



SOLANO COUNTY CIVIL GRAND JURY

2023-2024

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

June 21, 2024

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

Solano County Civil Grand Jury 2023-2024

I. SUMMARY

Failure to fully and adequately reply to Solano County Civil Grand Jury (SCCGJ) reports is in violation of penal code section 933.05 and undermines the ability of the citizens of Solano County to evaluate the performance of local governments and agencies.

The 2023-2024 SCCGJ elected to review the statutorily required responses and compliance to the 2022-2023 SCCGJ 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 SCCGJs assessed prior reports to determine compliance.

The SCCGJ reports historically have been very effective in promoting positive change. For the **2022-2023** session, the published recommendations have the potential to generate up to 82.1% positive change.

Required responses received:	89 of 93	95.7%
• Responses that fully agreed:	58	65.2%
• Responses that partially agreed:	15	16.9%
• Responses that disagreed:	16	17.9%

II. INTRODUCTION

The State of California Constitution Article 1, Section 23 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 response must indicate whether it agrees with the findings/recommendations or disagrees wholly or partly (Penal Code Section 933.05(a)). Each response must also stipulate whether the accompanying recommendation:

- Has been implemented.
- Has not yet been implemented but will be in the future.
- 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 **2022-2023** SCCGJ issued its final consolidated report in January 2024. Most respondents complied with the statutory requirements. Five percent of agencies, municipalities, or officials did not respond appropriately within the required timeframe.

III. STATEMENT OF FACTS

All required responses were reviewed and found to be compliant for the **2022-2023** session except for the following agencies:

The SCCGJ report “Solano County Wastewater Treatment Plants” the City Manager of Dixon did not provide a response to the finding:

- “As the Dixon Wastewater Treatment Plant does not capture methane gas produced onsite, available methane cannot be used as fuel for co-generation energy production.”

The SCCGJ report “Solano County Public Schools Post-Pandemic and Safety Measures” the Dixon Unified School District did not provide a response to any findings:

- “Camera placement varies from site to site with some areas having no coverage.”
- “The majority of schools have a “single point of entry” process which benefits the safety of the community and students.”
- “RAPTOR and Envoy systems are used to any person entering schools and to notify staff. These programs are limited to a few schools.”

In addition, there is a history of continued non-compliance with the city of Dixon:

For the **2018-2019** SCCGJ report “Registry of Public Agencies Filing Process,” the Dixon Mayor and City Council did not provide a response to any 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 **2017-2018** SCCGJ report “Wastewater Treatment Plants,” the City Manager of Dixon did not provide a response to any 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 **2016-2017** SCCGJ report “Solano Animal Control Authority, A Joint Powers Authority,” Neither the Mayor nor the City Manager of Dixon provided a response to the 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.”

Solano County Civil Grand Jury report “Code Enforcement,” the City Manager of Dixon did not provide a response to any 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 **2014 -2015** Solano County Civil Grand Jury report “Homeless-Omnipresent and Invisible?” the Mayor of Dixon did not provide a response to any 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.”

The following agency was also non-compliant with no response for the 2021-2022 session:

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 any 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.”

COMMENTS

Each Civil 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 which 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. Some agencies and municipalities within Solano County have not fully and adequately complied with the legal requirements to reply to Civil Grand Jury reports as specified in Penal Code Section 933.05. All agencies and municipalities within Solano County should fully and adequately comply with the legal requirements.

The 2023-2024 SCCGJ 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.

As noted earlier, the SCCGJ historically has been very effective in promoting positive change. For the **2022-2023** session, the published reports will have the potential to generate up to 82.1% positive change.

Required response received:	89 of 93	95.7%
• Responses that fully agreed:	58	65.2%
• Responses that partially agreed:	15	16.9%
• Responses that disagreed:	16	17.9%

COURTESY COPIES

Presiding Judge, Solano County Superior Court
Board of Supervisors, Solano County
Office of Emergency Services
City of Dixon, Mayor
City of Dixon, City Council
Dixon Unified School District

IV. METHODOLOGY

Reviewed California State Constitution, Article 1, Section 23.
Reviewed California Penal Code sections 888-945.
Reviewed 2022-2023 Solano County Civil Grand Jury Final Consolidated Report.
Reviewed responses to the 2022-2023 Solano County Civil Grand Jury Final Report.
Reviewed historical responses back to 2015-2016 Solano County Civil Grand Jury session.