations:

- Consolidated policy and procedure for the Fairfield and Claybank Facilities.
- Implemented a Jail Management Team, Facilities Inspection Team and Facilities Search Team.
- Contracted with Legal Research Associates.

### Consolidating policy and procedure

Policy and procedure consolidation for the Claybank and Main Jail Facilities has

# Criminal Justice

standardized day-to-day operations and has addressed applicable California Code of Regulations, Title 15 requirements.

## **Jail Management Team**

The team meets monthly to identify any potential problems, classification issues, personnel and inmate grievances, maintenance issues, policy, legal issues and to discuss pilot testing of any new products prior to purchase.

## **Facilities Inspection Team**

The team is responsible for inspecting all lifesaving equipment, all restraint equipment, developing and updating fire evacuation plans, examining all facility locks once a month and conducting visual inspection of all smoke and light detectors. When activated, the team is asked to search and find contraband, weapons, narcotics and other illegal materials within the confines of the detention facilities.

## **Legal Research Associates**

The Legal Research Associates provides the inmates with law library services that give the inmates greater access to legal reference materials.

The Solano County Court Holding Cells are located in the Solano County Superior Court Building second floor at 500 Union Avenue, Fairfield, California. The holding cells are accessed from the rear of the main jail building and by elevator. The general public does not have access to the cells. The holding cells are used exclusively for detaining adult and juvenile inmates minutes prior to a scheduled court arraignment or trial. No inmates are detained over night. Whenever a juvenile is being detained, a probation officer is present. There are occasions when adults and juveniles, although detained in separate cells, are within hearing distance of each other, which is an apparent violation of the California Code of Regulations, Title 15.

## **Findings And Recommendations**

**Finding 1** - Policy and procedure are consolidated into one operating manual for the Fairfield and Claybank Detention Facilities.

**Recommendation 1** – None.

**Finding 2** - The Jail Management Team, Facility Inspection Team and the Facility Search Team were created to enhance overall operations.

**Recommendation 2** - The teams should remain in place as part of the overall operations of the Sheriff's Department.

**Finding 3** – The Sheriff's Department Custody Division entered into a contract with Legal Research Associates, which has enhanced the inmate's ability to access legal material and reduced inmate complaints relating to legal material access.

**Recommendation 3** – The contract should remain in place allowing inmates to continue to participate in the service.

**Finding 4** - Occasionally adult and juvenile inmates are within hearing distance of each other when detained at the Superior Court Holding Cells.

**Recommendation 4** - Dialogue should continue between the Sheriff's Department, Probation Department and the Superior Court with the goal of correcting this situation as indicated in the Corrections Standard Authority report.

## **Comments**

The Solano County Sheriff has successfully addressed serious staff shortages, the use of overtime, workers' compensation injury claims and the overall day-to-day operations of the department. Staffing shortages and the reduction of overtime were overcome by launching and conducting a successful recruiting campaign. Maintaining the Custody Response Team reduced the number of workers' compensation claims. Consolidating policy and procedure into one manual for the day-to-day operations of the Fairfield and Claybank detention facilities made overall operations more uniform and has addressed California Code of Regulations, Title 15 requirements.

The Sheriff and Staff are to be complimented for improving overall day-to-day operations and for exhibiting and providing a high level of safety, security and service to the people of Solano County.

## **Affected Agencies**

Solano County Sheriff/Coroner's Office  
Solano County Board of Supervisors

## **COUNTY OF SOLANO RESPONSE**

**Sheriff's Response to Finding 1** – The Sheriff's Office concurs with the finding of the Grand Jury. The policies and procedures of the Sheriff's Office are

continually being reviewed, updated and consolidated to reduce liability and ensure consistent operation of the detention facilities.

**Board of Supervisors' Response to Finding and Recommendation 1** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding and recommendation.

**Sheriff's Response to Finding and Recommendation 2** – The Sheriff's Office concurs with the finding of the Grand Jury. The teams have encouraged open communications between the ranks enabling potential safety and security issues to be addressed and corrected in a timely manner. These teams have become an integral part of the Custody Division. Currently the Custody Management Team is meeting on a monthly basis. The Facility Inspection Team is routinely walking throughout the facilities inspecting and documenting safety and security issues that may arise. The Facility Search Team continues operations as needed.

**Board of Supervisors' Response to Finding and Recommendation 2** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding and recommendation.

**Sheriff's Response to Finding and Recommendation 3** – The Sheriff's Office concurs with the finding of the Grand Jury. The contract with Legal Research Associates (LRA) has been in place since October 1, 2005. To date, we are satisfied with the level of service and the working relationship that has developed between staff and LRA. Provided the quality of service continues at present level this contract will be reevaluated for renewal prior to the expiration date of September 30, 2008.

**Board of Supervisors' Response to Finding and Recommendation 3** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding and recommendation.

**Sheriff's Response to Finding and Recommendation 4** – The Sheriff's Office concurs with the finding of the Grand Jury. A dialog has been established between the Sheriff's Office, Probation Department and the Superior Court and will continue with the goal of correcting the situation indicated in the Corrections Standard Authority report. The Sheriff has formally noticed the Probation Department that this situation must be corrected. In order for the appropriate change to occur the Probation Department and the Superior Court must change the location of juvenile hearings. Any independent action taken by the Sheriff to prevent the Probation Department from utilizing existing holding facilities will result in a significant disruption of the Juvenile Justice System. Our continuing goal is to resolve this issue prior to our next annual inspection by Corrections Standards Authority.

**Board of Supervisors' Response to Finding and Recommendation 4** – The Board of Supervisors agrees with the Grand Jury and Departmental response and is supportive of continued dialog between the Sheriff, Probation and Courts to mitigate issues concerning the safety of juvenile inmates awaiting Court appearances. Ideally the County would like to see the Courts conduct juvenile hearings at Juvenile Hall and is desirous of collaboration with the Courts to explore the need for a juvenile justice center adjacent to Juvenile Hall.



## **SOLANO JUSTICE BUILDING COURT HOLDING FACILITY – VALLEJO 2006-2007 Solano County Grand Jury**

### **Reason For Inspection**

California Penal Code §919 subdivision (b) provides: "The Grand Jury shall inquire into the condition and management of the public prisons within the county." Pursuant to the statute, the 2006-2007 Grand Jury inspected the Solano Justice Building Vallejo Court Holding Facility located at 321 Tuolumne Street, Vallejo, California.

### **Grand Jury Actions**

- Met with the Captain in charge of in-custody operations and staff
- Interviewed staff
- Toured and inspected the holding facility
- Reviewed the California Standards Authority facility evaluation report

### **Background / Summary**

This 5500 square foot holding cell facility is inside the Solano Justice Center Building located at 321 Tuolumne Street, Vallejo, California. The facility is used exclusively for the temporary holding and securing of inmates for their court appearances. It is staffed, operated and under the command of the Solano County Sheriff's Department and is designated a court holding detention facility by the Corrections Standards Authority. Inmates are transported from the

# Criminal Justice

Claybank facility and the main jail in downtown Fairfield to this facility for court appearances. Lunch is served to all inmates waiting for their court appearance if present during the noon hour. Inmates are not housed overnight.

The facility inmate capacity is 85. There are nine holding cells, two of which are large enough to hold and secure 32 individuals. In total, 34 female and male inmates were present, the facility was neat, clean and odor free on the day of our walk through. Seven deputies provide court bailiff duties and they assist three correctional officers with monitoring and securing of inmates waiting for their court appearance.

The holding cell area is equipped with warning lights and an audible alarm system. There are security cameras in the holding cell area and in all of the courtrooms. Judges, officers of the court and court employees can access courtrooms from the holding cell area. An automatic door locking system is in place, which is activated when inmates are escorted between the holding cells and court.

## **Findings and Recommendations**

**Finding 1** – Inmates are transported daily from the main jail downtown Fairfield and the Claybank facility to the holding cells in Vallejo. The number of inmates that have court appearances dictate the number of trips made daily.

**Recommendation 1** – The Sheriff’s Department coordinates activities with the courts to minimize transportation of inmates within the county.

**Finding 2** – Judges, officers of the court and court employees can access a courtroom from the holding cell area.

**Recommendation 2** – Although adequate security appears to be in place, the Sheriff’s Department should continue to be vigilant in monitoring safety and security concerns of the judges, court officers and court employees when escorting inmates from the cell(s) to the courtroom.

## **Comments**

The facility appears out-dated in design. On the day of this review, the facility commander and staff were diligent in providing security. The Sheriff’s Department utilizes precautionary measures when transporting the inmates from Fairfield and Claybank to the court in Vallejo and when escorting the inmates from the holding cell to a courtroom. The Commander and staff are to be commended for operating this facility in a professional manner.

## **Affected Agencies**

Solano County Sheriff/Coroner’s Office  
Solano County Board of Supervisors

## **COUNTY OF SOLANO RESPONSE**

**Sheriff’s Response to Finding and Recommendation 1** – The Sheriff’s Office concurs with the finding of the Grand Jury. The Sheriff’s Office recognizes and concurs with the need to minimize the number of transports made daily to Vallejo for court proceedings. The Sheriff also recognizes that the ability to minimize the number of inmates transported daily to the Vallejo Superior Court is completely dependent on where the Superior Court decides to conduct in-custody hearings. In order to maximize efficiency and assure safety and security the Sheriff’s Office will continue a dialog with the Presiding Judge and Court Executive Officer with the ultimate goal of reducing the number of inmates transported daily to Vallejo.

**Board of Supervisors’ Response to Finding and Recommendation 1** – The Board of Supervisors agrees with the Department’s response to the Grand Jury’s finding and recommendation and would like to see expanded collaborative efforts with the Courts (i.e. video arraignments, calendaring of in custody matters in Fairfield) to minimize the cost and effort of transporting and holding of inmates throughout County facilities.

**Sheriff’s Response to Finding and Recommendation 2** – The Sheriff’s Office concurs with the finding of the Grand Jury. The Sheriff’s Office recognizes and concurs with the need to provide safety and security for the judges, court officers and court employees. During the most recent remodel of the Vallejo Court Facility the Sheriff was consulted for security. Specific recommendations were made to establish a secure hallway for the transition of in-custody defendants. In the final analysis it was determined that construction of a separate secure passage for the transition of in-custody defendants was too costly and the recommendation was eliminated from the construction plan. The design of the existing court facility is the result of that decision. The Sheriff’s Office has implemented procedures to provide safety during the movement of high risk, high security inmates. The Sheriff’s Office utilizes existing resources including the deployment of the Custody Response Team to alleviate security concerns. Moreover, high risk security issues are identified, assessed, and mitigated by the Sheriff’s Office Threat Assessment Team.

**Board of Supervisors’ Response to Finding and Recommendation 2** – The Board of Supervisors agrees with the Department’s response to the Grand Jury’s finding and recommendation.



## **CLAYBANK DETENTION FACILITY 2006-2007 Solano County Grand Jury**

### **Reason For Investigation**

California Penal Code §919 subsection (b) provides: “The Grand Jury shall inquire into the condition and management of the public prisons within the county.” Pursuant to the statute, the 2006-2007 Grand Jury inspected the Claybank Detention Facility.

### **Grand Jury Actions**

- Met and received an overview of facility operations by the Commander and staff
- Interviewed staff
- Toured and inspected the facility
- Received orientation on the following programs: Electronic Monitoring, Work Furlough, After Release Work and the pending Global Positioning Satellite Monitoring
- Reviewed the California Standards Authority facility inspection report

### **Background / Summary**

The 91,000 square foot Claybank Detention Facility (the facility) opened in 1979. The facility is staffed, operated and commanded by the Solano County Sheriff’s Department. The facility is on 37 acres of land located at 2500 Claybank Road, Fairfield, California. It is a Type II facility, which means it is a local detention facility used for the detention of persons pending arraignment, trial, sentencing and fulfilling commitment. No bookings occur at this facility. The facility is currently fully staffed with 46 uniform and non-uniform personnel. Current bed capacity is 411. Plans are currently in place to increase bed capacity by 512. On the day of inspection, there were 74 female and 378 male inmates in-custody.

Our inspection revealed that due to security concerns, the dining area and dayrooms in two areas are not fully utilized. The facility was clean and neat. The grounds were well maintained.

The Commander and staff established a Good Behavior Program for qualified inmates. Inmates are given extra privileges in exchange for exhibited good behavior over a specified period of time. Several programs are available for the inmates. Minimum Security inmates can volunteer for landscaping, kitchen duties and many other in-custody work activities. Courses are available for all inmates interested in obtaining a General Education Diploma (GED). Support services are available such as Life Skills, Keys to Recovery, Nurturing and Family Services.

With the cooperation of the Solano County Animal Shelter, a Kitten Raising Program is available for the female inmates. Electronic Monitoring and Work Furlough Programs are available for the inmates meeting certain criteria. Electronic Monitoring allows low risk offenders the opportunity to work, attend court ordered rehabilitation programs and to stay at home in lieu of going to jail. According to the Sheriff’s Department data, the Electronic Monitoring Program saved county taxpayers over \$2 million dollars between September 2005 and September 2006. Work Furlough provides eligible inmates a means to continue school or work while incarcerated.

### **Findings and Recommendations**

**Finding 1** – The designated dining area and dayrooms in the housing units appear to be under utilized.

**Recommendation 1** - The Sheriff and staff should find ways to utilize these areas consistent with security concerns.

**Finding 2** - The Electronic Monitoring Program appears to be cost effective. The program contributes to reducing overcrowding.

**Recommendation 2** - Continue to expand and monitor the program for cost effectiveness consistent with safety and security concerns.

**Finding 3** - The Life Skills Program and the Kitten Raising Program appear to be beneficial to all participating inmates.

**Recommendation 3** - These programs should be continued and enhanced when possible.

# Criminal Justice

**Finding 4** – The Good Behavior Program was implemented and appeared to be successful.

**Recommendation 4** - This program should be monitored closely for potential abuse to ensure that safety and security concerns are not compromised.

## Comments

The Claybank Detention Facility is used for housing inmates pending arraignment, trial, sentencing or fulfilling commitment. On the day of inspection, the facility was clean, neat and odor free.

Construction of a 512-bed unit at the Claybank Detention Facility is scheduled to begin in the fall of 2007. The additional beds should alleviate anticipated overcrowding. The sheriff placed a priority on staffing throughout the department and launched an aggressive recruiting campaign. As a result, the Claybank Detention Facility is fully staffed.

The Grand Jury compliments the Sheriff's Department for exhibiting an outstanding effort in providing safety, security and service at the Claybank Detention Facility.

## Affected Agencies

Solano County Sheriff/Coroner's Office  
Solano County Board of Supervisors

## COUNTY OF SOLANO RESPONSE

**Sheriff's Response to Finding and Recommendation 1** – The Sheriff's Office concurs with the finding of the Grand Jury. In the original design of the Claybank Facility the dining room and recreation areas (referred to as dayrooms in the Grand Jury report) were intended for use by minimum security inmates. The inmate population has changed and very few minimum security inmates are held in custody. Effective utilization of the dining room and the large recreation areas will require safety and security upgrades that may include security doors, locks, security cameras and additional staffing. Moreover, upgrades to these areas may not be tenable at this time because of the Claybank expansion project and the planned remodel of the existing facility. Upon completion of the expansion the inmate population housed at the Claybank Facility will be transferred to the new facility and the existing facility will be remodeled. Once this occurs, use of the currently under-utilized space will be reevaluated.

**Board of Supervisors' Response to Finding and Recommendation 1** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding and recommendation. Underutilized areas at Claybank will be reprogrammed as part of the jail expansion project in conjunction with the County's commitment to enhance resources to reduce recidivism and promote safe communities through expanded projects aimed at crime prevention, intervention and reentry activities.

**Sheriff's Response to Finding and Recommendation 2** – The Sheriff's Office concurs with the finding of the Grand Jury and the recommendation has been implemented. The Sheriff's Office assumed responsibility for management and operation of the Electronic Monitoring Program, from a private provider, in May 2004. Since that time, program compliance and participation has increased and policies and procedures including fiscal procedures have been and continue to be updated. In addition, we are starting a Global Positioning Satellite (GPS) tracking program. Through Global Positioning we will have the capability to know where participants are at all times. The Sheriff will continue a dialogue with the Superior Court, encouraging Judges to permit additional defendants access to electronic monitoring.

**Board of Supervisors' Response to Finding and Recommendation 2** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding and recommendation. Board of Supervisors supports the development of cooperative relationships between the Courts and Sheriff that maximize use of cost effective sentencing alternatives that reflect sufficient consequences for criminal activities.

**Sheriff's Response to Finding and Recommendation 3** – The Sheriff's Office concurs with the finding of the Grand Jury and the recommendation has been implemented. In partnership with Youth and Family Services and the Solano County Animal Shelter inmate programming has benefited all involved. Inmates participating in programs at the Claybank Facility have more than doubled, new programs have been introduced and there are plans for improving and increasing inmate programs in the future. In addition to drug and alcohol treatment programs we have life skills, nurturing skills, anger management and work closely with Social Services to develop and maintain a good family relationship between incarcerated parents and their children. We have two (2) dayrooms of pre-sentenced inmates who are programming, with the focus being on drug and alcohol treatment and behavior modification. Future plans for programs may include, vocational training, operating a day reporting center and implementing a community re-entry program.

**Board of Supervisors' Response to Finding and Recommendation 3** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding and recommendation.

**Sheriff's Response to Finding and Recommendation 4** – The Sheriff's Office concurs with the finding of the Grand Jury and the recommendation has been implemented. Safety and security of the inmates, facility, staff and community is our first priority. When we started the pilot program with pre-sentenced inmates, we based it on incentives for positive behavior. Inmates are given expectations and we hold them accountable. We have had a few inmates who were unacceptable for this program and were a deterrent to our objective; these inmates are re-classified to a higher security upon identification.

**Board of Supervisors' Response to Finding and Recommendation 4** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding and recommendation.

Additional Comments from Sheriff/Coroner:

In closing, I appreciate the effort put forth by those members of the Grand Jury conducting the annual inspection of my custody and court holding facilities. They were inquisitive, asked the important questions, addressed controversial issues and produced what I believe is a valuable and objective report. The positive recognition by the Grand Jury of our efforts to maintain safe and secure jail and court hold facilities is greatly appreciated.



## SOLANO COUNTY PROBATION DEPARTMENT JUVENILE DETENTION & NEW FOUNDATIONS FACILITIES 2006-2007 Solano County Grand Jury

### Reason for Inspection

California Penal Code §919 subsection (b) provides: "The grand jury shall inquire into the condition and management of the public prisons within the county." Pursuant to the statute, the 2006-2007 Grand Jury inspected the Juvenile Detention and New Foundations Facilities at 740 Beck Avenue, Fairfield, California.

### Grand Jury Actions

- Interviewed the Chief Probation Officer
- Met with the Superintendent, staff, and counselors of Juvenile Detention and New Foundations Facilities
- Toured the Juvenile Detention and New Foundation Facilities
- Met and spoke with several minors in the facilities
- Reviewed the facilities' policy and procedure manuals

### Background / Summary

The Juvenile Detention Facility (Juvenile Hall) and the New Foundations Facility (New Foundations) are divisions of the Solano County Probation Department (Probation Department). The purpose of these facilities is to provide detention for youths charged with serious crimes, who otherwise cannot be safely released to the community and are likely to flee the jurisdiction of the Court. They also provide post-disposition detention for youths awaiting placement to other types of residential care, quality education, vocational assessment, and learning opportunities. The facilities' policies and procedures comply with the standards in Title 15 and Title 24 of the California Code of Regulations pertaining to juvenile offenders. Juvenile Court Law, Solano County, and the Probation Department also establish procedures and guidelines for consistency and uniformity in the day-to-day operation of the facilities.

### Juvenile Hall

This facility houses minimum to maximum security level minors and has a capacity of 90. On the day of our visit, there were 95 minors, 76 males and 19 females. The staff ratio was one duty staff member to 10 minors to include a Senior Counselor and several Group Counselors as required by law.

All minors, age 12-18 years, accepted for booking into Juvenile Hall, undergo a pat-down search prior to placement in a holding cell. The facility has a Sally Port for the transport of minors from police department holding cells. Visual safety checks are conducted every 10 minutes and documented accordingly. Within one hour of booking, minors are given the opportunity to make three phone calls; to a parent or guardian, an employer, and an attorney. Juveniles must have a court hearing within 72 hours after their arrest.

Every minor detained in Juvenile Hall must be entered immediately into the Case

# Criminal Justice

Program as part of the intake process. This Program is a Solano County database that contains information on minors that have been or are currently on probation in the county. Additionally, all minors must be medically screened with written medical clearance before being booked into the facility.

As of August 15, 2006, Solano County instituted policies and procedures requiring every minor in Juvenile Hall to have a Medical CASE Identification printout and picture. This confirms and identifies all incoming minors for medication issuance by the nursing staff. The nurses are on duty daily between 7:00 a.m. and 11:00 p.m. A doctor is present at various intervals, but is always on-call. Mental health counselors, probation officers, and other professionals and staff are available as needed and may take part in the processing and placement of a minor into Juvenile Hall.

A minor is assigned to one of four Pods (housing units within the facility) in a manner that provides for their individual safety as well as the safety of other minors, staff, and the public. Several factors are considered when assigning a minor to a Pod, such as:

- Security classification
- Special modification or mental health needs
- Gender, age, weight
- Maturity level
- Legal status
- Suspected of having a communicable disease
- Case is high profile/type of offense
- Gang affiliation

## New Foundations

This facility's program is an intensive program that addresses the educational needs of detained juveniles in Solano County. It has a bed capacity of 30. New Foundations academic program operates under the authority of the Solano County Superintendent of Schools. The programs must comply with the State Education Code and the County Board of Education. Minors are evaluated to determine individual educational needs and they must be enrolled in a program within three school days after their detention.

Minors can earn high school credits toward a diploma. The Exit exam required for high school students is available to the minors at the facility.

The facility's new employees, after their initial orientation and training, are required to train at Juvenile Hall and receive additional training supervised by the Chief Probation Officer.

New Foundations has a full service program designed to provide a safe and caring, therapeutic group living experience, incorporating psychological, psychiatric, recreational, and social services aimed at supporting and reunifying families. All activities are designed to promote self-discipline, self-esteem, respect, and accountability for each minor. Minors are encouraged to communicate with their families. Active involvement by the family is an intricate part of the treatment program. Ongoing family counseling through a series of group conferences and home visits assists the minor and family to understand their family dynamics. The counselors and probation officers also use the counseling sessions to evaluate home furloughs and establish criteria for a minor's release.

This facility functions on a point system that focuses on behavior modification. Points are earned on a weekly basis during specific hours based on good behavior. A minor can advance through four phase levels to earn release; Phase 4 is the highest. It takes approximately one month to advance one level provided all required points are earned. Furloughs are a privilege and may be given for those achieving Phase 3 and Phase 4.

A report is required, by statute, when overcrowding exceeds maximum capacity for more than 15 calendar days in any single month. The Assistant Superintendent filed a report regarding the overcrowding in Juvenile Hall with the California Corrections Standards Authority in September 2006. At the time of our visit in November 2006, a second report was being prepared.

New Foundations was not experiencing overcrowding at the time of our visit.

A pre-site inspection of the new Juvenile Detention Facility was conducted prior to occupancy in 2004 by The Institute for Medical Quality. Other regulatory agencies conducted the required annual inspections for both facilities in 2006.

## Findings and Recommendations

**Finding 1** - On the day of our visit both facilities appeared clean, neat, and well organized.

**Recommendation 1** - Solano County Probation Department should continue to keep up the good work.

**Finding 2** - On the day of our inspection, Juvenile Hall was overcrowded.

**Recommendation 2** - Solano County Probation Department should review

processes and procedures for all juvenile facilities they administer to avoid overcrowding.

**Finding 3** - Minors released to society are not tracked.

**Recommendation 3** - Solano County Probation Department should track the success or failure of minors in order to measure the effectiveness of the programs they administer.

## Comments

The Probation Department administers all juvenile detention facilities for Solano County. Proper use of all available beds could reduce overcrowding at any or all facilities.

We commend the Probation Department for its efforts to administer statutory law, and policy and procedures. Hopefully the department will be successful in getting more parental involvement.

## Affected Agencies

- Solano County Probation Department
- Juvenile Detention Facility
- New Foundations Facility

## Courtesy Copy

- Solano County Board of Supervisors
- Solano County Juvenile Court

## COUNTY OF SOLANO RESPONSE

**Probation's Response to Finding and Recommendation 1** – Concur.

**Board of Supervisors' Response to Finding and Recommendation 1** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding and recommendation.

**Probation's Response to Finding and Recommendation 2** – Probation agrees with this finding and the recommendation has been implemented. Probation continually reviews processes and procedures to avoid overcrowding. A trend toward increased population was identified early in 2006. This trend continued reaching a peak in October 2006. Once it was determined that the increased population was a long term trend rather than a spike, the Department requested authorization from the Board of Supervisors to reopen the Challenge Unit. Authorization to open 20 beds was approved on February 27, 2007.

**Board of Supervisors' Response to Finding and Recommendation 2** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding and recommendation. Board approval of funding and staffing of the Challenge Unit provides sufficient resources for the Department to address spikes in population at Juvenile Hall.

**Probation's Response to Finding 3** – Probation disagrees partially. Solano County Probation currently collects substantial data for those minors participating in programs funded by grants such as the Juvenile Justice Crime Prevention Act (JJCPA).

**Board of Supervisors' Response to Finding 3** – The Board of Supervisors agrees with the Department's response to the Grand Jury finding. Probation has implemented the collection of data on juveniles to better evaluate the outcomes of programs and services provided by the County.

**Probation's Response to Recommendation 3** – The recommendation has been implemented with regard to programs funded by grants such as JJCPA. With regard to other programs, the recommendation will be implemented by FY 2008-2009. The Department is currently working with other probation departments through the Chief Probation Officers of California to implement standardized outcome measures for juvenile and adult probation.

**Board of Supervisors' Response to Recommendation 3** – The Board of Supervisors agrees with the Department's response to the Grand Jury's recommendation.

## SOLANO COUNTY PRESIDING JUVENILE COURT JUDGE'S RESPONSE

**Finding/Recommendation 1:** I have no comment on this finding and its recommendation.

**Finding/Recommendation 2:** Prior to detaining a minor at the Juvenile Detention Facility, the court must consider and make a number of findings:

Whether continuance in the home of the parent or guardian is contrary to the minor's welfare

# Criminal Justice

Whether the Probation Officer has made reasonable efforts to prevent or eliminate the need for the removal of the minor from his or her home  
Whether the District Attorney has made a prima facie showing that the minor is a person described by Welfare and Institutions Code section 602  
What is the specific reason(s) the minor is being detained:

- The minor has violated a Juvenile Court Order
- The minor has escaped from a Juvenile Court Commitment
- The minor is likely to flee the jurisdiction of the court
- It is a matter of immediate and urgent necessity for protection of the minor to detain him or her
- It is reasonably necessary for the protection of the person or property of others to detain the minor

The judicial determination for detention is made regardless of the population of the Juvenile Detention Facility.

The court often gives the Probation Officer the discretion to release a specific minor directly to the parents or on a program of home supervision or electronic monitoring. On some occasions, the ability of the parents to provide an effective level of supervision for the minor can be increased by brief counseling or monitoring by the Probation Officer.

The Juvenile Court and Probation Department utilize a procedure that significantly expedites the signing of transfer orders when a minor is to be transferred to another institution. This expedited procedure reduces both the duration of a minor's stay in the Juvenile Detention Facility waiting for the transfer to occur and the population of the facility.

**Finding/Recommendation 3:** I have no comment on this finding or its recommendation.



## CALIFORNIA MEDICAL FACILITY 2006-2007 Solano County Grand Jury

### Reason for Investigation

California Penal Code §919 subsection (b) provides: "The grand jury shall inquire into the condition and management of the public prisons within the county." Pursuant to the statute, the 2006-2007 Grand Jury inspected the California Medical Facility, 1600 California Drive, Vacaville, California.

### Grand Jury Actions

- Interviewed the Warden and staff
- Toured the AIDS Unit
- Toured the Hospice Unit
- Toured the Education Center
- Toured the Elder Care Facility
- Reviewed California Medical Facility pamphlets and historical notes
- Reviewed related newspaper articles
- Reviewed a summary of nine class action lawsuits

### Background/Summary

The California Medical Facility (CMF) was established in 1955 by the California Legislature to provide a centrally located medical/psychiatric institution for the health care needs of the male population of California State Prisons. It has been in operation for over 50 years.

The budget for CMF is \$171 million, and is staffed with approximately 1,853. There are 200 staff vacancies, mainly in the medical areas.

The facility was originally designed to house 2,315 inmates. The housing areas have been reconfigured. The current inmate capacity is 3,329. On the day of our inspection, the inmate population was 3,022.

Mental Health Services operates a licensed acute care psychiatric hospital within CMF. Their mission is to provide evaluation and treatment of the mentally disordered and developmentally disabled inmates in a safe, secure, well-maintained, therapeutic and self-enhancing environment. They must do this while maintaining control of individuals who have been determined to be a danger to self or the people of the State of California.

The medical needs of inmates are met by CMF Hospital Services. This includes 65 licensed acute care beds, 21 licensed elderly care beds, three negative air pressure isolation rooms and two operating rooms.

Emergency medical services are provided to all inmates housed at CMF. Life support services, quality nursing care, and nursing assessments are provided by registered nurses 24 hours a day. A physician is on duty during the day shift, and

a medical officer of the day is available to provide after-hours care.

Dental services are provided and all inmates receive a general examination and dental cleaning once a year. Additional dental work is done if needed. A dental laboratory is in the proximity and produces dental prosthetic devices. The clinic and laboratory are small and crowded, which creates safety concerns for the staff.

CMF has a special housing unit for over 520 HIV positive/AIDS patients and a 17-bed hospice, which was the first in the State of California. The hospice is accredited by the State of California Department of Health Services. The hospice offers comfort and support to terminally ill patients and support for families and friends. Inmates, who have passed certain requirements, can volunteer to provide supportive care for the terminally ill patients. Family visitation is more lenient in this wing.

In 2006, an Elder Care Facility, with a bed capacity of 21, was added. It is a 24-hour care facility. The general age category for this facility is 55 and over. This unit was established to meet the needs of the disabled and elderly.

CMF has three community work crews available to assist nearby cities and counties on needed projects.

Napa State Hospital Crew provides gardening and janitorial support to Napa State Hospital.

The Keating Park Crew provides maintenance and gardening to local ballparks.

The Alamo Creek Crew provides weed abatement and flood protection work for the City of Vacaville.

Educational opportunities are provided to inmates by the CMF Education Department. Academic courses are offered in adult basic education and English as a second language. High school and GED programs are available to eligible inmates.

CMF also offers vocational education courses. These courses include horticulture, electronics, janitorial, and office services. The courses are designed to assist inmates in securing jobs after their release from prison.

Inmates are assigned to a reentry program within 120 days of their parole date. The re-entry program is designed to provide inmates with materials and guidance for a successful parole. It emphasizes communication, employable skills, money management, community and parole resources, self-esteem, social values and personal responsibility. Three to 11 inmates are released daily from CMF.

### Findings and Recommendations

**Finding 1** - The California Medical Facility continues to have staff shortages in the medical fields.

**Recommendation 1** - Develop recruiting programs to correct this ongoing problem.

**Finding 2** - The reentry program is designed to provide inmates with materials and guidance for a successful parole. This program appears to be the right thing to do.

**Recommendation 2** - Establish a tracking process to determine if the program has been successful in helping released inmates to become responsible citizens.

**Finding 3** - The hospice unit at the California Medical Facility is a model for correction facilities.

**Recommendation 3** - Expand the program as needed throughout the corrections community.

### Comments

The Warden and staff at the California Medical Facility were very helpful and willing to answer our many questions. At the time of our tour, the facility appeared clean and well organized. Needed expansion of the dental laboratory will create more jobs for inmates and provide added security for staff. Groundbreaking is scheduled for 2011.

Lawsuits are pending in Federal Courts against the California Department of Corrections and Rehabilitation system pertaining to overcrowding, rehabilitation, medical care and staffing. The outcome of these lawsuits will have an impact on the operations at the California Medical Facility.

### Affected Agencies

California Medical Facility-Solano

California Department of Corrections and Rehabilitation

# Criminal Justice

## STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION RESPONSE

The California Medical Facility (CMF) is in receipt of the 2006-2007 Solano County Grand Jury report. Following is my response to the findings and recommendations in this report:

**Response 1:** CMF is currently providing the following recruitment efforts to ensure vacant medical positions are tracked and a recruitment plan is in process:

Monthly Human Resources sub-committee meetings to discuss vacancies, hires, and recruitment.

Monthly Quality Management Committee meetings with the Warden and Chief Deputy, Clinical Services, to discuss the status of medical vacancies, recruitment efforts and hires.

Advertise in the following: Capitol Weekly, California Department of Corrections and Rehabilitation's Weekly Job Bulletin, State Personnel Board VPOS, Sacramento Bee, Modesto Bee, Stockton Record, Vallejo Times Herald, San Francisco Chronicle, Vacaville Daily Reporter and Fairfield newspaper.

Participate in local job fairs.

Focused recruitment by mailing flyers and bulletins to local colleges and technical institutions.

Distribution of flyers to employees and churches.

Liaison with the Department of Corrections and Rehabilitation's Office of Workforce Planning regarding vacancies, hires and recruitment.

**Response 2:** CMF agrees with the Grand Jury that the Parole, Planning and Placement (PPP) program is an excellent program as it provides inmates the tools and resources necessary for a successful parole. However, the PPP is under the direction of the Division of Adult Parole (DAPO). CMF will forward your recommendation to Thomas G. Hoffman, Deputy Director, DAPO.

**Response 3:** CMF agrees with the Grand Jury that the hospice unit provides valuable services for male inmates with terminal illnesses incarcerated in prisons throughout the State of California. The Grand Jury's recommendation that this program be expanded, as needed, will be forwarded to the California Department of Corrections and Rehabilitation's (CDCR's) Health Care Services Division and Robert Sillen, the court-appointed Federal receiver for medical care issues within the CDCR.



## CALIFORNIA STATE PRISON SOLANO FACILITY INSPECTION 2006-2007 Solano County Grand Jury

### Reason For Investigation

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

Pursuant to the statute, the 2006-2007 Grand Jury inspected the California State Prison-Solano (CSP-Solano) located at 2100 Peabody Road, Vacaville, California.

### Grand Jury Actions

- Toured the facility
- Toured the Metal Fabrication Unit of the Prison Industry Authority (PIA)
- Toured the Optical Laboratory of the PIA
- Interviewed CSP-Solano warden and staff
- Reviewed newspaper articles related to California Prisons
- Reviewed materials provided by CSP-Solano
- Reviewed California Corrections Standards Authority

### Background/Summary

CSP-Solano covers 146 acres. The prison opened in August 1984, with a designed capacity of 2,610 inmates. On the day of the Grand Jury inspection, CSP-Solano's inmate population was 6,021. The gymnasiums and other buildings have been converted to housing units to accommodate the demand for institutional housing. This additional housing requires the use of triple-deck bunking.

CSP-Solano is a level-two and level-three facility. Level-two and level-three inmates must be kept separate. An inmate's level is based on an individual assessment of his crime and actions during incarceration. Level three inmates are a higher risk level and require more security. According to prison administrative staff, CSP-Solano has a staff of approximately 1,400. The staff includes uniformed correctional officers, support staff, and medical personnel. Currently, there is a 12 percent (12%) vacancy in uniformed positions, resulting in overtime. The facility operates on an annual budget of \$150 million. Inmate cost per

year is estimated to be \$26,000.

CSP-Solano's mission is to incarcerate, control, and care for male felons while providing an opportunity for meaningful work, training, and education. The PIA is used to fulfill a part of the mission for the inmates. The PIA employs inmates and trains them to enhance their ability to obtain employment when they are released from prison.

Two of the programs offered under PIA at CSP-Solano are metal fabrication and optical manufacturing. The Metal Fabrication Unit is contained in a large updated fully functioning facility. It manufactures special vehicle equipment for Caltrans, prison metal furniture, and lockers for use throughout the California prison system. The program currently employs over 150 inmates. The recidivism rate for inmates trained in this unit is minimal; only one inmate has been re-incarcerated after receiving training.

The Optical Laboratory manufactures prescription and safety eyewear for prison inmates, Youth Authority wards, Medicare, and Medi-Cal patients, state hospitals and eligible state and local government employees. The laboratory employs approximately 100 inmates.

There is a long waiting list of inmates to fill these jobs. CSP-Solano is planning to expand the PIA and add an additional 150 inmates to the program.

CSP-Solano was licensed in June 2006 by the California Department of Health Services as a Corrections Treatment Center. The Center is able to house six chronically ill and nine mentally ill inmates for a maximum of 10 days. Those requiring longer treatment are sent to area hospitals or other facilities.

The California Department of Corrections and Rehabilitation has outreach programs with local communities. CSP-Solano is involved in the development of these programs. Two examples are:

The Prison Outreach Program, which cooperates with local schools and police departments to inform and show youths the consequences of unlawful behavior.

The Victims Offender Reconciliation Program, which brings victims of violent crimes to prisons. The victims address inmates convicted of violent crimes and convey the facts that victims are real people and have suffered from the inmates' actions.

### Findings and Recommendations

**Finding 1** - California State Prison-Solano is an overcrowded facility.

**Recommendation 1**- California Department of Corrections and Rehabilitation should continue its efforts to reduce overcrowding.

**Finding 2** - Prison Industry Authority program at California State Prison-Solano has an apparent benefit to the inmates while incarcerated and after their release.

**Recommendation 2** - California State Prison-Solano should continue to develop and expand the Prison Industry Authority program.

**Finding 3** - California State Prison-Solano is developing outreach programs with local communities.

**Recommendation 3** - California State Prison-Solano should continue to develop and expand the outreach programs to all communities in the county.

### Comments

The staff at California State Prison-Solano is working diligently to develop programs and is dedicated to its mission. The Grand Jury commends the warden and staff for their leadership and management in the operation of California State Prison-Solano.

### Affected Agencies

California State Prison-Solano  
California Department of Corrections and Rehabilitation

Note: Pursuant to Penal Code §919(b), the Grand Jury shall conduct investigations pertaining to the condition and management of public prisons within the county. The California Department of Corrections and Rehabilitation is not required to respond due to the county jurisdictional limitations of the Grand Jury. At the time of this compilation of reports and responses, a response from CDCR had not been received. Any responses received subsequent will be posted on the Grand Jury website: <http://www.solanocourts.com/grandjury>.

# Criminal Justice

## BENICIA POLICE DEPARTMENT AND HOLDING FACILITY

### 2006-2007 Solano County Grand Jury

#### Reason for Investigation

California Penal Code §919 subsection (b) provides: "The grand jury shall inquire into the condition and management of the public prisons within the county." Pursuant to the statute, the 2006-2007 Grand Jury inspected the Benicia Police Department and Holding Facility.

#### Grand Jury Actions

- Toured the Police Department and holding facility with duty officer
- Discussed the department holding process
- Inspected the holding cells

#### Background / Summary

The Benicia Police Department (Department) is located in a building that was a school in the 1940's and was converted to house the police department in the 1960's. Benicia budgeted \$1.5 million to retrofit the building and bring it to seismic code. On the day of our visit, the first phase of the retrofit was nearly completed.

Department Dispatch is tied into the Solano County Sheriff's dispatch and Office of Emergency Services. A Sally Port has been added to provide security and public safety. Personnel must call dispatch to open and close the gates. Flashing beacons were being installed to alert personnel when the gates are in use. The two holding cell doors will be replaced in the next retrofit phase.

For improved security, a unisex restroom was installed in the holding cell area. Dispatch has audio and visual observation of the holding cells and the patrol sergeant can monitor the holding area from a window in his office. There is no dedicated juvenile holding cell. Juveniles who cooperate are held in an interview room. A desk phone is available and an officer must be present while it is in use. Individuals stay a maximum of two hours before being transported to Fairfield. Arrestees are not held overnight.

The Department has 37 sworn officers, 50 non-sworn personnel and approximately 35 volunteers. Two of the patrol cars are designated for volunteer use. All personnel have received training in the use of CPR and defibrillator. A Resource Officer is posted at the middle and high schools, and the Department has an active D.A.R.E. program for all 5th graders. At the middle school, the Resource Officer has a Champion Program for 7th graders. This program focuses on five lessons:

Law Updates Parts 1 and 2 (itemizes activities that will break the law)  
Alcohol, Tobacco, Drugs and other substances  
Bullying  
Tolerance and Appreciation  
Internet Safety/Child Abuse

Volunteers perform in all divisions of the Department, to include patrol, data entry of investigations and filing records. Youths between 15 and 20 are encouraged to participate in the Police Cadet Program. Adults, age 20 and older, interested in becoming a Police Reserve, must complete college level training courses. Other administrative duties performed by volunteers are: house checks for vacationing residents, traffic control, handicap parking enforcement, crime scene preservation, fingerprinting, parades, fairs and transportation of reports and evidence.

#### Findings and Recommendations

**Finding 1** - There is no dedicated juvenile holding cell.

**Recommendation 1** - The Benicia Police Department should convert an office or room to separate juveniles from adults.

**Finding 2** - At the time of our visit the facility appeared cluttered with boxes sitting in the hallways and walkways.

**Recommendation 2** - Organize all areas to eliminate clutter.

#### Comments

We commend the Benicia Police Department in its efforts to rally the citizens to volunteer which allows law enforcement to spend more time patrolling. It also provides a Family Resource Therapist who visits at risk juveniles and their parents to develop methods to deter the juvenile from committing crimes.

#### Affected Agencies

Benicia Police Department  
Benicia City Manager  
Benicia City Council

#### Courtesy Copy

Solano County Supervisor John Silva

#### CITY OF BENICIA RESPONSE

**Response 1:** I agree with the Grand Jury report that the Benicia Police Department does not have a dedicated juvenile holding cell. The police department has what the California Department of Corrections describes as a "lock-up". The holding cells were built prior to 1978 and are not a detention facility or jail. Our prisoner holding area, along with our two holding cells, have been inspected and approved by the State of California Board of Corrections, Solano County Juvenile Justice and Delinquency Prevention Commission and the Solano County Health and Social Services Department. None of the agencies recommended we create a dedicated juvenile holding cell.

We are unable to implement this recommendation due to the lack of space in our facility and budget constraints. At this time, a cell specifically set apart for juvenile prisoners is not feasible. However, juveniles are not placed in a holding cell unless they are at least 14 years of age and, in the opinion of the arresting officer, they are a serious security risk of harm to self or others. More importantly, juveniles in custody are not allowed to have contact with adult prisoners.

Again, California Board of Corrections, Solano County Juvenile Justice and Delinquency Prevention and Solano County Health and Social Services have inspected and approved the use of Benicia's existing holding cells for juveniles. Although we do have areas where juvenile prisoners are kept while in non-secure detention, we will not be able to provide a separate secure cell solely for juveniles.

**Response 2:** I also agree with the Grand Jury report that, at the time of their visit, the facility was cluttered with boxes in the hallways and walkways. We had been in the process of remodeling the holding cell area, communications center, and several office spaces within the facility. Furniture and files were moved out of the department so that construction work could be completed. As a 24-hour a day operation, we still had to have access to certain files, which we had stored in the hallways.

This recommendation has been implemented. Construction work has been completed and stored file boxes have been removed from the hallways.



## DIXON POLICE DEPARTMENT HOLDING FACILITY

### 2006-2007 Solano County Grand Jury

#### Reason for Inspection

California Penal Code §919, subsection (b) provides: "The Grand Jury shall inquire into the condition and management of the public prisons within the county." Pursuant to the statute, the 2006-2007 Grand Jury inspected the Dixon Police Department Holding Facility (Facility) located at 201 West A Street, Dixon, California.

#### Grand Jury Actions

- Met with the Dixon Police Department duty officer
- Toured and inspected the Facility
- Reviewed the California Standards Authority Facility Evaluation Report

#### Background / Summary

The Facility is used exclusively for the temporary holding and securing of arrestees before they are taken to the Solano County Jail in Fairfield for booking. The Facility is staffed, operated and under the command of the Dixon Police Department. It was fully staffed and was neat, clean and odor free.

There are three holding cells, with a total capacity of six arrestees, of which none are detained overnight. Uncooperative arrestees are transported directly to the Solano County Jail for booking. On the day of our walk-through, there were no arrestees present.

#### Findings and Recommendations

**Finding 1** – Uncooperative arrestees are not detained at the Facility, but are transported directly to Solano County Jail.

**Recommendation 1** - None

**Finding 2** – Some of the Facility emergency evacuation plans were not posted at the time of our inspection.

# Criminal Justice

**Recommendation 2** – Post necessary emergency evacuation plans.

## Comments

The staff was very cooperative. The Department works with the community and the schools to educate people on the role of the police department.

## Affected Agencies

Dixon Police Department  
Dixon City Council  
Dixon City Manager

## Courtesy Copy

Solano County Supervisor Mike Reagan

## CITY OF DIXON RESPONSE

**Response to Finding 1:** The City agrees with Finding 1.

**Response to Finding 2:** The City agrees with Finding 2.

**Response to Recommendation 2:** The City agrees with the recommendation. The City has since implemented the recommendation and has mounted the facility emergency evacuation plan on the wall adjacent to the exit door.



## FAIRFIELD POLICE DEPARTMENT HOLDING FACILITY 2006-2007 Solano County Grand Jury

### Reason for Investigation

California Penal Code §919 subsection (b) provides: “The grand jury shall inquire into the condition and management of the public prisons within the county.” Pursuant to the statute, the 2006-2007 Grand Jury inspected the Fairfield Police Department and holding facility.

### Grand Jury Actions

- Toured the Department and holding facility with duty officer
- Discussed the Department holding process
- Inspected the holding cells

### Background / Summary

The Fairfield Police Department has four holding cells. At the time of our visit, some cells were in the process of being repaired. This area is constantly monitored by camera. Juveniles are controlled by an officer when the cells are full. On the day of our inspection, the holding cells were vacant. The Department does not house individuals overnight. Ten to twenty arrests are made each week. Emergency evacuation procedures were not posted in the holding cell area, but are visible near each entrance. A defibrillator is on the premises and in all vehicles.

The Department has 130 sworn officers of which eight are female. At the time of our visit, the department had 15 sworn officer vacancies. There are 100 to 150 non-sworn personnel, and approximately 30 volunteers from the community. An officer is posted at each high school and there is a roving officer for the middle schools. An officer is available upon request to visit schools to point out the dangers of gang and drug involvement. The Drug Abuse Resistance Education Program (D.A.R.E.) was discontinued due to budget constraints, personnel shortages and growth in the population.

The Special Operations Division is responsible for different units. The Crime Prevention Unit has specialists who provide valuable information and empowers the community to combat crime. The Crime Free Multi-housing Unit keeps illegal activity out of apartment communities. The Kids’ Safety House is a portable house equipped with appliances, phone, etc., to teach basic fire and home safety. Another unit is the Police Student Internship Program, which is a formal arrangement between the Department and Solano Community College. This program provides vocational opportunities for students who are working toward a Criminal Justice Degree.

### Findings and Recommendations

**Finding 1** - The holding cells appear to meet the needs of the Fairfield Police Department

**Recommendation 1** - None

**Finding 2** - There is a vacancy of 15 sworn officers.

**Recommendation 2** - The Department should actively continue recruiting efforts to eliminate the shortage.

**Finding 3** - The D.A.R.E. program has been suspended.

**Recommendation 3** - The Department should research successful programs comparable to D.A.R.E and consider adopting for use in Fairfield schools.

## Comments

We commend the Fairfield Police Department in its efforts to curtail crime by use of community involvement programs, such as the Citizen Observe and Report Patrol program and the Quality Neighborhood Teams program. The Department is also working with the local newspaper to report on crime prevention through “Tip of the Week” and “Ask a Fairfield Police Officer.”

Other community programs include Neighborhood Watch, Operation 10 Fingerprinting, and a Citizens Academy held twice yearly for nine weeks to educate the public on the functions of the Fairfield Police Department.

Emergency 911 calls from all cell phones go directly to the California Highway Patrol. Fairfield Police Department recently established an emergency telephone number, (707) 428-7373, for cell phone users in Fairfield that go directly to the Department Dispatch Center for faster response.

## Affected Agencies

Fairfield Police Department  
Fairfield City Manager  
Fairfield City Council

## Courtesy Copy

Solano County Supervisor Jim Spering

## CITY OF FAIRFIELD RESPONSE

**Response 1:** The City of Fairfield appreciates the Grand Jury’s comments and agrees that our holding cells meet the needs of the Fairfield Police Department.

**Response 2:** Since the Grand Jury visited the Fairfield Police Department, staff has hired three additional Police Officers so that the Department’s current shortage is twelve. The Department presently has six Police Officer Trainees in the Napa Valley Police Academy; one is scheduled to graduate in July and five in December. If these trainees are successful, they will reduce our shortage to six. Presently, the Department is recruiting for these six vacant Police Officer positions.

The Fairfield Police Department actively recruits candidates for Police Officers. The Department advertises in state-wide professional journals, print media in Solano, Contra Costa and Sacramento counties, local radio stations and our local TV Channel 26.

In February, the Department conducted an “open test” for entry level Police Officer. Over 150 people applied for Police Officer and took a written and physical test. Sixty-nine candidates passed the test; the Police Department interviewed all successful candidates. Twenty-nine candidates successfully completed the interviews. Twenty-one of those candidates were screened out of the hiring process during background investigations. Ultimately, five candidates successfully completed the entire process and began the Police Academy on July 7.

The Fairfield Police Department conducted another “open test” for entry level Police Officer on June 22. 143 people applied for Police Officer and took a written and physical test. Forty-five passed the tests and will be invited for oral interviews. We have reserved five spaces for successful candidates reserved in the January class of the Napa Valley Police Academy.

The Department actively recruits qualified candidates for these vacant positions. It is difficult to find qualified applicants. The Department is confident that they will have all current vacancies filled by the Spring of 2008.

**Response 3:** The Fairfield Police Department and Fairfield-Suisun Unified School District discontinued D.A.R.E. due to mixed reviews about the success of D.A.R.E and for fiscal reasons. Presently, there are no discussions between the two organizations about a possible replacement program. The School District is more interested in funding additional Police Officers to be at the alternative High Schools and Middle Schools, and the Police Department does not have the personnel resources to teach such a program. The Fairfield Police Department is receptive to discussion about potential replacement programs, if we have the personnel and financial resources.

The City of Fairfield appreciates the opportunity to have the Grand Jury inspect our holding area and facilities and comment on the recruiting and drug preven-

# Criminal Justice

tion efforts of the Fairfield Police Department. We appreciate the work of the Grand Jury and look forward to continuing to work with this group of dedicated individuals.

## RIO VISTA POLICE DEPARTMENT 2006-2007 Solano County Grand Jury

### Reason for Investigation

California Penal Code § 919 Subsection (b) provides: "The Grand Jury shall inquire into the condition and management of the public prisons within the county." Pursuant to the statute, the 2006-2007 Grand Jury inspected the Rio Vista Police Department.

### Grand Jury Actions

- Toured the Rio Vista Police Department
- Inspected pre-booking area

### Background / Summary

The Rio Vista Police Department (Department) has no holding cells. Individuals are transported to the Solano County Jail in Fairfield. Transport to the county jail averages one per day.

On the day of our inspection, the Department had 18 employees of which 15 were sworn officers. The officers work either a three 12-hour shift or a four 12-hour shift each week. The overtime rate is 15 to 20 percent. These officers also provide bike patrol for city events. Five volunteers and a Solano County Deputy Sheriff also support the Department. The police department began a volunteer open recruitment program in September 2006. The hiring of additional officers is expected by January 2007.

The police department uses the Community Oriented Policing and Problem Solving (COPPS) program to aid in their efforts to address crime.

Facility emergency evacuation procedures were not posted at the time of our inspection.

### Findings and Recommendations

**Finding 1** – The Rio Vista Police Department Volunteer Program plays an integral part in the City's effort to make Rio Vista a better place to live.

**Recommendation 1** – Continue to use the Volunteer Program to allow police officers time to conduct law enforcement duties.

**Finding 2** – Overtime appears high.

**Recommendation 2** – The Rio Vista Police Department should take necessary steps to reduce overtime.

### Comments

The emergency evacuation procedures have been posted. We commend the Rio Vista Police Department for their efforts in the use of community and Volunteer Programs. The Grand Jury continues to suggest that the City provide a minimum of one holding cell at the police department. The continued growth within the community and changing demographics reinforce our suggestion.

### Affected Agencies

Rio Vista Police Department  
Rio Vista City Manager  
Rio Vista City Council

### Courtesy Copy

Solano County Supervisor Mike Reagan

## CITY OF RIO VISTA RESPONSE

**Response 1:** Respondent agrees with the finding. Rio Vista Police Department continually recruits volunteer assistance.

**Response 2:** Respondent agrees with the finding. Rio Vista Police Department continues to recruit and hire personnel to improve staffing levels which in turn will impact overtime.

## SUISUN CITY POLICE DEPARTMENT HOLDING FACILITY

### 2006-2007 Solano County Grand Jury

### Reason for Inspection

California Penal Code §919 subsection (b) provides: "The Grand Jury shall inquire into the condition and management of the public prisons within the county." Pursuant to the statute, the 2006-2007 Grand Jury inspected the Suisun City Police Department Holding Facility.

### Grand Jury Actions

- Toured the department and holding facility with duty officer
- Discussed the department holding process
- Inspected the holding cell
- Reviewed Corrections Standards Authority Inspection Report

### Background / Summary

The Suisun City Police Department (Department) has one holding cell, a Sally Port and gun lockers. The holding cell can accommodate a maximum of three individuals. On the day of our inspection, no individuals were being held. However, 90 percent of the individuals arrested are booked at the main jail in Fairfield. The Department does not house individuals overnight. Juveniles are rarely brought to this facility. The last log-in of a juvenile was in 2005. The facility appeared clean during our inspection.

The Department has 37-38 employees; 24 are sworn police officers and six of those officers were on duty during our inspection. The officers work 12-hour shifts. We were informed that the Department overtime rate is approximately 15 to 20 percent.

The Federal Office of Juvenile Justice, Penal Code, Welfare and Institutions Code, Health and Safety Code, California Code of Regulations Title 15 and Title 24 and the Minimum Standards for Local Detention Facilities require the inspection of detention facilities. The biennial inspections by the Corrections Standards Authority, the Environmental Health and Medical/Mental Health inspections were conducted in 2006 with no deficiencies cited. Our inspection determined however, that the Suisun City Fire Department's required annual inspection was last conducted in April 2005.

### Findings and Recommendations

**Finding 1** – Overtime appears high.

**Recommendation 1** – Take the necessary steps to reduce overtime.

**Finding 2** – The fire inspections at the Suisun City Police Department had not been conducted in 2006 as of the time of our visit.

**Recommendation 2** – Ensure that fire inspections are conducted in a timely manner.

### Comments

We commend the Suisun City Police Department community involvement efforts through their Diversion Program using non-sworn officers, Volunteer Program, National Night Out Program and their annual Citizens and Teen Academy.

### Affected Agencies

Suisun City Police Department  
Suisun City Fire Department  
City Manager - Suisun City  
City Council - Suisun City

### Courtesy Copy

Solano County Supervisor Jim Spering

## SUISUN CITY RESPONSE

**Response 1** - is that "Overtime appears high." The narrative indicates that the Grand Jury was informed that "the Department overtime rate is approximately 15 to 20 percent." The report does not indicate from whom this information was received, how this relates to the inspection of the City's holding facility, whether the City's rate is significantly higher than other jurisdictions, what the "necessary steps" are that the City should take to reduce Overtime, or even what the "overtime rate" statistic actually means. This claim has little or nothing to do with "the condition and management of the public prisons within the county." Further, the Grand Jury chose to make a finding and offer a recommendation without actually conducting an investigation of this claim. No attempt was made to interview the City Manager, Police Chief, Finance Director, or any other City employee knowledgeable about the use of Overtime in the Police Department. In addition, no records were requested that could have established whether Overtime usage is in fact "high."

# Criminal Justice

While this behavior on the Grand Jury's part is very troubling to the City, we are hereby attempting to comply with the Grand Jury's request to provide responses to the findings and recommendations made concerning the City of Suisun City Police Department's holding facility.

**City/Department Action Response 1**— In attempting to respond to this finding and recommendation, the City must assume that the 15 to 20 percent figure relates to Overtime expressed as a percent of regularly scheduled time. Based on that assumption, the following are the actual Overtime amounts for the past four fiscal years:

FY 04 = 9.4%    FY 05 = 9.3%    FY 06 = 12.6%    FY 07 = 12.8% (est.)

It should be noted that at no time has Overtime actually fallen within the 15 to 20 percent range identified by the Grand Jury as being a concern. The first two years, the Police Department contracted with the County Sheriff's Office to provide policing for six hours per day. This artificially lowered Overtime usage, particularly for Minimum Staffing requirements explained below. Late in FY 2005-06, the City returned to policing 24 hours per day.

The recommendation is that the department should take necessary steps to reduce Overtime. In order to reduce Overtime, it is important to understand why Overtime occurs. There are several reasons why the payment of Overtime occurs. These include the following:

**Shift Extension** – This form of Overtime primarily occurs when an officer is involved in a response to a call for service that cannot easily be handed off to a member of the oncoming watch. Officers must receive permission from their Watch Commander to work such Overtime.

**Special Assignment** – This form of Overtime occurs when officers are assigned to Gang/Crime Suppression Details, Traffic Enforcement Details, or on other special assignments usually paid by grant funding, for which individual officers voluntarily sign-up. Since this is primarily scheduled Overtime, supervisors work with officers to incorporate these hours into the work program.

**Minimum Staffing** – This form of Overtime occurs when officers normally assigned to a shift are not available due to illness, workers compensation, testifying in court, vacation leave, vacant positions, etc. In some circumstances this form of Overtime may be the result of requiring individuals to work involuntarily (known as "forced" Overtime). Supervisors are involved in the process of determining who works this form of Overtime.

When analyzing where the department may be able to exercise control over Overtime usage, the following should be noted:

**Shift Extension Overtime** is a judgment call on the Watch Commander's part. Whenever an incomplete assignment can be handed off without jeopardizing a case, Watch Commander's are encouraged to do so.

**Special Assignment Overtime** is the easiest to reduce, because it is usually scheduled Overtime. In most cases however that is contrary to the intent of Special Assignment Overtime. These are primarily grant-funded activities, which are usually performed on a voluntary basis, that will be discontinued when the grant funding expires.

**Minimum Staffing Overtime** is the hardest to control, because it is usually the result of activities that are not under the department's control. The City has recently added staff to institute a proactive risk management program, designed in part to avoid injury and illness. The City has also instituted open recruitments for certain job classes such as Police Officers to ensure that vacancies are kept to a minimum.

The Grand Jury's Finding 1 and Recommendation 1 do not address the reason for the Grand Jury's concern. In theory these could be:

Ensuring that the staff is not overworked.  
Reducing General Fund costs.

The department complies with the Fair Labor Standards Act and the Memorandum of Understanding with the Police Officers Association to ensure that officers receive the appropriate payment for Overtime and that employees receive the appropriate time off between shifts.

Overtime actually costs less than Straight Time, so adding staff would not be the answer to reducing costs generally, unless there is a problem with staff members are being overworked. This is because Straight Time includes costs for retirement and health benefits that Overtime costs do not include. Most of the Special Assignment Overtime is grant funded, so it has a minimal fiscal impact on the General Fund. Handing off incomplete assignments could actually take longer due to the person taking over having to "get up to speed". This would detract from the oncoming shift's ability to address its work program.

**City/Department Response 2** – The Suisun City Fire Department completed the fire inspection on March 27, 2007. There were no reportable deficiencies at that time. The Fire/Life Safety Inspection Report is available on the Grand Jury website as a link to this report.

The inspection results were filed with the Office of the State Fire Marshal and the Board of Corrections as required by law. Additionally, a copy was retained by the Official in Charge of the facility.



## VACAVILLE POLICE DEPARTMENT HOLDING FACILITY 2006-2007 Solano County Grand Jury

### Reason for Inspection

California Penal Code §919 subsection (b) provides: "The grand jury shall inquire into the condition and management of the public prisons within the county." Pursuant to the statute, the 2006-2007 Grand Jury inspected the Vacaville Police Department and Holding Facility.

### Grand Jury Actions

- Toured the police department and holding facility with duty officer
- Discussed the department holding process
- Inspected the holding cells

### Background / Summary

The Vacaville Police Department (Department) has a new state-of-the-art facility, with ample space for future growth. The facility has a classroom for training with individual computers built into the desks. There is a large staff exercise room. The facility was clean and neat.

There are eight holding cells for adults, one for juveniles, a Sally Port and gun lockers. Each adult holding cell can accommodate a maximum of four individuals. On the day of our inspection, no individuals were being held. One individual was brought into the Sally Port during our inspection. The Department does not house individuals overnight. Inspections by the Corrections Standards Authority, the Environmental Health Department and Medical/Mental Health inspections were all conducted in 2006.

The Department has approximately 230 employees, of which 104 are sworn police officers. There are 70 volunteers. The Department has numerous crime prevention programs.

### Findings and Recommendations

**Finding 1** - The Vacaville Police Department has many successful community involvement programs.

**Recommendation 1** - Keep up the good work.

### Comments

We commend the Vacaville Police Department's community involvement efforts with their officers and volunteers. It has an interactive program which simulates driving under the influence. This is used at schools and in the community. Volunteers write parking tickets, visit and assist senior citizens, place speed monitors near schools and work with police officers, youth services and the crime prevention staffs. The community and police should continue to collaborate in their efforts to reduce crime in Vacaville.

### Affected Agencies

Vacaville Police Department  
City Manager, Vacaville  
City Council, Vacaville

### Courtesy Copy

Solano County Supervisor John Vasquez

## VACAVILLE POLICE DEPARTMENT RESPONSE

We thank the Grand Jury for their comments and appreciate their service to the residents of Solano County.

The Police Department will continue to collaborate with individuals and other agencies and organizations in order to maximize our crime reduction efforts. We understand that as we continually strive to do more with limited resources, we have to enlist the support of others, such as non-profit agencies, youth-serving organizations, seniors, volunteers and other local, state and federal law enforcement agencies if we are to be successful in our efforts to prevent crime and to quickly capture known, wanted suspects.

# Criminal Justice

## VALLEJO POLICE DEPARTMENT AND HOLDING FACILITY 2006-2007 Solano County Grand Jury

### Reason for Inspection

California Penal Code §919 subsection (b) provides: "The grand jury shall inquire into the condition and management of the public prisons within the county." Pursuant to the statute, the 2006-2007 Grand Jury inspected the Vallejo Police Department and Holding Facility.

### Grand Jury Actions

- Toured the Police Department and holding facility with duty officers
- Discussed the department holding process
- Inspected the holding cells

### Background / Summary

The Vallejo Police Department (Department) processes and Live Scan fingerprints arrestees at this facility. It is equipped to conduct breathalyzer tests. The arrestees are transported to the County Jail or Juvenile Hall in Fairfield as applicable. Arrestees are not held overnight at this facility. Individuals cannot be released on bail from this facility. However, if an arrestee has an outstanding warrant under \$5,000, they can be cited and released with a promise to appear.

The Department has four holding cells for adults. Each adult cell can hold a maximum of two prisoners. There are three cells for juveniles 14 and older. Each juvenile cell holds a maximum of one juvenile. Juveniles under age 14 are held in non-secured areas with an officer present. Half of all juveniles taken into custody are released to their parents. A Sally Port is used for arrestee transfer.

The holding cells contain security cameras and can be monitored in the lieutenant's office and in the Dispatch area. The cells contain toilets for use by the arrestees, although privacy is not available. Cautionary metal signs are posted on holding cell doors to identify combative and problem prisoners. Female and major crime arrestees are physically monitored by Department officers. Panic buttons are visible throughout the holding cell area.

At the time of our inspection, the holding cells were empty. The holding cell floors and surrounding holding area needed cleaning, painting, and repair of a hole in one wall.

Emergency evacuation signs were not visibly posted in the Department.

The Department staff count is 200 sworn and non-sworn employees. On the day of our visit, 24 sworn officers were on duty. The officers work twelve-and-one-half hour shifts.

We were informed by the duty officer that the Department has been understaffed for the past three years due to budget problems. The understaffing percentage stated at the time of our visit was 10 to 12 percent.

The duty officer stated that morale is good in the Department. Officers undergo ongoing sensitivity and harassment awareness training.

At the time of the Grand Jury visit, the Department's last fire and Correction Standards Authority inspections were conducted in 2006. An Environmental Health inspection was conducted in December 2005.

A police officer is assigned to each middle school and high school in Vallejo. The Department conducts D.A.R.E. type programs at the elementary schools.

The duty officer stated that there is a noticeable increase of serious juvenile crime in the city within the past two years.

### Findings and Recommendations

**Finding 1** - The Vallejo Police Department holding area needs repair and consistent maintenance.

**Recommendation 1** – Repairs should be made where needed to keep holding cells and surrounding areas clean and maintained.

**Finding 2** – Emergency evacuation signs were not visibly posted within the Vallejo Police Department.

**Recommendation 2** – Signs should be posted immediately.

**Finding 3** – Juvenile crime has increased in Vallejo.

**Recommendation 3** – Evaluate to improve the Preventive Crime Program at elementary schools and implement additional programs for middle schools.

### Comments

We commend the Vallejo Police Department for maintaining good

morale during a long understaffing period and an increase in juvenile crime. The community and police should continue to collaborate in their efforts to minimize crime in Vallejo.

### Affected Agencies

Vallejo Police Department  
Vallejo City Manager  
Vallejo City Council

### Courtesy Copy

Solano County Supervisor Barbara Kondylis  
Solano County Supervisor John Silva

## VALLEJO POLICE DEPARTMENT RESPONSE

The Vallejo Police Department's Management Staff has reviewed the Grand Jury's recommendations and provided the following:

**Response 1:** Agree. The recommendation has been implemented as best we can. The holding cells are cleaned daily and repainted approximately every two years. Limited funding is available for repairs throughout the Police Station and problems are corrected in order of priority.

**Response 2:** Disagree. The recommendation will not be implemented because additional signage is not warranted. Following the Grand Jury's visit, the Police Department was inspected by the City's Fire Protection Division and found to be in compliance with all fire and emergency evacuation requirements and regulations.

**Response 3:** Agree. This recommendation will unfortunately not be implemented due to a lack of funding. The Vallejo Police Department suffered a \$3 million budget reduction this Fiscal Year and the elimination of 16 sworn and non-sworn staff members. As a result, there is no opportunity to engage in additional crime prevention activities.



## CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION DELTA FIRE CAMP 2006-2007 Solano County Grand Jury

### Reason for Inspection

California Penal Code §919 subsection (b) provides: "The grand jury shall inquire into the condition and management of the public prisons within the county." Pursuant to the statute, the 2006-2007 Grand Jury inspected the Delta Fire Camp.

### Grand Jury Actions

- Inspected and toured the fire camp
- Interviewed management and staff

### Background / Summary

The Delta Fire Camp (Camp) was established in 1998 and is located on 23 acres in rural Solano County at 6242 Lambie Road. The Camp is a collaborative effort between the California Department of Corrections and Rehabilitation (CDCR) and the California Department of Forestry (CDF). The Camp is one of 41 in the state. It is an adult male only facility. The inmates are classified as a minimum security risk. The capacity is 120. CDCR will allow 10 percent overpopulation at any given time.

The main cross-street to the Camp is Highway 12. There is no left turn lane from or onto Highway 12 from Lambie Road. This is a major safety concern for CDF fire trucks and Highway 12 traffic.

To be considered for the Camp Program, an inmate must satisfy better than average mental and physical requirements. Because of the relative freedom and better pay, the Program is highly desired.

The average inmate stay is eight to twelve months. Eighty-five percent of the inmates work on fire duties, disaster relief, brush removal and creek clearing. The other 15 percent perform other duties such as: clerical support, cooking, laundry and sign making. Inmates are paid \$1.45 per day. When performing fire fighting duties, they are paid \$1 per hour. Inmates receive two days off of their sentence for each day served in this Program. Upon completion of training, inmates are either fully certified in firefighting or have received training in other

# Criminal Justice

vocational skills.

There are 28 staff members at the camp. This includes 17 from CDF and 11 from CDCR. There is one battalion chief who leads the fire staff and one captain who leads the correctional staff. A fire crew consists of 17 inmates, one CDF Fire Captain and one CDCR correctional officer. There are six crews. Crews are housed with their own members in barracks.

The Camp provides an on-site, multi-day conjugal and family visitation program which includes a cottage furnished with donated items from concerned individuals and groups. CDCR provides no funding to maintain this program. In addition, there are substance abuse programs, a craft shop and an exercise room.

## **Findings and Recommendations**

**Finding 1** - Turning onto and off Highway 12 from Lambie Road can be dangerous.

**Recommendation 1** - The Solano County Transportation Authority and the California Department of Transportation should make safety at this location a high priority when planning the future of Highway 12.

## **Comments**

The Delta Fire Camp appears to be well managed by both the California Department of Forestry and the California Department of Corrections and Rehabilitation. The Camp provides a positive alternative placement program for incarcerated inmates. The Camp Program develops camaraderie and teamwork among the inmates that helps them adjust for life outside the camp. The inmates also develop self-esteem by learning a skill and helping the community.

## **Affected Agency**

California Department of Corrections and Rehabilitation  
California Department of Forestry  
Solano Transportation Authority

## **Courtesy Copy**

California State Assemblywoman Lois Wolk  
Solano County Supervisor, Michael Reagan  
California Department of Transportation

## **DEPARTMENT OF FORESTRY AND FIRE PROTECTION RESPONSE**

CAL FIRE appreciates that the focus of the report addressed the traffic issues impacting day to day camp operations and safety. As noted in the report, the primary access from camp onto the state highway system is via State Highway 12 at Lambie Road. This highway is an older two lane road which carries a heavy daily load of high speed traffic. Entering onto this highway from Lambie Road presents several safety issues which are of concern.

When turning east on Highway 12, the crew busses must immediately climb an uphill grade. While these crew busses are officially called Emergency Crew Transports, they are in fact 17 passenger busses. After crossing the downhill westbound lane, they have relatively little shoulder space to merge into the uphill eastbound lane and reach highway speeds. Similarly, approaching Lambie Road on eastbound Highway 12, there is limited visibility prior to crossing the westbound lane and entering Lambie Road.

CAL FIRE fully supports the recommendation of the Solano County Grand Jury to encourage responsible agencies to make safety a high priority when planning the future of this portion of State Highway 12.

Note: Pursuant to Penal Code §919(b), the Grand Jury shall conduct investigations pertaining to the condition and management of public prisons within the county. The California Department of Corrections and Rehabilitation is not required to respond due to the county jurisdictional limitations of the Grand Jury.

At the time of this compilation of reports and responses, a response from the Solano Transportation Authority had not been received. Any responses received subsequent will be posted on the Grand Jury website.



## **FOUTS SPRINGS YOUTH FACILITIES 2006-2007 Solano County Grand Jury**

### **Reason for Investigation**

California Penal Code §919 Subsection (b) provides: "The Grand Jury shall inquire into the condition and management of the public prisons within the county."

California Penal Code §925a authorizes a grand jury to examine the books and records of any joint powers agency located in the county. Further a grand jury may investigate and report on the operations, accounts and records of the officers, departments, functions and the method or system of performing the duties of the joint powers agency and to make any recommendations it may deem proper and fit.

Pursuant to the statutes, the Grand Jury inspected Fouts Springs Youth Facility located in Colusa County.

### **Grand Jury Actions**

- Met with Fouts Springs Directors and the camp's staff
- Toured and inspected classes
- Attended board meeting
- Interacted with wards
- Reviewed budget report and general statistics
- Met briefly with Facility Manager and assistant
- Conducted a conference call/exit interview

### **Background/Summary**

Fouts Springs (Fouts) was established in Colusa County in 1959. The land, a part of the Mendocino National Forest, is leased from the federal government. Fouts was established as an alternative to Juvenile Hall. Originally, three counties were involved. Yolo County built its own unit in the 1980s and left the consortium. Fouts is currently operated under a Joint Powers Agreement (JPA) between Solano and Colusa Counties. Administrative authority rests with the Solano County Probation Department. All counties in California can participate, but presently, 12 counties send wards to Fouts.

Fouts' capacity is 160 wards. At the Grand Jury's October visit, there were 49 wards in residence, a 69 percent vacancy rate. Average daily population has declined over the last three years. One reason was the opening of juvenile facilities by other counties. Also, near the end of Fiscal Year 2001/02, Fouts was notified by the California Youth Authority that the agency would not be in a position to renew its agreement for the placement of parole violators.

Although Fouts can accommodate 160 wards, the Fiscal Year 2006/07 budget was developed based on 60-bed occupancy. Fouts Springs' Board of Directors reviews rates, programs and staffing to ensure revenues would approximate expenses. Solano and Colusa Counties, as JPA partners, pay \$5400 monthly per ward which is 35 percent more than non-member counties. Non-JPA counties are charged only \$3500 per ward to encourage participation.

The Solano County Probation Department monitors enrollment levels and expenses. Other in-county programs are available, but offer less in educational activities and lack Fouts' geographic isolation.

Fouts became the Probation Department's administrative responsibility in May 2006. Fouts is "enterprise fund" driven, which means its objective is to be financially self-sufficient. The Solano County Board of Supervisors approved transfer of \$1.5 million dollars from its Probation Department budget to pay off Fouts' capital improvement debt.

A broad review process is used in the placement of youths at Fouts. All options are studied before a probation department recommends removal of a youth from his home for residential treatment at Fouts. Solano County Probation Department's disposition reports are reviewed by a judge before placement. Two felony convictions and high community risk can be part of such consideration. Ultimately, the final decision is made by a judge. Fouts is the last placement before youth authority incarceration.

Fouts' purpose is to instill responsibility and to return productive citizens to their community. Fouts' recidivism rate is 35 percent. Nielson High School, an on-site accredited high school, is overseen by Colusa County Office of Education and provides four hours of academic education daily. The graduation rate is 67 percent. Certified vocational instructors are available to provide training in welding, carpentry, electrical, and mechanical. Products made in the shops include bookcases and clocks that the wards can take home. Nothing produced is sold. Small engines are repaired. Bicycles are repaired and "flats fixed." At the time of our visit, a donated jeep was being restored. Equipment in the vocational shops appears antiquated.

The wards perform clean-up after activities in the nearby small towns of Stonyford and Davis Flats. They deliver ice and firewood. They also built, delivered and installed a drop box at the local library.

### **Findings and Recommendations**

**Finding 1** - Solano and Colusa Counties pay more per ward than other participants. Other counties receive a 35 percent subsidy per ward, which is \$1900.

**Recommendation 1** - The Joint Powers Authority should establish ward rates that are equal for all counties.

**Finding 2** - There is no consistent method of record keeping that tracks the suc-

# Criminal Justice

cess rate of a ward's return to the community.

**Recommendation 2** – Participating counties should be required to track and report back to the Solano County Probation Department on released ward performance to evaluate the success of Fouts Springs programs.

**Finding 3** - Fouts Springs ward capacity is 160. At the time of our inspection, there were 49 wards, which represent a 69 percent vacancy rate.

**Recommendation 3** - The Fouts Springs governing board, in conjunction with the Solano County Probation Department, should develop an aggressive marketing campaign to bring Fouts Springs to its current maximum capacity. The Director of Fouts Springs should develop promotional material, including a video, featuring Fouts graduates, to promote Fouts to other counties.

**Finding 4** - The sentencing of wards to Fouts Springs is determined by a judge after a probation department's report is presented.

**Recommendation 4** - The probation department's recommendation to the judge should give a clear picture of the benefits in sentencing a ward to Fouts Springs.

**Finding 5** - Vocational shop equipment appears antiquated.

**Recommendation 5** - All vocational shop equipment should be brought up to current industry standards. This would give the wards a better employment opportunity upon their release.

**Finding 6** - The Solano County tax payers bore \$1.5 million dollar debt expenditure for capital improvements, by Board of Supervisor's action, at Colusa County's Fouts Springs' location.

**Recommendation 6** - Any future capital debt assumption should be evaluated in terms of what is best for Solano County taxpayers.

## Comments

The Grand Jury suggests that wards voluntarily communicate their experiences at Fouts Springs to the probation officials in their home county.

Fouts Springs must increase its population to be economically viable in the long term. The current goal of a population of 60 wards is not utilizing the large amount of capital invested in Fouts Springs. If the population cannot be increased, thought should be given to closing Fouts Springs and transferring wards to in-county facilities.

The Grand Jury suggests modifying current practices to better track the success or failure results from Fouts Springs. These tracking mechanisms may help determine the feasibility of continuing the Fouts Springs program.

## Affected Agencies

Fouts Springs Board of Governors  
Fouts Springs Youth Facility Superintendent  
Solano County Board of Supervisors  
Solano County Department of Probation  
Solano County Juvenile Court

## Courtesy Copies

Colusa County Board of Supervisors  
Colusa County Department of Probation  
Colusa County Juvenile Courts

## COUNTY OF SOLANO RESPONSE

**Probation's Response to Finding 1** – Probation agrees that Solano and Colusa Counties pay more per ward than other participants.

**Board of Supervisors' Response to Finding 1** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding.

**Probation's Response to Recommendation 1** – The recommendation will not be implemented because it is not warranted. The current rate structure was put in place to ensure a balanced budget and keep Fouts in operation for the use of owner counties. The user county rate is set as high as the market will allow. A higher rate would cause fewer counties to use the program reducing revenue and putting the program at risk. Fouts provides a unique program that is of great value to Solano County making payment of the higher rate worthwhile; however, the rate structure is being reviewed annually and the goal is to balance the rates for all counties when the market will allow.

**Board of Supervisors' Response to Recommendation 1** – The Board of Supervisors will not implement the Grand Jury's recommendation. The participation of non-member counties in the Fouts Springs program is vital to the overall cost effectiveness of the program as a sentencing alternative for Solano County wards. The rate structure was developed to allow the County to maxi-

mize revenues while maintaining Title 15 staffing ratios. Without non-member county participation, the cost to the member counties would increase substantially and the County would not be able to sustain this valuable program resource.

**Probation's Response to Finding 2** – Probation disagrees partially. Solano County is able to track Solano County commitments to Fouts as long as they remain on probation. Fouts has a process in place to request follow up information from other counties.

**Board of Supervisors' Response to Finding 2** – The Board of Supervisors agrees with the Department's response to the Grand Jury finding. The Department has implemented a system to track outcomes and has provided the Board data on program outcomes. The Board acknowledges that long term data is more difficult to sustain because individuals no longer on probation are more difficult to contact as they change residences or move out of the area.

**Probation's Response to Recommendation 2** – The recommendation will not be implemented because it is not reasonable. Imposition of a requirement to provide follow up information could adversely affect user county interest in placing minors at Fouts.

**Board of Supervisors' Response to Recommendation 2** – The Board of Supervisors agrees with the Department's response to the Grand Jury's recommendation. The County has no jurisdictional basis to institute this type of requirement. If information is readily available the Board would encourage the Department to track this information.

**Probation's Response to Finding 3** – Probation disagrees partially. Although there are 160 beds at Fouts, the facility is staffed for a capacity of 60.

**Board of Supervisors' Response to Finding 3** – The Board agrees with the Department's response to the Grand Jury finding. Programming and staffing has been set at 60 based on demand and need. The vacancy rate is typically less than 5% and the most recent weekly count indicated that it was operating at full capacity.

**Probation's Response to Recommendation 3** – The recommendation has been implemented and as a result of the aggressive marketing campaign that is in place, the average daily population (ADP) has remained close to current maximum capacity of 60. The ADP for FY2006-2007 is 56.02. The ADP for the last quarter is 57.06. At this time there is a limited need for the program provided at Fouts which is designed for high risk offenders. The 60 bed program is meeting the current needs of owner and user counties.

**Board of Supervisors' Response to Recommendation 3** – The Board of Supervisors agrees with the Department's response to the Grand Jury's recommendation. An aggressive marketing program for Fouts Springs has been in place for several years.

**Probation's Response to Finding 4** – Probation agrees.

**Probation's Response to Recommendation 4** – The recommendation has been implemented. The Probation Department has a long standing policy that Probation reports recommending Fouts include information regarding the anticipated benefit of Fouts placement for the minor.

**Board of Supervisors' Response to Finding and Recommendation 4** – The Board of Supervisors agrees with the Department's response to the Grand Jury's recommendation.

**Probation's Response to Finding 5** – Probation disagrees partially. Wood shop equipment is regularly refreshed.

**Board of Supervisors' Response to Finding 5** – The Board of Supervisors disagree with the Grand Jury finding. Equipment is adequate for vocational programming provided by Colusa County Superintendent of Schools.

**Probation's Response to Recommendation 5** – The recommendation has been implemented in regard to wood shop where at least one piece of equipment is refreshed every year using funds available for that purpose. The recommendation will not be implemented in regard to the welding and auto shops because it is not reasonable. The vocational program at Fouts is provided by the Colusa County Superintendent of Schools and purchase of new equipment is limited by availability of funds. As funds become available new equipment can be purchased; however, the equipment currently in use does not hinder wards from developing marketable skills. For example, an average of one minor per month receives certification through the American Welding Society.

**Board of Supervisors' Response to Recommendation 5** – The Board of Supervisors agrees with the Department's response to the Grand Jury's recommendation.

**Probation's Response to Finding 6** – Probation agrees.

**Board of Supervisors' Response to Finding 6** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding. The decision to approve a General Fund contribution of \$1.5 million to the Fouts Springs

# Criminal Justice

enterprise fund was based the County's commitment to ensuring the financial viability of a worthwhile sentencing option for juveniles in Solano County.

**Probation's Response to Recommendation 6** – It is anticipated that the recommendation will be followed when capital projects are considered in the future as past practice has been to carefully analyze the benefit of such projects prior to seeking Board approval.

**Board of Supervisors' Response to Recommendation 6** – The Board of Supervisors agrees with the Department's response to the Grand Jury's recommendation. As the elected officials representing Solano constituents, the Board is cognizant of its obligation to diligently evaluate capital project to ensure they best serve the residents and taxpayers of Solano County.

## FOUTS SPRINGS JOINT POWERS AUTHORITY BOARD OF DIRECTORS' RESPONSE

**Board of Directors' Response to Finding #1** – The Board of Directors agrees with the Grand Jury finding.

**Board of Directors' Response to Recommendation #1** – The recommendation will not be implemented because it is not warranted. The Fouts Board reviews rates annually as part of the development of the facility's annual budget and has established rates to maximize marketability of the camp's programs. The two tier rate structure supports the program budget and ensures the continued operation of the camp for member counties.

**Board of Directors' Response to Finding #2** – The Board of Directors partially disagrees with the finding. Solano and Colusa Counties track outcomes of their commitments to Fouts as long as they remain on probation. Unfortunately, there is no jurisdictional authority that allows JPA member counties to track outcomes for non-member counties which leads to inconsistent available outcome data on non-member wards.

**Board of Directors' Response to Recommendation #2** – The recommendation will not be implemented because it would cause undue burden on Fouts to track information for counties where it has no jurisdictional authority.

**Board of Directors' Response to Finding #3** – The Board of Directors partially disagrees with the finding. The maximum capacity at Fouts is 160 beds; however, it is currently staffed for a capacity of 60. Based on the staffed capacity of 60, the vacancy rate at the time of the Grand Jury visit was 18%.

**Board of Directors' Response to Recommendation #3** – The recommendation has been implemented. The program has an aggressive marketing campaign endorsed by the Board of Directors. The campaign has resulted in the average daily population (ADP) that is consistently near or at the staffed capacity of up to 60 wards. The ADP for FY 2006/07 was 56, but in recent months the average population is rising steadily. At this time, their 60 bed program for high risk offenders is meeting the needs of owner and user counties.

**Board of Directors' Response to Finding #4** – The Board of Directors agrees with the Grand Jury finding.

**Board of Directors' Response to Recommendation #4** – The recommendation has been implemented. Both member county probation departments prepare reports recommending placement at Fouts that include information on the anticipated benefits for a ward.

**Board of Directors' Response to Finding #5** – The Board of Directors partially disagrees with this finding as the wood shop equipment is regularly refreshed.

**Board of Directors' Response to Recommendation #5** – The recommendation has been implemented in regard to the wood shop where at least one piece of equipment is refreshed every year using funds available for that purpose. The recommendation will not be implemented in regard to the welding and auto shops because the existing equipment is appropriate for the vocational training programs at Fouts. New equipment can be purchased as funding is identified based on level of need. The equipment currently in use does not hinder wards from developing marketable skills. For example, an average of one minor per month receives certification through the American Welding Society.

**Board of Directors' Response to Finding #6** – The Board of Directors partially disagrees with the Grand Jury finding. The \$1.5 million transferred to Fouts was to eradicate a cumulative deficit from underutilization of the facility resulting from the termination an agreement with the California Youth Authority and the limited success of alternative programming efforts. The commitments for capital improvements were fully financed with enterprise and grant dollars when they were approved.

**Board of Directors' Response to Recommendation #6** – The recommendation has been implemented because the Board of Directors acts in the best interest of both Solano and Colusa County taxpayers.

## SOLANO COUNTY PRESIDING JUVENILE COURT JUDGE'S RESPONSE

**Finding/Recommendation 1:** I have no comment on this finding and its recommendation.

**Finding/Recommendation 2:** Adequate follow-up information is available to the Juvenile Court regarding the minors placed at Fouts from Solano County.

**Finding/Recommendation 3:** The judicial decision to place a minor at Fouts is made on the individual's specific circumstances without regard to the population then at the institution. No one can predict with certainty how many minors the court will place there on any given day.

If the minor cannot be immediately placed due to overcrowding, he must wait at Juvenile Hall for an opening. It is in the minor's best interest to begin the rehabilitative process as soon as possible. Although Juvenile Hall provides some interventions, they are not as extensive or intense as those available at Fouts.

**Finding/Recommendation 4:** The Juvenile Court is satisfied with the quality of the reports presented by the probation department. The format of the reports has been developed with decades of experience. The Court only rarely requires the probation department to submit additional information so the court can make an informed decision about the level of intervention appropriate for an individual minor. The Juvenile Court periodically requests the probation department to arrange a visit to Fouts for all of the judicial officers and attorneys (both prosecution and defense) to meet with staff and wards.

**Finding/Recommendation 5:** I have no comment on this finding and its recommendation.

**Finding/Recommendation 6:** Fouts offers a necessary level of intervention for the minors of Solano County. Although successful intervention while the minor lives at home seems to most strengthen the ability of the minor's family to provide an appropriate level of parenting, many minors need intense interventions to protect community safety before treatment in the community can begin. Fouts offers such interventions. Without its being available, the Court is left with the poor choice of either committing a minor who could benefit from probation interventions to the Department of Juvenile Justice or taking a higher than appropriate risk with community safety to provide such probation services.



## PERMISSION TO CARRY A CONCEALED WEAPON 2006-2007 Solano County Grand Jury

### Reason for Investigation

The Grand Jury elected to investigate procedures and policies to obtain a permit to carry a concealed weapon in Solano County and the cities within Solano County.

### Grand Jury Actions

- Contacted each law enforcement agency to obtain its policy and procedure for obtaining a concealed weapon permit
- Reviewed a list of current Concealed Weapons Permit holders within the county

### Background/Summary

The information received from the Sheriff and local Police Departments met the requests made by the Grand Jury. Each noted, as the prime criteria, California Penal Code §§ 12050 - 12054 for issuance of concealed weapons permits (CWP). Section 12050 includes the ability for the sheriff and police chiefs to issue a license to carry a concealed firearm to residents of the county or community. Subsection (b) of Section 12050, authorizes the sheriff or local police chiefs to impose any reasonable restrictions which they deem warranted.

Several cities in Solano County use Lexipol, a contracting firm, for the development of policies and procedures for a CWP issuance. It provides police departments with a method for development, modification and maintenance of policies and procedures. Local police departments review policies and procedures to ensure a fit within their community.

### Benicia

Benicia Police Department policy, section 218, provides the process for an applicant to obtain a CWP. At the time of its response, 11 concealed weapon permits had been issued following policy 218. Benicia policy requires successful completion of two phases. Specifically, "[u]pon the successful completion of each phase, the applicant will advance to the next phase until the process is complet-

# Criminal Justice

ed and the license is either issued or denied.” An initial applicant fee is \$100 (non-refundable). Additional fees are required for finger printing, training and psychological testing. Another notable item is that the applicant must submit a minimum of three signed character reference letters. Once the Chief of Police or authorized designee has verified the successful completion of the last phase, the license to carry a concealed weapon will either be granted or denied. An issued license is valid for two years. Ammunition shall be inspected and approved by the Benicia Police Department Range Master.

## **Dixon**

Dixon Police Department Policy, sections 218 and 220, provide the process for a CWP. Currently Dixon has three permits issued. Dixon policy requires completion of two phases. Specifically, “[u]pon the successful completion of each phase, the applicant will be advanced to the next phase until the process is completed and the license is either issued or denied.” An initial applicant fee is \$100 (non-refundable). Additional fees are required for finger printing, training and psychological testing. The applicant must submit a minimum of three signed character reference letters. An issued license is valid for two years. Ammunition shall be inspected and approved by the Dixon Police Department Range Master.

## **Fairfield**

Fairfield Police Department policy and procedures number 3500, “Concealed Weapon Permit,” is currently in place. Presently there are three permits issued by Fairfield. The initial step for an applicant is to submit a letter to the Police Chief stating reasons that a permit is needed. The Chief reviews and decides if the process is to continue. All processing costs are covered by the applicant. Petition for Carrying Concealed Weapon Permit requires a compelling reason. “Self protection alone is not justification for a CWP...,” according to Fairfield’s permit information sheet.

## **Rio Vista**

The Rio Vista Police Department policy and procedure, section 218, Concealed Weapons Licensing, is in place and is currently under review by the Chief. At present there are four licenses issued. All costs for applying for a license are the responsibility of the applicant including, if the Chief requires, referral to an authorized psychologist to determine the applicant’s suitability for carrying a concealed weapon, not to exceed \$375. Three character reference letters must be included with an application. Section 218 allows the Chief or authorized designee to approve or deny an applicant even after successfully completing the process.

## **Solano County Sheriff/Coroner’s Office**

The Solano County Sheriff also follows California Penal Code 12050 through 12054. Currently the Sheriff has issued 88 permits to carry concealed weapons. Further breakdown indicates 49 are issued to Correctional Officers, 10 to Reserve Deputy Sheriffs and 29 to citizens. Permit costs are the responsibility of the applicant. Officers of the court or county may have fees waived by the county. Permits issued by the Solano County Sheriff include 36 in Vacaville, 19 in Fairfield, 13 in Suisun City, five in Vallejo, four in Benicia, three each in Dixon and Rio Vista and one each in Rosamond, Clarksberg, Napa, Santa Rosa and Walnut Grove.

## **Suisun City**

The Suisun City Police Department General Order 4.207 recognizes the Chief’s statutory discretion to issue a permit to carry a concealed weapon to a resident of the City. The general order further states “[e]xperience has revealed that concealed firearms carried for protection not only provide a false sense of security but further, that the permittee is often a victim of his own weapon or the subject of a civil or criminal case stemming from an improper use of the weapon. [¶] It is the judgment of the Suisun City Police Department that utilization of standard commercial security practices furnishes a security which is both safer and more secure than that which results from the carrying of a concealed firearm.... [¶] For these reasons and considering the dangers to society resulting from the possession and use of concealed firearms, it is the policy of the Suisun City Police Department that ‘good cause’ for the issuance of any concealed weapons permits would exist only in the most extreme and aggravated circumstances.” Self-protection alone will NOT be an acceptable reason for issuing a concealed weapon permit. Currently Suisun City has issued five permits. The application process, as well as all associated costs in the permit process, is the sole responsibility of the applicant.

## **Vacaville**

The Chief of the Vacaville Police Department has policies and procedures, in accordance with California Penal Code sections 12050 through 12054, the statutory discretion to issue a license to carry a concealed firearm to residents within the City of Vacaville. Currently five permits have been issued to Vacaville community members.

All application requirements and costs are the responsibility of the applicant. Three character reference letters must be included with the application. The policy states “[n]othing in this policy shall be construed to require the Chief of Police to issue a concealed weapons license at any time.” Among other requirements, the applicant must provide documented proof of \$1,000,000 in personal

liability insurance coverage.

## **Vallejo**

The Vallejo Police Department has issued General Order C-10 providing for Concealed Weapons Licenses. “The Chief of Police, upon proof that an applicant is of good moral character as determined by a background investigation and psychological examination, submission of fingerprints and appropriate fees and documents, completion of a specified course of training and proof that good cause exists, may issue a license to carry a concealed weapon.” All fees associated with such a license are the responsibility of the applicant. Currently the Police Chief has issued six permits to Vallejo residents (three permits are to City staff members). The Grand Jury was informed that “[i]n consideration of the newly adopted guidelines, coupled with the lack of articulated justifications on the part of an applicant for needing a CCP aside from Reserve Police Officers, we rarely issue new permits.”

## **Findings and Recommendations**

**Finding 1** - The process to obtain a concealed weapons permit is very involved and complex.

**Recommendation 1** - Issuing authorities should provide a separate document clarifying and supporting the department’s procedure necessary for citizens to obtain a Concealed Weapons Permit.

## **Comments**

The decision to issue a concealed weapons permit is made at the local level by the issuing authority. All costs for applying for a concealed weapons permit are the responsibility of the applicant. An application can be approved or denied even after successful completion of all requirements. This appears to be a subjective standard. It should be noted, however, that the authority to use this standard is State law.

## **Affected Agencies**

Solano County Sheriff/Coroner’s Department  
Benicia Police Department  
Dixon Police Department  
Fairfield Police Department  
Rio Vista Police Department  
Suisun City Police Department  
Vacaville Police Department  
Vallejo Police Department

## **Courtesy Copy**

Solano County Board of Supervisors  
Solano County - County Administrative Officer  
City Manager, Benicia  
City Manager, Dixon  
City Manager, Fairfield  
City Manager, Rio Vista  
City Manager, Suisun City  
City Manager, Vacaville  
City Manager, Vallejo

## **COUNTY OF SOLANO RESPONSE**

**Sheriff’s Response to Finding and Recommendation 1** – The Solano County Sheriff agrees with the finding and recommendation of the Grand Jury. Persons contacting the Solano County Sheriff’s office for the purpose of obtaining a permit to carry a concealed weapon are provided a comprehensive document developed by the Sheriff’s Office which, in addition to containing the forms required by the California Department of Justice, provides instructions for the applicant to assist with completion of the application. The document provided by the Sheriff to each applicant identifies mandatory training requirements and provides contact information so that applicants may make arrangements at their convenience to complete the required training, weapon safety inspection and demonstrated proficiency with the firearm.

**Board of Supervisors’ Response to Finding and Recommendation 1** – The Board of Supervisors agrees with the Department’s response to the Grand Jury’s finding and recommendation.

## **CITY OF BENICIA POLICE DEPARTMENT RESPONSE**

**Finding 1:** I agree with the Grand Jury Report that the concealed weapon permit process of the Benicia Police Department is very involved and complex. I take the issuance of a permit to carry a concealed weapon in public very seriously, and want to insure that if I issue a permit to a person that the applicant has met all the requirements of the state law under sections 12050 through 12054 of the California Penal Code. I also want to make sure that the applicant is using a safe firearm and fully capable of safety qualifying with the weapon he/she intends to carry.

# Education and Library

**Response 1:** This recommendation will not be implemented at this time. At this time, our policy is available to citizens along with the CCW application. Although our concealed weapon permit policy is involved and complex, it is clear as to what we require. If an applicant has questions regarding the policy or procedure, we are willing to clarify any issues they may have.

## CITY OF DIXON RESPONSE

**Response to Finding 1:** The City agrees with finding 1.

**Response to Recommendation 1:** The City agrees with the recommendation. The Police Department has developed a document and has made it available to the public at the police department and on the City of Dixon website.

## CITY OF FAIRFIELD RESPONSE

The City of Fairfield agrees with the Grand Jury's finding that the process for obtaining a concealed weapons permit is involved and complex. The process is dictated by California law and outlined by Fairfield Police Department Policy and Procedure 3500, 3501 and 3502. The Fairfield Police Department provides a cover letter to applicants outlining the application process and the documentation required to complete the process. Per the Grand Jury recommendation, the Fairfield Police Department will continue to provide this document.

The City of Fairfield appreciates the opportunity to have the Grand Jury inspect our procedure for issuing Concealed Weapons permits. We appreciate the work of the Grand Jury and look forward to continuing to work with this group of dedicated individuals.

## CITY OF RIO VISTA RESPONSE

Respondent agrees with the finding. Rio Vista Police Department has developed an informational document to assist the general public with clarifying the procedures for obtaining a Concealed Weapons permit.

The Rio Vista Police Department has developed an informal document to assist the general public with clarifying the procedures for obtaining a concealed weapons permit. This document can be located on the Grand Jury website as a link to this report.

## CITY OF SUISUN RESPONSE

**City/Department Action** – The City of Suisun City Police Department routinely provides concealed weapons permit applicants the attached document which clarifies and supports the Department's procedure in approving and denying the request for the concealed weapons permit.

## CITY OF VACAVILLE RESPONSE

We agree that a separate document clarifying and supporting our application process to carry a concealed weapon would be helpful to residents of Vacaville. I will instruct the development of such a document. We will then forward a copy to the Grand Jury for your records.

## CITY OF VALLEJO RESPONSE

Agree. The recommendation will not be implemented because General order C-10 provides an adequate description of the process and requirements for this permit.



## TRAVIS UNIFIED SCHOOL DISTRICT EMERGENCY SAFETY PLANS 2006-2007 Solano County Grand Jury

### Reason for Investigation

The 2006-2007 Solano County Grand Jury chose to investigate the Emergency Safety Plans for selected schools and the Transportation Department within the Travis Unified School District. This investigation stems from concerns regarding the safety and security of students in the event of an emergency while at school or being transported to and from school.

### Grand Jury Actions

- Interviewed the Superintendent of Schools for the Travis Unified School District

- Reviewed Emergency Safety Plans for three schools
- Reviewed relevant portions of the California Education Code; California Code of Regulation, Title 5 (Education); "National Electrical Code" and "California Fire Code"
- Interviewed the principals, staff and toured the schools
- Interviewed the transportation supervisor and staff and toured the bus staging area

### Background/Summary

Travis Unified School District (District) serves a culturally and ethnically diverse community, which is growing and changing. Approximately 4,860 students are currently enrolled in the District. It has five elementary schools (K-6), one middle school (7-8) and a high school (9-12). The District also has a continuation school and an adult education program.

All schools within the District include the education of special needs students as part of a "collaborative education" model with the Solano County Office of Education.

Many students in the District are children of Travis Air Force Base military personnel. This unique military component impacts schools within the District with a loss of \$3,000 per year per student funding when a student moves from the District.

The Grand Jury visited the following schools in the District to review their Emergency Safety Plans:

**Foxboro Elementary School** – This school has approximately 700 students in attendance. The staff meets monthly with other schools and the District Administrator to review the Emergency Safety Plan. The current plan was approved in February 2007. Parents, local police officers, and school staff collaborate on the safety plan procedures. New teachers and staff members review and are given a copy of the safety plan. Emergency drills for fire, earthquake and intruder (lockdown) are scheduled and unscheduled.

Some school staff has participated in the Vacaville Citizen Emergency Response Training (VCERT).

Emergency response procedures, which include evacuation of the student population, are posted in each classroom for current and substitute teachers. Communications by the bell, intercom system, e-mail and two-way radio system are used in emergency situations.

The Grand Jury determined that the staff and teachers feel prepared to handle school emergencies and provide student safety. The Principal believes there is good communication between members of the faculty and staff.

The following observations and areas of concern were noted by the Grand Jury during our tour:

The parking lot configuration poses a safety hazard during the arrival and departure of students

The crosswalk at the school entrance should be painted

There was no fence between the public park and the school

Electrical extension cords were used in place of permanent wiring

**Golden West Middle School** - Student enrollment is approximately 830, which includes eight special needs students that are mentally or physically challenged. Golden West Middle School is situated in a potentially dangerous location. A chemical plant is located in an industrial park nearby. Trains carrying hazardous material pass near the school daily.

The Assistant Principal chairs the safety committee that reviews the plan each year. New teachers, new substitute and transferred teachers attend an orientation which includes review of the safety plan procedures. Four of the school's staff attended VCERT training last fall and the safety committee has solicited ideas from Vanden High School for more safety tips. The safety committee's last formal meeting was fall 2006. The committee plans to resume regular scheduled meetings which will include students.

Emergency drills are announced in advance at the beginning of the school year. These drills are documented and ways to improve them are discussed. Additional drills are unannounced.

The school recently went into lock-down mode due to a hazardous material leak inside the nearby chemical plant. Fairfield Police Department contacted the school and suggested lock-down. The secretary e-mailed all classrooms and the Principal and Assistant Principal visited each class and explained the situation.

The counseling office is the designated secondary command center if the main office becomes inaccessible. In case of evacuation, the multipurpose room is the primary location with Vanden High stadium being the second. The school is working with the Transportation Department if evacuation requires busses. The school uses the Connect Ed system, which immediately notifies

# Education and Library

parents/guardians of any occurrence and subsequent actions taken by the school.

Each classroom is equipped with an emergency packet that includes a student roster and signs that read “OK”, “Need Help”, etc. The school depends heavily on e-mail to disseminate information and two-way radios in the event of a power failure. Fire alarm pull stations are visible in most classrooms. The school is looking into installing more lift covers to curtail false alarms. The ceiling smoke detectors are very sensitive and activate easily; for example, while heating and ventilation ducts are cleaned and escaping fumes from science experiments, etc. In the event of prolonged lock-down, the school’s cafeteria has approximately 30 cases of water, some Gatorade and a cache of food. It is not equipped to handle emergencies requiring extended stay.

The following observations and areas of concern were noted by the Grand Jury during our tour:

The benches in B Quad need resurfacing and painting, some have raised bolts  
There is cracked pavement in traffic areas  
The basketball and volleyball area needs resurfacing  
Outside PE classes are unable to distinguish the type of drill or emergency  
A lack of computers or public address system on the stage in multipurpose room  
There are no students on the school’s safety committee

**Vanden High School** - Vanden High School has an enrollment of approximately 1,550 and is located on 47 acres, with 60 classrooms. The modernization of the current classrooms was started in 2005. Construction began in 2006 on new classrooms, and improvements are being made to accommodate growth. Upon completion, a new visual arts center and 24 new classrooms will be added replacing approximately 17 portable units. Night security will be improved with the addition of new outside lighting.

The Emergency Safety Plan is very well organized and documented. The Principal is the incident commander in any emergency. The Assistant Principal performs this role when the Principal is not on campus. The school’s plan includes a list of key personnel designated to perform emergency functions. These functions may include first aid/medical, search and rescue, communications and the assembly area. A backup person is designated for each assignment.

The Assistant Principal leads an active safety committee which meets monthly and includes four students.

Emergency drills are announced and unannounced. Forms are completed by staff after the drill on the drills’ effectiveness. On some occasions, the fire department sends a representative to critique the drill and the safety committee reviews overall results. Subsequently, updates can be made to the Emergency Safety Plan.

In emergencies causing a closed campus continuing beyond normal school hours, food and water is available at the District office adjacent to the school. This happened when roads to the school were flooded and the students and faculty could not leave the campus.

The school was well maintained and clean during our tour.

The Grand Jury observed that there were no covers over many of the fire alarm pull stations at any of the three schools.

**Transportation Department** - The Travis Unified School District is responsible under the California Education Code, section 39831.3 to prepare a Transportation Department Emergency Safety Plan. The plan must contain procedures to ensure the safe transport of pupils. The Grand Jury was informed that the Transportation Plan for the District met or exceeded the State code requirements.

Twenty school buses provide service for approximately 1800 hundred students’ roundtrip from home to school. The District school bus drivers are qualified and trained to operate school buses. After their initial training, drivers are required to have 10 hours of in-service training each year. In November 2006, the District provided new two-way radios for the school buses to better communicate in the event of an emergency.

The following observations and areas of concern were noted by the Grand Jury during our tour:

Difficulty in maintenance of older school buses, i.e. replacement parts  
Not all drivers are CPR/First Aid certified

## **Findings and Recommendations**

**Finding 1** - The basic overall Emergency Safety Plan was not consistent for each school. Variance for school design and geographical location was noted.

**Recommendation 1** - Emergency Safety Plans should be consistent throughout the Travis Unified School District. School design and geographical location

plans may differ.

**Finding 2** - Several fire and electrical code violations were found such as: blocked access to fire alarm pull stations, fire extinguishers and use of temporary extension cords in place of permanent wiring. Some passageways to exits were partially blocked. Some doors to the outside were not marked with an “EXIT” sign.

**Recommendation 2** - The Travis Unified School District Superintendent should ask the appropriate fire departments to perform safety inspections.

**Finding 3** - Maintenance of older buses is becoming progressively more difficult.

**Recommendation 3** - The District should consider purchasing new vehicles to replace the older buses.

**Finding 4** - Adequate water and food supplies are not available at some schools in case of prolonged lock-down. Some schools depend on the District Office for water and food during an emergency.

**Recommendation 4** – The District should provide an adequate supply of water and food on site.

**Finding 5** – Fire alarm pull stations did not have covers.

**Recommendation 5** – The District should install covers to prevent false alarms.

## **Comments**

Include student representatives on safety committees at District Schools to provide input from a student’s perspective. Increase communication and collaboration between schools in the District during the Emergency Safety planning process.

The Grand Jury was impressed by the cooperation and professionalism of the superintendent and staff during our investigation.

## **Affected Agencies**

Superintendent of the Travis Unified School District  
Principal of Foxboro Elementary School  
Principal of Golden West Middle School  
Principal of Vanden High School  
Director of Transportation Department  
Travis Unified School District Board

## **Courtesy Copy**

Solano County Board of Supervisors

## **TRAVIS UNIFIED SCHOOL DISTRICT RESPONSE**

**Travis USD Superintendent’s Response 1:** The key elements for Emergency Safety Plans are consistent, but may not have been apparent. During the 2006-07 school year, the Safety Committee developed a template for all school sites to use. While the template was not completed and in use prior to the Grand Jury’s visit, it was implemented district-wide near the end of 2006-07 year and will be in place for subsequent school years.

**Travis USD Superintendent’s Response 2:** Blocked access to fire alarm pull stations, fire extinguishers and use of temporary extension cords are addressed each year and on a continuing basis by the Supervisor of Maintenance. On occasion, staff members might not comply or will simply put cords back after they’ve been removed. Currently the Supervisor of Maintenance is moving forward to tape off certain areas on floor tile to maintain appropriate clearance areas. Some areas have signs addressing clearance needs. Staff has been directed to unplug extension cords, and custodial staff is encouraged to unplug any cords they find during their shifts. Older buildings were not designed for the current needs for outlets—an ongoing challenge in many districts. The Supervisor of Maintenance and site administrators will be addressing these issues with the opening of school for the 07-08 year. Safety inspections will continue, performed by the Supervisor of Maintenance, to encourage compliance. Travis Unified will also continue to work with our insuring group who does annual site safety surveys.

**Travis USD Superintendent’s Response 3:** A couple of TUSD buses are older; however, district staff are still able to maintain these vehicles by ordering parts directly from the dealer. The safety and integrity of these buses is still up to code and meet all the requirements during annual inspections by the California Highway Patrol.

The current price of a 62-passenger bus is over \$125,000.00. Currently, Travis Unified School District has 17 buses which are 78-passenger or larger. It would require over 21 vehicles at a cost in excess of \$2.5 million just to replace our current fleet of buses. As funding or grants become available, the District will begin to upgrade the vehicle fleet.

# Education and Library

**Travis USD Superintendent's Response 4:** School sites within the Travis Unified School District can be broken down into three categories: Vacaville sites (Cambridge and Foxboro elementary schools); Travis Air Force Base sites (Travis, Scandia and Center elementary schools); and adjacent sites (adjacent to the Travis Unified District Office): Golden West Middle School and Vanden High School).

Foxboro Elementary School has limited storage that just meets the needs of the food service operation for the current student population. Refrigerator and freezer space is also limited due to limited physical space. The District will study options for providing a storage area for emergency stocks of water and food.

Golden West Middle School and Vanden High School are both adjacent to the District Office and, therefore, have access to the warehouse and the supplies that are stored there, which include food items. TUSD staff will work with site administrators to review their needs for emergency stocks of water and food.

**Travis USD Superintendent's Response 5:** According to information received from the fire departments, fire alarm covers are not mandatory and we have not been directed to provide covers in our most recent inspections. The District has installed a cover panel on a pull station at Foxboro Elementary due to a particular student who continued to pull the fire alarm. TUSD staff works closely with the fire department and promptly acts on their recommendations and any discrepancies they note during their annual inspections.

Covers have a cost of approximately \$100 each and are installed where appropriate and when available as we modernize facilities. Vanden High School has the covers that were installed during last year's modernization project. As covers are no longer in use in portable buildings, staff have used available covers to install where appropriate at Golden West Middle School. Staff will continue to move forward with the installation of covers.

**Travis USD Superintendent's Response to Grand Jury Comments:** In addition to the regular input from our Student Board Member in representation of the entire student body, student input is considered through student surveys and the California Healthy Kids Survey. Students are given opportunities for learning safety lessons during class time and are surveyed by teachers when student input is needed and appropriate. The safety of students, both physically and emotionally, is a top priority in the Travis Unified School District and is always taken very seriously by Board members and staff members across the District.

The Travis USD Safety Committee meets regularly, and information is shared with all appropriate parties. During the past year, the District has invested in upgrading its hand-held radios to improve communication in the event that other systems fail, as well as the implementation of a district-wide "Connect-Ed" program that allows administration to send voice messages to all students and staff, in an emergency, within minutes.

Monthly Management meetings provide a time and place for all management—certificated and classified—to discuss safety concerns. This is also the forum for discussing the emergency planning process.



## SOLANO COUNTY OFFICE OF EDUCATION 2006-2007 Solano County Grand Jury

### **Reason for Investigation**

The 2006-2007 Solano County Grand Jury chose to investigate the Emergency Safety Plans for three schools and Transportation Services under the jurisdiction of the Solano County Office of Education and schools under its jurisdiction. This investigation stems from concerns regarding the safety and security of students in the event of an emergency at school or while being transported to and from school.

### **Grand Jury Actions**

- Interviewed the Solano County Office of Education Superintendent
- Reviewed Emergency Safety Plans for Solano County Office of Education schools
- Reviewed relevant portions of the California Education Code; California Code of Regulations Title 5 (Education) and "Uniform Fire Code"
- Toured schools and interviewed the principals and staff
- Interviewed the County Office of Education transportation supervisor and staff

### **Background / Summary**

The Solano County Office of Education (SCOE) joins the other 57 counties in California as partners with parents and schools to prepare our children for life in the current and future job market. SCOE serves approximately 83,000 of the five million students in California. County services play a crucial role in helping to

educate children of vastly different backgrounds and widely different needs. SCOE services include the operation of special programs for more than 9,675 children and adults.

SCOE operates programs for students with unique needs including special education for disabled students, court and community schools for incarcerated and expelled youth and programs for pregnant or parenting students.

The individual schools responsible for these programs are as follows:

**T.C. McDaniel Center, Fairfield** – This center is a Special Education Local Plan Area (SELPA) facility for children from birth to five years.

The program is divided into three age groups: birth to 18 months, 18 months to age three and three to five year-olds. Parent participation is mandatory. Long-term volunteers are fingerprinted and have their backgrounds checked. Interaction between main stream children and the special needs students is beneficial to the development of all students. At age five, students attend public schools in their district or other county schools depending on their needs.

**Irene Larsen Center, Vacaville** – This facility mirrors the T.C. McDaniel Center with a few exceptions. The Life Skills program for 18-20 year olds affords them an opportunity to work for local businesses and live independently. The swimming pool, spa and the facility's main building were built by the parents and community.

**Golden Hills Education Center, Fairfield** – The Regional Occupational Program (ROP) at Golden Hills Education Center provides workforce development classes for students in grades 7-12 who have been expelled or have attendance issues. The Program is available for adults as well as physically and mentally challenged students ages 18 to 22. Courses of study are Health Career, Auto Technology, Heating, Ventilation, and Air Conditioning (HVAC), Welding, Para-educator/Instructional Assistant, Computer Lab and Pre-Apprentice: Introduction to Construction Trades.

**The Office of Education Transportation Services** – This office is responsible under the California Education Code, section 39831.3, to prepare a Transportation Safety Plan. The plan should contain procedures to ensure the safe transport of pupils. Twenty-three school buses provide transportation service for 240 special education students, roundtrip from their homes to school.

As a result of our interviews and visits, we determined that Emergency Safety Plans are written by the site administrator at each school. These plans are created in accordance with California statutes, regulations and local School Board policy.

SCOE has a safety committee that assists in the writing of the school safety plan. Safety committee members include the Solano County Office of Education Superintendent of Schools and the Associate and Assistant Superintendents representing various departments. The committee meets with the schools monthly. The school's Emergency Safety Plans were approved in September, 2006.

The Emergency Safety Plan for the county schools varied in content and instructions. We were informed that all teachers under SCOE supervision are aware of what to do in an emergency. This would include their respective sites in addition to those at shared sites. The schools also coordinate their procedures with county Transportation Services.

At the T.C. McDaniel Center, safety is a major concern. The first two fire drills each year are announced in advance and used as practice and critique. The remaining drills are unannounced. The scenarios created include the absence of the Principal, search and rescue and a drill coordinated with E. Ruth Sheldon School located next door. Each class has an emergency backpack equipped with medical supplies, water, etc.

At the Irene Larsen Center, fire drills are unannounced. The Principal is working with Special Education Local Plan Area (SELPA) schools to use the same forms and have a consistent basic safety plan. Additionally, the Center is working with county Transportation Services to communicate by two-way radios during emergencies. The Center's Emergency Safety Plan includes bins equipped with tents, blankets, water, food, first aid and a backpack to use during drills or actual emergencies. The Principal has written and received grants to assist in the maintenance and upgrade of supplies.

At Golden Hills Education Center, an unannounced fire drill is conducted once a year. The designated evacuation site is behind one of the main buildings. The Education Code has fewer requirements for older students. The fire department reviews their safety procedures and makes recommendations. Student backpacks are not allowed on campus for personal safety concerns. Staff members are equipped with long distance two-way radios.

Records of all drills are kept on file. The attendance roster must be with each teacher to take roll during a drill. All students must be accounted for before a

# Transportation & Public Buildings

drill is considered completed. Each school has a lockdown plan for emergencies and works closely with the local police and Probation Department to coordinate safety. The "Connect ED" telephone emergency number allows schools to communicate simultaneously with parents and guardians during emergencies. SCOE has endorsed "211," developed by United Way, which gives residents a single point of reference contact telephone number. Residents calling "211" will have the ability to get information about county services such as Health and Social Services, Education and public financial assistance.

The Transportation Services Department Emergency Safety Plan met or exceeded State code requirements. SCOE school bus drivers are highly qualified and trained to operate a bus. After their initial training, they are required to do follow-up in-service training on a continual basis. Each bus driver must account for each student they transport by keeping a log book on the bus. This log book is updated as needed.

The following observations and areas of concern were noted by the Grand Jury during our tours and conversations with staff of the T.C. McDaniel Center, Irene Larsen Center and Golden Hills Education Center:

The inability to lockdown classrooms in the event of an intruder alert. (School Administration has submitted a request to identify an appropriate locking system)  
Parents blocking the bus loading zone create a traffic and child safety problem.  
Safety plan information had not been received by the staff until recently.  
Some fire alarm pull stations were blocked.  
Unsafe areas were observed on the playground at one Center.  
All doors to the outside were not clearly marked with an Exit sign.  
All passageways to exits were not clear and unobstructed.

Additional observations and areas of concern noted by the Grand Jury and staff at Transportation Services were:

Not all school bus drivers were aware of the Emergency Safety Plan and their responsibilities in the event of an emergency.  
Difficulty in obtaining parts for older school buses.

## Findings and Recommendations

**Finding 1** – The basic overall Emergency Safety Plans were not consistent.

**Recommendation 1** - Emergency Safety Plans should be consistent throughout the Solano County Office of Education district schools.

**Finding 2** - Some staff were not familiar with their school's Emergency Safety Plan.

**Recommendation 2** - All staff must be trained on an ongoing basis.

**Finding 3** - Several fire code violations were found, such as blocked access to fire alarm pull stations and fire extinguishers. Some passageways to an exit were obstructed.. Some doors to the outside were not marked with an exit sign.

**Recommendation 3** – Keep the fire alarm pull stations and fire extinguishers easily accessible. All passageways to an exit shall be clear and unobstructed. All doors leading to the outside shall be marked with an exit sign.

**Finding 4** - Parking rules regarding drop off and pick up of children are not being followed. This is a safety hazard.

**Recommendation 4** - Have random visits by local police to enforce traffic and parking rules.

**Finding 5** - Not all bus drivers were aware of the Emergency Safety Plan.

**Recommendation 5** - Ensure all bus drivers are trained on the Emergency Safety Plan.

**Finding 6** - Maintenance of older buses is becoming difficult.

**Recommendation 6** - Schedule purchases of new vehicles to replace the older buses.

## Comments

At the time of our inspection, the Solano County Office of Education Emergency Safety Plan contained incorrect references to the California Education Code.

The Grand Jury was impressed by the professionalism of the district and school staff.

## Affected Agencies

Superintendent of the Solano County Office of Education  
Principal of T.C. McDaniel Center

Principal of Irene Larsen Center  
Principal of Golden Hills Education Center  
Director of Solano County Office of Education Transportation Service  
Solano County Office of Education School Board

## Courtesy Copy

Solano County Board of Supervisors

## SOLANO COUNTY OFFICE OF EDUCATION RESPONSE

**Response to Finding 1:** Respondent agrees with the finding.

**Response to Recommendation 1:** All sites have met and the Emergency Safety Plans are now consistent with each site. The recommendation has been implemented.

**Response to Finding 2:** Respondent agrees with the finding.

**Response to Recommendation 2:** All staff will be made aware of the Emergency Safety Plans through ongoing drills and annual training. The recommendation has not yet been implemented, but will be implemented in the future when school resumes.

**Response to Finding 3:** The respondent agrees with the finding.

**Response to Recommendation 3:** The recommendation has been implemented. Exit signs have been ordered. Items that blocked passageways have been removed.

**Response to Finding 4:** The respondent disagrees partially with the finding as most parents follow parking rules and drop off and pick up of children.

**Response to Recommendation 4:** The recommendation will not be implemented because it is not warranted. Parking rules are reviewed with parents at the beginning of each school year. Campus Monitor and site administrators are enforcing the parking rules and drop off and pick up of children. Individual parents are addressed as needed.

**Response to Finding 5:** The respondent agrees with the finding.

**Response to Recommendation 5:** The recommendation has not yet been implemented, but will be implemented in the future. From now on the Emergency Safety Plan and Disaster Review Plan will be addressed at drivers' orientation day with current bus drivers in August 2007. New drivers will be given the information when in training.

**Response to Finding 6:** The respondent disagrees partially with the finding. The CHP Motor Carrier reports our bus fleet maintenance records are satisfactory.

**Response to Recommendation 6:** The recommendation has not yet been implemented, but will be implemented in the future. SCOE will be purchasing a small bus sometime prior the start of the new school year. There is also a purchase plan for busses that will be followed as budget allows.



## SOLANO COUNTY VETERANS' BUILDINGS 2006-2007 Solano County Grand Jury Report

### Reason For Investigation

Under the authority of California Penal Code §925, the 2006-2007 Grand Jury elected to determine the current status of all Veterans' buildings in the County.

### Grand Jury Actions

- Toured all County Veterans' buildings
- Interviewed Veterans' Building Managers
- Interviewed Veterans
- Reviewed current Veterans' building management agreements
- Reviewed Americans with Disabilities Act (ADA)
- Interviewed County Facilities Personnel

### Background / Summary

At the onset of the 2006-2007 Grand Jury, the status of all Veterans' buildings in the County was unknown. This investigation spotlights the continuous efforts to ease problems regarding financial responsibilities between the County and the Veterans' organizations. During the month of September 2006, the Grand Jury toured the county Veterans' buildings and determined that four of the six buildings were well maintained. Building managers pointed out improvements came about through a combination of pride, responsibility and ever improving team-

# Transportation & Public Buildings

work between the County and veterans' organizations.

In accordance with California Military and Veterans Code §262, County General Services provide veteran facilities free of charge to the various veteran organizations. Building management agreements are in place with all building managers. The agreements are not leases due to the fact that the veteran organizations are not charged rent or fees for the use of the buildings. The maintenance for veteran building is included in the overall county maintenance budget.

Although many of these buildings hold historical significance to their respective cities, they are not listed as official historical landmarks.

On January 11, 2005, the Military and Veterans' Affairs Committee was formed to provide a forum for military personnel and veterans to address their unique issues. The purpose of the Committee includes improving operations and maintenance of our County's Veterans' buildings.

Building entrances, restroom facilities and multi-level accessibility are the main issues. The County has an ADA transition plan in effect that will cover these deficiencies by the end of the 2007-2008 Fiscal Year. With respect to access, only the Vallejo building is in compliance with the Americans with Disability Act (ADA).

During the visits, the Grand Jury observed the following:

**Benicia** – Located at 1150 First Street, this building was built in 1948 on city owned property and currently serves a dual role as a veteran's hall and a city community center. This building is rented out to the public for private and city sponsored functions. Veterans' organizations perform general maintenance on a frequent basis. The lower part of the second story windows open with no safety protection to prevent a person from falling two stories to the parking lot below. The bottoms of the windows are 36 inches from the floor. A window replacement project targeted for the upstairs main social hall, overlooking the parking lot, is not complete. Entry, restroom and activity level access are not compliant with the ADA. The ceiling tiles in the upper floor are warped, cracked and stained caused by leaks in the roof. The roof has since been repaired.

**Finding 1** – Due to the low height and lack of safety restraints, the second story windows create a safety hazard.

**Recommendation 1** – The County should expedite this repair.

**Finding 2** – The ceiling tiles in the upper floor are warped, cracked and stained.

**Recommendation 2** – The County should replace the tiles.

**Dixon** – Located on 231 North First Street, this building was built in 1928. This is a two-story facility with stair only access to the second floor. The condition of the second floor makes it unsuitable for group activities; therefore it is currently used as a storage area. The floors are weak and warped in this area. There is mold formation attributed to water damage throughout the building, most heavily concentrated along the east side of the building. The entrance is ADA compliant; however the adjacent restrooms are not.

The City of Dixon is interested in financially contributing to the upgrade of the Veterans' building and has funded a \$30,000 study to evaluate code compliance and determine the cost of restoration needed to fit in to Dixon's main street program. Attempts to upgrade the facility have proven to be expensive and unsuccessful. At the time of the study restoration costs were \$1.4 million. They have since increased to between \$2.9 million and \$3.4 million according to County facilities staff. The city has committed \$300,000 to the restoration project. A decision has not been made regarding project preference and negotiations continue among the County, City and the Veterans' organizations.

**Finding 1** – No decision regarding the restoration or replacement of this building has been made.

**Recommendation 1** – A decision regarding the fate of this building should be made in a timely manner.

**Rio Vista** – Located at 610 St. Francis Street and built in 1970, this Veterans' building represents an example of what can happen through open communication with the County and self initiative by the Veterans' organizations. There are some ADA issues. The main entrance is not wheelchair accessible. Restrooms can not accommodate wheelchairs. There were leaks in the roof which the county repaired.

The various Veterans' organizations initiated landscaping projects that enhance the curb appeal. An automatic irrigation system has been revamped in the front and plans are underway to improve the irrigation systems at the rear of the building. The Veterans' organizations also purchased a new commercial stove, eliminating a major safety hazard.

**Finding 1** – The main entrance is not wheelchair accessible.

**Recommendation 1** – Coordinated efforts should be used to produce an ADA compliant ramp.

**Finding 2** – Rio Vista Veterans' organizations should be congratulated on their initiative to upgrade and maintain their facility.

**Recommendation 2** – Keep up the good work.

**Suisun City** – Located at 427 Main Street and built in 1929, this building began as the County library. It was renovated in 1980. One of the upstairs areas is rented to a ballet school. There are several uncompleted maintenance projects that need immediate attention. Repairs are needed on the tiles in the great room, the ceiling in the kitchen leaks from holes in the roof, electrical outlets need to be grounded and water fountains are out of order. The elevator is a safety hazard and in need of repairs. At the time of our visit, no current elevator safety certification was posted and it apparently had not been inspected since 2004. Gutters on the roof have been connected to the down spouts, but the downspouts are not connected to the existing drains. It was brought to our attention at the time of our visit, that the facility did not have an enclosed dumpster, which is required by state regulations. County representatives indicated that this issue has been addressed and will be completed soon.

**Finding 1** – The elevator does not work properly and is out of inspection compliance.

**Recommendation 1** – The elevators should be inspected, repaired and certified safe to operate.

**Finding 2** – The building does not have an enclosed dumpster.

**Recommendation 2** – The County and the Veteran's organization should take the steps necessary to correct this compliance issue.

**Vacaville** – Located at 549 Merchant Street and built in 1935, this building was remodeled in 1991. The Veterans have maintained this building through active community and Veterans group participation. When called upon, the County has been helpful. This building is ADA compliant.

**Finding 1** – The Vacaville Veterans' organizations are to be commended for their on-going efforts at maintaining and operating this community oriented asset.

**Recommendation 1** – Keep up the good work.

**Vallejo** – Located at 420 Admiral Callaghan Lane, this building was funded and constructed by members of the Veterans of Foreign Wars (VFW) Post 550 in the 1940's. In December of 2005, the county purchased Veterans' Post 550 to replace the condemned Vallejo Veterans' Hall. This building is ADA compliant.

The building currently serves eight different Veterans' organizations. After the purchase, improvements were made. Air conditioners located on the roof were refurbished and the cement walk way leading up to and in front of the entry was replaced. An enclosed entryway in front of the main door was removed. A security camera in front of the building was lost, stolen or removed. Overgrown foliage was removed by the Veterans contracted gardening service, which made the area safer and improved drainage of the area.

**Finding 1** – The security camera that was in front of the building is missing.

**Recommendation 1** – The County should replace the security camera.

## **Comments**

With the exception of Vacaville and Vallejo, the buildings are not ADA compliant. County Services has indicated that the ADA upgrades are part of a five-year ADA transition plan. This is the fifth year of that plan.

Several of the Veterans' facilities appear to be out of code compliance and need immediate attention. All buildings have current building maintenance agreements in place with the County.

Communication between the County and building managers should continue. The Military and Veterans' Affairs Committee meetings provide an ideal forum for this communication.

County facility personnel do not perform routine inspections on any County buildings to determine maintenance, repairs, or any necessary improvements, but are available to provide inspections upon request.

## **Affected Agencies**

Solano County Board of Supervisors  
Solano County General Services

# Transportation & Public Buildings

## Courtesy Copies

Veterans' Building Manager, Benicia  
Veterans' Building Manager, Dixon  
Veterans' Building Manager, Rio Vista  
Veterans' Building Manager, Suisun City  
Veterans' Building Manager, Vacaville  
Veterans' Building Manager, Vallejo

## COUNTY OF SOLANO RESPONSE

### Benicia

**General Services' Response to Finding 1** – General Services agrees with the finding.

**General Services' Response to Recommendation 1** – General Services agrees with the recommendation. On January 2, 2007 the window replacement work was completed rectifying the potential safety issue.

**Board of Supervisors' Response to Finding and Recommendation 1** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding and recommendation.

**General Services' Response to Finding 2** – General Services agrees with this finding.

**General Services' Response to Recommendation 2** – General Services disagrees with this recommendation. In accordance with the Operations and Management agreement, minor maintenance and improvements are the responsibility of the Veterans groups managing the facility. Replacement of the tiles is considered minor maintenance and therefore the responsibility of the veterans.

**Board of Supervisors' Response to Finding and Recommendation 2** – The Board agrees with the Department's response to the finding. The recommendation requires further analysis because while the replacement of ceiling tiles is a minor maintenance item that is the responsibility of the Veterans group. The FY2007/08 Budget includes funding for capital renewal projects for the Benicia Veterans building and it is possible that the ceiling tiles could be addressed as part of those improvements.

### Dixon

**General Services' Response to Finding 1** – General Services agrees with the finding.

**General Services' Response to Recommendation 1** – General Services agrees with the recommendation. The County of Solano and the City of Dixon jointly initiated a Modernization Study of the Dixon Veterans Memorial Building to identify repairs/renovation alternatives. The findings within the Modernization Study are being reviewed and the results, along with recommended action items, will be presented to the Solano County Board of Supervisors before the end of calendar year 2007.

**Board of Supervisors' Response to Finding and Recommendation 1** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding and recommendation. The Board is encouraged by the City of Dixon's commitment to seek funding to partner with Solano County on a project to rebuild the existing Veterans Hall and is anticipating that General Services will provide concrete recommendations for action in the upcoming months. If the project can not be fully funded, the County will evaluate viable options for a veteran's facility at another location in Dixon.

### Rio Vista

**General Services' Response to Finding 1** – General Services agrees with the finding.

**General Services' Response to Recommendation 1** – General Services partially agrees with the recommendation. The County's ADA Transition Plan indicates that proper signage, door modifications and hardware replacement are required to make the entry ADA compliant, not a ramp. Funding has been requested as part of the Department's FY 07/08 budget request to make necessary modifications to provide accessibility to the main entrance.

**Board of Supervisors' Response to Finding and Recommendation 1** – The Board agrees with the finding. The recommendation will not be implemented because it is not warranted. The County's ADA Transition Plan provides that accessibly via signage, door modifications and new hardware will make the entry ADA compliant, and not necessarily the installation of a ramp.

**General Services' Response to Finding 2** – General Services agrees with the finding. General Services is committed to supporting all County owned veterans memorial buildings in accordance with the Military and Veterans Code and per the terms and conditions of the Operations and Management Agreement in place for each veterans memorial building.

**General Services' Response to Recommendation 2** – General Services agrees with the recommendation.

**Board of Supervisors' Response to Finding and Recommendation 2** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding and recommendation.

### Suisun City

**General Services' Response to Finding 1** – General Service disagrees with this finding. The elevator is working properly and the permit to operate is current through November 28, 2007.

**Board of Supervisors' Response to Finding 1** – The Board disagrees with the finding based on the Department of General Services substantiation that the elevator is functioning and properly permitted.

**General Services' Response to Recommendation 1** – General Services agrees with the recommendation. The elevators are inspected, repaired and certified safe to operate.

**Board of Supervisors' Response Recommendation 1** – The Board of Supervisors agrees with the Department's response that the recommendation has been implemented as the elevator has been inspected, repaired and certified safe to operate.

**General Services' Response to Finding 2** – General Services agrees with this finding.

**General Services' Response to Recommendation 2** – General Services agrees with the recommendation. The design and construction for placement of the dumpster is scheduled for summer 2007.

**Board of Supervisors' Response Finding and Recommendation 2** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding and recommendation.

### Vacaville

**General Services' Response to Finding 1** – General Services agrees with the finding. General Services is committed to supporting all County owned veterans memorial buildings in accordance with the Military and Veterans Code and per the terms and conditions of the Operations and Management Agreement in place for each veterans memorial building.

**General Services' Response to Recommendation 1** – General Services agrees with the recommendation.

**Board of Supervisors' Response to Finding and Recommendation 1** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding and recommendation.

### Vallejo

**General Services' Response to Finding 1** – General Services agrees with the finding.

**General Services' Response to Recommendation 1** – General Services partially agrees with the recommendation. The Veterans' Groups are responsible for maintaining and replacing their own security equipment. However, the County can reimburse the Vallejo Veterans' groups for the cost of replacing the missing camera from funds that were previously allocated per the terms of the executed Settlement Agreement between the County and the Vallejo Veterans Association.

**Board of Supervisors' Response to Finding and Recommendation 1** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding. The recommendation will not be implemented because it is not warranted. The veterans group needs to replace the missing security camera and then work with General Services to determine the proper process to access reimbursement from settlement funds.



## CITY OF VALLEJO AND MARE ISLAND HISTORIC PARK FOUNDATION PRESERVATION OF ST. PETER'S CHAPEL AND OTHER HISTORIC PROPERTIES 2006-2007 Solano County Grand Jury

# Transportation & Public Buildings

## TABLE OF CONTENTS

- Reason for Investigation
- Grand Jury Actions
- Introduction
- Historical Significance
- Property Rights
- Mare Island Historic Park Foundation
- Complaints
- General Observations
- Findings and Recommendations
- Comments
- Affected Agencies
- Appendix 1 –History and Chronology of Events
- Appendix 2 – List of Resource Documents
- Appendix 3 – Reuse Area Map

### **Reason for Investigation**

The Grand Jury received a complaint that St. Peter’s Chapel (the “Chapel”), a national, state, and city landmark, located on Mare Island (the “Island”) in the City of Vallejo (the “City”), was falling into a state of disrepair and that neither the City nor the Mare Island Historic Park Foundation (the “Foundation”) were addressing concerns about its preservation and use. The complainant expressed special concern for the condition of the Chapel’s 34 Tiffany stained lead glass windows. The Grand Jury received a second complaint questioning the operation and accounting practices of the Foundation relating to the overall management of the historic properties leased to the Foundation by the City.

The Grand Jury elected to investigate the complaints and to expand its investigation to include a review of all historic real and personal properties owned, leased, or loaned to the City and managed by the Foundation under its agreements with the City.

California Penal Code §925a authorizes a grand jury to examine the books and records of any incorporated city located in the County. Further a grand jury may investigate and report on the operations, accounts and records of the officers, departments, functions, and the method or system of performing the duties of the city and to make any recommendations it may deem proper and fit. California Penal Code section 933.6 authorizes a grand jury to examine the books and records of any nonprofit corporation established by or operated on behalf of a public entity. A grand jury may also investigate and report upon the method or system of performing the duties of the nonprofit corporation.

### **Grand Jury Actions**

- Interviewed a complainant
- Interviewed the City of Vallejo Mare Island Conversion Project Manager
- Interviewed the City of Vallejo Planner and Secretary to the Architectural Heritage and Landmarks Commission
- Interviewed Division President for Lennar Communities
- Interviewed President of Mare Island Historic Park Foundation
- Interviewed Curator of Vallejo Naval and Historic Museum
- Toured Mare Island including St. Peter’s Chapel, Chapel Park, Alden Park, Quarters A and Building 46 – the Museum
- Reviewed numerous documents identified in the appendix to this report

### **Introduction**

In the first section of this report, the Grand Jury provides background concerning the historical significance of Mare Island, its shipyard, and some of its most important historical landmarks. We then briefly highlight some of the complex property transactions between the U.S. Navy, the City of Vallejo, and a private developer after the Shipyard was closed. The background becomes necessary to understand who bears responsibility for the long term care and maintenance of the historical landmarks and artifacts on the Island. Next, we discuss the key role played by the Mare Island Historic Park Foundation in preserving Island history, including descriptions of the historic landmarks and artifacts for which it is responsible and some of the problems it has faced in meeting these responsibilities. This is followed by information regarding the complaints the Grand Jury received concerning the condition of St. Peter’s Chapel as well as the capacity of the Foundation to properly carry out its functions and contractual obligations with the City.

The Grand Jury offers some general observations concerning the results of our interviews, independent research, and tour of the historic areas of the Island. We note some of the financial difficulties faced by the Foundation in terms of its own fundraising activities as well as its financial relationships with the City. We raise issues as to whether the Foundation, as presently organized, has the long range capacity to carry out its important responsibilities, including acting as caretaker of several national, state, and city landmarks and educator and preservationist of the history of the Island or whether some alternative approach is necessary.

Finally, the Grand Jury offers a series of specific findings and recommendations

as to what we feel is necessary to maintain and preserve the historic landmarks and artifacts on Mare Island, for now and for posterity.

The appendices include: 1) a chronology of significant events in the history of the Island; 2) a detailed listing of documentation reviewed by the Grand Jury and referred to in this report; and 3) a map showing the specific Reuse Areas.

### **Historical Significance**

Mare Island Naval Shipyard (the “Shipyard”), established in 1854, is the oldest naval installation on the West Coast. By act of Congress, the Shipyard was closed on April 1, 1996. As a result, much of the Island, including many historic properties, was transferred to the City. The City, in turn, entered into agreements with Lennar Mare Island LLC (“Lennar”) to acquire and develop portions of the Island for reuse consistent with the City’s Final Reuse Plan and Specific Plan for the Island.

The Shipyard contains some of the oldest shipyard buildings in the country, as well as a diverse collection of industrial and military base architecture. Portions of the Shipyard were designated a National Historic Landmark in 1975. In 1979, the entire Shipyard was listed as a California State Historical Landmark.

In 1997, the Mare Island Historic District (the “Historic District”), encompassing approximately 65 percent of the Shipyard, was listed on the National Register of Historic Places. In 1999, the City also designated this area as a City Historic District and designated 50 national historic landmark structures, buildings, and landscapes on the Island as city landmarks.

Under the City’s Preservation Ordinance, demolition of a city landmark is prohibited unless it can be shown that it is not feasible to preserve or restore it using a constitutional hardship test for making the determination. Owners of any landmarks within the Historic District are required to “keep in good repair all exterior portions of such resources, all interior portions of city landmarks, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature.”

The Mare Island Specific Plan identifies 13 distinctive Reuse Areas, plus the broad wetland and dredge pond areas located on the west side of the Island. (See Appendix for Reuse Area Map) Most of the landmark structures are located in Reuse Areas 3B and 4. Reuse Area 4, a 47 acre parcel, is known as the Historic Core. The Historic Core is located centrally on the Island and fronting the waterfront. Some of the most significant national and city landmarks located in the Historic Core are: 1) St. Peter’s Chapel (1901); 2) Officer’s Quarters A and B (1900); 3) Building 46, the Smithery (1856), now known and used as the “Museum”; and 4) Dry Dock 1 (1891), the oldest dry dock on the West Coast. In August 1996, the City designated the Mare Island Historic Park Foundation as the operator and caretaker for several of these historic properties.

### **Property Rights**

To facilitate the early reuse of the Shipyard, the federal government and the City entered into short and long term leases for lands within Reuse Areas 1 through 6 and Reuse Area 9. In September 1999, the federal government entered into an agreement with the City, giving the City the right to acquire certain real and personal property

### **Acquisition Agreement**

The Grand Jury received testimony that the City’s intent is to remain cost-neutral in the development of the Island. To this end, in December 1999, the City and Lennar entered into an Acquisition Agreement which established Lennar as the principal developer for the Island and set forth the terms and conditions for Lennar to acquire the acquisition property upon the City obtaining title from the federal government. The agreement provided for Lennar obtaining title to 677.4 acres in Reuse Areas 1 through 10, with some exceptions. In return, Lennar is responsible for all property management and asset management services, including infrastructure improvements, obtaining permits, and environmental remediation.

The agreement and its amendments: 1) require the City to maintain, repair and operate, or cause the maintenance, repair and operation of St. Peter’s Chapel, Chapel Park, and Alden Park at the City’s cost; 2) incorporate the agreement between the City and the Foundation related to subleases; 3) state rights and obligations with respect to City occupied facilities; and 4) require the City to put in place a special assessment to be paid by all landowners on the Island, with the exception of federal agencies, for purposes of funding municipal services and infrastructure and services in connection with development of the Island. To accomplish the latter purpose, Community Facilities District No. 2002-1 was formed in 2002.

In March 2002, the federal government conveyed title to approximately 650 acres to the City and in turn the City conveyed these parcels to Lennar. This consisted of most parcels, with some exceptions, in Reuse Areas 1 through 9. Approximately 100 acres in Reuse Areas 7 and 10 have not yet been transferred from the federal government to the City.

# Transportation & Public Buildings

## **Facility Agreement**

In March 2002, the City and Lennar entered into a Facility Agreement. This agreement sets forth the terms and responsibilities for the City to occupy specific properties identified in the Acquisition Agreement, including the Chapel, Chapel Park, and Alden Park.

Under this agreement the City does not pay rent on the Chapel, Chapel Park, and Alden Park, but is obligated to pay to Lennar the City's share of common area project expenses and Island operating costs and assessments and is liable for all repairs, maintenance, and insurance on these properties. The agreement allows the City to sublease these properties.

While Lennar temporarily has title to these properties, as stated in agreements between the City and Lennar, these properties are required to be reconveyed to the City within 60 days after Lennar obtains environmental clearance from the California State Department of Toxics Substance Control and upon the City and Lennar reaching agreement on a park improvement plan.

On January 19, 2007, Lennar notified the City that Lennar had obtained environmental clearance for the Chapel, Chapel Park, Alden Park, and Quarters A and B and that Lennar intends to transfer these parcels to the City pursuant to their agreement. The City stated in a letter to the Grand Jury dated February 6, 2007 that these parcels will be transferred to the City during 2007 upon Lennar's completion of improvements to Chapel Park and completion of the tentative map process.

## **Mare Island Historic Park Foundation**

In anticipation of the Shipyard's closure, a group of citizens interested in preserving the history of the Shipyard formed the Mare Island Historic Park Foundation. The Foundation received its articles of incorporation as a non-profit public benefit corporation in January 1995. Its by-laws state that its purposes are: 1) to promote awareness and to educate the public about the history, crafts, arts, and industries of the Shipyard and certain vessels and naval artifacts contemplated to be displayed there and to obtain the facilities, artifacts, and vessels to accomplish these objectives; and 2) to raise funds and hold events and campaigns related to furthering these purposes, including the operation of displays and continual development of the Historic District.

In August 1996, the Vallejo City Council named the Foundation the operator of the Historic District. The Foundation operates with a board of directors and an all-volunteer staff. At this time there are approximately 300 volunteers on its roster, with approximately 60 volunteers available on a regular basis. The president of the board also acts as the executive director and oversees the day-to-day operations of the Foundation.

## **Naval Artifacts**

In February 1998, the City and Foundation entered into an agreement regarding the naval artifacts on the former Shipyard. This was done in response to the Foundation's earlier request of the Department of the Navy, Naval Historical Center (the "Naval Center"), to borrow naval artifacts to include in a museum on the Island. The Naval Center had determined that the Foundation's request did not meet the Navy's guidelines for eligibility for the following reasons: 1) no permanent experienced paid staff; 2) lack of a collections policy requiring lenders to fund the return of items; and 3) insufficient financial resources.

This agreement requires: 1) the Foundation and the City to develop a plan for the care and protection of all Navy-owned artifacts consistent with Navy requirements and to provide all required reports to the Naval Center; 2) the Foundation, in cooperation with the City, to enter into a loan agreement with the Navy; 3) the Foundation and the City to allow Naval Center representatives access to the Foundation's records and facilities; and 4) the City to assume full control and custody of the artifacts if the Foundation fails to perform its obligations under the loan agreement. This agreement also requires that the City appoint one or more staff or council members to serve as ex-officio members of the Foundation's board of directors to facilitate coordination between the City and the Foundation concerning the care of naval artifacts. The City's last appointment to the Foundation's board was made in 2002. Based on interviews with City staff, the staff person appointed has not been attending meetings of the board.

In October 1999, the Navy entered into an agreement to loan several thousand naval artifacts to the Foundation, with the City as "co-borrower" and the responsible party in event of default by the Foundation.

As part of the loan agreement, the Foundation agreed to: 1) use the property for display purposes only; 2) use protective measures to protect and secure the property; and 3) provide insurance for theft, damage, loss or destruction. The agreement also required the Foundation to provide reports including: a) annual reports on condition and location of property including photographs; b) immediate notification of any damaged, missing, lost, stolen or recovered items; and c) annual reports on financial status and staffing. The agreement also provides that Navy and City representatives have access to the Foundation's records and facilities to assure accuracy of information provided by the Foundation and compliance with terms of the agreement. The loan agreement expired in October 2004. However,

the Navy has continued to allow the Foundation to be in control of these artifacts until such time as the Navy makes a decision whether or not to enter into a new loan agreement with the Foundation or to ask that the artifacts be returned to the Navy.

## **Inspection by Naval Center**

In December 2004, curator staff from the Naval Center toured the Island and inspected the artifacts displayed and stored by the Foundation. At the time of the inspection, the staff informed the Foundation of certain deficiencies that would need to be corrected if the Navy was to enter into a new loan agreement. The Naval Center followed up with a letter to the Foundation, copied to the City, in April 2006.

This letter stated the Navy's findings and recommendations and need for corrective action as follows: 1) Foundation uses an all-volunteer staff with no professional training and must hire one full-time paid curator or trained museum professional; 2) Foundation must submit annual reports on time; 3) Foundation must cease collecting and displaying material from around the Shipyard without the Navy's consent; 4) Foundation must provide insurance or bond to ensure cost of returning artifacts to the Navy; 5) Foundation uses non-museum quality material to display and store the artifacts and many items on loan have yet to be restored. The Foundation must upgrade its preservation materials and practices; 6) Foundation must upgrade its interpretation of the exhibits as the exhibits do not have a coherent storyline and are not professionally displayed; 7) Foundation must provide the Navy with a security plan and procedures; and 8) Foundation must provide the Navy with documentation of its expenditures on the artifact collection.

The Naval Center requested a schedule of corrective actions by May 26, 2006 and stated its reluctance to renew the loan agreement for the following reasons: 1) the Foundation does not appear to have adequate funds to accomplish its objectives and sustain its long-term vision; 2) the Foundation's goals do not realistically match its resources; and 3) the Foundation has made limited progress with the operation of a museum in the past ten years.

On May 24, 2006, the Foundation responded to this letter stating its intent to rectify any deficiencies including developing a job description and a plan for a full-time curator. In February 2007, the Naval Center staff completed a subsequent inspection and verbally informed the Foundation President that many of these earlier issues had not been addressed.

## **City Leases**

Meanwhile, in April 2001, the City entered into an agreement with the Foundation, including 31-year subleases, for the Foundation's use of several national, state, and city landmarks, including St. Peter's Chapel, Quarters A and B, Building 46 – the Museum, and portions of Building 215, as well as Chapel Park and Alden Park. These buildings and parks are to be used for nonsectarian religious activities, weddings, receptions, fundraising events, and the display of naval artifacts within a museum. All areas are required to be accessible to the public and serve as a general benefit to the Island.

## **St. Peter's Chapel and Chapel Park**

The Chapel, built in 1901 and the oldest naval chapel in the United States, sits on a three acre park, known as Chapel Park. The Foundation provides tours of the Chapel and schedules weddings, memorials, baptisms, and other similar events in the Chapel. The Foundation charges \$700 per event for use of the Chapel.

The Foundation is not required to pay rent or common area project expenses and Island operating costs for the Chapel and Chapel Park, but is required to pay to the City its share of the Community Facilities District 2002-1 assessment. As of February 2007, this assessment is \$2,077 per month. The sublease also requires the Foundation to carry insurance and be responsible for all repairs, maintenance and for all improvements required by the federal government and any historic oversight body, including the City and the State Historic Preservation Officer. The Foundation performs regular maintenance and repair work on the Chapel.

## **Alden Park**

This five acre park includes a formal landscaped ceremonial area, a bandstand, flagpole, and an informal area with landscaped walking paths. The Foundation maintains naval artifacts in the Park and provides tours of the area.

## **Quarters A and B**

Officers' Quarters A and B, built in 1900, consist of approximately 10,000 and 7,500 square feet respectively. The Foundation provides tours and schedules weddings, receptions, and other social events in the Quarters. The Foundation normally charges \$1,400 for use of Quarters A and \$1,000 for use of Quarters B.

As of February 2007, the Foundation pays the City: 1) rent of \$1 per year per building; 2) CFD 2002-1 assessment of \$1,668 per month for Quarters A and \$810 per month for Quarters B; and 3) common area project expenses and Island operating costs of \$204 per month for Quarters A and \$133 per month for Quarters B. The Foundation is also responsible for insurance, maintenance, repairs, and all improvements. In addition to general maintenance, the Foundation spent approximately \$57,000 to paint the exteriors of both Quarters.

# Transportation & Public Buildings

## **Building 46, (the “Museum”) and portion of Building 215**

Building 46, the former Smithery built in 1856, is the oldest building on the Island. The Foundation is currently using this 50,000 square foot building as a Museum, including a gift shop, to display naval artifacts on loan from the Navy. The admittance fee to the Museum is \$4 per visitor. A portion of Building 215 is used for storing additional artifacts.

As of February 2007, the Foundation pays the City: 1) rent of \$1 per year per building; 2) CFD 2002-1 assessment of \$4,456 per month for the Museum and \$2,247 per month for Building 215; and 3) common area project expenses and Island operating costs of \$867 per month for the Museum and \$438 per month for Building 215.

Under its sublease with the City, the Foundation is responsible for funding all improvements, including seismic and ADA upgrades. The Foundation spent approximately \$450,000 to make seismic improvements before the Museum could be open to the public.

Overall, the Foundation is required to pay the City close to \$13,000 a month and over \$150,000 a year in Island assessments and common area project expenses and operating costs, in addition to any cost associated with maintenance, repairs, and capital improvements.

In many of the agreements between the Navy, City, Lennar, and the Foundation, there are requirements that the City and the Foundation carry significant insurance on both the real property and historic artifacts. The Grand Jury reviewed a certificate of insurance for the Foundation and statements of self-insurance submitted by the City. The Foundation carries general liability insurance and the City, being self-insured, carries building and content insurance on all buildings subleased to the Foundation. However, the insurance amounts do not appear to meet the requirements of the various agreements.

The agreements between the City and the Foundation state the Foundation will be considered in default of its leases if the Foundation: 1) fails to complete any required renovations per the leases; 2) has a net operating loss for two consecutive years in its operations on the leased premises; 3) fails to maintain the required insurance; 4) fails to maintain properties in neat and clean condition; or 5) fails to make any payments required under the lease agreements.

## **Complaints**

The Grand Jury received a complaint that St. Peter’s Chapel was falling into a state of disrepair and that neither the City nor the Foundation were addressing concerns about its preservation and use. The Grand Jury received a second complaint questioning the operation and accounting practices of the Foundation relating to the overall management of the historic properties leased to the Foundation by the City.

## **Condition of St. Peter’s Chapel**

St. Peter’s Chapel, a national, state, and city landmark, designed by Albert Sutton and completed in 1901, is the oldest naval chapel in the United States. The Chapel contains 34 stained glass windows, including 29 designed and signed by Louis Comfort Tiffany. This is one of the largest collections of Tiffany windows under one roof west of the Mississippi River. Professional estimates made by several stained glass experts and historians place the value of this collection of windows at between \$5 and \$20 million. While the Navy turned over the Chapel in less than pristine condition, interested parties in recent years have noticed an increase in the number of cracks in some of these windows. People attribute these cracks to various causes: age, environmental conditions, foundation issues, improper maintenance, and ongoing demolition work by Lennar’s contractors near the Chapel.

Due to complaints that the vibration from nearby demolition work could be felt in the Chapel and might possibly cause additional cracks in the stained glass windows, Lennar commissioned Engeo Inc. to perform ground vibration monitoring services at the Chapel. An August 2005 report concluded that there was no adverse impact. Lennar commissioned a second report prepared by Nzilani Glass Conservation in October 2005. This report assessed the condition of the windows and made recommendations for preservation. This report states that of the 34 windows, 13 are in good condition, 6 are in fair condition and 15 are unstable. This report recommends that the stained glass windows, some of which have cracks imbedded in the glass, should be removed and stored during the demolition and that they be restored before they are put back in the Chapel. The report included estimates of \$11,900 to remove and store the windows for one year and \$378,863 to restore the windows.

A June 2005 report, commissioned by the Foundation and prepared by Architectural Resources Group, described the Chapel as being in good, serviceable condition. This report indicates areas of deterioration as: 1) paint on exterior shingles; 2) build up of lichen and other biological growth on the roofing shingles; and 3) deterioration of some of the wood trim on the porches. Although the report makes numerous recommendations concerning repair and maintenance, it did not address the condition of the windows. In September 2005, the Foundation provided the City with a statement from Cummings Stained Glass

Studios that: 1) the windows are in good condition based on their age; 2) the windows should not need restoration for another 25 years; and 3) removal of the windows may cause additional damage.

In April 2006, the City, in conjunction with the Vallejo Architectural Heritage and Landmarks Commission, selected a team headed by Thomas Rex Hardy, AIA, and including structural engineers, Tennenbaum-Manheim Engineers, and art glass conservators, Reflections Studios, to prepare a Historic Structures Report for the Chapel. This report is intended to serve as a baseline document to the City and the Commission when making decisions about the Chapel’s long-term maintenance and preservation. The Historic Structures Report was scheduled to be completed by October 2006. As of March 2007, the report had not been presented to the City.

## **Foundation Operations**

The second complaint received by the Grand Jury alleged the Foundation is not: 1) properly managing the historic properties and artifacts leased or loaned to the Foundation; 2) managing its finances appropriately; and 3) following accepted accounting practices in reporting its financial position. The complaint asked that the Foundation’s bookkeeping, records, and operations be audited.

The Chapel can be rented by members of the general public for weddings, memorials, baptisms, and other events. The Foundation charges \$700 per event and could schedule up to four events per day, seven days a week. In addition, the Chapel is included as part of the tour package operated by the Foundation. The Foundation’s financial statements indicate a revenue stream of anywhere from \$20,000 to \$40,000 a year for use of the Chapel. Foundation minutes indicate 41 events were scheduled in 2006, down 35 percent from 2005.

Quarters A and B are used for weddings, receptions, and other social events. The Foundation charges \$1,400 for use of Quarters A and \$1,000 for use of Quarters B. Financial statements indicate a revenue stream of anywhere from \$30,000 to \$57,000 a year for use of the Quarters. Foundation minutes indicate 29 events were scheduled for both quarters in 2006 compared to approximately 50 to 60 events in prior years.

The Foundation charges a \$4 admittance fee to the Museum. Revenues from tours of the Museum and other historic structures operated by the Foundation have declined each year from a high of approximately \$30,000 in 2003 to less than \$15,000 in 2006 (through September 2006), with approximately 30 fewer tours in 2006 than in 2005.

The Foundation receives most of its revenue from general donations of approximately \$100,000 to \$140,000 each year. However, financial statements and tax returns indicate that a majority of the revenue from general donations is a result of generous contributions made by a few of the Foundation’s board members. The Foundation’s operating budget has been \$200,000 to \$300,000 a year. The financial statements consistently show loans from board members to the Foundation as a means of balancing the Foundation’s operating budget. The Foundation would have shown a net operating loss each year without board member contributions and loans.

Foundation volunteers perform bookkeeping, recordkeeping, and accounting functions. The Grand Jury reviewed quarterly financial statements of the Foundation for the period January 2001 through December 2006. These statements are prepared by the Foundation’s treasurer based on information provided by the Foundation’s president. These statements are not prepared by a certified public accountant and do not appear to meet standard accounting practices. Certain asset listings are questionable and the quarterly financial statements consistently state more expenditures than revenue. Any deficit is made up by personal loans and contributions from a few Foundation board members. Under its agreements with the Foundation, the City may require an audit of the Foundation’s books and records. The City has never performed an independent audit or appeared to question the financial stability of the Foundation.

The Foundation has received a few grants. The most significant grant is a State grant in the amount of \$525,000 for purposes of creating displays for the historic artifacts on exhibit in the Museum. The Foundation has spent approximately half of the funds to date and has until 2010 to apply for and use up the remaining funds.

As a result of a settlement agreement between the City and Lennar regarding dredge pond activities on the Island, the City and the Foundation, in joint trust, received a \$250,000 donation from Lennar in January 2006 to be used as start-up funds specifically aimed at the restoration of the Chapel or other historic buildings within the Historic Core. No decision has been made at this time on how to use these funds.

## **General Observations**

Members of the Grand Jury toured the Museum, St. Peter’s Chapel, Chapel Park, Alden Park, and Quarters A in February 2007.

The Grand Jury found the Chapel and Quarters A to be reasonably well-maintained. The Grand Jury did notice small cracks in some of the Tiffany windows

# Transportation & Public Buildings

in the Chapel.

As a result of the Grand Jury's tour of the Museum, members observed or were told the following: 1) the 50,000 square foot building is under-utilized; 2) the exhibit areas feel disconnected and do not present a cohesive storyline; 3) some of the exhibits are displayed in cases that do not meet museum standards for preservation and security; 4) there is no museum curator or any paid, professional staff; 5) there is no signage directing visitors to the Museum or on the building; and 6) parking is limited. The Museum only recently announced regular hours of operation being the first and third full weekend of each month from 10:00 a.m. to 4:00 p.m., and other days by appointment only. Phone callers, trying to schedule tours or obtain general information, must leave a voice message. Many of these observations are the same or consistent with those raised by the Naval Center in its April 2006 letter.

The Grand Jury's review of the Foundation's minutes, financial statements, the complaints, interviews with individuals, and its own observations indicate that the Chapel and Quarters are being under-utilized. Usage of these facilities continues to drop each year. The Foundation does not: 1) have regular hours of operation for drop-in tours of the Chapel and the Quarters; 2) adequately promote and advertise the Chapel and the Quarters for weddings, receptions, and other events; nor 3) have a paid staff person answering the phone or staff dedicated to managing the scheduling of events.

By contrast to the Foundation's Museum, there is a second museum in the City with a complementary mission. It is the Vallejo Naval and Historic Museum (the "Vallejo Museum"), established in 1979 and located in the Old City Hall in downtown Vallejo. The Vallejo Museum's primary mission is to educate and promote the history of the entire City of Vallejo, including as part of that the general history of the Navy in Vallejo. This Museum also has an agreement with the Navy for the loan of naval artifacts. However, the City has not been required to be party to this agreement. The Vallejo Museum attracts approximately 10,000 visitors a year, with 70 percent of the visitors coming from the Bay Area and the remainder coming from over 30 states and foreign countries.

The Vallejo Museum is governed by a board of directors and managed by three full-time staff, including a full-time curator. The Museum has an annual budget of approximately \$150,000, of which 15 percent is provided by an annual grant from the City; 20 percent from membership dues and donations; 30 percent from fundraising activities; and the remainder from investments and sales of items through its bookstore and gift shop. The City rents this 25,000 square foot building to the Museum for \$1 per year and is responsible for the maintenance of the exterior of the building, while the Museum is responsible for maintenance of the interior of the building.

The Vallejo Museum is an example of a successful museum operation. This can be contributed in part to: 1) the operational and board structure of the Museum; 2) paid professional staff; 3) a manageable scope of operations; 4) its length of operation; and 5) financial assistance from the City of Vallejo.

The Grand Jury also reviewed programs offered by the American Association of Museums, including the Museum Assessment Program (MAP). This Program helps museums maintain and improve their operations through a confidential, consultative process that provides guidance to help museums meet priorities and goals and helps museums understand how they compare to standards and best practices in the field.

## **Findings and Recommendations**

**Finding 1** - Portions of Mare Island have been designated as national, state, and city landmarks, including St. Peter's Chapel, Quarters A and B, and Building 46 – the Smithery.

**Recommendation 1** - Every effort should be made to maintain and support these most significant historic properties on Mare Island.

**Finding 2** - The extent and nature of any underlying structural issues which may threaten the preservation of St. Peter's Chapel is beyond the expertise of the Grand Jury. Experts presently disagree as to whether these windows are in imminent danger or whether it is sufficient to develop a long-term plan for their permanent preservation.

**Recommendation 2** - The City of Vallejo should make public the Historic Structure Report when completed. The City of Vallejo, as the ultimate owner of St. Peter's Chapel, is responsible for its preservation and should consider all options, be they public, private, local, state or federal, to ensure that the Chapel is properly cared for and made accessible to future generations.

**Finding 3** - Under existing agreements, Lennar is in the process of transferring title of St. Peter's Chapel, Quarters A and B, and Building 46, to the City of Vallejo.

**Recommendation 3** - The City of Vallejo should ensure that these properties are conveyed to the City as soon as is feasible.

**Finding 4** - The City of Vallejo has entered into long-term lease agreements with the Mare Island Historic Park Foundation to manage St Peter's Chapel, Quarters A and B, and Building 46, and as part of these leases, has placed the burden of responsibility for capital improvements, repairs, maintenance, and Mare Island common area project expenses and operating costs, including Community Facilities District 2002-1 assessments on the Foundation.

**Recommendation 4a** - The City of Vallejo should perform a financial and performance audit of the Mare Island Historic Park Foundation to determine whether the Foundation has sufficient financial resources, expertise, and staffing to continue operating and managing these historic buildings.

**Recommendation 4b** - The City of Vallejo should consider one or more of the following options: 1) limiting the Foundation's operation to a portion of its current activities; 2) issuing a request for proposals to locate another operator for all or a portion of the historic resources now being managed by the Foundation; 3) studying the feasibility of having certain portions of the historic properties transferred to a federal or state entity, such as the Golden Gate National Recreation Area, which may be better able to preserve, maintain, and operate these landmark properties.

**Finding 5** - In many communities, including the City of Vallejo, museums and similar non-profit activities are often supported wholly or in part with public funding. Although the Mare Island Historic Park Foundation pays no rent for St. Peter's Chapel, and \$1 per year in rent for Quarters A, Quarters B, and Building 46, the Foundation must nevertheless pay Mare Island common area project expenses, operating costs, and assessments to the City, amounting to over \$150,000 per year.

**Recommendation 5** - Whether the City of Vallejo decides to continue its current arrangement with the Mare Island Historic Park Foundation or to seek another or an additional operator to maintain and operate these historical sites, the City of Vallejo should eliminate or substantially mitigate the Island operating expenses and assessments presently paid by the Foundation or by any future non-profit operator.

**Finding 6** - The U.S. Navy has loaned the Mare Island Historic Park Foundation naval artifacts for display in Building 46 and other buildings on Mare Island, with the condition that the City of Vallejo be a co-borrower. The U.S. Navy has expressed concern that the Foundation is not meeting its obligations under this agreement.

**Recommendation 6a** - The Mare Island Historic Park Foundation should comply with the requirements of the Navy for loan of naval artifacts, including proper and prompt reporting, hiring of a full-time curator, better care and display of artifacts, and sufficient insurance.

**Recommendation 6b** - Should the Navy determine the Foundation is in default and require the City of Vallejo to manage the artifacts or return them to the Navy, the City should consider issuing a request for proposals for a caretaker that has the financial stability and professional experience to oversee the Museum and to care for the artifacts.

**Finding 7** - The Mare Island Historic Park Foundation is dependent on volunteers and does not have adequate financial resources or professional staff to sustain its long-term objectives. Financial shortfalls are subsidized by personal loans and generous donations from a few Foundation board members. The promotion and marketing of St. Peter's Chapel and Quarters A and B as sites for weddings, receptions, social events, or sightseeing are inadequate. The general public is mostly unaware of and can not easily tour these historic sites. Once on the Island, signage to the historic properties is either non-existent or minimal. The Navy artifacts at the Museum in Building 46 are not maintained and displayed at modern museum standards.

**Recommendation 7a** - If the Mare Island Historic Park Foundation is to continue as caretaker and manager over these public trusts, it should develop realistic business and operational plans that provide for the long-term financial support necessary to maintain, preserve, and promote the historic sites. To assist the Foundation in developing these plans, it should seek assistance from other museum experts, such as the American Museum Association and its Museum Assessment Program (MAP).

**Recommendation 7b** - The Mare Island Historic Park Foundation should hire one or more persons, including a museum curator and staff experienced in accounting, administration, fundraising, and promotion.

**Recommendation 7c** - St. Peter's Chapel, Quarters A and B, and the Museum should be accessible to the public. The Mare Island Historic Park Foundation should adopt and publicize when these historic sites are open to the public.

**Recommendation 7d** - The Mare Island Historic Park Foundation should improve the marketing of St. Peter's Chapel, Quarters A and B, and the Museum.

# Transportation & Public Buildings

**Recommendation 7e** - The City of Vallejo should work with Lennar and the Mare Island Historic Park Foundation to ensure that there is better signage directing visitors on the Island to St. Peter's Chapel, Quarters A and B, and the Museum.

**Recommendation 7f** - The Mare Island Historic Park Foundation website should be expanded to include specific information on St. Peter's Chapel, the Quarters, and the Museum, including reservation information for the Chapel and the Quarters, and hours of operation for the Museum.

**Finding 8** - The City of Vallejo and the Mare Island Historic Park Foundation are required to carry specific insurance coverage for the historic properties on Mare Island and for the naval artifacts on loan from the Naval Historic Center.

**Recommendation 8** - The City of Vallejo should evaluate the insurance coverage currently maintained by the Mare Island Historic Park Foundation and by the City to ensure that there is sufficient coverage for the historic buildings and the naval artifacts.

**Finding 9** - Under the agreement between the City of Vallejo and the Mare Island Historic Park Foundation relating to the loan of naval artifacts, the City must appoint one or more representatives to serve as ex-officio members on the Foundation's board of directors. The representatives appointed by the City, have seldom, if ever, attended the Foundation meetings.

**Recommendation 9** - The ex-officio member or members appointed by the City of Vallejo should attend meetings of the Mare Island Historic Park Foundation on a regular basis.

## Comments

Volunteers have worked diligently to establish the Museum and to tell the story of the Shipyard. However, without a full-time curator to direct Museum operations, the Museum's potential and the Foundation's goals can not be met. Unless the Foundation is willing and able to meet the Navy's requirements, the Foundation is at risk of having the Navy remove the naval artifacts from the Foundation and the City of Vallejo. Since the Foundation's main focus and the majority of its financial resources have gone into establishing a museum on the Island, the future of the Foundation and the other historic buildings under its care are also at risk.

The Navy transferred St. Peter's Chapel and Quarters A and B in "as is" condition. The Grand Jury believes the Foundation volunteers have done a good job in their attempts to keep these buildings clean and in performing basic maintenance. However, it is clear from various reports and expressions of citizen concern that these buildings, in particular the Chapel, need a comprehensive plan for both use and preservation. Special care must be taken to ensure that the Tiffany stained glass windows suffer no further damage due to either demolition work or neglect. The Grand Jury can only hope that the Historic Structure Report, commissioned by the City and the Vallejo Architectural Heritage and Landmarks Commission, when completed, will provide the City with valuable information as to the present condition and future needs of the Chapel. The City's Preservation Ordinance requires the owner of any landmark within the Historic District to keep in good repair all exterior portions and all interior portions whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature. The City, as intended and as ultimate owner of the Chapel, must take full responsibility for capital improvements and major repairs for this city, state, and national landmark and Mare Island treasure.

The Foundation's operational plan states one of the Foundation's missions is to obtain one or more ships to be used as ship museums as a means of adding to the history of the Island, increasing tourism and as a result increasing revenue to make the Foundation financially stable. The Foundation continues to expend time and money on its efforts to acquire a ship or ships, in the hopes that a ship will bring in substantial dollars as a tourist draw. While a ship would most likely increase tourist activity on the Island, the Grand Jury is concerned that the Foundation first be fiscally and administratively capable of managing the historic sites and artifacts under its present agreements prior to assuming such a huge undertaking. The Grand Jury is aware of several groups that desire to have a naval ship or ships docked at Mare Island. The Grand Jury would hope all of these groups find common ground to pool their resources to accomplish their objective.

During the final stages of its investigation, the Grand Jury noted with interest a newspaper report indicating that the responsibility for five historic lighthouses in the Bay Area, which had outlived their functional usefulness, was being transferred from the U.S. Coast Guard to the National Park Service, to be included within the Golden Gate National Recreation Area. A similar arrangement might be an appropriate means for ensuring the long term preservation of St. Peter's Chapel and Quarters A and B.

## Affected Agencies

City of Vallejo – City Council  
City of Vallejo – City Manager

Vallejo Architectural Heritage and Landmarks Commission  
Mare Island Historic Park Foundation

## Courtesy Copy

Lennar Mare Island LLC  
Vallejo Naval and Historic Museum  
U.S. Department of Navy, Naval Historical Center, Curator Branch  
Supervisor John Silva  
Supervisor Barbara Kondylis

## APPENDIX 1

### HISTORY AND CHRONOLOGY OF EVENTS

Mare Island is located on the western edge of the City of Vallejo and within the incorporated boundaries of the City. The Island is approximately three-and-a-half miles long by one mile wide. It comprises approximately 5,250 acres of which 1,448 acres are identified for development and recreational uses, including conservation easements, with the remaining acreage being dredge disposal ponds, wetlands and submerged lands. The City has entered into agreements with Lennar to develop and acquire approximately 650 acres of the Island, much of which contains the most historically significant properties on the Island.

- 1854 - Establishment of Mare Island Naval Shipyard, the oldest shipyard on the West Coast
- 1856 - Building 46, the Smithery, the oldest building on the Island is built
- 1891 - Dry Dock 1, the oldest dry dock on the West Coast, is built
- 1900 - Officers' Quarters A and B are built
- 1901 - Dedication of St. Peter's Chapel, the oldest naval chapel in the United States
- 1906 - Island serves as evacuation center following San Francisco earthquake
- 1911 - Shipyard builds Navy's first aircraft landing platform on the deck of the Pennsylvania
- 1918 - Shipyard sets WWI record for shipbuilding speed
- 1930 - First submarine cruiser built on the Shipyard
- 1939-1944 - Shipyard reaches peak production becoming one of the busiest shipyards in the world.
- 1975 - Portions of the Shipyard were designated a national historic landmark and 45 buildings were marked as national landmarks.
- 1979 - The entire Shipyard was listed as a California state historical landmark.
- 1988 - Shipyard becomes second largest Navy yard in the United States.
- 1993 - President Clinton places the Shipyard on Base Realignment and Closure Commission list.
- 1994 - City adopts Mare Island Final Reuse Plan.
- 1995 - City adopts Mare Island Specific Plans.
- 1995 - Mare Island Historic Park Foundation is formed.
- 1996 - Shipyard closes.
- 1996 - Vallejo City Council names the Foundation operator of the Island's Historic District.
- 1997 - City selects Lennar to develop about 650 acres on the Island.
- 1997 - City approves an agreement with Legacy Partners to develop 120 acres. Legacy eventually backs out of the agreement.
- 1997 - City, Navy, Advisory Council on Historic Preservation, and California State Historic Preservation Office enter into an agreement regarding care of historic properties on the Island.
- 1997 - Mare Island Historic District is listed on the National Register of Historic Places.
- 1998 - City and Lennar sign agreement giving Lennar responsibility of leasing, property management and marketing.
- 1998 - Touro University leases 200,000 square feet and holds first classes.
- 1998 - City and Foundation enter into an agreement for care of naval artifacts contingent on the Navy loaning the artifacts to the Foundation.
- 1999 - Navy entered into a loan agreement with the Foundation and the City for care and display of naval artifacts.
- 1999 - City entered into agreements with federal government giving the City the right to acquire title to certain real and personal property on the Island. City entered into short and long term leases for the property until such time as title is transferred to the City.
- 1999 - City enters into agreement with Lennar giving Lennar rights to acquire approximately 650 acres on the Island.
- 1999 - City of Vallejo designates Historic District as a City Historic District and 50 national historic landmark structures, buildings and landscapes as city landmarks.
- 1999 - City enters into a new sublease with Mare Island Golf Course and Resort to extend sublease for ten years for a total of 15 years.
- 2001 - City entered into agreements and subleases with Mare Island Park Foundation for use and care of St. Peter's Chapel, Chapel Park, Alden Park, Quarters A and B, Building 46, and other facilities on the Island.
- 2001 - City enters into an agreement with Lennar to develop acquisition property.
- 2001 - City approves three-way environmental services agreement that will

# Transportation & Public Buildings

bring \$81.6 million to the City from the Navy. This agreement put cleanup of the biggest commercial portion of the Island in private hands instead of waiting for Navy scheduling and congressional funding. Lennar became responsible for cleanup of its 680 acre portion.

- 2002 - Federal government conveyed approximately 650 acres, known as the Eastern Early Transfer Parcels, to the City. The City in turn conveyed these parcels to Lennar to develop for housing and office uses.
- 2002 - City and Lennar entered into an agreement for City to occupy and sublease specific properties acquired by Lennar including St. Peter's Chapel, Chapel Park, and Alden Park.
- 2002 - City formed Community Facilities District 2002-1 requiring landowners to pay for infrastructure on the Island.
- 2002 - Weston Solutions takes ownership of approximately 3,000 acres on the Island's west end to reopen dredge ponds.
- 2003 - Three of nine investigation areas, representing 225 acres, have received environmental clearance.
- 2003 - City approves first 466 of 1,400 homes to be built on the Island.
- 2004 - Navy loan to Foundation and City for use of naval artifacts expires. Navy performs a site tour of the artifacts and informs Foundation that the Foundation is not in compliance with federal guidelines for care of artifacts.
- 2005 - Reports commissioned by Lennar and the Foundation regarding the condition of St. Peter's Chapel and the stained glass windows are issued.
- 2006 - City, Lennar, and Weston Solutions enter into a settlement agreement for dredge pond activities, including Lennar agreeing to donate \$250,000 to the Foundation for preservation of St. Peter's Chapel or other historic properties.
- 2006 - City, in coordination with the Vallejo Architectural Heritage and Landmarks Commission, orders a Historical Structures Report on St. Peter's Chapel. Report has not yet been received.
- 2006 - Lennar completes environmental cleanup of more than half of its portion of the Island.
- 2006 - Vallejo City Unified School District relocates its administrative offices to the Island.
- 2006 - Touro University seeks to establish a university village for the north end of the Island.
- 2006 - Navy sends letter to Foundation that the Foundation must perform corrective actions regarding loan of naval artifacts if the Navy is to enter into a new loan agreement.
- 2007 - Lennar notified the City that the California Department of Toxic Substances Control issued environmental clearance for acreage containing St. Peter's Chapel, Chapel Park, Alden Park, Quarters A and B, and that Lennar is ready to reconvey these properties to the City.
- 2007 - Navy re-inspects artifacts.

## APPENDIX 2

During its investigation the Grand Jury reviewed the following documents:

Mare Island Final Reuse Plan dated July 26, 1994  
Mare Island Specific Plans dated March 30, 1999 and December 9, 2005  
Memorandum of Agreement between the City, the U.S. Navy, the Advisory Council on Historic Preservation, and the California State Historic Preservation Officer dated April 1, 1997 and amendments  
Memorandum of Understanding for Artifacts between the City of Vallejo and the Mare Island Historic Park Foundation dated February 25, 1998  
Memorandum of Agreement for Economic Development Conveyance of Property between City of Vallejo and U.S. Government dated September 30, 1999 and amendments  
Lease in Furtherance of Conveyance between City of Vallejo and U. S. Government dated September 30, 1999 and amendments  
Loan Agreement for Historical Property between the U.S. Navy, the City of Vallejo, and the Mare Island Historic Park Foundation dated October 1, 1999  
Acquisition Agreement between City of Vallejo and Lennar Mare Island LLC dated December 21, 1999 and amendments  
Memorandum of Agreement and Lease Agreements for use of Historic Buildings and Property between the City of Vallejo and the Mare Island Historic Park Foundation dated April 11, 2001 and amendments  
Development Agreement between City of Vallejo and Lennar dated September 12, 2001 and amendments  
Quitclaim Deeds for Eastern Early Transfer Parcels dated March 26, 2002  
Facility Agreement for lease of City Occupied Facilities between the City of Vallejo and Lennar dated March 26, 2002  
Dredge Pond Three Party Settlement Agreement between City of Vallejo, Weston Solutions and Lennar dated January 26, 2006  
Vallejo Municipal Code Chapter 16.38 – Architectural Heritage and Historic Preservation  
Minutes of the Architectural Heritage and Historic Preservation Commission  
Insurance Certificates of the Mare Island Historic Park Foundation and the City of Vallejo  
Correspondence between the U.S. Navy, the City of Vallejo, and the Mare Island

Historic Park Foundation related to care and inspection of historic artifacts  
Numerous reports and communications prepared by and submitted to the City of Vallejo regarding studies, recommendations, and complaints regarding the condition of St. Peter's Chapel, in particular the Tiffany stained glass windows  
By-Laws of the Mare Island Historic Park Foundation  
Mare Island Historic Park Foundation's Business Plan and Strategic Plan for Operation  
Minutes and financial statements of the Mare Island Historic Park Foundation for the period 2001 through 2006  
Mare Island Historic Park Foundation's 2005 income tax return  
San Francisco Chronicle, February 22, 2003, p.1 (see website)  
Websites – City of Vallejo; Mare Island Historic Park Foundation; Vallejo Naval and Historic Museum; American Association of Museums  
Times-Herald Solano/Napa Almanac 2007

## CITY OF VALLEJO RESPONSE

**City Staff Response 1:** The City staff concurs with the Grand Jury's recommendation. The recommendation has been implemented. As evidenced below, the City is making considerable efforts to support and maintain these historic structures.

**City Staff Response 2:** The City staff concurs with the Grand Jury's recommendation. The City has posted the Historic Structure Report on the City's website: [www.ci.vallejo.ca.us](http://www.ci.vallejo.ca.us).

City staff has explored with the appropriate State and Federal organizations their interest in assuming operational and/or maintenance responsibility for St. Peter's Chapel and Chapel Park. These organizations have no interest at this time due to financial and management constraints. City staff recently started a process to seek technical assistance on St. Peter's maintenance from the State of California on areas where the Historic Structure Report indicated areas of deficiency.

**City Staff Response 3:** The City staff concurs with the Grand Jury recommendation. The recommendation has not yet been implemented, but will be implemented as indicated below. The ability of Lennar Mare Island to transfer the title of any property on Mare Island is principally dependent on completion of remediation of hazardous substances and certification by the California Department of Toxic Substances Control (DTSC) that no further action is required to meet health and safety standards. Once a "no further action certification" is achieved, Lennar Mare Island must then complete a series of actions to comply with the State of California's Subdivision Map Act. Once a Final Map is recorded, Lennar Mare Island is free to transfer the property to the ultimate owner.

St. Peter's Chapel & Chapel Park have been remediated and the California Department of Toxic Substances Control (DTSC) has certified that the remediation meets their standards. Lennar Mare Island has recorded a Final Map for the Chapel parcel. As part of the Final Map approval process, Lennar Mare Island agreed to make minor improvements and repairs to Chapel Park grounds before transfer of ownership. It is anticipated that the repairs will be completed in the next few months and the City expects transfer of this property to the City not later than December 2008.

Quarter A and B have also been remediated and DTSC has certified that they meet residential standards. Lennar Mare Island is in the process of completing the requirements of the Map Act for both Quarters A and B. It is currently anticipated that the Final Map will be filed in approximately 12 months. City anticipates transfer of this property to the City not later than September 200.

For planning purposes, Building 46 is scheduled for remediation in mid to late 2008. Typically the completion of Map Act requirements require an additional 18 months. Currently, staff anticipates transfer of Building 46 and associated land in July 2010.

**City Staff Response 4:** The City staff concurs with the recommendation and will continue to monitor the Foundation's financial status. The Memorandum of Agreement between the City of Vallejo and the Mare Island Historic Park Foundation dated April 11, 2001, requires the Foundation to provide the City with a certified annual financial report. The Foundation has routinely provided the required financial report to the City which is reviewed by the City's Finance Department. To date, the Foundation has met its financial obligations to the Community Facilities District payments and provided regular maintenance to leased facilities. Additionally, the Foundation is not in default on any of its responsibilities under their subleases and agreements. City staff is currently preparing a "path forward" proposal for consideration by the City Council which will address the Foundation's future capacity.

**City Staff Response 4b:** The City staff partially concurs with the recommendation and the recommendation is partially being implemented. As the Grand Jury is aware, the City of Vallejo and the Foundation have a series of agreements and leases which defines the City's and the Foundation's rights and responsibilities. In order to execute all of the three Grand Jury recommendations, the Foundation would have to (1) voluntarily terminate its leases and return control of the prop-

# Transportation & Public Buildings

erty to the City or (2) default on their agreements and/or leases..

As staff indicated in Recommendation 2, we have contacted appropriate State and Federal organizations to determine their desire to be part of the long-term management and operations of St. Peter's Chapel. The Foundation has informally indicated acceptance of an appropriate State and/or Federal organization role in the management of the properties. City will continue to work with the Mare Island Historic Park Foundation to narrow and focus the Foundation's responsibilities.

**City Staff Response 5:** The City staff does not agree with the Grand Jury's recommendation. The recommendation cannot be implemented at this time for the following reasons. In 1994, during the process of developing the Mare Island Final Reuse Plan, the City Council established six reuse goals for the long-term development of Mare Island. The second of the six goals was to create a self-sustaining and multi-use community.

In April 2001, the City entered into a Memorandum of Agreement with the Foundation with the stated purpose of setting forth the rights and obligations of each party regarding the use of a number of facilities on Mare Island. In January 2002, in furtherance of the Agreement, the City executed long-term leases (31 years) for four buildings on the Island and one 2-year lease for a warehouse with the Foundation. The Memorandum of Agreement and all five leases clearly specified that the Foundation would be responsible for their proportionate share of the Island's services and maintenance expenses. On June 11, 2002, in furtherance of the City Council's goal to develop a self-sustaining, mixed-use community, the Council approved the formation of the Community Facilities District 2002-1 (CFD). The purpose of the CFD was to levy a Special Tax on the landowners within the boundaries of the CFD for City provided services and maintenance. As was allowed in the leases and agreement between the City and the Foundation, the Foundation was levied its proportionate share.

Even though the Foundation had agreed to cover their proportional share of the CFD, the City Council provided to the Foundation, in Fiscal Year 2002/2003 \$30,000 in General Fund revenue to offset a portion of the levied amount. In January 2003, the Foundation requested additional assistance with CFD expenses. On March 18, 2003, the City Council approved an additional funding solution whereby the City and Lennar Mare Island, LLC shared a portion of the Foundation's CFD levy. For an 18-month period, the City and Lennar Mare Island contributed \$2,238.50 each per month, toward the Foundation's CFD levy, for a total additional contribution of \$80,586.00. The terms of this additional contribution specified that the Foundation complete a series of actions that, over an extended period of time, would enhance the Foundation's management and financial position so that the Foundation would be able to completely fund their pro-rata share of the CFD levy at the end of the 18-month period.

Responding to the Foundation's publicly stated concerns about its CFD levy, City staff has offered to cancel the leases on one or more of the Foundation's properties. Specifically, staff has suggested that the Foundation relinquish Building 215 (warehouse) and move their artifacts into the museum building, Building 46. Staff has also suggested that the Foundation return Quarters B (one of two Victorian mansions) to the City. Finally, staff has suggested that the Foundation relinquish Chapel Park to the City which would, in turn, operate it as a City-maintained park with unrestricted public access. The City will continue to pursue the Foundation's relinquishment of Quarters B thereby lowering its CFD contribution. The Foundation has expressed its desire to continue with the current lease arrangements.

As indicated above, the City has provided the Foundation with over \$110,000 of direct financial assistance. The Foundation's requirement to pay the CFD levy was very clearly expressed in the Memorandum of Agreement and the 5 leases. In recognition of the Foundation assuming the cost of maintenance, improvements and CFD cost for the leased property, the City continues to provide the buildings and land at a \$1.00 per building per year lease rate.

Other than decreasing its property holdings, there are two other possible solutions to alleviate the Foundation's current and future CFD levy burden:

Change the CFD Rate and Method of Apportionment of the Special Tax. In order to change the CFD's apportionment process, the City would have to obtain the approval of 66.66% of the registered voters on Mare Island. If approved by the registered voters, the Foundation's proportionate share would then be levied on all remaining landowners.

A third party could pay for the Foundation's levy. As the City is currently paying approximately \$594,000 a year in CFD levies for City-owned and controlled properties on Mare Island, the City does not have funding to assume the Foundation's long-term CFD costs. Staff is not aware of any third party funding sources.

**City Staff Response 6:** The City staff concurs with the Grand Jury's recommendation. City staff has encouraged the Foundation to diligently comply with this requirement.

**City Staff Response 6b:** The City staff concurs with the Grand Jury's recommendation. Should, at some point in the future, the U. S. Navy Historic Center (NHC) determine that the Foundation is in default, it is the intention of the City staff to recommend to the City Council one of three actions:

City assumes responsibility for maintaining and displaying the artifact collection.

With the approval of the NHC and Lennar, city turns over artifact responsibility to Lennar Mare Island LLC.

With the approval of the NHC and concurrence of Lennar Mare Island, LLC, recruit a financially stable and professionally experienced third-party operator to maintain and display the collection.

**City Staff Response 7a:** The City staff concurs with the Grand Jury's recommendation. City staff has encouraged the Foundation to diligently comply with this requirement. The performance of this recommendation is within the purview of the U. S. Navy Historic Center.

**City staff response 7b:** The City staff concurs with the Grand Jury's recommendation. The performance of this recommendation was addressed in the U. S. Navy Historic Center's April 10, 2006 and February 27, 2007 letters to the Foundation. City staff has encouraged the Foundation to diligently comply with this requirement.

**City Staff Response 7c:** The City staff concurs with the Grand Jury's recommendation. The performance of this recommendation as it relates to the museum was addressed in the U. S. Navy Historic Center's letter of February 27, 2007 to the Foundation. City staff has encouraged the Foundation to diligently comply with this requirement.

**City Staff Response 7d:** The City staff concurs with the Grand Jury's recommendation and encourages the Foundation to increase its marketing outreach.

**City Staff Response 7e:** The City staff concurs with the Grand Jury's recommendation. Lennar Mare Island, LLC has an approved and established directional sign program that complies with the City's Mare Island sign ordinance. City staff encourages the Foundation to participate in this existing program.

**City Staff Response 7f:** The City staff concurs with the Grand Jury's recommendation and encourages the Foundation to improve its website.

**City staff Response 8:** City staff concurs with the Grand Jury's recommendation and will conduct a review of the City's and Foundation's insurance coverage.

**City Staff Response 9:** The City staff concurs with the Grand Jury's recommendation. One primary and an alternate Economic Development Division staff member will be assigned as an ex-officio member of the Foundation's Board of Directors prior to their next quarterly meeting.

## MARE ISLAND HISTORIC PARK FOUNDATION RESPONSE

**MIHPF Response 1 -** The Foundation concurs with the Grand Jury's recommendation. The MIHPF has implemented the Grand Jury's recommendation by following the Secretary of the Interior's standards for the care of Historic Property. Major changes to the properties require a Certificate of Appropriateness from the Planning Department of the City (City) of Vallejo's Architectural Heritage Commission. The MIHPF has performed in accordance with agreements and leases with the City. These agreements are further described in detail in following responses, but in general require the properties to be maintained. In 2003, the City presented the MIHPF a set of complaints, which appear to be the same as those, presented to the Grand Jury. The MIHPF responded to these complaints in a detailed report and the City Staff concurred that our response was acceptable and no further action was required. Appendix item 1 is available on the Grand Jury website as a link to this report.

**MIHPF Response 2 -** The MIHPF concurs with Recommendation 2. The MIHPF has read thru the "Draft" labeled copy and we have been told the study went as far as it could with the funds in the State grant, which funded it. Certain tests on brick could not be completed. The Draft was re-labeled "final" and presented to the City planning department, who accepted the document. No official review/action has been completed at this time. The purpose of the Report, as described in the State Grant that funded it, was to develop Long Term Plans for the care of the Chapel. The MIHPF will review the report in detail, and summarize the recommendations for further consideration of needed action. The Chapel and grounds have been instrumented for vibration by Lennar Mare Island, LLC during deconstruction work on Building 866. No significant vibration data have been recorded as of this date. (Appendix items 2, Chapel & Windows sample photo.)

**MIHPF Response 3 -** MIHPF concurs with the Grand Jury recommendation. Lennar was to transfer the property within 60 days after the State Department of Toxic Substance Control issued a "no further action required certification" The

# Transportation & Public Buildings

transfers are behind schedule.

**MIHPF Response 4a** - The MIHPF partially concurs with the Grand Jury's recommendation because the Foundation is in full compliance with the terms of the Memorandum of Understanding (MOU), and the Leases for the historic properties between the MIHPF and the City of Vallejo since the leases were executed, beginning in 1995, to date. The agreements include monitoring provisions. The MIHPF continues to seek additional funding and expertise.

**MIHPF Response 4b** - The MIHPF does not concur with 4b 1) nor 4b 2). The MIHPF was formed because no other parties, including the City of Vallejo, nor any other agency made any plans to make available to the Public the National Historic resources of Mare Island. The historical artifacts would have been shipped to a warehouse in Virginia, and the properties would have been transferred permanently to the developer for sale. Further, the Foundation's services and notices to the City have improved the condition/care of the Historic (1856) Mare Island Cemetery. The MIHPF has taken exceptional care to see that the properties are suitable for public access, viewing, and education.

The MIHPF concurs with 4b 3), and would consider relinquishing control of properties to agencies that would agree to permanently continue the Mission of the MIHPF. The MIHPF would continue to provide support to the agency as has been accomplished at the John Muir property. However, no such agency has been identified at this time.

The MIHPF has had many successes, some have added to the historic artifact properties displayed by the MIHPF. The MIHPF's Executive Director, alone, was responsible for convincing the US NAVY to donate the Sail and Control Room, including periscopes, of the USS VALLEJO, for display at Mare Island. The MIHPF has arranged for a National treasure, the LCS (L) 102, a WWII gunboat to be brought to Mare Island for display. The vessel is expected to arrive about 25 September 2007. This ship is the only one of its class still complete as it was in WWII. The conversion of Building 46 into a Museum was a great economic success.

**MIHPF Response 5** - The MIHPF concurs with the Grand Jury's recommendation. The MIHPF was never given details of what taxes were to be levied by the adding of the word "tax" to the renewal leases. The MIHPF was lobbying the Council to eliminate the "tax" when the City sent the MIHPF a letter threatening to "shut down our entire operation if we did not sign" the lease. Our legal advisor stated: "sign the agreement and continue working with the Council so we do not become in default." The tax was locked in without any knowledge of the taxing formulae, or magnitude. It seemed safer to sign than be closed down and end our mission. Three Councilpersons tried to help eliminate or reduce the tax, and only then did they discover how the tax was "locked in by the Staff-Created Mello-Roos tax City Ordinance." The City claims that the tax is the result of City Council goal to "create a self-sustaining and multi-use community." This resolution was not an ordinance, and did not say that Mare Island's were to also pay for services in non-Mare Island parts of the City. It has been stated "80% of the "tax" costs are due to Police and Fire costs." It is clear that services are provided every day to the non- Mare Island parts of the City which are paid for by Mare Islanders.

**MIHPF Response 6** - The MIHPF partially concurs with the recommendation and the concept of attempting to satisfy the Navy's constantly changing requirements. We were in full compliance during the first 5-year Navy loan agreement that expired in 2004. The Navy had accepted the services of Curator James Kern in lieu of a "full time" person. It is incorrect to give the impression that the MIHPF has been habitually late with inventory deliveries because of a one-time incident when the inventory was completed on time, but was forwarded to the Navy after the deadline. The current specification for the inventory requires that 25% of the items be photographed each Year. The MIHPF sent photo samples to the Navy on June 30, 2007. We have not yet had a response to our request for comments as of this date. The insurance requirement was dealt with in 1996, now there is a new requirement, which needs to be dealt with. The Navy admits they do not have any experience with insurance for a large collection. The MIHPF has engaged a consultant, Sara Conklin, to determine what the options are and to discuss the recommendations she develops with the Navy, including all other issues the Navy has raised. See Ms Conklin's resume in Appendix item 3. The MIHPF is interviewing candidates for the full-time Curator position.

**MIHPF Response 6b**- The MIHPF partially concurs with the Grand Jury in that the City should not permit the Museum to be abandoned in any way, however, it is important that the entire MIHP be continued as the minimum true representation of Mare Island's history available to the General Public.

It should be noted that the City has never before proposed to take any interest in directly being responsible for the MIHP. All agreements between the MIHPF and the City require all funding and management to be the sole responsibility of the MIHPF. These policies have never been debated by the City Council in public meetings or open forums. The MIHP is important for future generations' education to be cavalierly eliminated as has previously and currently proposed, without the General Public's input.

**MIHPF Response 7a** - The MIHPF partially concurs with the recommendation because the Grand Jury did not do an in-depth study of the MIHPF operations, finances and promotion /advertising activities. Whenever the MIHPF needed money to accomplish a project or event, the funds were always available. Over the last 11 years several business plan updates were submitted and accepted by the City. The current business plan is comprehensive, in addition, we are constantly applying additional effort to increase income. The Business Plans are based upon the need to accomplish the MIHPF's Mission Statement. The MIHPF is not in default of any of the Leases with the City. The MIHPF's Executive Director is a member of the American Museum Association, and is processing an application for MIHPF membership. The Grand Jury did not review the full depth of the MIHPF's promotional and advertising activities. Many are listed in the response to 7c finding below. (Appendix item 4, Samples of promotional and advertising.)

The Grand Jury criticizes the fact that the Board of the MIHPF is very supportive of the MIHPF by helping to provide the unusual level of funding required by City action. The MIHPF's Executive Director has attended several training courses provided to Boards on which he has served. All these training sessions emphasized that major financial support should come from Board members. The Grand Jury did not appear to record testimony that the so-called loans were only temporary advances, not true Loans. Also, that no interest was ever paid on any "loans." (Appendix Item 5, latest financial statement of the MIHPF)

**MIHPF Response 7b** - The current MIHPF partially concurs with the recommendation because the current staff has great experience in the fields of management, finance, promotion, advertising and planning. This is over an experience period of over 45 years of proven success. Considering the handicaps the MIHPF has endured, the performance of continuing success in accomplishing the Mission of the MIHPF is laudable. The recommendation to hire more people is impractical, due to the constraints of the CFD charges heaped upon the MIHPF. As stated before, the MIHPF is interviewing candidates to determine if a Curator can be hired within reasonable cost.

**MIHPF Response 7c** - The MIHPF partially concurs with the recommendation. Tours, Weddings, Funerals, Memorials, concerts, and Baptism programs make good use of these properties throughout the year. The properties are available 7 days each week. The security requirements to safely operate the properties mandate MIHPF personnel be on site when any persons visit or attend events. Advertising of all types is used, including magazines, yellow pages, 8 web sites in addition to the MIHPF site. Also, many promotional pieces have been printed in newspapers all over the Bay area and in Sacramento. Almost 600,000 Brochures have been distributed. Membership in the San Francisco and Vallejo Convention and Visitors Bureaus provides distribution of brochures, and publications that reach event planners and tour companies. Another way of promotion is in special newspaper pages for weddings. The Times-Herald in Vallejo has issued the MIHPF plaques the last 2 years, as "Best Place to Hold a Wedding," by a vote of the readers. Some loss of Chapel business has occurred because the Catholic Archdiocese in Sacramento has told priests that they must conduct all weddings at the parishes. Another change is that more clients are opting to have their ceremonies and parties at the Mansions, and not using the Chapel. One thing we are trying to do is "recapture" the bulletin board we had use of in the Ferry Building in Vallejo. We had all our information there for about 6 years. One day we found the board was removed and replaced with an ad panel. We are contacting the City's asset manager to see if we can get another place in the Ferry Building. The MIHPF has had a poster at 6 Flags-Discovery Kingdom Park. The MIHPF had displays in 2 buildings at the recent Solano County Fair. The MIHPF was awarded a Red Ribbon for the McCormack hall display. 2007 was the 3<sup>rd</sup> year we have had a booth at the Fair. We have had info at the California State Fair for several recent years, and have a rack card dispenser at the San Francisco Ferry Building in the Bay Crossings" booth, as well as the Port of San Francisco Office Building. AAA travel sections have our literature in 4 Cities, and we hope to soon have a distribution to all of their offices. Title and real estate offices have our info for new arrivals. All the Vallejo ferryboats (Baylink), carry our literature. Our rack cards are in 500 hotels and 4 Visitors' centers in Northern California including Pier 39. Our work with the 4H group training and the Boy Scout pinewood derbies brings many people to our properties.

The MIHPF is investigating new ideas every day. Some of our volunteers are planning fundraiser event dances to benefit the MIHPF. The MIHPF will continue to add new contacts that will reach new clients. Our advertisements in the famous book "Here Comes the Guide" and the virtual tour of Quarters A on their web are very powerful in obtaining Wedding clients. This is not an exhaustive list of marketing and promotion, but a good percentage of those used.

**MIHPF Response 7d** - Access to the properties and marketing are hand in hand. See above response to 7b.

**MIHPF Response 7e** - The MIHPF concurs with the recommendation. Lennar, Mare Island, LLC has not followed up on many requests for signage ("We'll consider it") The MIHPF is now in the process of applying directly to the City Planning Dept. for several signs. Lennar has put up a few signs in the category

# Land Planning & Environment

of small “detour” signs due to road blockages.

**MIHPF Response 7f** - The MIHPF will continue to expand/improve its’ web site. The current web site does have all the basic references to the activities and contacts necessary. Many of the uses of the properties require the use of contracts that are designed to protect the properties during use. There are specific contracts for each type of property and each special usage. It is important that the clients contact the responsible staff to fully appreciate the terms of use. The many cooperating websites have been extremely helpful in gaining new clients. To see some of these, and articles about the MIHP, just search on the web for Mare Island Historic Park.

**MIHPF Response 8** – The Foundation concurs. Please note the artifact insurance matter is under review by consultant Sara Conklin as mentioned above in the MIHPF response to Finding 6a.

**MIHPF Response 9** - The MIHPF concurs.



## SOLANO COUNTY FOOD ESTABLISHMENT INSPECTION 2006-2007 Solano County Grand Jury Report

### Reason for Investigation

Under authority of California Penal Code §925, the 2006-2007 Grand Jury elected to review the status of food establishment inspections in Solano County.

### Grand Jury Action

- Reviewed California Uniform Retail Food Facilities Law
- Reviewed Solano County’s Risk Based Food Inspection Program
- Reviewed data and information provided by the Solano County Department of Resource Management

### Background/Summary

The Environmental Health Division of Solano County Department of Resource Management is responsible for conducting food establishment inspections as determined by the California Uniform Retail Food Facilities Law, Health and Safety Code sections 113700 - 113733. Solano County implemented the law in 2004. The Department uses the Risk Based Retail Food Inspection Program (food inspection program) to comply with that law.

The food inspection program identifies categories for retail food establishments as “Low Risk” or Type 1, “Medium Risk” or Type 2 and “High Risk” or Type 3. The category determines the number of inspections required yearly.

There are eight Environmental Health Specialist positions and one supervisor position assigned to the food inspection program. In 2006, the number of available inspectors was reduced to 6.2 full time equivalents because of vacancies, training, short-term absences and involvement in other programs.

The following table, covering the period January 1 - December 31, 2006, was compiled from information received from the Resource Management Department:

### ENVIRONMENTAL HEALTH DIVISION INSPECTIONS FOR 2006

Risk Category	No. of Facilities	No. of Required Annual Inspections	No. of Re-Inspections	Total No. of Required Inspections	Actual No. of Inspections	No. of Inspections Not Done as Required
Type 3	475 X3	1,425	+ 234	1,659	- 1,287	372
Type 2	455 X2	910	+ 166	1,076	- 766	310
Type 1	416 X1	416	+ 172	588	- 446	142
Totals	1,346	2,751	572	3,323	2,499	824

Risk Category determines the number of annually required inspections:

- e.g. Type 3 = 3 annual inspections required  
 Type 2 = 2 annual inspections required  
 Type 1 = 1 annual inspection required

Re-inspections are required when the initial inspection determines that a facility is out of compliance.

Total required inspections are the sum of required inspections and required re-inspections

### Findings and Recommendations

**Finding 1** - The Environmental Health Specialists assigned to conduct food facility inspections are not fully used to accomplish this task.

**Recommendation 1** - The staff assigned to the Environmental Health Department for food facility inspections should be used for that activity and not assigned to other programs.

**Finding 2** - The standards set in the Risk Based Food Inspection Program are not being met.

**Recommendation 2** – Solano County Department of Resource Management should take steps to ensure that program minimum standards are met.

### Comments

The table clearly shows the number of inspections and re-inspections done by the Department are far short of inspections required by the Risk Based Food Inspection Program.

The failures displayed in the preceding table should not be allowed to continue. The lack of reported food-caused illness in Solano County should not be a factor in failing to complete the required inspections. Re-inspections were necessary at over 570 food establishments after the initial inspection found them out of compliance. Food borne illness prevention and citizen safety should be the primary concern.

### Affected Agencies

- Solano County Department of Resource Management
- Solano County Board of Supervisors

### COUNTY OF SOLANO RESPONSE

**Resource Management’s Response to Finding 1** – The Department partially disagrees with this finding. While it is true that staff in the Consumer Protection Section are also assigned responsibilities in other programs, the number of positions allocated to the section are adequate to perform all duties assigned when the section is fully staffed with trained individuals. Our work plan is based on full time equivalent positions. Therefore, the positions assigned to the food inspection program are fully utilized to accomplish the task, even though a portion of each position is allocated to also perform other tasks. In 2006, staff assigned to the Consumer Protection Section spent 90% of their time involved in the food inspection program with most of the remaining time being spent in the recreational health program. A total of 2,805 routine, follow-up and complaint inspections at high, medium, and low risk food facilities were performed in 2006 to ensure that safe food handling practices were being used.

Not having individuals that are exclusively assigned to perform food inspections is not an issue for the Food Program, but maintaining and training full time qualified individuals in the allocated positions has been. The Division has been managing the extra work created as a result of vacancies or approved long term employee absences utilizing existing staff resources, overtime, compensation time and when necessary, has reduced inspection frequencies. However, the reduction in inspection frequency has never resulted in a food establishment not being inspected, rather it has resulted in fewer inspections.

**Board of Supervisors’ Response to Finding 1** – The Board of Supervisors agrees with the Department’s response to the Grand Jury finding.

**Resource Management’s Response to Recommendation 1** – This recommendation will not be implemented as it is not warranted, nor is it the responsibility of the Grand Jury to determine work assignments.

The accomplishment of program responsibilities is not a function of assigning a specialized duty to employees. Rather, it is a function of having sufficiently trained staff to fill all allocated positions assigned to accomplish program objectives. During 2006, the Consumer Protection Section had a vacancy that took some time to fill and had one staff person under the Family Medical Leave Act provision out for 29 weeks. Training of new entry-level employees who were hired to fill vacant positions and development of the food inspection program’s automation project recommended in a previous Grand Jury report impacted professional staff time. The absence of two trained professionals did impact the ability of the Department to meet the routine inspection frequency established, but did not impact public health.

**Board of Supervisors’ Response to Recommendation 1** – The Board of Supervisors agrees with the Department’s response to the Grand Jury recommendation. County departments require the flexibility to utilize staffing resources based on program priorities. Cross training staff to handle several program

# Health & Social Services

duties is an excellent way to maximize staffing resources.

**Resource Management's Response to Finding 2** – The Department partially disagrees with this finding. While it is agreed that the routine inspection frequencies for food facilities set locally by the Environmental Health Services Division were not fully met in 2006, the fundamental standard of the risk based food inspection program to focus professional staff time at higher risk facilities was met. In 2006 Environmental Health Specialists spent a total time of 2,550 hours performing routine inspections at food facilities designated as high, medium and low risk, of which 58% of that time was spent in high risk, 27% in medium risk and 15% in low risk facilities. These rates are consistent with the risk based food inspection program priority to emphasize high risk facilities. During the same period there were 51 reports of suspected food borne illness, which after review and follow-up inspection it was found that none were confirmed instances.

**Board of Supervisors' Response to Finding 2** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding. The Department's response provides a sufficient explanation on how they ensure that Food Inspections minimize public exposure to food borne illnesses.

**Resource Management's Response to Recommendation 2** – The recommendation has been implemented. The Department has always taken steps to achieve the inspection frequencies it has established. As of May 1, 2007, the Department had filled all vacancies in the food inspection program and the staff-person that was on approved medical leave returned to work. The Department also implemented daily discussions between the supervisor and food program inspection staff to ensure that inspection frequencies are emphasized, especially those at high risk facilities. The filling of all staff positions and implementation of daily meetings has resulted in an increase in routine inspection frequencies between January 1 and June 15, 2007 of 31% compared to the same time period in 2006. To assist in maintaining the staffing levels, and to address recruitment and retention issues, the Board of Supervisors approved salary increases for the Environmental Health Specialist series on June 26, 2007.

The Department is also implementing the use of Tablet PCs in the performance of food establishment inspections. Staff is currently undergoing training in the use of these devices and will begin to utilize them in the field by mid July. While inspection frequencies may decrease initially as staff become accustomed to the new equipment and processes, it is anticipated that the use of these devices will result in a long-term increase in inspection frequency as they are anticipated to allow inspections to be performed consistently with minimal writing.

It needs to be noted though that even after the implementation of procedures and automation inspection tools, vacancies and/or extended medical leaves can impact the ability of the Department to meet its adopted inspection goals. Given this, the Department will evaluate the impact of vacancies on the productive hours of professional staff conducting the food inspection program and make adjustments to our program in such a way as to ensure public health protection.

**Board of Supervisors' Response to Recommendation 2** – The Board of Supervisors agrees with the Department's response to the Grand Jury's recommendation.



## SOLANO COUNTY HEALTH & SOCIAL SERVICES DEPARTMENT IN-HOME SUPPORTIVE SERVICES

### 2006-2007 Solano County Grand Jury

#### Reason for Investigation

Under the authority of Penal Code §925, the 2006-2007 Grand Jury elected to evaluate the In-Home Supportive Services division of the Solano County Health & Social Services Department.

#### Grand Jury Actions

- Reviewed California Welfare and Institutions Code
- Reviewed Solano County Health & Social Services Department Policy and Procedures
- Contacted State Medi-Cal Fraud Unit
- Interviewed In-Home Supportive Services Supervisors and Social Workers

#### Background Summary

The In-Home Supportive Services (IHSS) program provides assistance to eligible aged, blind and disabled individuals who are unable to remain safely in their own homes without assistance. IHSS is an alternative to out-of-home care.

The IHSS is a state-mandated program which is supported by a U.S. Supreme Court decision that upheld the rights of people with disabilities to live in their

own communities. The Court, in *Olmstead v. L.C.* (1999) 527 U.S. 581, held that under Title II of the Americans With Disabilities Act of 1990 (ADA), a disabled person has a right to live in the least restrictive setting possible.

Although the cost of the program increases approximately five percent per year, it is still considered to be more cost effective than institutional care. Approximately half of the program is funded by the Federal government with the balance funded by the state and local governments. Solano County funds approximately 4 million of the 37 million spent annually.

Recipients must have Social Security Disability Insurance income, Medi-Cal Insurance and be at or below the poverty level with a medical referral stating that they cannot live safely alone in the home. Social workers visit the home to determine which services are needed and to determine care hours. Currently this involves the completion of an extensive questionnaire.

Care falls into three categories: Domestic - housekeeping, preparing meals, assisting with feeding and shopping; Personal Care - bathing, dressing, bathroom assistance; Invasive - feeding tubes, bowel and bladder care. Caregivers may provide transportation. Over 80 percent of those who apply are accepted into the program.

Caregivers are hired and supervised by the recipient. Recipients can get a maximum of 283 hours of care each month. Caregivers are paid \$10.50 per hour. Although classes are offered for caregivers, only those giving invasive care are required to be trained.

Twelve social workers serve approximately 2600 people. In January 2007, there were 121 new requests for service. The largest number of requests recorded in any one month was 180. In 2006, service was terminated for 642 people.

An intake worker is required to visit each applicant within 30 days of the initial contact. Because of department staff vacancies and other absences, each social worker's case load has been increased to as many as 297 cases. Standard department procedures require a visit to the recipient's residence once a year. Social workers have been unable to keep up with the work load and at times have been up to eight months behind.

In January 2006, the State created an Office of Quality Assurance in each county to standardize the program. One result of this standardization is a quantitative approach to evaluating recipients. The first visit can take approximately five to six hours for an individual and at times a second appointment may be needed; couples may take longer. The social workers find this standardized program time consuming and hard to administer.

The Grand Jury was informed that the potential for fraud exists. Very few cases, however, are reported. Reported fraud cases are investigated by the State Medi-Cal Fraud Unit.

#### Findings and Recommendations

**Finding 1** - During the investigation, the Grand Jury was informed there is a potential for fraud. However, the number of fraud cases prosecuted in Solano County is very low. In a case load of approximately 2600 people, there were only six cases under investigation in 2006. There may be a number of reasons fraud cases do not get reported, including fear of losing care by recipients.

**Recommendation 1a** - Establish a task force to address perceived fraud concerns.

**Recommendation 1b** - Schedule unannounced visits by social workers to coincide with when the provider is present.

**Finding 2** - In-home visits by social workers are not being completed as required.

**Recommendation 2** - Take the steps necessary to determine the reason for the lack of compliance and correct this situation.

#### Comments

When interviewed, In-Home Supportive Services social workers appeared compassionate and dedicated. The social workers have expressed concern about increased case loads and the new standardized program questionnaire used to evaluate needed level of care. The social workers, through department administration, should communicate with state officials to streamline the process.

#### Affected Agencies

Solano County Health & Social Services Department  
Solano County Board of Supervisors

#### COUNTY OF SOLANO RESPONSE

**HSS Response to Finding 1** – Health and Social Services disagrees partially with the finding that there were only six In-Home Supportive Services (IHSS)

# Ad Hoc

fraud cases under investigation in 2006. Although six cases were referred to the State Bureau of Medi-Cal Fraud at the Department of Justice, other reports were investigated and found without substantiating evidence to warrant referral to the State for further action. Cases of overpayment and recovery were found and handled at the local level. Further, while it is possible that a recipient does not report fraud for fear of losing a provider, it is more likely that the recipient is unaware that fraud is occurring.

**HSS Response to Recommendation 1a** – Health and Social Services has implemented the recommendation that a task force be established to address perceived fraud concerns. A Fraud Task Force was formed in May 2007 after the department received the Grand Jury Report. There will be an emphasis on early fraud prevention.

**HSS Response to Recommendation 1b** – Health and Social Services has partially implemented the recommendations that unannounced visits should be scheduled by social workers to coincide with when the provider is present. However, several practical barriers prevent full implementation of this recommendation. Recipients and providers are not required to provide IHSS with a schedule, and such visits are time-consuming, which could further aggravate our efforts to conduct higher-priority annual reassessments in a timely manner.

Nonetheless, Health and Social Services has established protocols for a six-month pilot program to conduct unannounced visits to two groups of IHSS recipients beginning in July. We will further evaluate the costs and benefits of this program after the pilot period expires.

**Board of Supervisors' Response to Finding and Recommendation 1** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding and recommendations. The Board acknowledges that the potential for fraud is a real possibility in safety net programs like IHSS. The H&SS responses indicate that it is using due diligence to address the potential for fraud. Further, the Board supports the Department's efforts that ensure public funds are expended judiciously.

**HSS Response to Finding 2** – Health and Social Services agrees with the finding that in-home visits by social workers are not being completed as required.

**HSS Response to Recommendation 2** – Health and Social Services has partially implemented the recommendation. Four significant factors affect the workload for IHSS social workers, leading to failure to conduct some required in-home visits:

IHSS became a Medi-Cal Point of Sale, adding duties to social workers' workload. This means that the Share of Cost must be paid entirely before Medi-Cal is activated for that month. IHSS is now a vendor for the Share of Cost.

The caseload of non-federally funded cases has increased due to statewide computer systems that identify more administratively-intensive clients. If Medi-Cal status comes into question, it is often a temporary situation. The social worker must research why there are Medi-Cal eligibility problems.

On August 31, 2006 new regulations for IHSS required calculating precise amounts of time it takes for each IHSS-covered task or service.

Finally, newly-required assessment forms which were implemented in February 2007 are more detailed and require more time to complete by social worker.

The above issues are affecting counties' ability to complete required in-home visits statewide, and are being examined by State officials through the California Welfare Directors' Association. Solano County participates in the Association and its efforts to resolve these issues.

In addition, Solano County IHSS is making every effort to recruit and train employees to fill an unusually high number of vacancies. It should be noted that IHSS is a complex program with many elements and typically requires a year for new employees to fully understand the work. Therefore, even if we succeed in filling all vacancies, we should expect to see gradual improvement but not immediate relief from all staffing issues. The Department is making every effort to mitigate these problems, including bringing back retired social workers part-time, sharing workloads, and expediting the hiring process whenever possible. But there are no easy solutions. The staffing shortage is made worse by the increased duties described above, which would require a significant number of new positions and additional office space to fully comply with this recommendation.

**Board of Supervisors' Response to Finding and Recommendation 2** – The Board of Supervisors agrees with the Department's response to the Grand Jury's finding and recommendation. The Board recognizes the complexity of services and documentation required for the increasing volume of IHSS cases and encourages the Department to explore process improvements that would mitigate the increased administrative tasks by streamlining work efforts wherever possible to free staff to do more home visits.

Additional comments from Patrick Q. Duterte, Director of Health and Social

Services:

Health and Social Services wishes to thank the Grand Jury for its evaluation of the In-Home Supportive Services program in our Older and Disabled Adult Services Division. We appreciate the Grand Jury's comments about the compassion and dedication of staff. I personally want to acknowledge the hard work and commitment of the In-Home Supportive Services social workers and support staff.



## SOLANO COUNTY ANIMAL CARE SERVICES 2006-2007 Solano County Grand Jury

### Reason for Investigation

Under the authority of the California Penal Code Section 925, the 2006-2007 Grand Jury investigated Solano County Animal Care Services. Subsequent to commencing its investigation, the Grand Jury received a complaint regarding the operations of the County's Animal Shelter. The Grand Jury included this complaint in this investigation.

### Grand Jury Actions

- Toured the County Animal Shelter
- Interviewed County Animal Care Services Manager
- Interviewed County Animal Shelter staff
- Interviewed complainant
- Interviewed two contract veterinarians
- Interviewed the chairman of the Solano County Animal Care Advisory Commission
- Reviewed the "Hayden Bill" (Stats. 1998, ch. 752)
- Reviewed California Code of Regulations, Title 16, Division 20, Section 030-2032.5 (California Veterinary Medical Board)
- Reviewed Animal Care Services Fiscal Year 2006-2007 budget
- Reviewed contracts between Animal Care Services and all service providers
- Reviewed Memorandum of Understanding between all cities in Solano County and the County for the Animal Shelter
- Reviewed Animal Care Services policy and procedure manuals and standing orders for medical protocols

### Background/Summary

Solano County Animal Care Services ("Animal Services") is a division of the Solano County General Services Department. Animal Services is responsible for providing all animal care and control activities for the unincorporated areas of Solano County and rabies control and sheltering services for both the incorporated and unincorporated areas of the County. This includes: 1) being the advocate for the humane treatment of animals; 2) enforcement of the laws and regulations to protect both the public and the animal population in the County; 3) operation of a countywide animal shelter; 4) administration of various programs to promote the care and well-being of animals; and 5) providing services in the best interest of both the human and animal population of the County.

The budget for Animal Services in Fiscal Year 2006-2007 is \$2,090,979, down 5 percent from the Fiscal Year 2005-2006 adopted budget. Animal Services receives revenues from licenses, permits, fees for services to animal owners and revenue for services provided to cities in the County. Fiscal Year 2006-2007 projected revenues are \$1,287,455. Approximately 38 percent of the budget for Animal Services is funded by the County.

Each city in the County enforces its own animal code regulations. The City of Vallejo contracts with the Benicia/Vallejo Humane Society, a non-profit agency, to provide animal control and shelter for lost or stray animals. The Humane Society keeps adoptable animals at its facility in Vallejo. However, many of the animals deemed as not fit for adoption are transferred to the County Shelter in Fairfield. The City of Benicia has assigned animal control responsibilities to the Benicia Police Department. The Department maintains a small holding facility for animals. The cities of Dixon, Fairfield, Rio Vista, Suisun City and Vacaville contract with Humane Animal Services (HAS), a non-profit corporation based in Vacaville, to provide animal control services. HAS does not maintain a shelter facility and takes all stray animals to the County Shelter.

The Solano County Animal Shelter (the Shelter) is located at 2510 Claybank Road, next to the Claybank Detention Facility, in Fairfield. Under terms of a Memorandum of Understanding (MOU) between the County and the cities, the County operates the Shelter and provides for the sheltering, feeding, and medical treatment of animals brought into the Shelter until they are either retrieved by the owners, adopted, accepted by a rescue group or destroyed. The Shelter is required to operate according to California law, commonly referred to as the "Hayden Bill," with respect to prompt veterinary care, nutrition and shelter. The

# Ad Hoc

law prescribes the number of days a stray animal must be held at a shelter prior to being placed for adoption or destroyed. It requires the release of animals to rescue and adoption groups, if requested, prior to being destroyed. The law also requires detailed record keeping be maintained with respect to intake, adoption, and destruction.

The MOU sets out a detailed cost-sharing of Animal Services between the County and the cities based upon the intake of animals from each jurisdiction. It states that the Shelter needs to be replaced, refurbished or additional facilities added. The MOU requires the parties to meet and discuss substantially refurbishing, replacing, or constructing an additional shelter.

The Shelter staff provided information for Fiscal Year 2005-2006. The Shelter received 8,753 animals - 3,194 dogs, 5,165 cats and 394 other animals. Only 835 of these animals were either picked up or turned in by residents from the unincorporated areas of the County. The remainder of the animals came from each of the cities in the County. During the same period, 1,097 animals were redeemed by owners, 1,176 were adopted, 333 were released, 155 were rescued by a specific rescue group, 5,835 were destroyed and 190 died by other means. Cats make up approximately 60 percent of the animals taken in at the Shelter and approximately 75 percent of the animals destroyed. The majority of dogs taken in at the Shelter are pit bulls and pit bull mixed breeds.

Due to the size and design of the Shelter, contamination and spread of infectious diseases from sick to healthy animals is difficult to contain. At times, overcrowding requires that some animals be destroyed that might otherwise be held until adopted or rescued. There are no outside runs or inside/outside runs that are connected for easy cleaning of the dog cages. The ventilation system is inadequate and upgrading other functions of the Shelter is problematic due to the size and design of the Shelter.

During its investigation, the Grand Jury learned of discussions within various departments of the County for locating a new shelter in close proximity to the County Detention Facility. The cities and the County acknowledge that a new or expanded shelter is needed. A plan to have a new facility is in its infancy and is probably a minimum of 10 years before it becomes a reality.

On January 18, 2007, members of the Grand Jury toured the Shelter. The jurors observed the office, visitor area, surgery, kennels, cat cages and the grounds of the facility. Staff, volunteers and inmates from the Sheriff's facility were observed performing their various duties. Veterinary medical staff appeared to be able to perform their duties despite the small surgery area. Due to the lay-out and the space available, there is a fair amount of foot traffic through the medical treatment room.

A recent citizen complaint to the California Veterinary Medical Board resulted in an inspection and evaluation of the veterinary facility and its operations at the shelter. The Board determined that the Shelter operation was not in violation of regulations. The Board found that they were not in violation of the original complaint, but several other violations were noted.

The entire Animal Services staff is located at the Shelter. Budgeted staffing includes: one animal care services manager, one assistant manager, one registered veterinary technician/kennel supervisor, four kennel specialists, three animal control officers, four clerical employees and one part-time contract veterinarian. A number of positions are or have been vacant for various periods of time. Several staff members have been in their positions for short periods of time. The assistant manager position is a new position which was filled in October 2006. There is a history of contract veterinarians leaving after short periods of time.

County animal control officers are trained and licensed in procedures for handling animals, which may be lost, stray, injured, or dangerous. The County animal control officers are responsible for patrolling the unincorporated areas of the County. With respect to responding to rabies control, they are responsible for the entire County. While Animal Services has a budget for three animal control officers, one position has been vacant for almost one year. The Grand Jury learned during its investigation that plans are underway to transfer County animal control officers from Animal Services to the Sheriff's Department. This transfer is expected to occur in July 2007.

Animal Services uses a specialized database computer program, called "Chameleon", to maintain all information on intake, processing, and treatment of animals at the Shelter. Animal Services paid \$4,500 for staff training on this program. However, due to staff turnover and various options for entering data into the system, it appears that not all personnel are sufficiently trained or consistent in how they enter data. This has resulted in some confusion and loss of time in treating and placing animals.

The Grand Jury learned during its investigation that Shelter staff was doing an adequate job based on resources. In the past, staffing shortages resulted in delays in processing animals, which caused them to remain longer at the Shelter. The high level of contract veterinarian turnover was partially blamed on inadequate

space, lack of staffing, bureaucracy and funding issues at the expense of animal care.

Veterinarian services at the Shelter are provided through contracts for part-time veterinarians. The current contract for veterinary care provides for an amount not to exceed \$600 per day or \$49,000 per year. The veterinarians, as well as the surgery and treatment facilities located at the Shelter, must comply with the regulations of the Veterinary Medical Board, Sections 2030-2032.5, Title 16 of the California Code of Regulations (Minimum Standards of Practice).

Presently one part-time contract veterinarian provides medical care and performs surgery as needed at the Shelter. This veterinarian works approximately two days per week performing surgeries and providing medical care. The veterinarian also operates the low-cost vaccination clinic. Since all animals must be spayed or neutered prior to adoption, approximately 75 percent of the veterinarian's time is spent performing spay and neuter surgeries.

The contract veterinarian establishes treatment protocols to be followed by staff in his absence. Animals in need of treatment are sent to private veterinary hospitals when there is a medical emergency and the contract veterinarian is off duty. There are no discounts for treatment. The budget for outside veterinarian services is limited and appears to be used sparingly. The Grand Jury was informed that at times animals have been left untreated because no veterinarian was on duty.

Animal Services contracts with the Solano County Sheriff's Department for jail inmates, supervised by a correctional officer, to feed the animals, clean their cages and perform various custodial tasks at the Shelter. The Inmate Cleaning Program costs Animal Services approximately \$106,000 a year. Inmates are given time off of their sentences for days worked. Four to six inmates work seven days a week from approximately 7:30 a.m. to 2:00 p.m.

Shelter staff interactions with inmates, including training and information sharing regarding the animals, are required to go through the correctional officer. This procedure is not always followed and is not necessarily the most effective means of communicating the best care for the animals. There have also been some instances of animal abuse by inmates. Some female volunteers have reported that some inmates have made disparaging verbal remarks to them. This has resulted in curtailed volunteer participation at the Shelter.

Animal Services and the Sheriff's Department have collaborated on a Kitten Foster Care Program. Minimum security female inmates feed and care for kittens at the Claybank Detention Facility until the kittens are old enough to eat on their own and old enough for adoption. Without this program, many more kittens would need to be destroyed.

One of the stated goals of Animal Services is to find good homes for all adoptable animals not redeemed by their owners. Animals that have met the holding period required under the Hayden Bill and deemed to be adoptable are displayed in cages in a location available for members of the public to tour. In addition, the Shelter has agreements with volunteer organizations to display adoptable animals to the public in pet stores, shopping centers, and other places of public gathering. Animal Services contracts with a company to post adoptable pets on websites such as: [www.petfinder.com](http://www.petfinder.com) and [www.petharbor.com](http://www.petharbor.com).

Animal Services requires that before an adopted animal leaves the Shelter, it be spayed or neutered and implanted with a microchip so it can be easily reunited with its owner if it becomes lost.

The Shelter has limited space for housing animals eligible for adoption, with only 21 cages dedicated for cats and 36 for dogs. Animal Services work with volunteers, who provide foster care and temporary homes for adoptable animals.

Before being made available for adoption, Animal Services requires that all animals be evaluated by Shelter staff to determine if the animal is socialized and in good physical condition and to ensure the animal is not aggressive. Animal Services has a policy and procedure manual regarding evaluation of animals and takes a cautious approach when determining whether or not an animal is "social."

Animals deemed by Shelter staff as not suitable for adoption are evaluated as to eligibility for rescue. Attempts are made to place them with nonprofit rescue organizations to find suitable homes for the animals. Based on evaluation testing, animals can be put up for adoption, sent to a rescue organization or destroyed.

The placement of animals with rescue organizations is not formalized. It appears to be based upon individual staff members' connection to rescue groups and particular breed preferences. When a rescue group offers to take an animal, it is held by the Shelter for as long as possible awaiting someone from the rescue group to claim the animal.

In Fiscal Year 2005-2006, there were 5,835 animals destroyed at the Shelter. Kennel staff required to destroy animals on a regular basis, finds this part of the

# Ad Hoc

job emotionally draining.

Animal Services initiated several outreach programs. Adopted dogs and their owners are offered obedience training classes. The Shelter holds low cost vaccination clinics one day each month. Microchipping of pets is offered to assist pet owners with a comprehensive recovery method for lost pets.

Animal Services works with many volunteer and rescue groups. Recently, the Volunteer Program has been given more emphasis. Volunteers provide a wide array of services. These include socializing dogs and cats, walking the dogs, in addition to providing foster care and adoption support services.

## **Findings and Recommendations**

**Finding 1** - The present policy of contracting for veterinarian services approximately 20 hours a week does not seem to meet the requirements of the "Hayden Bill" (Stats. 1998, ch. 752), which requires prompt veterinary care of animals housed at shelters

**Recommendation 1** - Animal Care Services should hire a full time staff veterinarian.

**Finding 2** - The County plans on transferring animal control officers from Animal Care Services to the Sheriff's Department.

**Recommendation 2** - The County should not transfer animal control officers to the Sheriff's Department without first soliciting public input and input from the Solano County Animal Care Commission.

**Finding 3** - The County has been slow to fill vacant positions in Animal Care Services.

**Recommendation 3** - The County should fill vacancies as expeditiously as possible.

**Finding 4** - The Animal Shelter uses a checklist for evaluating the temperament of dogs and cats. However, the policy regarding how a determination is made as to whether an animal is adoptable or should be destroyed is not well defined. It appears to be subjective depending on the evaluator.

**Recommendation 4** - Shelter policies and procedures should be reinforced and performed in a consistent manner. The determination of when an animal is not adoptable should be better defined. Shelter management should modify its procedures to include an evaluation by a second person in those cases when the initial evaluator determines an animal is not adoptable.

**Finding 5** - Animal Services staff attempts to place animals not deemed adoptable with rescue groups; however, there is no structured program.

**Recommendation 5** - Animal Services management should develop a more formalized program for the placement of animals with rescue groups.

**Finding 6** - The Shelter, located next to the Claybank Detention Facility, is inadequate in size and design. Staff from Animal Services and the Sheriff's Department is in discussions regarding the location of a new shelter and have been looking at sites in close proximity to the jail.

**Recommendation 6a** - Building a new shelter should become a high priority for the County and its cities. As stated in the Memorandum of Understanding the parties, should begin meeting and come up with a viable location, design and funding for a new shelter.

**Recommendation 6b** - The location of a new shelter should be in the best interest of the animals and the residents of Solano County. It is not necessary to assume close proximity to the Claybank Detention Center.

**Finding 7** - The Inmate Cleaning Program has resulted in: 1) reported abuse of the animals; 2) negative inmate interactions, which limits expansion of the Volunteer Program and other outreach programs; and 3) deterring residents interested in adopting animals from considering animals housed at the Shelter.

**Recommendation 7** - The County should consider discontinuing this program and hire additional Animal Services staff to provide these services.

**Finding 8** - The Kitten Foster Care Program, utilizing female inmates of the County Detention Facility, has proven to be successful for both the animals and the inmates.

**Recommendation 8** - Animal Care Services and the Sheriff's Department should be commended on this successful and creative program and are encouraged to promote and continue this program.

**Finding 9** - Animal Care Services is under-funded. Earlier budget increases have been minimal and in Fiscal Year 2006-2007 the budget was decreased 5 percent

from the Fiscal Year 2005-2006 budget.

**Recommendation 9** - The County should evaluate the Animal Care Services budget to provide for, at minimum: 1) a full time veterinarian; 2) replacement of the Inmate Cleaning Program with additional animal services staff that can perform multiple functions; 3) expansion and promotion of programs that benefit the well-being of the animals at the Shelter; and 4) education and promotion of population control of animals within the County.

## **Affected Agencies**

Solano County Animal Care Services  
Solano County Department of General Services  
Solano County Board of Supervisors  
Solano County Administrator  
Solano County Sheriff's Department  
City Manager/Administrator, Benicia  
City Manager/Administrator, Dixon  
City Manager/Administrator, Fairfield  
City Manager/Administrator, Rio Vista  
City Manager/Administrator, Suisun City  
City Manager/Administrator, Vallejo  
City Manager/Administrator, Vacaville

## **Courtesy Copy**

Solano County Animal Care Commission

## **COUNTY OF SOLANO RESPONSE**

**General Services Department Response to Finding 1** – General Services Department partially agrees with the finding. Currently, we are meeting the requirements of the "Hayden Bill" by using a local offsite Veterinary Clinic or Veterinary Hospital to promptly treat injured or sick animals when our half time veterinarian is not available. Even with a full time staff veterinarian, we would still need to use an offsite veterinary clinic for x-ray, ultrasound, specialized treatment and emergency services after normal working hours.

**General Services Department Response to Recommendation 1** – General Services Department agrees with the recommendation. It would be optimal to have a full time staff veterinarian for the shelter; however, we are able to service the needs of the animals by contracting out for a half-time veterinarian and using animal clinics when necessary.

**County Administrator's Office Response to Finding and Recommendation 1** – County Administrator's Office Department disagrees with the recommendation as the County is currently meeting all requirements of the Hayden Bill.

**Board of Supervisors' Response to Finding and Recommendation 1** – The recommendation requires further analysis. Staff has been directed to submit a report to the Board that provides a comprehensive evaluation of the appropriate level of veterinary services on or before December 4, 2007.

**General Services Department Response to Finding 2** – General Services Department disagrees with the finding. General Services Department and the Sheriff's Department were exploring the possibility of transferring the Animal Control Officers to the Sheriff's Department. At this time, there are no concrete plans to do so.

**County Administrator's Office Response to Finding 2** – The County Administrator's Office disagrees with the finding. Discussions were held as to the feasibility of transferring animal control officers from Animal Care Services to the Sheriff's Department. It was concluded that the staff should remain under the direction of Animal Care Services.

**Board of Supervisors' Response to Finding 2** – The Board of Supervisors disagrees with the Grand Jury's finding. No formal agreement was made to transfer animal control officers to the Sheriff's Office.

**General Services Department Response to Recommendation 2** – General Services Department agrees with the recommendation.

**Sheriff's Response to Finding and Recommendation 2** – The Sheriff's Office does not concur with the finding of the Grand Jury. Information provided the Grand Jury relative to this matter was inaccurate. There is no "plan" to transfer animal control officers to the Sheriff's Office. There is no proposal to move animal control services to the Sheriff's Office and the final FY 07/08 budget request submitted by the Sheriff makes no provision for the transition of animal control officers.

The Sheriff's Office concurs with the recommendation of the Grand Jury.

**County Administrator's Office Response to Recommendation 2** – County Administrator's Office agrees with the recommendation.

# Ad Hoc

**Board of Supervisors' Response to Recommendation 2** – The Board of Supervisors agrees with the Grand Jury's recommendation. No further action is warranted.

**General Services Department Response to Finding 3** – General Services Department disagrees with the finding. The County has moved swiftly in the recruitment process for filling vacant positions. The inability to find qualified candidates has resulted in positions being left vacant longer than anticipated.

**County Administrator's Office Response to Finding 3** – County Administrator's Office agrees that several vacant positions have not been filled as quickly as we would have liked.

**Board of Supervisors' Response to Finding 3** – The Board of Supervisors agrees with the Grand Jury's finding.

**General Services Department Response to Recommendation 3** – General Services Department agrees with the recommendation.

**County Administrator's Office Response to Recommendation 3** – County Administrator's Office agrees with the recommendation.

**Board of Supervisors' Response to Recommendation 3** – The recommendation has been implemented. The Board of Supervisors has tasked departments and Human Resources to work to promptly fill staff vacancies.

**General Services Department Response to Finding 4** – General Services Department partially agrees with the finding. The Animal Shelter currently uses a checklist as part of the temperament evaluation of cats and dogs. Policy regarding the determination of an animal's adoptability is well defined.

**County Administrator's Office Response to Finding 4** – County Administrator's Office agrees with the finding that the determination as to whether an animal is adoptable should be well defined.

**Board of Supervisors' Response to Finding 4** – The Board of Supervisors partially disagrees. The actions, policies and procedures concerning animal adoptability are defined and provide tools for a suitable, balanced evaluation.

**General Services Department Response to Recommendation 4** – General Services partially agrees with the recommendation. Shelter staff strives to perform all policies and procedures in a consistent manner. The determination of when an animal is adoptable is well defined. Animal Services' current policy requires observation of animals brought into the shelter through the Hayden Period, evaluation by two trained staff members and the completion of a final checklist to fully evaluate each animal for adoptability.

**County Administrator's Office Response to Recommendation 4** – County Administrator's Office agrees with the recommendation. Careful and thorough assessments are important in these types of decisions.

**Board of Supervisors' Response to Recommendation 4** – The recommendation will not be implemented because it is unwarranted. The actions, policies and procedures concerning adoptability are defined and provide tools for a suitable, balanced evaluation.

**General Services Department Response to Finding 5** – General Services Department disagrees with the finding. Animal Services works off a list of rescue groups that actively accept shelter animals. This list consists of breed specific and other rescue groups that accept all breeds. As their services are needed, Animal Services contacts the rescue groups who currently have space available. If a rescue group can't accept or doesn't have space available at the time, another rescue group on the list is contacted until availability for placement is located.

**County Administrator's Office Response to Finding 5** – County Administrator's Office disagrees with the finding as a structured practice currently exists in the animal shelter.

**General Services Department Response to Recommendation 5** – General Services Department disagrees with the recommendation. Animal Services has a program and procedure for placing animals with rescue groups. The system that is currently in place is set up to provide the most expedient placement of animals possible.

**County Administrator's Office Response to Recommendation 5** – County Administrator's Office agrees with the recommendation as there is always room for improvements in how the County works with rescue groups.

**Board of Supervisors' Response to Finding and Recommendation 5** – The Board of Supervisors agrees with the General Services Department's response to the Grand Jury's finding and recommendation. The Animal Care Division of General Services has adequate programming in place to work with animal rescue groups.

**General Services' Response to Finding 6** – General Services Department partially agrees with the finding. General Services agrees that the Animal Shelter is inadequate in size and design; however, Animal Care Services and the Sheriff's Department are not in discussions on the placement of the new Animal Shelter. All discussions relating to a new Animal Shelter, including site location will be part of the Animal Care Master Planning process. The Master Plan is scheduled for completion in FY 2007/08 and managed by the Division of Architectural Services.

**County Administrator's Office Response to Findings 6** – County Administrator's Office partially agrees with the finding. The adequacy of size, design and location will be studied in the upcoming Animal Care Master Planning process.

**General Services' Response to Recommendation 6a** – General Services Department agrees with the recommendation. The Animal Care Master Plan will follow the guidelines as indicated in the Memorandum of Understanding between the cities and County.

**General Services' Response to Recommendation 6a** – General Services Department agrees with the recommendation.

**Sheriff's Response to Finding 6 and Recommendations 6a and 6b** – The Sheriff's Office concurs with the finding and recommendation of the Grand Jury. Although support services provided by the Sheriff should be a consideration, the best interest of the animals and the community should be priority in the decision making process.

**County Administrator's Office Response to Recommendations 6a and 6b** – County Administrator's Office agrees with the recommendation.

**Board of Supervisors' Response to Finding 6 and Recommendations 6a and 6b** – The Board of Supervisors agrees with the Departments' response to the Grand Jury's finding and recommendations. The best interest of the animals and the community should be weighted when considering placement of the Animal Care facility.

**General Services' Response to Finding 7** – General Services Department partially agrees with findings number 1), 2) and 3). Overall, the inmate cleaning program has been a valuable resource to Animal Care over the years; however, due to the changing needs of the Shelter, Animal Care Services agrees that the cleaning of the shelter should be performed by shelter staff rather than using inmate labor.

**County Administrator's Office Response to Finding 7** – County Administrator's Office agrees that use of County staff is a more appropriate method.

**Board of Supervisors' Response to Finding 7** – The Board of Supervisors agrees with the Departments' responses to the Grand Jury finding. The Inmate Cleaning Program provided a cost effective resource for cleaning cages and exercising animals

**General Services' Response to Recommendation 7** – General Services Department agrees with the recommendation. Additional staffing was approved by the Board of Supervisors with the FY 07/08 Budget. The inmate cleaning program will end by September 30, 2007.

**Sheriff's Response to Finding and Recommendation 7** – The Sheriff's Office concurs with the finding and recommendation of the Grand Jury. The Sheriff will notice Animal Care Services that the Inmate Cleaning Program will be terminated according to the terms of our agreement.

**County Administrator's Office Response to Recommendation 7** – County Administrator's Office agrees with the recommendation.

**Board of Supervisors' Response to Recommendation 7** – The recommendation has been implemented and the Board of Supervisors has approved staffing and funding for the transition of a cleaning program to Animal Care Division staff.

**General Services' Response to Finding 8** – General Services Department agrees with the finding.

**General Services' Response to Recommendation 8** – General Services Department agrees with the recommendation.

**Sheriff's Response to Finding and Recommendation 8** – The Sheriff's Office concurs with the finding and recommendation of the Grand Jury.

**County Administrator's Office Response to Finding and Recommendation 8** – County Administrator's Office agrees with the finding and recommendation.

# Ad Hoc

## CITY OF FAIRFIELD RESPONSE

**Board of Supervisor's Response to Finding and Recommendation 8** – The Board of Supervisors agrees with the Grand Jury's finding and recommendation.

**General Services' Response to Finding 9** – General Services Department disagrees with the finding. Since FY 1999-2000 when Animal Care was transferred to General Services, the expenditure budget has increased by 140%. In FY 06/07 the expenditure budget increased slightly over FY 05/06.

**County Administrator's Office Response to Finding 9** – County Administrator's Office disagrees with the finding. The County Administrator's Office works closely with departments and their divisions, including Animal Care Services, to adequately fund their programs.

**Board of Supervisors' Response to Finding 9** – The Board of Supervisors agrees with the Departments' responses to the Grand Jury finding. The County budget process allows sufficient opportunity to request appropriations based on their service requirements.

**General Services' Response to Recommendation 9** – General Services agrees with the recommendation.

A half-time veterinarian and a part-time spay/neuter veterinarian are funded in the FY 07/08 budget.

Additional staffing was approved by the Board of Supervisors with the FY 07/08 Budget. The inmate cleaning program will end by September 30, 2007.

Animal Care continually evaluates the programs it provides. An example of some of the programs we have currently expanded and/or added are: feral cat Trap, Neuter and Release program; a new microchip ordinance; inmate kitten foster program; low-cost spay/neuter clinic; volunteer run offsite adoptions; low-cost dog and cat vaccination clinic; and educational outreach to schools and organizations such as 4-H and Girl/Boy Scouts. See 9-3) above.

**County Administrator's Office Response to Recommendation 9** – County Administrator's Office partially agrees with the recommendation. As detailed earlier in this letter, the Animal Care center is funded to provide for all mandated services.

**Board of Supervisors' Response to Recommendation 9** – The recommendation will not be implemented because it is unwarranted. The Department's programs are evaluated on an ongoing basis to ensure that all mandated and necessary services are funded.

A copy of the Memorandum of Understanding on Provision of Animal Care Services dated 1/25/06 entered into by Solano County and the City of Solano County can be found on the Grand Jury website as a link to this report.

## CITY OF BENICIA RESPONSE

The City of Benicia concurs with the finding and recommendations of the Grand Jury. If the Shelter is inadequate in size and design, the County and Cities should be meeting to discuss viable options for a new facility. It is not necessary for a new facility to be located next to the Claybank Detention Center; however, this location should not be ruled out.

The City of Benicia only contracts with Solano County Animal Care for services. Consequently, all other findings and recommendations included in the Grand Jury's report are more appropriately addressed by Solano County Animal Care Services or the Solano County Sheriff's Department.

## CITY OF DIXON RESPONSE

**Findings and Recommendations:** The Grand Jury issued nine findings and recommendations in their report. The City of Dixon acknowledges receiving and reviewing the report. Each of the findings and recommendations are relative to the jurisdiction and responsibility of Solano County and outside the scope of responsibility of the City of Dixon other than one recommendation;

**Recommendation 6a:** Building a new shelter should become a high priority for the County and its cities. As stated in the Memorandum of Understanding, the parties should begin meeting and come up with a viable location, design and funding for a new shelter.

**Response to Recommendation 6a:** The City agrees with the recommendation. The City of Dixon is prepared to meet with Solano County and other city representatives upon receiving notice of a meeting date.

**Response 1** - This finding applies to the County of the Solano and the City of Fairfield has no response.

**Response 2** - This finding applies to the County of the Solano and the City of Fairfield has no response.

**Response 3** - This finding applies to the County of the Solano and the City of Fairfield has no response.

**Response 4** - This finding applies to the County of the Solano and the City of Fairfield has no response.

**Response 5** - This finding applies to the County of the Solano and the City of Fairfield has no response.

**Response 6** - This finding applies to the County of the Solano and the City of Fairfield has no response.

**Response 7** - This finding applies to the County of the Solano and the City of Fairfield has no response.

**Response 8** – This finding applies to the County of the Solano and the City of Fairfield has no response.

**Response 9** – This finding applies to the County of the Solano and the City of Fairfield has no response.

We appreciate the work of the Grand Jury and look forward to continuing to work with this group of dedicated individuals.

At the time of this compilation of reports and responses, a response from the following cities had not been received: City of Rio Vista, Suisun City, City of Vallejo and City of Vacaville. Any responses received subsequent will be posted on the Grand Jury website.

# Complaint Form

---

## All Complaints Received Are Confidential.

Please provide as much information as possible.  
Print clearly in ink.

Your Name \_\_\_\_\_ Driver's License No. \_\_\_\_\_

Home Address \_\_\_\_\_

Work Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

Is it appropriate to call you at both numbers? \_\_\_\_\_ What is the best time to reach you? \_\_\_\_\_

Official, Department and/or Agency the complaint is regarding: \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Director/Department Head \_\_\_\_\_

**Please summarize your complaint. Include date(s) of the event, names, departments, and/or agencies involved. Please print clearly and/or attach additional typed sheets. Keep a copy of all materials sent. DO NOT SEND ORIGINALS because they will not be returned.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Officials, Departments or Agencies you have contacted regarding this situation:

Name \_\_\_\_\_

Agency \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Date Contacted \_\_\_\_\_

Disposition \_\_\_\_\_

Name \_\_\_\_\_

Agency \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Date Contacted \_\_\_\_\_

Disposition \_\_\_\_\_

### Name any agency/person you have filed against for damages:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All information is confidential unless you choose to sign a release form.

# Complaint Form

Whom do you suggest the Grand Jury contact regarding this matter and why?

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Phone \_\_\_\_\_

\_\_\_\_\_  
Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Phone \_\_\_\_\_

\_\_\_\_\_  
Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Phone \_\_\_\_\_

\_\_\_\_\_  
Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Phone \_\_\_\_\_

What action would you like to have the Grand Jury take? Be specific.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**The Grand Jury does not accept unsigned complaint forms. Original must be submitted.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**CITIZEN**

**SOLANO  
COUNTY**



Hall of Justice  
600 Union Avenue  
Fairfield, California  
94533  
707-207- 7302  
Fax: 707-435-2573