



**SOLANO COUNTY  
CIVIL GRAND JURY**

2022-2023

**NONCOMPLIANCE WITH REQUIRED RESPONSES  
TO SOLANO COUNTY CIVIL  
GRAND JURY FINAL REPORTS**

**June 23, 2023**

# **Noncompliance with Required Responses to Solano County Civil Grand Jury Final Reports**

Solano County Civil Grand Jury 2022-2023

## **I. SUMMARY**

Failure to fully and adequately reply to Civil Grand Jury reports undermines the ability of the citizens of Solano County to evaluate the performance of local governments and agencies.

The 2022-2023 Solano County Civil Grand Jury (Jury) elected to review the statutorily required responses and compliance to the 2021-2022 Solano County Civil Grand Jury Final Report.

While most respondents complied with their statutory obligation to respond to the report, the remainder failed to respond appropriately within the legally allotted time period. Not all previous Solano County Civil Grand Juries assessed prior reports to determine compliance. The current Grand Jury examined the published Solano County Civil Grand Jury reports for the past 10 years.

## **II. INTRODUCTION**

Article 1, Section 23, of the State of California Constitution and California Penal Code section 905 requires that a grand jury shall be drawn and summoned at least once a year in each county.

Pursuant to Penal Code section 925:

“The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts.”

Penal Code section 933(a) states: “Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year.”

According to Penal Code section 933(c), any publicly elected board must respond to the findings and recommendations within 90 days following issuance of the final report. Elected county officers or agency heads must respond within 60 days following issuance of the final report.

Each respondent must indicate if it agrees with the findings or, in the alternative, disagrees wholly or partly with the findings (Penal Code section 933.05(a)). Each respondent must also stipulate whether the accompanying recommendation:

- has been implemented

- has not yet been implemented but will be
- requires further analysis
- the recommendation will not be implemented because it is not warranted or reasonable (Penal Code section 933.05(b)).

In compliance with its charge, the Jury issued its final consolidated report in November 2022. Most respondents complied with the statutory requirements. Five percent of agencies, municipalities, or officials did not respond appropriately within the required time period.

### **III. METHODOLOGY**

Reviewed California State Constitution, Article 1, Section 23.

Reviewed California Penal Code sections 888-945.

Reviewed 2012-2013 Solano County Civil Grand Jury Final Consolidated Report.

Reviewed 2013-2014 Solano County Civil Grand Jury Final Consolidated Report.

Reviewed 2014-2015 Solano County Civil Grand Jury Final Consolidated Report.

Reviewed 2016-2017 Solano County Civil Grand Jury Final Consolidated Report.

Reviewed 2017-2018 Solano County Civil Grand Jury Final Consolidated Report.

Reviewed 2018-2019 Solano County Civil Grand Jury Final Consolidated Report.

Reviewed 2019-2020 Solano County Civil Grand Jury Final Consolidated Report.

Reviewed 2020-2021 Solano County Civil Grand Jury Final Consolidated Report.

Reviewed 2021-2022 Solano County Civil Grand Jury Final Consolidated Report.

Reviewed responses to the 2021-2022 Solano County Civil Grand Jury Final Report.

### **IV. STATEMENT OF FACTS**

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

For the 2021-2022 Solano County Civil Grand Jury report “Effective Emergency Response Needs City and County Support,” the Solano County Office of Emergency Services did not provide responses to the following findings:

- “The most dangerous failure during the LNU fire was the failure of the first Chief on the scene to establish an Incident Command Post.”
- “The lack of a consolidated digital communication system in Solano County hampers effective firefighting efforts.”
- “A county fire department is needed to serve the unincorporated areas of Solano County.”
- “Only two agencies involved in the LNU fire produced after-action reports.”

#### **City of Dixon**

For the 2021-2022 Solano County Civil Grand Jury report “Solano County Is Not Prepared for Future Emergencies,” the Dixon Mayor and City Council did not provide a response to the following finding:

- “There is a need for a coordinated city and countywide evacuation plan for Solano County.”

In addition, the City of Dixon did not provide responses in previous terms as follows:

For the 2019-2020 Solano County Civil Grand Jury report “Registry of Public Agencies Filing Process,” the Dixon Mayor and City Council did not provide a response to the following findings:

- “Agencies’ completion and filing of the Statement of Facts Roster of Public Agencies Form in Solano County, in many instances, are inconsistent, incomplete, inaccurate and out-of-compliance with Government Code section 53051. Review of 111 of the most current Forms (regardless of age) on file with the County revealed the following:
  - a) Seventy-two agencies had a single Form on file, many dating back three decades. This represented 65% of the sampled Forms.
  - b) Sixty-eight agencies’ Forms were aged nine years or more, representing 61% of the sampled Forms.
  - c) Thirteen Forms (12%) listed a P.O. Box as the official mailing address despite filing instructions indicating that a street address must be given. **Update NOTE:** 12/2019 updated instructions now state that a P.O. Box is acceptable.
  - d) The actual legal name of the entity was inconsistent in nine instances (8%).
  - e) Thirty-eight Forms (34%) did not meet the regulatory reporting timeframe.
  - f) Accuracy of board membership could not be independently verified on seventy-one Forms (64%).
  - g) The current status of the agency could not be validated in forty-eight instances (43%).”
- “Comparative analysis of the most current Forms on file with the State to those on file with the County revealed 92 exceptions representing instances in which:
  - a) The County Form does not match the State Form.
  - b) The Form is on file with the County but not with the State.
  - c) There is no Form on file with the County but there is one on file with the State.”
- “There is no comprehensive list of public agencies operating in Solano County that is accessible to residents.”
- “There is currently no requirement for an agency to maintain a website, making it difficult to access current information online. However, since 2013 there has been a movement in the State to make information available and searchable online.”

For the 2018-2019 Solano County Civil Grand Jury report “Wastewater Treatment Plants,” the City Manager of Dixon did not provide a response to the following findings:

- “In many cases, wastewater effluent is not used to supply industrial needs or to irrigate crops and public lands.”
- “The Benicia and Dixon wastewater treatment plants release methane directly to the atmosphere, which could be used as fuel for co-generation.”
- “Not all wastewater treatment plants utilize renewable sources of electrical power.”

For the 2017-2018 Solano County Civil Grand Jury report “Solano Animal Control Authority, A Joint Powers Authority,” the Mayor and City Manager of Dixon did not provide a response to the following finding:

- “Rules governing the composition of the board members, a specified term, and a provision for the removal of a director have not been established.”

For the 2017-2018 Solano County Civil Grand Jury report “Code Enforcement,” the City Manager of Dixon did not provide a response to the following findings:

- “City Code Enforcement Departments generally seek voluntary code compliance.”
- “The majority of municipal code enforcement is reactive rather than proactive and relies on citizens to report suspected code violations.”
- “City of Vallejo has a pamphlet, ‘Neighborhood Resource Brochure’ detailing resources for citizens to refer to concerning code enforcement issues.”  
[The corresponding recommendation suggests following Vallejo’s example.]

For the 2015-2016 Solano County Civil Grand Jury report “Homeless-Omnipresent and Invisible?” the Mayor of Dixon did not provide a response to the following findings:

- “The City of Vallejo has established a citywide *Participatory Budget Process* to engage citizens to develop and recommend projects under the annual budget.”  
[The corresponding recommendation suggests following Vallejo’s example.]
- “All cities in Solano County need to understand the real cost of homelessness and how it impacts services, loss of retail revenue, damage to the infrastructure in their cities, etc.”
- “The Mayors of the seven cities in the county, serving in the capacity of the Solano City County Coordinating Council, establish homelessness as a priority item on their agenda and support the implementation of a regional plan as part of their responsibilities.”

## City of Vallejo

For the 2021-2022 Solano County Civil Grand Jury report “An Operational Review of Solano County Library Services (SCLS),” Vallejo provided correspondence which merely repeated the Findings and Recommendations but did not provide responses to the following findings:

- “The visibility of the ... Vallejo Springstowne Library is inadequate for foot and street traffic”
- “Five locations have HVAC operating issues warranting replacement. (... **John F. Kennedy**).”
- “Two locations have ADA compliance issues including ... a broken elevator, and entrances impeding accessibility (**John F. Kennedy**).”
- “Four locations have miscellaneous maintenance issues such as: electrical system and internet connectivity (**Springstowne**)...”

In addition, Vallejo did not provide responses in a previous term as follows:

For the 2019-2020 Solano County Civil Grand Jury report “Registry of Public Agencies Filing Process,” the Mayor and City Council of Vallejo did not provide a response to the following findings:

- “Agencies’ completion and filing of the Statement of Facts Roster of Public Agencies Form in Solano County, in many instances, are inconsistent, incomplete, inaccurate and out-of-compliance with Government Code section 53051. Review of 111 of the most current Forms (regardless of age) on file with the County revealed the following:
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- “There is no comprehensive list of public agencies operating in Solano County that is accessible to residents.”
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## V. FINDING

**FINDING 1** – The agencies and municipalities within Solano County have not always fully and adequately complied with the legal requirements to reply to Civil Grand Jury reports (as specified in Penal Code section 933).

## **COMMENTS**

Each Grand Jury throughout the State of California takes its obligation seriously to investigate issues that affect their county and municipal government operations. Civil Grand Jury reports include findings and recommendations that result in improved governmental effectiveness and efficiency. California State law requires each entity to respond in a timely and appropriate manner, addressing specified findings and recommendations.

The current Civil Grand Jury recommends that future panels evaluate and report on legally required responses to their reports on a more regular basis and refer evidence of failure to comply with statutorily required responses to the Presiding Judge.

## **COURTESY COPIES**

Presiding Judge, Solano County Superior Court  
Board of Supervisors, Solano County  
Solano County Offices of Emergency Services  
City of Dixon, Mayor and City Council  
City of Vallejo, Mayor and City Council