



2020-21  
Mendocino County  
Grand Jury Report

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## Members of the 2020-21 Mendocino County Grand Jury

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## **CONTINUITY REPORT 2020-2021 MENDOCINO COUNTY CIVIL GRAND JURY**

January 06, 2021

### **SUMMARY**

The 2019-2020 Grand Jury (GJ) issued four investigative reports to the residents of Mendocino County; other investigations were not completed due to COVID-19 restrictions imposed by the Governor in early March 2020. The 2020-2021 GJ reviewed and analyzed the responses, both required and requested, from these four reports. Under California Penal Code (CPC) §933 and §933.05 (see Appen-dix), a response must contain specified language and an explanation of the response. ‘Required’ responses from elected officials must be returned within 60 days and governing bodies within 90 days. All required responses were received within the appropriate time frame despite the effects of COVID- 19 on local government. ‘Requested’ responses are an invitation to respond but are not mandatory.

These responses must be returned within 90 days to be acknowledged. Invitations were submitted to the Board of Supervisors (BOS), the Mendocino County Chief Executive Officer, CAL FIRE, and the California Department of Corrections and Rehabilitation. The GJ appreciates all the responses received.

### **BACKGROUND**

The Grand Jury system in California exists to promote effective and efficient local government. GJ investigations may result in a published report for the residents of the county. The published reports contain facts and findings that lead to recommendations for improvement. Succeeding grand juries may review the mandatory responses to determine if they meet the requirements of the CPC. Continuity is established from one Grand Jury to the next by this review. The seated Grand Jury may only evaluate the prior year’s reports for completeness, adequacy, and timeliness of response.

### **DISCUSSION**

While a continuity report is not required by CPC §933, and §933.05, it is a mechanism for the GJ to ensure respondents adhere to the timelines and response format required by the penal code.

A Continuity Report illustrates that the GJ may review and act on missing or inadequate responses to its findings and recommendations. This procedure enables current and future grand juries to determine if further action is required by notifying respondents that their responses are not compliant with the Penal Code. Historically, the GJ finds responses to reports lack reference to a timeline for implementation.

- A response that states “the recommendation has been implemented” must include a summary of the implemented action,
- A response that states “will be implemented in the future” is insufficient and must include a timeframe for implementation,
- A response is not compliant if it does not contain the required explanation and the language specified by the CPC.

The summary of responses to the 2019-2020 GJ recommendations is set out in the following tables:

**HOW TAX DOLLARS PAY FOR SERVICES**

June 3, 2020

<https://www.mendocinocounty.org/home/showdocument?id=36012>

*Recommendation #1: the County provide management/oversight of the TP (Teeter Plan) account, (F1-F7)*

<b>Respondent</b>	<b>§ 933.05</b>	<b>Response</b>	<b>§ 933</b>
Auditor-Controller	Required	Has been implemented	Met requirement
Treasurer-Tax Collector	Required	Has been implemented	Met requirement
Board of Supervisors	Required	Has been implemented	Met requirement
Chief Executive Officer	Requested	No response	Not required
<b>Analysis</b>			
The County has created a Debt committee that meets as needed, but not on a regular basis.			

*Recommendation #2: the BOS terminate from the TP (Teeter Plan), SDs (Special Districts) which no longer contribute their full amount in taxes to the County, (CRTC § 4702.7) (F1-F7)*

<b>Respondent</b>	<b>§ 933.05</b>	<b>Response</b>	<b>§ 933</b>
Auditor-Controller	Required	Not warranted, and not under Auditor authority	Met requirement
Treasurer-Tax Collector	Required	Has been implemented	Met requirement
Board of Supervisors	Required	Implement when feasible	Met requirement
Chief Executive Officer	Requested	No response	Not required
<b>Analysis</b>			
Teeter Plan mismanagement corrected in 2009 and Fund appears to be appropriately managed at this time.			

*Recommendation #3: the BOS considers discontinuing the Teeter Plan for Mendocino County. Discontinuation requires only a BOS Resolution; CRTC (CA Revenue and Tax Code) allows the BOS by resolution to opt out of the Teeter Plan in any fiscal year. (F1-F7)*

<b>Respondent</b>	<b>§ 933.05</b>	<b>Response</b>	<b>§ 933</b>
Auditor-Controller	Required	Not warranted, and not under Auditor authority	Met requirement
Treasurer-Tax Collector	Required	Not warranted at this time	Met requirement
Board of Supervisors	Required	Not warranted or reasonable	Met requirement
Chief Executive Officer	Requested	No response	Not required
<b>Analysis</b>			
Teeter Plan funds are now placed into a Teeter-specific account for more efficient tracking as opposed to being absorbed into the General fund.			

**PARLIN FORK CONSERVATION CAMP**

June 25, 2020

<https://www.mendocinocounty.org/home/showdocument?id=36460>

<b>Respondent</b>	<b>§ 933.05</b>	<b>Response</b>	<b>§ 933</b>
CDCR Commander, Parlin Fork Conservation Camp	Requested	No recommendations Agreed with all Findings	Responded
CAL FIRE Division Chief, Parlin Fork Conservation Camp	Requested	No response State Agencies not required to respond	Not required

*No Recommendations***SCHOOL SAFETY – A PRIORITY**

June 3, 2020

<https://www.mendocinocounty.org/home/showdocument?id=36018>

*Recommendation #1: The BOS work with the County Sheriff's Department to develop a plan inclusive of law enforcement agencies (city, county, state) to place an officer in a locale where the average campus incident response time should be no greater than five minutes, (F1-F2, F4-F5)*

<b>Respondent</b>	<b>§ 933.05</b>	<b>Response</b>	<b>§ 933</b>
Mendocino County Sheriff	Required	Implemented by cooperative effort	Met requirement
Fort Bragg Chief of Police	Required	Implemented by cooperative effort	Met requirement
Ukiah Chief of Police	Required	Implemented by cooperative effort	Met requirement
Willits Chief of Police	Required	Implemented by cooperative effort	Met requirement
Board of Supervisors	Requested	No direct authority without Agency request	Not required
Chief Executive Officer	Requested	No response	Not required
<b>Analysis</b>			
Law Enforcement Agencies respond immediately to all emergency situations and to general safety incidents when available.			
Recommendation is oriented toward the BOS but they are not a Required respondent.			

*Recommendation #2: the MCOE (Mendocino County Office of Education) work with the BOS to develop a strategic plan for the most expeditious response time to any school site incident, (F1-F5)*

<b>Respondent</b>	<b>§ 933.05</b>	<b>Response</b>	<b>§ 933</b>
MCOE Superintendent	Required	Agrees, but no direct authority	Met requirement
Mendocino County Sheriff	Required	Implemented	Met requirement

Fort Bragg Chief of Police	Required	Not Applicable	Met requirement
Ukiah Chief of Police	Required	Implemented	Met requirement
Willits Chief of Police	Required	Implemented	Met requirement
Board of Supervisors	Requested	No direct authority without Agency request	Acknowledged
Chief Executive Officer	Requested	No response	Not required
<b>Analysis</b>			
Recommendation not applicable as directed to BOS and MCOE due to jurisdictional restrictions. Law Enforcement Agencies implement to the extent of their jurisdictions.			

*Recommendation #3: Ongoing lines of communication among MCOE, school district and first responders be maintained, (F2-F4)*

<b>Respondent</b>	<b>§ 933.05</b>	<b>Response</b>	<b>§ 933</b>
MCOE Superintendent	Required	Agrees	Met requirement
Mendocino County Sheriff	Required	Implemented	Met requirement
Fort Bragg Chief of Police	Required	Implemented	Met requirement
Ukiah Chief of Police	Required	Implemented	Met requirement
Willits Chief of Police	Required	Implemented	Met requirement
Chief Executive Officer	Requested	No response	Not required
<b>Analysis</b>			
All Law Enforcement Agencies have implemented within the limits of their jurisdiction.			

*Recommendation #4: the MCOE consider providing support for enhanced crisis intervention for mental health counselors to be available to school districts at a reasonable ratio of one counselor per 500 students. This action would address the need for post incident counseling and pro-active intervention with student issues, (F6)*

<b>Respondent</b>	<b>§ 933.05</b>	<b>Response</b>	<b>§ 933</b>
MCOE Superintendent	Required	Implemented	Met requirement
<b>Analysis</b>			
This response was adequate within the purview of the recommendation.			

*Recommendation #5: school districts be encouraged to provide staff and IT (Information Technology) to monitor student and staffs' online communications, (F1, F6)*

<b>Respondent</b>	<b>§ 933.05</b>	<b>Response</b>	<b>§ 933</b>
MCOE Superintendent	Required	Implemented	Met requirement

<b>Analysis</b>			
Supports local districts developing own policies. MCOE responded, although the 2019-20 GJ did not require a response to this recommendation.			

*Recommendation #6: the MCOE annually maintain a master copy and track the submittal of school safety plans to ensure compliance with the California Education Code, (F7)*

<b>Respondent</b>	<b>§ 933.05</b>	<b>Response</b>	<b>§ 933</b>
MCOE Superintendent	Required	In agreement but lacks enforcement jurisdiction	Met requirement
<b>Analysis</b>			
Authority for maintaining School Safety Plans lies with local School Boards. MCOE polls each district to confirm compliance.			

**THE EMERGENCY COMMUNICATIONS SYSTEM IN MENDOCINO COUNTY**

June 3, 2020

<https://www.mendocinocounty.org/home/showdocument?id=36010>

*Recommendation #1: The BOS commit funding for Phase 2 and Phase 3 of the Public Safety Microwave Replacement Project and replacement of the sheriff's dispatch console. (F1, F5, F10)*

<b>Respondent</b>	<b>§ 933.05</b>	<b>Response</b>	<b>§ 933</b>
Board of Supervisors	Required	Agreed, but no timeline provided	Met requirement
Chief Executive Officer	Requested	Agreed, cites Phase 3 funding in the IT Master Plan through County budgeting process	Met requirement
<b>Analysis</b>			
The BOS has agreed with all Findings and Recommendations.			
Future juries may want to follow Phase 3 funding of the ECS in the IT Master Plan and report to the Public.			

*Recommendation #2: The Executive Office classify structures housing ECS equipment with the same priority as buildings housing people to ensure the required maintenance issues are promptly addressed. (F3-F4)*

<b>Respondent</b>	<b>§ 933.05</b>	<b>Response</b>	<b>§ 933</b>
Board of Supervisors	Required	Agreed, but no timeline provided	Met requirement
Chief Executive Officer	Requested	Implemented	Responded
<b>Analysis</b>			
The BOS has agreed with all Findings and Recommendations			

Future juries may want to review the annual budgets of Facilities and Fleet Division to verify funding for ECS equipment housing under Capital Improvement project budgets.

*Recommendation #3: both IS (Information Services) and Facility departments utilize the existing work order system for all maintenance and repairs of the ECS and associated remote sites to promote accurate forecasting and budgeting. (F7)*

<b>Respondent</b>	<b>§ 933.05</b>	<b>Response</b>	<b>§ 933</b>
Board of Supervisors	Required	Agreed, but no timeline provided	Met requirement
Chief Executive Officer	Requested	Will be implemented, no timeline provided	Responded
<b>Analysis</b>			
The BOS has agreed with all Findings and Recommendations			
The work order system is due for upgrade. Future juries may want to review County budget to ensure system is implemented and operating as designed to accurately record county-wide work orders between departments.			

*Recommendation #4: as part of Phase 2 of the ECS replacement, the Wiki and work order systems be replaced with a single, index-based system used by both departments which would create efficiency in tracking projects and work orders. (F8)*

<b>Respondent</b>	<b>§ 933.05</b>	<b>Response</b>	<b>§ 933</b>
Board of Supervisors	Required	Agreed, but no timeline provided	Met requirement
Chief Executive Officer	Requested	Disagree, a single system is not warranted.	Responded
<b>Analysis</b>			
For Recommendation #4 the responses are in conflict.			
The BOS has agreed with all Findings and Recommendations.			
The IS Dept. and Facilities and Fleet Division will continue to use their own internal reporting/recording systems. Interdepartmental communications are encouraged.			

*Recommendation #5: IS develop maintenance procedures for the ECS equipment and documented maintenance schedules. This would support efficiencies in equipment repair and maintenance and facilitate training of new technicians. (F9)*

<b>Respondent</b>	<b>§ 933.05</b>	<b>Response</b>	<b>§ 933</b>
Board of Supervisors	Required	Agreed, but no timeline provided	Met requirement
Chief Executive Officer	Requested	Has been implemented	Not required
<b>Analysis</b>			
Responses from the BOS and CEO are in conflict.			

Single points of failure, caused by limited interdepartmental communication, still exist in the system.

*Recommendation #6: the County pursue co-location chargebacks for revenue as recommended in the 2009 Grand Jury report, “Out With the Old and In With the New”. (F6)*

Respondent	§ 933.05	Response	§ 933
Board of Supervisors	Required	Agreed, but no timeline provided.	Met requirement
Chief Executive Officer	Requested	Requires further analysis.	Responded
Analysis			
Co-location chargebacks will be available for review in the FY 2020 Q1 Budget report to the BOS. Est. mid-October.			
The BOS has agreed with all Findings and Recommendations.			
For Recommendation #6 there is no clear consensus or timeline.			

**FINDINGS**

- F1. Several 2019-2020 jury reports do not effectively solicit timelines for implementation from respondents through the report recommendations, leading some respondents and their legal advisors to draft responses out of compliance with §933.05(b) of the CPC.
- F2. Responses from the BOS and CEO on the Emergency Communication System report are in conflict. This poses a challenge to public confidence in the County’s commitment to upgrading and maintaining the ECS.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

**APPENDIX:**

**§ 933** Comments and Reports on Grand Jury Recommendations.

- (a) 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. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.
- (b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the county clerk and remain on file in the office of the county clerk. The county clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.
- (c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters

under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to § 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

§ 933.05 Response to Grand Jury Recommendations-Content Requirements; Personal Appearance by Responding Party; Grand Jury Report to Affected Agency...

- (b) For purposes of subdivision (b) of § 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) **The recommendation has been implemented, with a summary regarding the implemented action.**
  - (2) **The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.**
  - (3) **The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.**
  - (4) **The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.**
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- (e) During the investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

# **“ALL MAIL-IN BALLOTING” IN MENDOCINO COUNTY’S GENERAL ELECTION**

Was My Vote Counted?

April 6, 2021

## **SUMMARY**

Concerns were raised regarding All-Mail-in-Ballots (AMB) for the November 2020 election. California’s Governor’s Executive Order N-64-20 mandated all registered voters would receive a mail-in ballot. This order did not limit opportunities for in-person voting.

The Grand Jury (GJ) investigated the impact of AMB distribution and operations of Mendocino County’s Elections Office for the November 2020 election. The GJ further explored the status of Mendocino County’s participation in the Voters Choice Act of 2016 (VCA) and the computer systems installed for the 2020 Primary and General elections.

The GJ concluded that the citizens of Mendocino County may continue to rely on the election results reported by the Elections Office of Mendocino County to assure accurate vote tallies. The impact of the California Governor’s Executive Order on the workload for the local county Elections Office staff and volunteers was essentially unchanged from prior elections.

## **BACKGROUND**

Due to the outbreak of COVID-19, California Governor’s Executive Order N-64-20 mandated that all registered voters would receive a ballot by mail for the November 3, 2020 General Election. Prior to this Executive Order, mail-in ballots were only provided to those voters requesting permanent or temporary absentee status. The Executive Order did not limit in-person voting.

All mail-in-balloting opened several questions for County citizens:

- Can a voter still vote in person at their assigned precinct?
- Will the mail-in-vote be counted?
- Will the completed ballot arrive safely?
- Can the ballot be tracked through its various stages?
- Can voter fraud occur (voting more than once or for others without their consent)?

## **METHODOLOGY**

The GJ reviewed documents including:

- Governor’s Executive Order N-64-20,
- California Voter’s Choice Act of 2016 (SB 450),
- Senate Bill 207 approved by the Governor on February 13, 2020,
- Mendocino County Elections Press Release dated August 28, 2020,
- Mendocino County Polling Locations & Ballot Drop Off Locations,

- Sample Ballot & Voter Information Pamphlet.

The GJ conducted interviews with Mendocino County employees, toured Elections Office equipment storage facilities and reviewed the verification and tabulation process and workflows within the Elections Office.

## DISCUSSION

### How accurate is the data source for mailing ballots to voters?

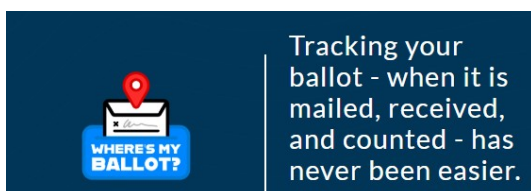
New voter records are added based on updates from the Department of Motor Vehicles (DMV) (new driver or identity card issuances), or by voter registrations. Address changes are provided from DMV records or voter registration changes reported to the County. Typically, five to twenty-five voter records are removed weekly based on death certificates filed in Mendocino County. If Health Department reports indicate deaths outside the county, the voter registrations will be removed for decedents names with matching addresses.

Ballots were printed and mailed to all registered voters by Mendocino County's print vendor. This vendor was first used for the March 2020 Primary Election. Ballots were mailed through the USPS starting October 5, 2020 and ballots should have been received no later than October 15, 2020. The Sample Ballot & Voter Information Pamphlet mailed to all registered voters in the County describes the complete process for requesting replacement ballots, Spanish Language ballots, and disabled voter balloting.

Return Service from the USPS is requested for mailings from the Elections Office to registered voters. It is illegal for voter materials to be forwarded to a new address by the USPS. Returned materials indicate that the voter no longer resides at that mailing address, so the Elections Office inactivates that voter from the roll. If the voter chooses to vote in person, they will receive a provisional ballot which is processed according to standard procedures of the Elections Office.

The County has been proactive in requesting voters to update their signatures if they believe they may have changed from when the voter last registered. This should assure that the Elections Office has the most recent signature on file which are used for comparison to those on the ballot envelope.

Based on the procedures described by the Elections Office, the GJ concluded that the roll of registered voters is maintained accurately.



Voters could track the status of their mail-in ballots using California's BallotTrax system which provides the location via email, text, and voice options. Voters could sign-up at: <http://wheresmyballot.sos.ca.gov/>

Figure 1: Home page <http://wheresmyballot.sos.ca.gov/>

### How are ballots returned?

Completed ballots could have been returned by depositing in a regular USPS collections box (postage is prepaid), in one of the six County Drop-off boxes, or returned to a polling place.

Voters who chose to vote in person at their designated polling place could exercise that right.

To help prevent the spread of COVID-19, the County Clerk publicly encouraged voters to return their completed mail-in ballots by USPS mail or by the County's Drop-off boxes whenever possible. Ballots delivered in drop-off boxes were collected daily by two designated individuals sworn to the Constitutional oath required of election officials, such as City Clerks and City Managers. Ballots were logged and securely transported to the Elections Office on Low Gap Road in Ukiah on a regular basis.

The County Clerk's Office followed recommended health guidelines to prevent the spread of COVID-19 at polling places.

- Voters and poll workers were required to wear masks while indoors,
- occupancy was limited and controlled,
- social distancing was strictly enforced maintain six-foot distances,
- disinfectants, hand sanitizer, wipes, masks, and single-use pens were made available at all polling locations.

To address concerns of voter intimidation or other suppression of basic voting rights, the Elections Office and Sheriff's Office coordinated their efforts to ensure that all patrol routes had coverage on November 3 with special attention given to routes with polling locations. Although this had been standard practice in past elections, the 2020 effort included town hall announcements and a press release published on Facebook to publicize the allocation of personnel to encourage civic engagement.

### **How are ballots processed in the Elections Office?**

Ballots received by USPS mail and those delivered to drop-off boxes supplied by the County were processed by elections staff of at least two people working together for internal control beginning October 29, 2020 and continuing until all of the ballots were tabulated. Mail-in ballots must have been postmarked no later than November 3 and received at the County Elections Office by midnight on November 20, 2020.

Election related materials returned by USPS are processed along with all other mail that is addressed to Mendocino County's Administrative Offices at 501 Low Gap Road, Ukiah, CA 95482. The assigned Mail Clerk sorts the mail by the addressed room number and delivers mailed-in ballots to the Elections Office daily. The Mail Clerk(s) are presently not all sworn to the Constitutional oath as elections workers are required to be.

Ballots are processed following established workflows and controls used for prior elections. The process was expected to flow efficiently if the ballot is properly marked and signed per the informative guidelines in the Voter Information Pamphlet and the ballot envelope instruction.

### **Other observations of the Grand Jury:**

Election processing efficiency and productivity is diminished due to issues related to voter requests for replacement ballots. An estimated 80-90% of replacement ballots were not required in previous elections, as the original mailed ballots were used. When a replacement ballot is

requested, the original is flagged as inactive and a replacement is mailed. If the inactivated original ballot is returned, it is rejected, and election officials must inactivate its replacement to re-activate the original. This workflow increases staff workload.

The County does not have computerized systems to automatically compare signatures on ballot return envelopes with digital signatures of registered voters. Voter signatures on every mail-in envelope are manually verified by comparison against signatures stored digitally in the Registrar's Office.

Americans with Disabilities Act compliant vote-in-person polling place *Verity* branded devices, on-demand ballot printers, and Elections Office ballot tabulation equipment were purchased from Hart InterCivic of Austin, TX. Hart is certified at the ISO9001:2000 level after an audit by Underwriter Laboratories and provides rapid support of its systems if any issues develop during the election cycle. The *Verity* hardware is not connected to any network (internet) service and is physically locked to prevent unauthorized access. Much of this equipment was first used for the March 2020 Primary Election. Equipment is stored in climate-controlled locations at 501 Low Gap that have security monitoring systems and controlled access.

Non-tabulation election materials reportedly sustained damaged during relocation to a new site after the March 2020 election. Election officials are now required to obtain access to this site through another County department, rather than having the ability to access and assess the condition of the equipment as part of their normal job routine. Equipment used at polling sites – excluding tabulation equipment which is maintained in a locked and alarmed location – was relocated to another storage facility without advance notice to the Elections Office.

In the 2016 General Election, only 76% of registered voters in Mendocino County exercised their right to vote. Although this is higher than the national average of 55%, the Elections Office encouraged all voters to have their voices heard.

In the 2020 General Election, 82% of registered voters in our County exercised their right to vote, representing an increase over the prior 2016 General Election of 16 % points. The turnout was 70% of the total of those in Mendocino *eligible* to vote. Both percentages compare similarly with those of the State's overall totals with 81% of those registered voting and 71% of those eligible voting.

For the March 2020 Primary Election, 29,603 ballots were submitted and of those 29,527 were tabulated (99.74%). Of the submitted ballots, 76 could not be counted even after attempts by the Elections Office to contact the voter:

- 25 lacked a voter's signature on the mail-in envelope (0.08%),
- 51 had voter signatures that did not match registration signatures (0.17%).

As of November 3, 2020 there were 53,651 registered voters in Mendocino County. This is an increase of 1,049 from the 52,602 registered voters as of February 18, 2020.

For the November 2020 General Election, 44,237 ballots were submitted and of those 44,135 were tabulated (99.77 %). Of the submitted ballots, 92 could not be counted after attempts by the Elections Office to contact the voter to obtain signature corrections:

- 23 lacked a voter’s signature on the mail-in envelope (0.05%),
- 61 had voter signatures that did not match registration signatures (0.14%)
- 8 ballots were submitted using ballots from the March, 2020 primary election (0.02%)

A total of ten ballots were referred to the District Attorney for further investigation of alleged attempts by voters to vote more than once in the November 2020 election.

Based on reports of the California Secretary of State and the Mendocino County Elections Office:

- For the November 2020 General Election, of the 53,697 registered voters, 44,135 cast ballots, representing a turnout of 82%. This compares favorably with the overall turnout in California of 81%. Of the cast ballots, 43,801 were from vote-by-mail voters or 99% of ballots,
- for the March 2020 Primary Election, of the 52,602 registered voters, 29,527 cast ballots, representing a turnout of 56%. This compares favorably with the overall turnout in California of 47%,
- for the 2016 General Election, Mendocino County had 51,061 registered voters with 38,730 casting ballots for a turnout rate of 76%. Of the cast ballots, 32,694 were from vote-by-mail voters or 84% of ballots.

For the November 2020 Election, the Elections Office found that the AMB system performed smoothly with no issues identified regarding the integrity of the voting process.

Mendocino County’s 250 polling places facilitated submission of 1,544 provisional ballots (which are tabulated as absentee and processed last), 283 conditional ballots (for same day registrations) and 334 ballots for those who elected to not use their VBM ballots (polling place ballots). Polling places are considered essential as they encourage all eligible voters to cast their ballots.

The GJ investigated and assessed if the VCA should apply to Mendocino County’s elections. The VCA, adopted by 15 of California’s counties as illustrated on the side diagram, allows voters to choose how, when, and where to cast their ballots by:

- Mailing all voters a ballot,
- expanding in-person early voting,
- allowing voters to cast a ballot at any voting center (e.g., polling place) within their county.

The County of Mendocino is among the 43 mainly rural counties not participating in the VCA due to difficulty in recruiting staff for its mandated additional early voting requirements,



Figure 2: Counties participating in the VCA

insufficient internet coverage, and network access in the rural populated parts of Mendocino County.

The County Clerk asserted all eligible voters are entitled to vote and to have their votes accurately counted. Any person casting fraudulent ballot (voting for another person, misleading a voter needing assistance, voting more than once, tampering with a vote, etc.) will be prosecuted to the full extent of the law. Illegal voting has remained a felony in the State of California subject to up to a three-year prison sentence and fines of \$1,000 to \$10,000 dependent on the violated statute of the California Elections Code Division 18 Penal Provisions 18000 -18700.

**What was new in the November 2020 General Election?**

	<u>Previous General Elections:</u>	<u>General Election November 2020:</u>
Who receives mail-in ballots in advance of the election?	Voters who requested absentee ballots as temporary or permanent absentee voters.	<i>All registered voters</i> will receive a mail-in ballot.
How were mail-in ballots returned?	USPS or delivered to a polling location.	By USPS, <i>deposited in a County drop-off box at selected locations</i> or delivered to a polling location.
Could a voter vote illegally (for example, more than once)?	Controls were in place to prevent illegal voting. Persons committing voter fraud will be prosecuted to the fullest extent of the law as a felony.	Controls are in place to prevent illegal voting. Persons committing voter fraud will be prosecuted to the fullest extent of the law as a felony.

**Preliminary Results for the November 3, 2020 General Election**

The Secretary of State will certify all election results on December 11, 2020. As of the date of this report the official results of ballots counted in Mendocino County.

All 38 polling places in the County have reported.

Of the 53,651 registered voters in the County, 44,237 ballots were returned and counted. This is 82.45% of all eligible voters.

This data is available on the county’s website:

<https://www.mendocinocounty.org/government/assessor-county-clerk-recorder-elections/current-election-results>

The Superior Court of Sutter County declared Executive Order N-64-20 unconstitutional as it was a regulation not passed by the Legislature which is Constitutionally mandated to establish Election procedures. The ultimate outcome of this case cannot be determined as of the date of this report. The counties’ implementation for processing the AMB would not be impacted other than a minor reduction in the volume of AMB.

## **FINDINGS**

- F1. Registered voter turnout during elections in Mendocino County usually exceeds the California average but more voters could benefit from County participation in the VCA.
- F2. The Elections Office use of AMBs reduces the risk of spreading COVID-19 and brings Mendocino County closer to alignment with the spirit of the VCA.
- F3. All employees performing the duties of a mail clerk in the Mendocino County Administration Center are not sworn to the State of California oath found in § 3, *Article 20 of the State Constitution* which may pose an accountability risk for the internal handling of Election mail.
- F4. Voter requests for replacement ballots diminish Elections Office efficiency and productivity due to the reliance on manual processing of replacement ballots.
- F5. The ballot count log should be contained in the transport box to mitigate manipulation after sealing the ballot box.
- F6. The County does not have a computerized system that automatically compares signatures on ballot return envelopes with digital signatures of registered voters. Voter signatures are manually verified for every mail-in envelope by election staff comparing against signatures stored digitally in the Registrar's Office resulting in increased labor expense and a higher likelihood of human error.
- F7. The County of Mendocino is among the 43 mainly rural counties not participating in the VCA due to difficulty in recruiting staff for its mandated additional early voting requirements and due to insufficient internet coverage and network access in the rural populated parts of Mendocino County which affect voter turnout.
- F8. The Elections Office does not have complete oversight of all its stored equipment but retains the full budget liability for replacing damaged equipment. This makes budget planning problematic.

## **RECOMMENDATIONS**

The Grand Jury recommends that:

- R1. the Election Office explore eligibility exceptions to participation in the Voter's Choice Act pertinent to rural counties with resources and infrastructure limitations. (F1 and F2)
- R2. Mendocino County Elections have its own United States Post Office Box for receipt of elections related materials to avoid delay caused by additional sorting in the Mail Room of the Administrative Office. (F3)
- R3. Mail Clerks who process mail from the USPS be administered the California Oath given duly sworn elections officials. (F3)

- R4. for procedures regarding replacement ballots, the County Clerk's Office request a feature from the tabulation software vendor to record either the original ballot or its replacement to automatically inactivate the unused ballot which would eliminate manual intervention by elections staff to inactivate and reactivate ballots. (F4 and F6)
- R5. two sworn individuals count and log the number of ballots collected from drop-off boxes in double custody. The dually signed count log be placed in the ballot transportation box and transported to the Elections Office. (F5)
- R6. the Elections Office inquire if a signature validation feature is available from Hart InterCivic or other vendor to automate the signature verification process, requiring only manual validation for mis-matching signatures which will reduce staff workload and automatically identify potential mismatching signatures, reducing the possibility of human error. (F6)
- R7. Mendocino County's Executive Office notify the Elections Office at least one week in advance of any relocation of election-related materials and arrange for a representative of the Elections Office to supervise any relocation of election materials to avoid damages to equipment and budget liabilities to the department. The Elections Office must have independent and immediate access to any storage area housing its equipment. (F8)

## **REQUIRED RESPONSES**

Pursuant to Penal Code § 933 and § 933.05, the Grand Jury requires responses as follows: the following official is required to respond within 60 days:

- Assessor, County Clerk, Recorder: Findings (F1, F2 and F4 through F8) and Recommendations (R1, R2 and R4 through R7)

## **INVITED RESPONSES**

Pursuant to Penal Code § 933 and § 933.05, the Grand Jury invites responses as follows:

the following official is requested to respond within 60 days:

- Chief Executive Officer: Findings (F3 and F8) and Recommendations (R2, R3 and R7)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury
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## BIBLIOGRAPHY

- California Governor's Office. (20, 10 28). *Executive Order N-64-20*. Retrieved from <https://www.sos.ca.gov/elections/upcoming-elections/general-election-november-3-2020>: <https://www.gov.ca.gov/wp-content/uploads/2020/05/05.08.2020-EO-N-64-20-signed.pdf>
- California Secretary of State. (2020, 10 28). *2016 Election Results*. Retrieved from <https://elections.cdn.sos.ca.gov>: <https://elections.cdn.sos.ca.gov/sov/2016-general/sov/03-voter-participation-stats-by-county.pdf>
- California Secretary of State. (2020, 10 28). *2020 Primary Results*. Retrieved from <https://elections.cdn.sos.ca.gov>: <https://elections.cdn.sos.ca.gov/sov/2020-primary/sov/03-voter-participation-stats-by-county.pdf>
- Office, M. C. (2020, 11 02). <https://www.facebook.com/MendocinoSheriff>. Retrieved from <https://www.facebook.com>: <https://www.facebook.com/MendocinoSheriff>
- State of California. (2020, 08 28). *Penal Codes for Election Violations*. Retrieved from <https://www.sos.ca.gov/elections/publications-and-resources>: <https://www.sos.ca.gov/elections/publications-and-resources/elections-officers-digest/penal-provisions>
- State of California. (2020, 08 28). *SB 207*. Retrieved from <http://leginfo.legislature.ca.gov>: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200SB207](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB207)
- State of California. (2020, 08 28). *Voters Choice Act of 2016*. Retrieved from <https://elections.cdn.sos.ca.gov/vca>: <https://elections.cdn.sos.ca.gov/vca/sb450-chaptered-legislation.pdf>

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# **MCRPD LOST ALMOST THREE MILLION DOLLARS IN GRANT FUNDS FROM THE STATE OF CALIFORNIA**

June 28, 2021

## **SUMMARY**

The State of California Off Highway Vehicle Parks Department (CAOHVPD) suspended almost three million dollars in grant funds and suggested the resignation of Mendocino Coast Recreation and Park District Board of Directors (BOD) involved with the grants based on inconsistencies identified in the audit conducted by the agency.

Responding to a citizen's complaint, the 2020-2021 Mendocino County Civil Grand Jury (GJ) investigated the Mendocino Coast Recreation and Park District (MCRPD) and its loss of two million, nine hundred and ninety-five thousand, two hundred forty-nine dollars (\$2,995,249) in grant funds.

MCRPD was awarded Planning and Restoration Grants from the CAOHVPD to upgrade its property along Highway 20 at Summers Lane (hereinafter referred to as the "Highway 20 property") owned by MCRPD for use as an Off Highway Vehicle Park. CAOHVPD notified MCRPD both grants were placed on hold because of issues raised during a routine preliminary internal grant audit.

The issues identified during the review of both grants focused on the required matching funds and direct billing costs in the planning grant and the award of contract for perimeter fencing spelled out in the Restoration Grant.

As a result of the concerns raised during the oversight and audit of the grants, CAOHVPD pulled the grant's funding and suggested that any BOD that were directly involved with the grant application and administration resign.

## **BACKGROUND**

Based upon a citizen's complaint, the 2020-2021 GJ investigated the MCRPD loss of two grants funded through the CAOHVPD. At issue is what caused the CAOHVPD to rescind these two grants.

The initial planned development of the Highway 20 property was for an 18-hole public golf course serving the North Coast of Mendocino County. This project was initiated in 1993 by a group of local businesspeople. MCRPD paid \$3,000 for a study of a "Muni Golf project" related to this proposal.

In December 2005, an Environmental Impact Report (EIR) was prepared for MCRPD and paid with financial contributions from local businesspeople. The focus of the EIR was to determine

the viability of the Highway 20 property for development as a golf course. The report identified significant mitigation issues that would need to be addressed to develop the property as a six-hole golf course. This was due to the impact on protected plants, endangered animal species and a deficient water supply available to the property. A traditional golf course consists of nine to eighteen holes.

In 2008, MCRPD obtained title to the Highway 20 property from a local nonprofit group to develop a public golf course and entered into a financial obligation for the purchase with a local savings bank. Despite the limitations identified in the 2005 EIR, MCRPD proceeded to acquire the property to be developed as a public golf course.

Since the property was unusable for its intended purpose and was encumbered by a loan, MCRPD later sought to identify alternative uses. One such option considered was an off-road vehicle (OHV) park with funds to be sought from California State Park grants.

MCRPD applied for two grants with the CAOHPD:

- The first was a Planning Grant (G16-07-11-P01) for \$255,421 awarded October 20, 2017. The scope of this project included, but was not limited to, a draft EIR, a final EIR, an Economic Feasibility study, forming a stakeholder’s group and holding a series of public meetings. MCRPD was required to provide matching funds.
- The second was a Restoration Grant (G16-07-11-R01) for \$2,739,828 awarded April 2, 2018. The scope of this project included, but was not limited to, a site survey, fence installation, restoration of trails, invasive species removal and investigation of trespass issues. MCRPD was required to provide matching funds.

	Date Awarded	Awarded Amount
Planning Grant	October 20, 2017	\$255,421
Restoration Grant	April 2, 2018	\$2,739,828

Both grants required MCRPD to provide matching funds or work credits amounting to a minimum (26%) of the amount awarded.

MCRPD was notified by CAOHPD in a letter dated July 11, 2018 that both grants were temporarily placed on hold pending completion of a routine interim audit. The audit dated December 10, 2018 of the Planning Grant identified and disallowed direct funding costs (reimbursement) and matching costs. The disallowed matching costs pertained to inconsistencies in certain labor, equipment uses and direct costs. As a result of the disallowance, the approved matching funds fell below the required minimum (26%) of the grant award.

On June 15, 2020, two members of the (BOD) and the MCRPD bankruptcy attorney attended a conference call with representatives from CAOHPD. The BOD was notified by CAOHPD representatives that both grants were suspended due to *“inappropriate conduct between {name*

*redacted* of non-profit and MCRPD....” The MCRPD bankruptcy attorney confirmed this statement in a letter summarizing the meeting dated June 15, 2020.

It was also communicated by a CAOHVDP Representative that because of this alleged misconduct, the Parks Department will not proceed with the grants as long as any BOD member that approved the arrangement with the *{name redacted}* of non-profit remains on the BOD. The CAOHVDP Representative was careful to state that since the BOD is an elected body, the CAOHVDP cannot mandate any changes. The CAOHVDP Representative also stated, in view of the history of alleged self-dealing, the Parks Department could not authorize any additional funds under the grants.

### Grant Disallowance Timeline

July 11, 2018	Grants Placed on hold by State pending completion of audit
December 10, 2018	Interim audit by State identified disallowed costs
February 20, 2019	MCRPD District Administrator was notified grants were placed on hold
June 15, 2020	Grants suspended due to inappropriate conduct with <i>{the redacted name of the non-profit}</i>

## **METHODOLOGY**

The GJ conducted interviews of CAOHVDP officials, City of Fort Bragg staff and MCRPD representatives. The GJ reviewed a significant number of documents provided by these sources related to the grants and researched the history and purchase of the Highway 20 property. The GJ further collected information on grant related projects through on-line and publicly available sources. The GJ also referenced related minutes, financial statements and attended several MCRPD BOD meetings during the course of the investigation.

## **GLOSSARY**

*{Company A}* = Represents the redacted name of the firm that was among the sixteen vendors invited by MCRPD to participate in the Fence Project Request for Proposal (RFP).

*{Company B}* = Represents the redacted name of the firm that was not among the sixteen vendors originally invited by MCRPD to submit Fence Project RFP bids. This firm subsequently submitted a bid.

*{User X}* = a local non-profit organization that provides education and training in use of off-road vehicles.

## DISCUSSION

### Planning Grant Issues

Interim Audits are routinely conducted by CAOHVDP as part of the administration of grants. The audit conducted by CAOHVDP on December 10, 2018 focused on the Planning Grant. The audit identified and disallowed direct funding costs (reimbursement) and matching costs that MCRPD submitted. The communication from CAOHVDP referred to a match disallowance in the referenced labor, equipment usage and indirect costs. As a result of these disallowances, the approved matching funds fell below the required (26%).

The GJ reviewed the Interim Audit Report referencing the items of concern. The following summarizes that report's key findings:

#### Staff/Volunteer Labor Timesheets for Matching Funds

- Signed up to six months after dates of service,
- Neither signed nor dated,
- Double billing for hours,
- Miscalculated.

#### For the submitted timesheets

- Three BOD members submitted time sheets for a total of 35 direct hours and 55.5 indirect hours,
- Two local contractors submitted time sheets for a total of 27 direct hours and five indirect hours in 2017/2018. The local contractors submitting time sheets were listed as owners of the company that was awarded the fence contract in October 2017,
- An MCRPD grantee reported 128.25 direct hours and 0.25 indirect hours,
- MCRPD's grant writer submitted 82 direct hours and 38.75 indirect hours,
- One contractor submitted timesheets that were disallowed based on a conflict with the State Public Contract Code (PCC). The code states in part that any employee of the State shall not contract on their own behalf with any State agency to provide goods or services<sup>1</sup>.

#### Time Sheets submitted as incomplete:

- Three (3) time sheets were not dated and submitted by the fence contractor after the fence contract had been awarded to the company,
- Two (2) time sheets were submitted six months later than the time of service rendered,
- Three (3) time sheets were not dated or signed submitted by the fence contractor after the fence contract had been awarded to the company<sup>2</sup>.

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<sup>1</sup> Per CAOHVDP Interim Audit Report dated 12/10/2018

<sup>2</sup> Ibid

### Equipment and Mileage

- Equipment invoices submitted for matching funds credit were found to be billed to the wrong project,
- Mileage was claimed by volunteers but did not include appropriate signatures,
- Mileage claims were submitted by two (2) consulting firms that did not meet the State criteria for reimbursement<sup>3</sup>.

### Restoration Grant Issues

MCRPD submitted to the CAOHPD a Grant Application for Restoration of 586 acres owned by the District and on April 18, 2018, MCRPD was awarded the Restoration Grant not to exceed \$2,739,828. MCRPD was required to provide matching funds in the amount of \$808,305.

As part of the approved Restoration Grant, MCRPD was required to install fencing around the Highway20 property. A cost estimate was prepared by *{a local contractor - Company B}* based on \$92.87 per linear foot totaling \$2,600,000.

### Bid Process

The project specifications and projected costs for the fence project for use in the Grant application and bid packet were prepared by a local contractor. The amount identified in the grant application was \$2,600,000. MCRPD prepared an RFP bid packet for the Regional Park Access Control Project, Project #2017-01 OHV RG<sup>4</sup>.

The GJ reviewed the vendor list of sixteen local and regional contractors invited to submit a fence project bid. The GJ could not verify newspaper circulation advertising the RFP ten days before the bid opening as per the PCC requirements for bid solicitation.

Two bids were received by MCRPD. *{Company A}* submitted a bid of \$2,375,000 and *{Company B}* submitted a bid of \$2,591,234. The GJ noted that *{Company B}* was not on the original vendor list. It was noted at the Regional Park Committee meeting on 10/18/2017 that a principal owner in *{Company B}* prepared the cost estimates and specifications for the Grant proposal<sup>5</sup>. At this meeting two BOD and one member of the public reviewed both proposals that were submitted for consideration. The committee interviewed representatives from both contractors, rated each proposal then voted unanimously to approve and forward the proposal submitted by *{Company B}* to the BOD for review and action. According to the minutes of the Regional Park Committee<sup>6</sup>, only one of the assigned MCRPD BOD members on that committee was in attendance. An MCRPD BOD member not assigned to the Park Committee participated in the review, rating and recommendation of the fence contract.

At the MCRPD Regular BOD meeting on October 18, 2017 under Discussion/Action item #6.1 Regional Park Access Control Project, the BOD voted unanimously with no recusals to accept

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<sup>3</sup> Ibid

<sup>4</sup> Note: Confirmed in the State Grant application and October 18, 2017 Regional Park Committee meeting minutes.

<sup>5</sup> Ref. Minutes of Regional Park Committee Meeting 10/18/2017

<sup>6</sup> ibid

the Committee recommendation to award the fence contract to {Company B} in the amount of \$2,591,234. According to the minutes of this meeting, only three of the five BOD members were in attendance to vote on the award of contract to {Company B}.

### **Requirements of the Bid Process**

*PCC section 20682 (c) states: “The district shall publish a notice inviting bids for any contract for which competitive bidding is required at least one time in a newspaper of general circulation in the district at least one week before the time specified for receiving bids. The notice inviting bids shall set a date for opening the bids and distinctly state the materials and supplies to be purchased.”*

*PCC section 20682.5 (b) states: “All contracts for the construction or completion of any building, structure, or improvement, when the cost exceeds twenty-five thousand dollars (\$25,000), shall be contracted for and let to the lowest responsible bidder after notice. If two or more bids are the same and the lowest, the district board may accept the one it chooses.”*

The approved MCRPD Bylaws Article IX – District Finances Section 5 is in compliance with this code with the proviso that the BOD may reject all bids and re-advertise or by a four-fifths vote, may elect to purchase the materials or supplies in the open market, or to construct the building, structure, or improvements by force account.

*PCC section 20682.5 (e) states: “If plans and specifications are prepared describing the work, all bidders shall be afforded an opportunity to examine the plans and specifications, and the plans and specifications shall be attached to and become part of the contract, if one is awarded.”*

### **Concerns Regarding Fence Bid and Award Processes**

The contractor {Company B} that was awarded the fence project was:

- Not the lowest responsible bid,
- Not among the list of the sixteen vendors notified of the bid,
- The firm that prepared the contract specifications and cost estimate for the Grant application.

The award of contract process:

- Awarded the project to the bidder with a higher cost proposal in violation of PCC *section 20682.5 (b)*,
- Only one assigned Committee Board member was in attendance at the Regional Park Committee meeting<sup>7</sup>. Another member of the BOD not assigned to the committee attended the meeting, participated in the rating process and voted for approval of the fence contract.

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<sup>7</sup> Ibid

## **Issues with the MCRPD Property Use Agreement (PUA)**

The park grant program was designed to support an off-highway vehicle use for training and educational purposes. On October 17, 2018, MCRPD entered into a PUA with a local nonprofit group *{User X}* that specialized in off-highway training and educational programs. The term of the agreement concluded on June 30, 2021. The BOD minutes under Item 5.2 reflect approval of the PUA by unanimous vote with no absences or recusals.

Under Section 3 of the PUA, subsection Fees, MCRPD is to charge user fees according to the BOD approved Fee Schedule. At the time of this report, the GJ could not find an approved Fee Schedule for the use of the Highway 20 property. As a result of the lack of Fee Schedule, the approved local nonprofit group *{User X}* utilized the Highway 20 property for training and educational purposes without paying any user fees.

Under Section 5 of the PUA, subsection 5.1 Billing; MCRPD will invoice user groups monthly for their usage in the prior month. In review of the documents requested, the GJ could not obtain verification of invoices or proof of payment for the rental fees during the time of the Highway 20 PUA. This is due in part because the current Bylaws of MCRPD have not addressed or established user fees for any property other than the Mendocino Coast Botanical Gardens Annual Lease and the CV Starr Community Center Use. The MCRPD Bylaws also do not outline the procedures for approving fee waivers. In review of past MCRPD minutes, the GJ could not find any BOD action that provided an approval process or special waiver of fees.

Under Section 10 of the PUA, subsection 10.1, Insurance; the applicant agrees to provide a Certificate of Insurance, including endorsements, evidencing commercial liability coverage for the liabilities arising out of the use of the facility.

The required Certificate of Insurance for *{User X}* provided to MCRPD identified the insured as a Southern California specialty vehicle business. The Certificate of Insurance provided no verification of insurance coverage for *{User X}*. The GJ could not locate the required Endorsement to verify Insurance coverage as required by the MCRPD PUA.

Through the GJ review of the PUA issued to *{User X}*, it was determined that the applicant did not pay any fees for use of the property or receive a waiver of fees by BOD action. The absence of a certificate of insurance with attached endorsement for the applicant placed MCRPD in significant liability exposure.

### **Other Issues**

The GJ found possible conflicts of interest with the contractual association with MCRPD and *{User X}*. The filing of Form 700 is required by law to be submitted annually by elected or appointed Boards, Commissions and Executive staff and is intended to disclose potential financial conflicts of interest. Based on the review of the forms filed by BOD members and staff, a financial interest was reported between *{User X}*, the Southern California specialty vehicle business, and MCRPD.

The Bylaws of MCRPD were last updated November 15, 2017 (per MCRPD's website as of the GJ review on March 31, 2021). Annual review of the Bylaws by the MCRPD Counsel and approval by the BOD would limit the risk of exposure to litigation and conformity with Special District legal requirements.

The Bylaws of MCRPD do not require BOD members and Executive staff to receive initial and annual training in Brown Act, Ethics and Harassment in compliance with AB1234<sup>8</sup>. The GJ could not identify any penalties for noncompliance with Brown Act or other mandated training. Such training could reduce the potential for liabilities arising from conflicts of interest or harassment.

MCRPD's website does not publish for public review its monthly or other periodic financial statements reporting sources and uses of funds. Nor does it publish its check register to provide details as to the use of funds. The public is essentially uninformed as to MCRPD's finances.

## **FINDINGS**

- F1. MCRPD lost the opportunity to receive more than \$2.5 million in grant funds because it operated in violation of State Codes and guidelines pertaining to the administration of the CAOHVPD Grants and award of the fence contract per *PCC section 20682.5 (b)*.
- F2. MCRPD incurred debt which it has been unable to repay and led to bankruptcy because of purchasing the Highway 20 property prior to the completion of the feasibility study for the intended purpose of a golf course and the possible mismanagement of public funds.
- F3. MCRPD BOD does not have an effective mechanism to ensure training and compliance with conflict-of-interest rules.
- F4. MCRPD risks civil litigation or statutory violations as MCRPD BOD and Executive staff do not receive initial and annual training in Brown Act, Ethics and Harassment in compliance with AB1234.
- F5. MCRPD risks potential conflicts of interest and potential litigation as Bylaws do not require attendance of Counsel at its BOD meetings.
- F6. MCRPD fails to provide financial transparency to the public as monthly financial statements are not routinely published for public viewing. Monthly financial statements would identify revenue sources such as rental fees, expenditures and capital commitments.

## **RECOMMENDATIONS**

The Grand Jury recommends that:

- R1. MCRPD's BOD should amend its Bylaws within 60 days following release of this GJ report to require independent professional legal guidance for any project to assure that all

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<sup>8</sup> Assembly Bill No. 1234, Chapter 700 "Local agencies: compensation and ethics." Approved by Governor October 07, 2005. Filed with Secretary of State October 07, 2005.

Grant(s) and the award of contracts comply with State codes and guidelines to guard against the loss of grant funding due to conflicts of interest and outdated bylaws. (F1)

- R2. MCRPD's BOD should engage a professional consultant to develop a feasibility study and strategic plan prior to the initiation of any capital improvement project (CIP). MCRPD should document and publish the report for public review and comment at least 60 days prior to the award of contract for any CIP. Complete disclosure and public notice in the letting of all Special District contract may avoid the loss of grant funding due to conflicts of interest and outdated bylaws. (F2)
- R3. MCRPD's BOD should engage an independent Outside Counsel to review its Bylaws within 90 days of this report; MCRPD's Bylaws should be updated annually with outside Counsel at the beginning of each new term and post them on MCRPD's website to make them available to the public. (F3)
- R4. MCRPD's BOD within 60 days of the start of their term and annually should receive training for Brown Act, Ethics and Harassment laws and regulations as required. All staff at the start of employment and annually thereafter should receive training for Brown Act, Ethics and Harassment laws and regulations as required. Records should be maintained to track participation. (F4)
- R5. MCRPD's BOD shall retain legal counsel with required attendance at every BOD meeting to avoid actions that may violate Federal, State, County, Local, Penal Code, Ethics or Brown Act violations. (F5)
- R6. MCRPD shall prepare and publish on its website a monthly financial report as approved by the BOD to provide transparency to the public. This report should include a review of the monthly accounting of checks issued and revenue received. (F6)

## **REQUIRED RESPONSES**

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:

From the following elected county officials within 90 days:

- MCRPD BOD (All Findings and Recommendations)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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# **MEETING MENDOCINO COUNTY'S NEEDS FOR HOUSING REQUIRES COORDINATION AND PLANNING**

July 16, 2021

## **SUMMARY**

Due to the critical lack of affordable and available housing, the Grand Jury (GJ) began investigating what was currently being done to improve the availability of housing in Mendocino County. Planning and Building Services (PBS) functions are currently limited to permitting the development of housing and ensuring that projects meet regulatory standards. PBS is not active in seeking modifications to State standards to meet the local housing needs and have experienced difficulty completing permit applications in a timely manner. All PBS functions are passive without specific direction from the Board of Supervisors (BOS).

The Mendocino County Community Development Commission (CDC) and Rural Community Housing Development Corporation (RCHDC) have been primary sources of developing new housing to address local needs. Of the cities, Ukiah has developed a creative way to adapt to the demand for new housing developments through a trust fund, supported by leasing city-owned property for market-rate construction.

It appears that the County will not meet the State assigned number of new units without local action to remove obstructions to development, increase Agency collaboration and find funds to develop new infrastructure. The GJ believes that PBS should be directed to increase its capacity to serve these functions.

## **BACKGROUND**

While researching the issue of housing the homeless population throughout Mendocino County, the GJ became aware of a larger problem: the difficulty of developing any new housing in Mendocino County.

## **METHODOLOGY**

The GJ researched the following documents and interviewed the following local resources:

1. Strategic Plan to Address Homelessness in Mendocino County,
2. Housing Element of the Mendocino County General Plan,
3. The Ukiah Valley Area Plan (UVAP),
4. State of California web sources on demographics,
5. Mendocino County Planning and Building Services Staff,
6. City of Ukiah Staff,
7. CDC Staff,
8. RCHDC Staff,
9. a Real Estate Broker,
10. Mendocino County Supervisors.

## **GLOSSARY**

USC - The United States Code is made up of the official Federal statutes of the United States and contains 53 titles. It includes laws passed by Congress, also called statutes.

## **DISCUSSION**

Vast areas of the county do not have water and sewer systems or other infrastructure that are required by Federal and State funding sources without mitigations. These areas are prone to wildfire and are currently struggling with water insecurity.

The number of housing units and structures lost during the 2017 - 2020 fires have impacted Mendocino County's housing inventory. Over 300 residential structures were destroyed or damaged during the 2017 fire season and Mendocino County Planning and Building Services (PBS) has issued 196 building permits for a combination of single-family homes, manufactured homes and accessory buildings. Of those 196 original permits, only 125 have been finalized. In subsequent fires, an additional 75 units were lost and permits for reconstruction have yet to be issued.<sup>1</sup>

Due to COVID-19, the PBS staff has reported that new on-line options have lessened the pressure at the reception counter and allows for a more streamlined workload.

Mendocino County Council of Governments (MCOG), which normally functions as Mendocino County's Regional Transportation Agency was designated as the appropriate entity to develop the Mendocino County Regional Housing Needs Plan by the California Housing and Community Development (HCD). HCD estimates the need for new housing units in Mendocino County to be 1,845 during December 31, 2018 - August 31, 2027. 496 of those units are designated for the four incorporated areas of Fort Bragg, Point Arena, Ukiah and Willits. The remaining 1,349 are designated for the unincorporated areas of the County.<sup>2</sup>

In the Spring of 2021, the rental market rate for two to three-bedroom homes with one to two baths ranged from \$1,200 - \$2,400, not including utilities. Purchasing equal properties would range between \$390,000 - \$560,000.

Due to the enactment of Senate Bill (SB) 3, California's minimum wage increased to \$14.00 per hour, as of January 1, 2021, for employers with 26 or more employees and to \$13.00 per hour for employers with 25 or fewer employees.<sup>3</sup> Housing costs for working families in Mendocino County is closer to half of their income rather than the 30% recommended by the U.S. Department of Housing and Urban Development (HUD).

Housing authorities and building developers attribute the shortage of housing to the difficulties of working with the current PBS system and the high cost of developing sewer, septic and water hookups in the unincorporated areas of the County, if available at all. Developers often cannot

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<sup>1</sup> As reported by PBS Staff on 4/7/21

<sup>2</sup> MCOG - Mendocino County Regional Housing Needs Plan (2018)

<sup>3</sup> <https://www.dds.ca.gov/rc/vendor-provider/minimum-wage/>

find sufficiently skilled workers in the building trades. More recently there are cost concerns about wildfire hardening standards for new development and 100-foot vegetation setbacks which could trigger regulatory review if certain species of oak trees are present.

Building developers complain that Mendocino County's requirement for 25% of low-income units is 15% higher than other areas in the State. The County's housing regulation currently does not allow the geographic dispersal of low-income units to be separated from market-rate projects. When a market-rate housing development is planned, builders are required to designate 25% of the units to be low-income which shifts the project cost onto the developer making the project less profitable.

Housing projects that are either currently under construction or recently completed under the permitting process of PBS have moved slowly. For example, the Orr Creek Commons Project through Redwood Community Housing Development Corporation (RCHDC) was mentioned in the City of Ukiah's City Council meeting minutes back in 2008. However, residents will not be moving in until the second half of 2021. The Vineyard Crossing Subdivision on Lovers Lane in the north end of Ukiah has been under discussion for many years and finally submitted their application in February 2017 and proposes to build 121 housing units. Vineyard Crossing is on hold pending an Environmental Impact Report (EIR). On the south end of Ukiah, near Hwy 253, the Bella Vista Development (formally known as Gardens Gate) has reapplied and filed their application in July of 2020. The process is on hold pending the California Department of Fish & Wildlife's analysis. Bella Vista is slated to create 171 housing units.

The GJ was informed that PBS permit and inspection staff see their functions as separate from each other and unrelated. There is little communication within the functions of PBS and a lack of communication within the department overall. This illustrates the lack of communication between PBS and other agencies working on housing development without specific direction from the BOS.

Historically, there has been a lack of coordination with Mendocino County's Native American Tribes when it comes to planning housing needs. Assisting the Tribes with the development of housing would help the County reach its own housing goals and meet the requirements of United States Code (USC) 4.3b as stated in the Housing Element of the County's General Plan.<sup>4</sup>

The GJ learned that Mendocino County's Community Development Corporation (CDC) is awarded \$500,000 of HUD funds monthly (\$6.0 million annually) to subsidize 177 rental units in the County. The funding subsidizes the difference between the beginning rental rate of \$900.00 a month and the 30% of income which the tenants are required to pay. The monies supplement rent for very low or low-income individuals or families. HUD sets the rates for housing cost and eligibility requirements for CDC. Each time the CDC opens the application process for families and individuals the CDC receives 600-700 applications during their twice a year outreach. CDC reports due to the lack of one-bedroom housing units, single people with a Housing Choice Voucher (formally called Section 8) are challenged to find a place to live.

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<sup>4</sup> Mendocino County's 6th Cycle Housing Element

A major housing agency that develops and manages dwellings is RCHDC. They continue to develop and manage dwellings for very low to moderate-income individuals, families, and people with special needs. Currently, RCHDC is managing 454 units in affordable housing communities around Mendocino County. RCHDC is also responsible for 208 units of self-help housing development using the United States Department of Agriculture (USDA) funding which does three things: provides pride of ownership, develops community and teaches building skills.

The County of Mendocino was awarded a Project Homekey grant from the HCD in the latter part of 2020 and was able to purchase the Best Western Hotel on Orchard Avenue in Ukiah. The funding was created to protect the homeless in California who are at high risk for serious illness and who are impacted by COVID-19. The project provides the homeless with interim or permanent long-term housing.<sup>5</sup> Recently, the County of Mendocino began contracting with RCHDC to manage the converted hotel, which supports 56-units and is now Live Oak Apartments. Even though the apartments are situated in the City of Ukiah, the County of Mendocino let the City know they would be applying for the funding as the developer and administrator. This project was developed through County Health and Human Services and not PBS and is one the few County-run projects to address housing needs.

The City of Ukiah has recently been very successful in facilitating several market-rate projects, specifically on Main & Gobbi Streets. For the Main Street project, the developer utilized a trust fund established by the City specifically to encourage new housing development. The trust fund empowered the City of Ukiah to lease city owned property to the builder to construct these market-rate apartments. The monies generated from leasing the land re-funds the trust fund for future projects.

Trust funds, which can be called “In-Lieu Funds,” are successful programs to receive cash value in lieu of requiring builders to include low-income housing within their project. The monies are then placed in a trust fund to be used to underwrite other projects for low-income or special needs renters.

In August 2020, the City of Ukiah again began discussing the Brush Street Triangle, located south of the Redwood Empire Fairgrounds and the west side of Highway 101. The area has land to expand, and two new housing projects are already providing affordable housing to farm workers, seniors and primarily Housing Choice Voucher recipients. The City of Ukiah’s approach would provide a path to annexation, which furthers the development of additional affordable housing and industrial/manufacturing opportunities for employment in a location with adequate land and infrastructure.<sup>6</sup>

## **FINDINGS**

F1. The areas around cities have the best developed sewer and water systems for new housing in Mendocino County. Rural areas of the County do not have adequate public infrastructure and amenities to meet HCD projections. (R1, R3)

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<sup>5</sup> <https://www.hcd.ca.gov/grants-funding/active-funding/homekey.shtml>

<sup>6</sup> August 5, 2020 | Ukiah Daily Journal

- F2. Due to COVID-19 restrictions, PBS has developed more efficient digital options for routine matters which has created a more streamlined process to free PBS to pursue new opportunities for solving departmental issues and verifying State regulations and statistics.
- F3. MCOG is designated by the State of California Department of Housing and Community Development to coordinate the housing need allocation process for Mendocino County. By default, this has become the regional planning agency.
- F4. Lack of housing forces the price of existing housing to be unaffordable for working families as well as preventing new potential employees to choose to work in Mendocino County.
- F5. The Median income of county residents and the higher cost of goods and services does not keep pace with the cost of new single-family homes, which discourages contractors from building here when they can profit from building in other areas.
- F6. The current shortage of affordable housing will continue without Mendocino County hiring qualified housing and community development planners. Such assets would assist in locating funding sources for infrastructure improvements, attracting appropriate developers, and informing the BOS what effect proposed regulations may have on the development of new housing. (R6)
- F7. There is no formal or consistent communication between PBS and its counterparts in the cities of Fort Bragg, Point Arena, Ukiah and Willits which is indicative of the lack of planning on a regional basis in this County.
- F8. The prohibitive cost of new construction and limited income of most area residents makes new market-rate projects risky for builders.
- F9. The activation of a Mendocino County Building Trust Fund (In-Lieu fund) would give Mendocino County leverage in encouraging proactive development to meet the county's needs for infrastructure and housing projects.
- F10. Federal and State funding is targeted to urban areas and the BOS does not direct PBS to actively seek mitigations on these restrictions to acquire funding for housing projects when State & Federal funds become available.
- F11. As a result of restrictions on the use of local budget monies, Mendocino County's Native American Tribes may only be invited to the table when discretionary funds for housing are available through Federal sources.

## **RECOMMENDATIONS**

The Grand Jury recommends that:

- R1. by January 1, 2022, County Administration provide direction to PBS to establish periodic meetings to work cooperatively with cities, infrastructure oriented special districts, and Tribal governments on meeting the needs established in the Housing Element. (F1, F7)

- R2. by January 1, 2022, PBS host bi-monthly meetings with all housing development entities including the four incorporated cities to monitor progress of goals in the Housing Element. (F7)
- R3. by FY 2022-23 County Administrators organize a coalition with cities to establish a framework for annexations through tax-sharing agreements. (F1, F9)
- R4. by FY 2022-23 the BOS establish a framework to enact Policy 4.3b of USC, which encourages the development of additional housing for Native Americans. This will help the County to meet their obligation under State law to provide housing, including for special communities by 2027. (F11)
- R5. PBS continue the development of digital systems to deal with routine applications so there is more time for researching innovative ways to plan for economic and housing development. (F2)
- R6. by December 1, 2021, the BOS direct PBS to set-up the Mendocino County Building In-Lieu Fund as a Building Trust Fund and report back to the BOS before the end of fiscal year 21-22. (F6, F9)

**REQUIRED RESPONSES**

Pursuant to Penal Code § 933 and 933.05, the GJ requests responses as follows from the following elected county officials within 90 days:

- Mendocino County Board of Supervisors: (All Findings and Recommendations)

**REQUESTED RESPONSES**

Pursuant to Penal Code § 933 and 933.05, the GJ requests responses as follows from the following respondents within 90 days:

- City of Ukiah, Community Development Department Director (F6, F7, F9, F10, R1-R3)
- County of Mendocino, Planning and Building Services Assistant Director<sup>7</sup> (All Findings and Recommendations)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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<sup>7</sup> The response is requested of the Assistant Director due to the fact that there is no one permanently assigned to the PBS Director position as of the writing of this report.

# **MENDOCINO COUNTY’S TRAILING INFORMATION TECHNOLOGY**

July 16, 2021

## **SUMMARY**

Government transparency, enhanced communications, and improved access to services for the public are possible with a continued commitment to modernize and maintain the County’s information systems and infrastructure. Since IT evolves rapidly, an upgrade made five years ago may be obsolete due to the availability of newer, less expensive, and more capable alternatives.

This report reflects findings of the Grand Jury (GJ) as of March 23, 2021.

The primary purpose of the GJ investigation was to obtain the status of the Information Technology Master Plan (ITMP) Initiatives and to identify barriers to their timely accomplishment.

Mendocino County’s Information Technology (IT) is outdated with 99 Initiatives identified for improvement. The composition and priorities of the Board of Supervisors (BOS) evolved over time and more recently the Supervisors are keenly aware of the need for improvement. Setting priorities, providing leadership, or committing funds to modernize the County’s information systems has been a persistent management challenge.

In 2018, the County engaged an experienced consultancy to assess its IT infrastructure and deliver an ITMP to modernize the County’s systems after decades of neglect. This comprehensive report listing the 99 Initiatives was delivered to the BOS and County Executives on October 29, 2018 with proposed completion by the year 2023. The recent ITMP now projects that completion is extended out to 2025.

Mendocino County needs to commit to excellence. Effective application of IT provides the public with improved communications, greater transparency and better service. Mendocino County has a good IT plan but it requires continued BOS commitment and effective IT leadership to assure its timely accomplishment.

## **GLOSSARY**

IS - Information Services - typically the staff professionals responsible for managing, developing or operating IT.

IT - Information Technology - a broad general term to refer to technology for developing, maintaining and using computer software, systems and telecommunications for processing data and guiding efficient workflows.

## **BACKGROUND**

In 2017, a Deputy Chief Executive Officer, in discussions with IT Staff and other department heads, recognized the need to develop a long-range plan to guide investments in Information Technologies. A Request for Proposal (RFP) was developed and an experienced governmental-systems-focused consultancy was selected.

The project was initiated in early 2018 with the objective to perform a high-level evaluation of the County's IT and to present a plan to modernize its systems. The consultancy's report was presented to the BOS and County Executive Office in October 2018 and has been the guide for modernizing the County's IT. The consultancy delivered an Optimal Technology Guidance Report (OTG) which identified and prioritized needed improvements for IT management and systems as well as the ITMP which included a timeline and annual costs for a five-year modernization program.

One recommendation was to establish an IT Steering Committee and Charter to prioritize, fund and guide the accomplishment of the 99 Initiatives identified in the ITMP. The initial meeting of the Steering Committee was not held until July 2020 and it has met quarterly under the direction of the Deputy CEO.

## **METHODOLOGY**

The GJ conducted interviews with sixteen representatives of the County including four from the BOS, County staff, and representatives of the IT consultancy. Eleven of the interviewees participated in an assessment of criteria used for evaluating the state of the County's IT.

Ideally, the GJ would have received a master project list such as in a Gantt-style format (see Appendix B) showing the overall project durations and resource requirements for staff and other costs. Such a summary of the initiatives is not available. To assess the status of the ITMP's Initiatives, the GJ analyzed the 99 initiative's and compared the original planned year of completion with a revised year of completion published in the Fiscal Year (FY) 2020/21 budget. Initiatives are listed as: Complete, In-Progress, Planned or Unplanned.

The GJ reviewed and based its findings on the following documents furnished as part of this investigation and analysis:

- Optimal Technology Guidance, October 29, 2018, Sections:
  - Report for Information Technology Master Planning pages 3-36,
  - Technology Master Plan Capital Budget (list of all Initiatives with yearly expenditures 2018-2023) pages 1-5,

- Technology Current State Needs Assessment pages 1-173.
- Attachment H of the FY 2020/21 Proposed Budget (*IT Master Plan Budget 2020\_2021 etc.pdf*)
- FY 2020/21 Approved Budget, Section for IT Sustainability Plan pages 567 – 575

## DISCUSSION

The effectiveness of the County’s IT organization was assessed based on generally accepted management principals of Planning, Organizing, Staffing, Leading and Controlling.<sup>1</sup>

### An Overall Assessment of Mendocino County’s Information Technology

The GJ surveyed eleven representatives, including a mix of elected officials, staff and consultants, and found that the average overall assessment of the various criteria of the County’s IT is generally acceptable. The overall score was 2.2 in a range of 0 for deficient to 4 for excellent. The evaluation criteria and average scores are presented as Appendix A.

The following were identified in the survey as needing improvement:

- Effective use of roadmaps (architectures, project plans, staffing) to implementing the County’s IT strategy,
- Awareness of County department heads of improved IT solutions (or training on existing systems) to reduce costs or improve services,
- Proactivity of IT Department in researching and recommending improvements to deployment of systems technologies.

Although the initiatives are also present in the ITMP, they remain unaddressed. For example:

- The 2018 OTG report, pages 5-7, compares Mendocino County’s IT staffing to peer counties with the conclusion that the County’s IT staff supported more system users, computer servers and desktop computers than similar counties.

	County of Mendocino	Peer County Average	Agency Benchmark
<b>FTEs / IT Staff</b>	<b>41</b>	<b>38</b>	<b>69</b>
<b>Servers / IT Staff</b>	<b>5</b>	<b>4</b>	<b>8</b>
<b>Computers / IT Staff</b>	<b>53</b>	<b>30</b>	<b>59</b>

- The 2018 OTG report, page 10, identified the needs for process reviews, formal Project Management and application best practices. These are included in the ITMP’s Initiatives and are partially addressed for some but not all improvements:

<sup>1</sup> *Management*, Seventh Edition, Koontz, O’Donnell, Weihsich

- Initiative 3 - Project Planning and Implementation Best Practices
  - Initiative 5 - Business Process Reviews
  - Initiative 6 - Software Selection Best Practices
  - Initiative 8 - User Training and Support
- Vacancies in the Sheriff’s IT group of three positions (two technicians and a systems administrator) and at least three to five additional positions in the County IT group including project manager(s) and business process analysts,
  - The Initiatives to be completed in the ITMP require internal staff supplemented by outside consultant specialists to complete project milestones on schedule. The exact staffing requirements are not established based on detailed task and resource loaded project. County IT staff levels are below the Agency benchmark.

The 2021/22 Mendocino County Proposed Budget illustrates a low priority given to improving the County’s IT as the Initiatives are first presented on page 567, far into the document. Additionally, the public is not informed via the County website of the need to improve IT and the number of Initiatives that remain unaccomplished, or the successful accomplishments by dedicated IS staff.

The IT staff is making progress but recognition of their work is not readily available. On page four of the CEO Report published January 26, 2021, only three projects were listed as “Complete” for that period. It neglects any mention of the newly implemented election system of November 2020, and several other projects being accomplished such as the Sheriff’s Office (SO) fiberoptic project or redundant data “center” located in a former jail holding cell.

**Status of the ITMP’s Initiatives:**

The GJ notes that the County needs a Project Scheduling Master Plan that summarizes the details of individual project plans. Such an executive level summary serves to report overall planned start and completion dates, resource requirements and progress of Initiatives and other systems projects. An illustration of this type of summary is presented in Appendix B.

The GJ approximated the status of the ITMP’s 99 Initiatives based on various documents furnished during its investigation. There are multiple projects included under each Initiative which complicates project transparency to the public. The GJ’s analysis shows the progress of the 99 Initiatives:

Status:	% of Total Initiatives	Estimated Total Cost	% of Total Estimated Cost
Completed = 19*	19%	\$8.2 million	40%
Currently in Progress = 5	5%	\$1.5 million	7%
Planned, but not Started = 69	70%	\$10.7 million	53%
No Established Completion Dates = 6	6%	\$0	0%

\* Of the 19 Initiatives identified as “Complete” in the *ITMP Draft Budget of Nov. 2020*, 14 have completion dates extending past 2021 and may not be complete. Refer to Appendix B for details.

The original estimated completion year given in 2018 for all Initiatives is 2023, and the most recent update of ITMP projects estimated completions stretching into the year 2025. Based on the difference in completion dates between the original ITMP Initiatives and their revised dates in the most recent Mendocino ITMP Draft Budget dated November 4, 2020, the average slippage of this timeline is 1.8 years.

IT should communicate the status of its Initiatives and projects that are in progress or to be initiated within the next quarter or year to the CEO, BOS and the public. There is a general benefit to presenting an accurate picture of what was, is, and needs to be accomplished. Simple reporting could accomplish this. For example:

Status of IT Initiatives								
as of: mm/dd/yyyy								
Project	Title	Status	Priority	Start	Complete	Budget	Cost to Date	Comment:
17	Aumentum Assessment and Tax Billing System	Green	High	Oct-2020	Jan-2022	\$300,000	\$ 123,456	
12	Munis Gap Analysis and Utilization Improvement	Green	High	Oct-2020	Mar-2024	\$600,000	\$ 254,123	
62	Electronic Mail (Groupwise)	Yellow	High	Mar-2021	Jun-2021	TBD		Pending BoS approval
76	MCSO Infrastructure Upgrade (Servers, SAN, and Back-ups)	Green	High	Jul-2020	Mar-2021	\$237,000	\$ 198,765	
3	Project Planning and Implementation Best Practices	Red	High	Sep-2020	Dec-2020	\$ -	\$ -	HR recruiting Proj Mgr
<i>List 2 - 3 projects to be initiated in the next quarter:</i>								
9	Training Rooms	Pending	High	Oct-2020	Oct-2020	\$ 25,000	\$ -	
28	Electronic/Digital Signatures	Pending		Oct-2020	Oct-2020	\$ 50,000	\$ -	

- Green identifies projects that are on schedule for completion,
- Yellow those that may need attention with a brief comment as to any issues,
- Red those that may not be completed as planned with a reason.

The GJ concludes that the slippage for completing the Initiatives is the result of several factors including:

- Deficiencies in project planning to recognize staffing and other resource requirements and develop realistic schedules for completion,
- deficiencies in project management and control to complete tasks as planned,
- inadequate staffing of IT for accomplishing the many Initiatives of the plan,
- past inattention by the BOS for setting priorities, providing adequate funding and monitoring the accomplishment of Initiatives.

### Benefits of Rapidly Deploying Initiatives:

A Strategic Systems Plan typically identifies a number of systems improvements that may be implemented with minimal effort and that rapidly deliver benefits to the organization. Benefits include modernizing capabilities, improving workflows and procedures, reducing costs using existing or easily implemented systems capabilities.

Under the pressures of social distancing mandates during COVID-19, to its credit, the County's IT organization rapidly addressed and delivered video conferencing thus accomplishing the related Initiatives:

- Parts of Initiative 22 as related to media management,
- Initiative 72 delivery of video conferencing capabilities using Zoom.

Immediate benefits of virtual meetings are:

- Improved public access from the vast geography of the County who may now participate in BOS meetings, Special District meetings, the GJ, etc. without significant travel time,
- reduced travel time and mileage costs of County employees,
- enhanced training capabilities.

This Initiative was originally planned for FY Ending 2020 and FY Ending 2021, but due to the pandemic was largely accomplished in the Spring of 2020. The public and employees of Mendocino County obtained the immediate benefits.

There remain certain Initiatives that have the potential to be accomplished with minimal effort. For example, Initiative 62 - Electronic Mail (Groupwise) initially scheduled in the ITMP for FY 2020 is now planned for FY 2021 through 2025. The logic for such a long delay in updating email services is questionable. *Groupwise* is essentially obsolete with less than a 0.19% market share and is internally managed on five servers which requires support staff and internally supported systems resiliency. It also presents a risk of a data breach as reported by one Supervisor whose identity was recently used in a phishing attempt that passed filters on *Groupwise* and circulated to County staff.

The ITMP Report<sup>2</sup> in October 2018 proposed its replacement as *Microsoft Exchange* and *Outlook*:

- The County already licenses *Microsoft Office* products for word processing, spreadsheets and other capabilities and *Outlook* and *Exchange* are fully integrated with those applications,
- there are several email archival conversion products to migrate from *Groupwise* to *Outlook/Exchange* or the County could merely cutover, maintaining *Groupwise* for historical archive and use *Outlook/Exchange* on a go-forward basis,
- the County appears to be in a position to implement *Outlook/Exchange* and more rapidly obtain its benefits as either internally managed servers or as a cloud-based application from *Microsoft*.

Using a cloud-based approach like migrating to *Microsoft (MS) Business Professional 365* provides the full suite of *MS Office* products which County employees already use along with *MS email* and *MS Defender* which protect against malware and other cyberthreats. Software and data are hosted in highly secure, resilient sites and systems maintenance shifts to professionals from Microsoft. This accomplishes parts of:

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<sup>2</sup> Technology Current State Assessment report dated October 29, 2018 page 112

- Initiative 55 - Cloud Computing for potential cost savings<sup>3</sup>
- Initiative 85 - Disaster Recovery Planning (for Office products' processing and data storage)<sup>4</sup>
- Initiative 86 - Disaster Recovery Site Implementation (for Office products' processing and data storage)<sup>5</sup>

This could be an initial assignment for a project manager collaborating with outside contractor expertise to accomplish these initiatives within months, not years. It would also provide the proof of concept for migration of other systems used by the County, such as *MUNIS*, to either cloud or hosted web services.

Cloud Computing is specifically addressed in Appendix G.3 of the FBI's Criminal Justice Information Services (CJIS) Security Policy<sup>6</sup> with excellent descriptions of essential characteristics, deployment models (public, private, community, hybrid), service models (Software as a Service, Platform as a Service, Infrastructure as a Service) and security implications. Refer to Figure 1 for a conceptual diagram. Bottom-line: cloud computing would be permitted for systems used by law enforcement.

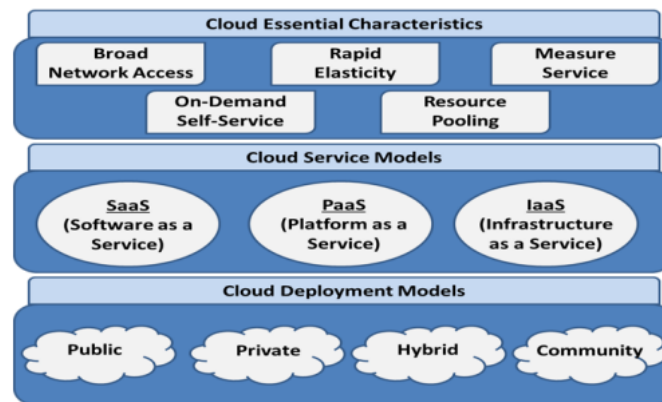


Figure 1 - Visual Depiction of the NIST Cloud Computing Definition

The SO recently installed a fiber optic conduit and circuits from the Low Gap Administration center to the jail facility. Both the SO IS and the County's IS are addressing the need for redundancy by building computer rooms in separate remote locations. The internally supported computer rooms require back-up for electrical and air conditioning, floor space and support staff. The SO presently has its central computer system in one building while the County has its computer systems in another. The GJ notes that server racks in both rooms lack earthquake resistant tie-downs.

Had the County coordinated its IT support, only one server room and a back-up site would have been required. However, if the County had pursued a strategy to move its systems to a cloud or hybrid computing model, the vendor would provide redundant systems, cooling and electrical

<sup>3</sup> *ibid*, page 103

<sup>4</sup> *ibid*, page 153

<sup>5</sup> *ibid*, page 155

<sup>6</sup> [CJIS Security Policy v5-9 20200601.pdf](#) Version 5.9 06/01/2020, pages G-15 to G-31

power. The County would only need to assure that it had long-line redundant connectivity though the several internet service providers in Mendocino County.

Some other examples of Initiatives that could be rapidly initiated and completed include:

- Initiative 45 OpenGov - this has been licensed by the County since 2017 (or the County could use the Tyler Transparency Service as it already licenses *MUNIS* and *Aegis* systems which are fully integrated with that product<sup>7</sup>). *OpenGov*, or similar product, provides automated reporting in easy to understand, graphical formats of financial information to elected officials, staff, and the public. Refer to Appendix D for an illustration of features.
- Initiative 89 Security Assessment<sup>8</sup> - the County’s last assessment was reportedly in 2005 or 2006 and best practices are to independently assess at least every three years. The assessment was planned for FY 2021/22 but since it is severely past due it needs immediate attention and could be performed as a contracted service by a professional, independent information systems auditor as a responsibility typically that of a County Auditor/Controller.

The County did implement email phishing testing of staff in June 2020 with an initial failure rate of 40.9%, followed by additional staff training and a retest with a 23.5% failure rate. The typical Industry failure rate is 14%; the County needs to address this continued deficiency as it poses a *severe risk* to the County’s and public’s information.

- Initiative 31 Website Content (Management Training) – Appendix C contains examples of obsolete or dysfunctional web pages of the County and presents a survey and assessment of the forms available on the County’s website. The following is a summary of the results and does not include forms that are not available:

Status:	Number of Forms
Acceptable (functional)	3
In Progress of Improvement	14
Planned for Improvement	2
Needs Improvement but Not Currently Planned	9
Total	28

Nearly all forms on the County website available to the public to request services, provide reports to the County, apply for permits, etc. need improvement. Most forms merely allow information to be filled out and the Form printed and then mailed to the applicable County Department where it is manually logged and processed.

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<sup>7</sup> ibid page 89

<sup>8</sup> Ibid, page 158

This is in sharp contrast to how most businesses and other Counties use forms on their websites, as workflows are automated once a customer (the public) submits a request. Some of the County's outside vendor systems support such capabilities but have not been deployed. One example of a recently implemented success using the *Aumentum* system is providing the ability for County taxpayers to pay property and some other taxes on-line.

The Grand Jury could not locate any feature for the public to suggest improvements to the County website or administrative departments (apart from sending an email).

Departments are responsible for maintaining their webpages. The SO in November 2020 addressed its website maintenance needs by issuing an RFP to an outside vendor to maintain its website. The County missed an opportunity to combine its needed website improvements with those of the SO into a more comprehensive RFP to address all County website deficiencies. As an alternative, the County would have found advantage in recruiting its own webmaster or outsourcing website maintenance to a professional services firm.

County websites are inconsistent and do not use “.gov” as the governmental unit domain registry, maintained by the Federal General Services Administration (GSA):

- The County's site is from: <https://www.mendocinocounty.org> (.org is typically for private sector organizations)
- The SO site is from: <https://mendocinosheriff.com> (.com is typically for private businesses)

## Organization

During the GJ investigation the BOS decided to create the position of Chief Information Officer (CIO) which would have been one of the recommendations of this GJ report.

Qualifications for a CIO would include:

- proven accomplishment of large IT projects on time and within budget,
- strong leadership with excellent communication skills,
- progressive in understanding and applying modern IT approaches such as software as a service, cloud or hybrid computing,
- organizational transformation through workflow automation,
- strong financial background with a focus on improving Return on Investment.

Ways to obtain a CIO's expertise:

- outsource,
- engage a consultant (advantage: can terminate easily if progress is not made),
- hire an employee and make accomplishment a requirement for retention and award of any benefits or bonuses.

IS has one Division Manager and one Operations Manager with one IS coordinator, six technicians and six network systems analysts listed on the County's Staff directory. The GJ understands that the County is recruiting a project manager and business process analysts.

A deeper explanation for the skills and expectations of a business process analyst are:

- identification of process inefficiencies,
- recommendation for opportunities to improve efficiency and streamline processes through the application of IT technologies.

The SO has its own separate IS organization with one manager, one systems administrator, one developer/analyst and one personal computer technician. The IS Department supports the local area network and *Sophos* malware protection and provides systems administrative assistance as needed to the SO.

According to the California State Association of Counties description of the Sheriff-Coroner Office, Information Services is not one of its typical six office responsibilities which all focus on law enforcement related duties.

Mendocino County can benefit from a consolidated IT shared services model that allows for greater flexibility in staffing assignments, systems equipment and focus on the IT Initiatives of Mendocino County. Background investigations would continue to be required of IS Staff that support the SO systems if they must access DOJ or FBI provided systems. A dotted line responsibility would exist between the Sheriff or Undersheriff and the CIO.

Per California Law Enforcement Telecommunications Systems Policies Procedures Practices:<sup>9</sup>

- B. Personnel authorized terminal access to the CLETS may be sworn law enforcement or criminal justice personnel, non-sworn law enforcement or criminal justice personnel, volunteer personnel and private vendor technical or maintenance personnel who have been subjected to a background security clearance to include, at a minimum, the following checks:
1. A CA DOJ fingerprint-based criminal offender record information search.
  2. An FBI fingerprint-based criminal offender record information search.
  3. Additionally, the CA DOJ criminal justice databases may be accessed for background investigation of law enforcement and criminal justice employees, with the exception of the Automated Criminal History and Mental Health Firearms Prohibition Systems.

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<sup>9</sup> [clets-ppp.pdf](#) 12/19 page 42

## Funding and Management Concerns

The overall estimated costs to accomplish the County’s existing ITMP Initiatives appear reasonable based on the professional, experience guidance of the October 2018 ITMP and the annual ITMP budgets. However, adequate funding appears deficient and may not include all organizational costs for additional staffing:

IT Initiative	Project Comments	Priority	Third Party Assistance Required	Source	FY20-21 Budgeted	FY21-22 Budgeted	FY22-23 Budgeted	FY23-24 Budgeted	FY24-25 Budgeted
<i>Total Application</i>					\$ 2,020,456	\$ 1,270,000	\$ 1,130,000	\$ 475,000	\$ 125,000
<i>Total Infrastructure</i>					\$ 4,822,600	\$ 4,206,300	\$ 2,926,672	\$ 1,012,581	\$ 1,447,329
<b>GRAND TOTAL</b>					\$ 6,843,056	\$ 5,476,300	\$ 4,056,672	\$ 1,487,581	\$ 1,572,329
<i>Allocated Funding</i>					\$ 2,165,741				
<i>Difference</i>					\$ 4,677,315				

County Policy 35 adopted May 23, 2000, and not updated since, established funding for IT Replacement, specifically:

The County of Mendocino shall fund the Information Technology Reserve with automatic deposits of an amount no less than \$20,000 per month from the General Fund. Unless specifically directed by the Board of Supervisors, the automatic deposits shall not cause the Reserve to exceed an accrued balance of \$850,000. In the event that the Reserve accrues a balance of \$850,000, deposits may be suspended until funds are withdrawn for information technology-related expenditures sufficient to draw the balance of the Reserve below \$850,000. Should economic conditions warrant, the Board may suspend deposits into the Information Technology Reserve.

The Office of Auditor/Controller was unsure of its reserve balance or usage but confirmed that the IT Reserve (Fund 7170) as of June 30, 2020 had a balance of \$5,296,205.23.

## FINDINGS

- F1. The CEO and BOS have not clearly defined the scope, authority or recruitment strategy for the proposed CIO position.
- F2. The completion of the 99 Initiatives of the IT Master Plan has been delayed by 21 months due to factors such as a low priority for improving IT, uncoordinated project management, budgetary commitments and demonstrated deficient leadership.
- F3. The BOS approves funding for the ITMP but does not participate on the ITMP Steering Committee to communicate priorities, provide leadership and approve resources.

- F4. Since some costs are recorded in departmental budgets but not consolidated into the ITMP, the total cost of the Initiatives is possibly underrepresented by millions of dollars.
- F5. The SO IS Department has been allowed to operate separately from the County's IS department which is a detriment to efficient delivery of services and cost effectiveness.
- F6. If the IT staff with access to DOJ systems have received clearance to maintain equipment of the SO, there is no legal obstacle that would prevent reporting to a central IT Department headed by a CIO.
- F7. Project status reporting is not clearly or regularly represented to the public and the BOS, thus leaving them uninformed of IT's priorities and project initiatives.
- F8. Project Manager position(s) are unfilled, or the need not recognized, which leads to project plans not consistently being prepared for the management of IT Initiatives.
- F9. Project managers and process application analysts are critical and unfilled positions in Mendocino County's IT organization, which is already understaffed given the number of Initiatives in the ITMP as well as on-going operational needs.
- F10. The County's efforts to secure its systems has not been evaluated by an independent audit in more than fifteen years which presents a considerable risk of systems compromise or ransomware attack.
- F11. The Auditor/Controller has not established the accounting procedure for the mandated funding reserve established by County Policy 35 which is obsolete and inadequately capped at \$850,000.
- F12. Unlike many modernized California Counties, there are few mechanisms for the public to request most on-line County services or electronically submit forms thus inadequately serving the needs of the public and efficiently processing through County staff.
- F13. The County plans to issue an unnecessary and expensive RFP to select an alternative email service to replace *GroupWise*, when *Microsoft* email could simply be implemented. The County already licenses all other *Office* software from *Microsoft* except for email which is tightly integrated with all other *Microsoft* products.

## **RECOMMENDATIONS**

The Grand Jury recommends that:

- R1. the BOS and CEO define the scope, authority, fiscal responsibility, recruitment strategy for and establish the position of Chief Information Officer/Director of Technology by August 1, 2021. Possibilities for filling this position include: outsourcing, consulting service or direct hiring of an at-will director with the charge to complete the ITMP by July 1, 2026. (F1, F2)

- R2. the CIO position focus on improving the IT infrastructure in a steady, timely manner with quarterly public status reporting of active and planned Initiatives to the CEO and BOS including planned start and completion dates, progress status, budgeted cost and spending to date. (F1, F2, F7-F9)
- R3. by August 1, 2021, the BOS assign at least one member to take part in the quarterly ITMP Steering Committee meetings and report back to the BOS to set priorities for projects and to facilitate funding. (F3)
- R4. the BOS establish a consolidated, shared County IT Department responsible for all IT functions under the direction of a Chief Information Officer/Director of Technology by FY 2022. Any centralized IT staff that support the SO shall receive the requisite background check required by DOJ. (F4-F6)
- R5. the BOS with the CIO, as part of the FY 2022-23 budget, consolidate all IT related costs, including ITMP funds into a single IT budget that accurately reflects total IT costs. These costs could then be appropriately allocated to department budgets as a proportioned shared service thus providing greater transparency to the public. (F4, F7-F9)
- R6. the BOS revise Policy 35 by October 1, 2021 and base its funding on the capital cost needs established in the ITMP. (F3, F4, F7-F9, F11)
- R7. the BOS, through its CIO, engage a County-government-experienced consultancy to evaluate all websites managed with County funds, including those of Special Districts. This to include recommendations for the design/maintenance strategy and cost/benefit justified funding to better serve the public by January 1, 2022. (F12)
- R8. the Auditor/Controller, as part of their responsibility for safeguarding County assets, engage an independent outside auditor to evaluate the County's systems, website and network security and recommend corrective actions. This is in addition to continued quarterly phishing testing. (F10)
- R9. by August 1, 2021, the County IS cutover all County email services from *GroupWise* to *Microsoft Exchange* as the email server and *Outlook* for the user interface. (F13)

## **REQUIRED RESPONSES**

Pursuant to Penal Code § 933 and 933.05, the grand jury requires responses as follows:

From the following governing bodies within 90 days:

- BOS (F1-F9, F11-F13, R1-R9)

From the following elected officials within 60 days:

- SO (F4-F6, R4)

- Auditor/Controller (F10, F11, R6, R8)

### **REQUESTED RESPONSES**

Pursuant to Penal Code § 933 and 933.05, the grand jury requests responses as follows:

From the following officials within 90 days:

- Director of Information Services (F13, R9)
- Chief Executive Officer (F1-F2, F8, F9, F13, R1, R2, R9)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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## **BIBLIOGRAPHY**

Attachment H Mendocino County Information Technology Master Planning Budget 2020/21

Criminal Justice Information Services (CJIS) Security Policy, U.S. Department of Justice, Federal Bureau of Investigation Version 5.9  
06/01/2020 CJISD-ITS-DOC-08140-5.9

California Law Enforcement Telecommunications System Policies, Practices and Procedures (and Statutes), California Department of Justice California Justice Information Services Division Rev 12/19

Digital Counties Survey 2020 – Winners Announced (govtech.com)

Mendocino ITMP Draft Budget 2020-11-04

Report for Information Technology Master Plan (ITMP), October 29, 2018 (*report to the BOS and County Staff prepared by an outside consultancy*)

## **APPENDICES:**

**A – ASSESSMENT OF IT CRITERIA**

**B - MENDOCINO COUNTY’S PROJECT PLAN SAMPLES VS. BEST PRACTICES**

**C - MENDOCINO COUNTY’S WEBSITE PUBLIC DISSERVICE**

**D - EFFECTIVE PUBLIC COMMUNICATION AND TRANSPARENCY: OPENGOV**

**APPENDIX A  
ASSESSMENT OF IT CRITERIA**

<u>Criteria:</u>	<u>Average Score:</u>	<u>Compared to Exceptional</u>
The Strategic vision of the effective and efficient use of Information Technologies for governing, reporting and providing services within the County	2.3	57%
Effective use of roadmaps (architectures, project plans, staffing) to implementing the County's IT's strategy	1.7	43%
Awareness / knowledgeableability of staff (both IT and user communities) of emerging technologies and support strategies / tactics (outsourcing, shared services, contracting, software as a service)	2.4	60%
Alignment of the IT's strategy / master plan and its priorities for implementation with the key functions and services of County governance and citizen services (law enforcement, records, taxation, etc.)	2.3	58%
Awareness of County department heads of improved IT solutions (or training on existing systems) that could reduce costs or improve services?	1.9	47%
Participation of County departments (key users or department heads) in setting priorities for acquiring and implementing best of class technology	2.3	56%
Proactivity of IT Department in researching and recommending improvements to deployment of systems technologies?	1.9	48%
Correct priorities are being followed for acquiring and implementing IT technologies	2.7	68%
<b>Overall:</b>	<b>2.2</b>	<b>55%</b>
Deficient		0
Needs Much Improvement		1
Improving / Needs Improvement		2
Acceptable		3
Exceptional		4

As a step in the interviews of 11 representatives including a mix of Elected Officials, Staff and Consultants, they were asked to subjectively rate the following criteria of IT using a scale of 0 to 4, where 0 means not acceptable and 4 is exceptional. The summarized results are presented below:

The **conclusions** are that the County's IT is not Exceptional but is also not Deficient. Three criteria that need attention are:

- **Project Planning and Management,**
- **Awareness of County department heads** for improvements to reduce costs or improve services
- **Proactivity of the IT Department** in researching and recommending improvements.

## APPENDIX B MENDOCINO COUNTY'S PROJECT PLAN SAMPLES VS. BEST PRACTICES

Examples of Mendocino County's varied IT Project Plans:

- Calendar style for the Aumentum Property System Replacement:

**February 2021**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
31	1 AT Data Conversion End User Training	2 AT Data Conversion End User Training	3 AT Data Conversion End User Training	4 AT Data Conversion End User Training	5 AT Data Conversion End User Training	6
7	8 Go Live Data Validation & 2020 Balancing	9 Go Live Data Validation & 2020 Balancing	10 Go Live Data Validation & 2020 Balancing	11 Go Live Data Validation & 2020 Balancing	12 Go Live Data Validation & 2020 Balancing	13
14	15 Holiday	16 Go Live	17 Go Live	18 Go Live	19 Go Live	20
21	22 Go Live Support	23 Go Live Support	24 Go Live Support	25 Go Live Support	26 Go Live Support	27

- Spreadsheet punch list style for the Microwave Upgrade:

A	B	C	D	E	F
Item	Action Description	Resp. Party	Anticipated/Required Completion	Completed	Comments/ Status update
1	Site survey for Radio/MPLS Network	Peter Crosbie	2/26/2020	2/26/2020	Survey to start on February 25th.
2	Survey for Point Arena tower and equipment room	Peter Crosbie	2/26/2020	2/26/2020	Meeting scheduled at the site on February 25th.
3	Release of radio order to manufacturing	Sung Tran	3/5/2020	3/6/2020	PCNs sent to Mendocino Co. for approval on March 2nd.
4	Schedule remote network design workshop	Johnny Zhang		3/2/2020	Workshop held on March 3rd.
5	Provide services lists to Ning (Johnny)	Gary Henning	3/19/2020	3/17/2020	Gary stated that there are no additional updates.
6	Provide first draft of updated HLD	Ning Zhang	3/24/2020	3/19/2020	Revision provided on 3/25.
7	Provide LLD for 9500 MPR radios	Trevor Bartlett	3/27/2020	3/26/2020	E-mail from Trevor on 3/26.
8	Provide warehouse address for equipment deliveries	Peter Crosbie	3/25/2020	4/3/2020	E-mail from Peter on April 3rd.
9	Approval of HLD	Greg Glavich	4/10/2020	4/9/2020	Approved on April 9th.
10	Completion of config. files for 7705s	Kevin Asato	4/17/2020	4/17/2020	
11	Shipment of radios to warehouse after factory testing	Ron Basso, Peter Crosbie	5/15/2020	5/19/2020	Delivered to Tracy warehouse on May 19th.
12	Shipment of antennas & line equipment to warehouse	Ron Basso, Peter Crosbie	5/28/2020	5/28/2020	Antennas will be delivered to Tracy warehouse on May 28th.
13	Need access to Mendocino County's network for integration planning and review of configs for 7450s and 7250s	Kevin Asato, Mendocino County	6/15/2020	5/27/2020	Kevin stated that he has a way to get access. This issue is closed.
17	Need permit for 40 foot tower	Greg Glavich	8/31/2020	9/2/2020	Approval has been received.
19	Need most current detailed drawing for the new tower	Peter Crosbie	9/11/2020	9/9/2020	

- Gantt-style Project plan for the Point Arena Expansion Project:

ID	Task Name	Duration	Start	Finish	Predecessors	Resource Names	Feb 9, '20	S	M	T	W	T	F	S
1	<b>Mendocino County Point Arena Expansion Project</b>	<b>178 days</b>	<b>Thu 2/20/20</b>	<b>Mon 10/26/20</b>										
2	Site survey for 3 MW Radio/MPLS sites	2 days	Tue 2/25/20	Wed 2/26/20		Peter Crosbie								
3	Site survey for Point Arena tower	2 days	Tue 2/25/20	Wed 2/26/20		Peter Crosbie								
4	<b>Frequency Coordination and FCC Licensing</b>	<b>59 days</b>	<b>Thu 2/20/20</b>	<b>Tue 5/12/20</b>										
5	Frequency coordination	8 days	Thu 2/20/20	Mon 3/2/20		Sung Tran								
6	Approval of coordination data	1 day	Tue 3/3/20	Tue 3/3/20	5	Mendocino County								
7	FCC Licensing Process	50 days	Wed 3/4/20	Tue 5/12/20	6	Nokia								
8	<b>Engineering and Manufacturing of MW Radios</b>	<b>30 days</b>	<b>Mon 2/24/20</b>	<b>Fri 4/3/20</b>										
9	Engineering design	3 days	Mon 2/24/20	Wed 2/26/20		Sung Tran								
10	Ordering and manufacturing of radios	22 days	Thu 2/27/20	Fri 3/27/20	9	Sung Tran								
11	Testing and delivery of radios to factory staging area	5 days	Mon 3/30/20	Fri 4/3/20	10	Nokia								
12	Prepare LLD for radio configurations	15 days	Mon 3/9/20	Fri 3/27/20		Trevor Bartlett								
13	<b>Update for High Level Design and configuration files</b>	<b>34 days</b>	<b>Tue 3/3/20</b>	<b>Fri 4/17/20</b>										
14	Conduct remote network design workshop	1 day	Tue 3/3/20	Tue 3/3/20		Ning Zhang								
15	Modify High Level Design document	16 days	Wed 3/4/20	Wed 3/25/20	14	Ning Zhang								
16	Approval of HLD	11 days	Thu 3/26/20	Thu 4/9/20	15	Mendocino County								
17	Develop configuration files	6 days	Fri 4/10/20	Fri 4/17/20	16	Kevin Asato								
18	<b>New Point Arena Tower Site</b>	<b>172 days</b>	<b>Thu 2/27/20</b>	<b>Fri 10/23/20</b>										
19	Prepare electrical drawings	9 days	Thu 2/27/20	Tue 3/10/20		Peter Crosbie								
20	Prepare rooftop engineering drawings	12 days	Thu 2/27/20	Fri 3/13/20		Peter Crosbie								
21	Install power cables between two buildings	5 days	Mon 5/4/20	Fri 5/8/20		Peter Crosbie								
22	Order and install generator	155 days	Mon 3/2/20	Fri 10/2/20		Peter Crosbie								
23	Run electrical up to new equipment room	10 days	Mon 5/11/20	Fri 5/22/20		Peter Crosbie								
24	Framing of equipment room	10 days	Mon 5/11/20	Fri 5/22/20		Peter Crosbie								
25	Install DC Power	4 days	Tue 7/21/20	Fri 7/24/20		Peter Crosbie								
26	Erect and install 40' tower	60 days	Mon 8/3/20	Fri 10/23/20		Peter Crosbie								
27	Ordering/delivery of antennas and line equipment	59 days	Mon 3/9/20	Thu 5/28/20		Peter Crosbie								
28	Ordering & delivery of 7705 equipment to factory staging area	35 days	Mon 2/24/20	Fri 4/10/20		Nokia								
29	Ordering & delivery of TSM-8000 to Mendocino County	24 days	Mon 3/2/20	Thu 4/2/20		Sung Tran								
30	<b>Factory Integration of radios, 7705s and TSM-8000</b>	<b>27 days</b>	<b>Mon 4/13/20</b>	<b>Tue 5/19/20</b>										
31	Racking, cabling and pretesting	10 days	Mon 4/13/20	Fri 4/24/20		Nokia								
32	Installation and integration of TSM-8000 and configuration files	5 days	Mon 4/27/20	Fri 5/1/20		Nokia								
33	Factory integration testing	4 days	Mon 5/4/20	Thu 5/7/20		Nokia								

Project: Mendocino County Pt. Arena Date: Tue 10/27/20	Task		Inactive Milestone		Finish-only	
	Split		Inactive Summary		External Tasks	
	Milestone		Manual Task		External Milestone	
	Summary		Duration-only		Progress	
	Project Summary		Manual Summary Rollup		Deadline	
	External Tasks		Manual Summary			
	External Milestone		Start-only			

*Many IT projects of the County lack a project plan with detail tasks, durations, interdependencies, and resource loading.*

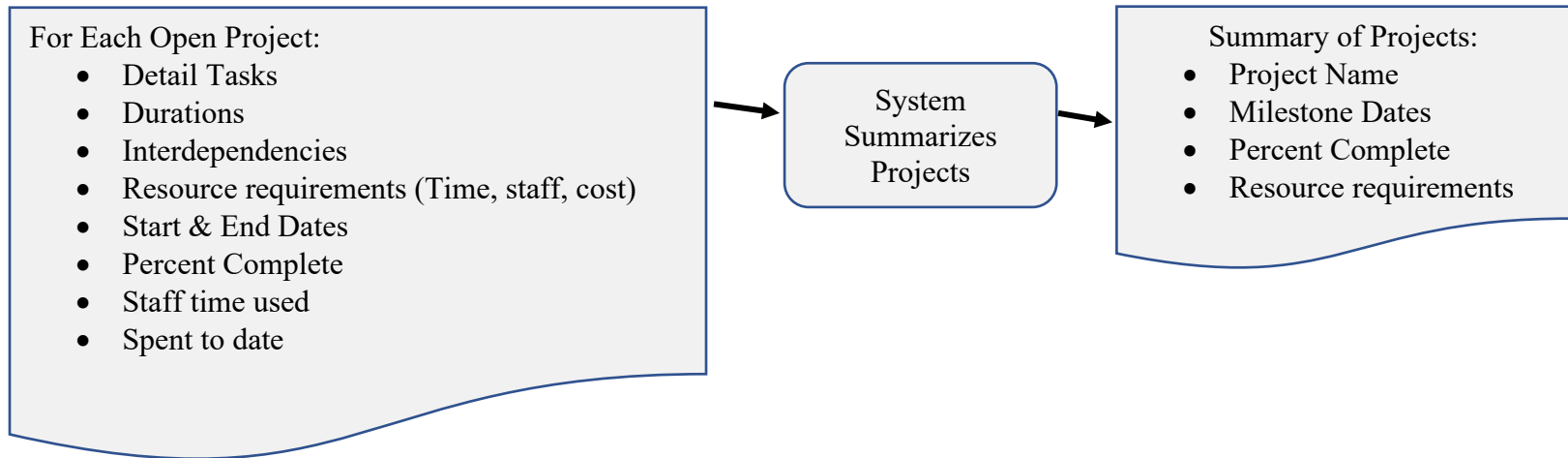
**Best Practice Suggestions:**

Monthly Executive Presentation to BOS and Published on IT Webpage:

Status of IT Initiatives								
as of: mm/dd/yyyy								
Project	Title	Status	Priority	Start	Complete	Budget	Cost to Date	Comment:
17	Aumentum Assessment and Tax Billing System	Green	High	Oct-2020	Jan-2022	\$ 300,000	\$ 123,456	
12	Munis Gap Analysis and Utilization Improvement	Green	High	Oct-2020	Mar-2024	\$ 600,000	\$ 254,123	
62	Electronic Mail (Groupwise)	Yellow	High	Mar-2021	Jun-2021	TBD		Pending BoS approval
76	MCSO Infrastructure Upgrade (Servers, SAN, and Back-ups)	Green	High	Jul-2020	Mar-2021	\$ 237,000	\$ 198,765	
3	Project Planning and Implementation Best Practices	Red	High	Sep-2020	Dec-2020	\$ -	\$ -	HR recruiting Proj Mgr
<i>List 2 - 3 projects to be initiated in the next quarter:</i>								
9	Training Rooms	Pending	High	Oct-2020	Oct-2020	\$ 25,000	\$ -	
28	Electronic/Digital Signatures	Pending		Oct-2020	Oct-2020	\$ 50,000	\$ -	

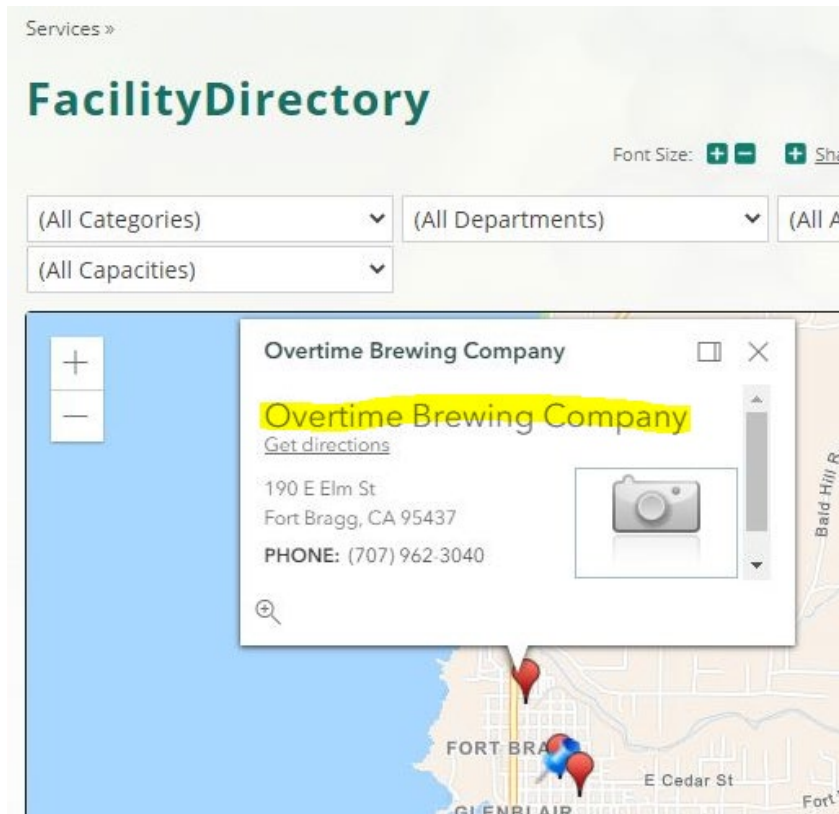
The above is summarized from a top-level view of all projects in progress per below:

Integrated Project Planning Approach:



**APPENDIX C**  
**MENDOCINO COUNTY'S WEBSITE PUBLIC DISSERVICE**

When searching for **County Facilities** in its website, it is interesting to note this inclusion in the County's Facility Directory:



or when searching for Form 700 Filings to see a list of individuals departed months or years from the County:

**The Mendocino County Clerk-Recorder accepts and files the Statement of Economic Interest (Form 700) for:**

- County Supervisor District 1 Name redacted; HAS BEEN REPLACED
- County Supervisor District 2 Name redacted; HAS BEEN REPLACED
- County Supervisor District 3 Name redacted; HAS BEEN REPLACED
- County Supervisor District 4 Name redacted; currently in position
- County Supervisor District 5 Name redacted; HAS BEEN REPLACED
- Planning Commissioner Name redacted; HAS BEEN REPLACED
- Planning Commissioner Name redacted; HAS BEEN REPLACED
- Planning Commissioner Name redacted; currently in position
- Planning Commissioner Name redacted; HAS BEEN REPLACED
- Planning Commissioner Name redacted; currently in position
- Planning Commissioner Name redacted; currently in position
- Planning Commissioner Name redacted; HAS BEEN REPLACED
- District Attorney - Name redacted; currently in position
- Treasurer-Tax Collector Name redacted; currently in position
- County Counsel Name redacted; HAS BEEN REPLACED
- Chief Executive Officer Name redacted; currently in position

The Grand Jury reviewed the County’s website and listed the Forms available. The IS Department was requested to rate each form as: **A**=Acceptable, **NI**=Needs Improvement, **IP**=In-progress of being improved, **PI**=Planned for Improvement. *The examples are forms that have to be printed and emailed in.* Results are presented on the following page:

Summary: **A 3** **IP 14** **PI 2** **NI 9** Total: 28

<b><u>Department:</u></b>	<b><u>Suggested Areas of Improvement?</u></b> <i>(examples noted)</i>	<b><u>Rating:</u></b>
Agriculture	Pesticide reporting forms (various)	NI
Animal Care Services	Pet license application / renewal	A
Assessor, County Clerk, Recorder	1. Change of ownership statement 2. Vote by Mail application	A/IP
Auditor/Controller	1. Change of address form for property 2. County budget – public visibility 3. Financial dashboards	1,2:None apply. 3: open gov (CEO)

County Counsel	Notice of Claim form	NI
Cultural Services	Library offers several on-line forms Parks uses email for group reservations	PI
District Attorney	(probably no improvement)	(discovery)
GIS Information	1. Assessor Parcel Map (almost impossible to locate) 2. Parcel Look-up (3 <sup>rd</sup> party – OK)	IP
Health & Human Services	3. Monitoring Well Application 4. Non-std Septic Monitoring form 5. Water Well Application, etc....	NI
Human Resources	Various employee forms	Internal
Planning & Building Services	1. Costal Permit Applications 2. Building Permit Applications / Inspection Requests 3. TrackIt Land Use 4. Cannabis Applications and Reporting	IP
Probation	Public records request (contracted with Lexipol?)	?
Public Defender	County Inmate Locator fails as HTTP 404	fixed
Sheriff / Coroner	Website RFP? 1. Complaint Form 2. CCW Applications	NI
Transportation	1. Encroachment Permit Application 2. Transportation Permit Application 3. Road Problem Report Form	IP?
Treasurer/Tax Collector	1. Penalty Cancellation Request form 2. Tax Payments (various are on-line) 3. Cannabis Tax forms	IP

## APPENDIX D EFFECTIVE PUBLIC COMMUNICATION AND TRANSPARENCY: OPENGOV

OpenGov provides transparent and easy to understand reports to the public and County elected officials and executives. They feature the ability to drill down to additional levels of detail. Examples below for illustration:

### Annual Report

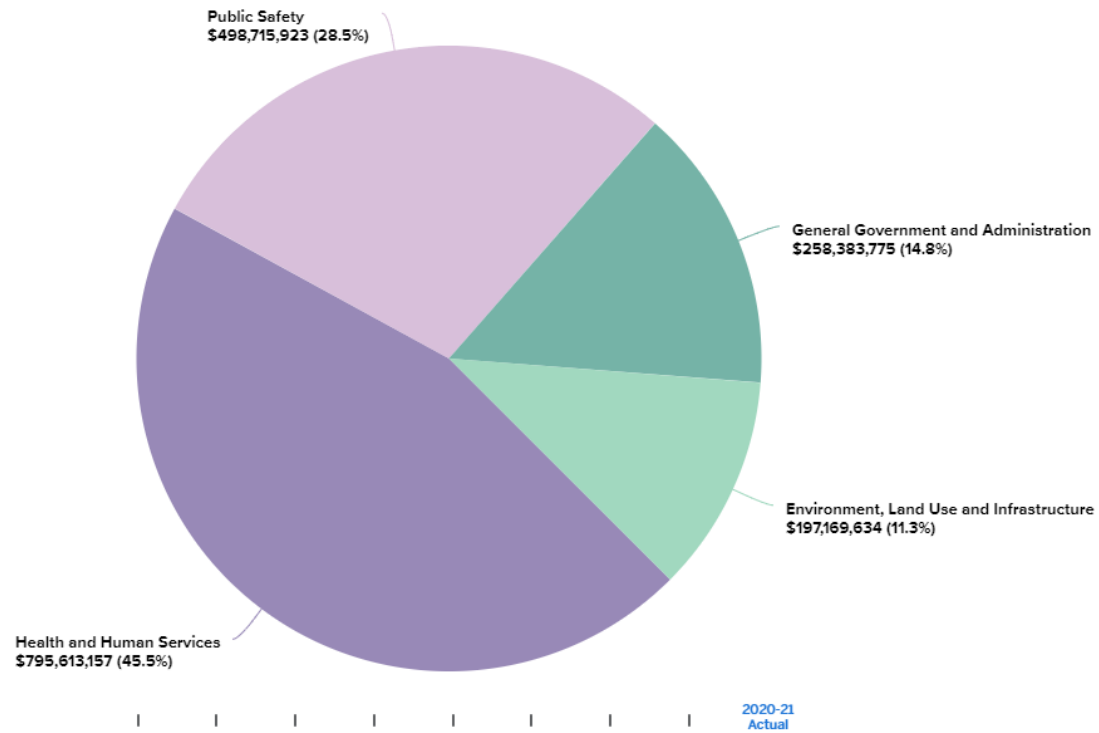
Updated On 5 Mar, 2021

[← Back](#) [↺ History](#) [↻ Reset](#)

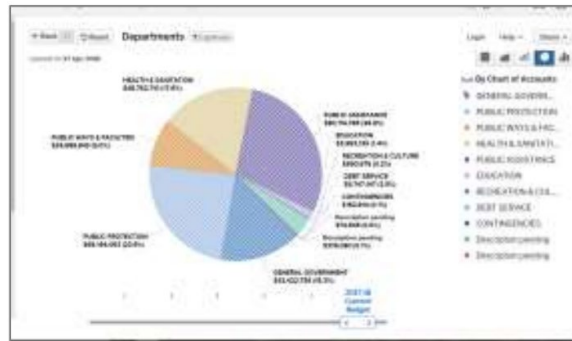
Broken down by

Service Areas [County Funds](#) [Expenses](#)

Visualization



Expense AC	2018 03 Actual	2019 03 Actual	2020 03 Actual	2021 03 Actual	2022 03 Actual	2023 04 Actual	2024 05 Actual
GENERAL GOVERNMENT	\$ 2,738,128	\$ 23,062,122	\$ 70,703,739	\$ 20,855,476	\$ 28,761,009	\$ 20,280,804	\$ 21,167,199
PUBLIC PROTECTION	40,415,363	48,393,039	40,807,394	43,441,223	47,752,967	40,896,835	33,386,011
PUBLIC WORKS & FACILITIES	15,939,941	22,467,786	13,876,969	14,820,833	12,266,123	14,574,741	25,027,264
HEALTH & SANITATION	20,290,279	26,411,288	31,732,331	29,280,822	28,974,086	23,288,303	21,363,083
PUBLIC ASSISTANCE	18,775,442	57,042,484	56,306,162	52,594,208	54,388,188	58,471,221	67,751,267
EDUCATION	1,848,838	1,737,986	1,738,519	1,901,293	2,221,806	2,612,212	2,945,654
RECREATION & CULTURE	367,385	342,046	201,518	221,242	286,671	422,204	342,671
DEPT SERVICE	12,805,384	11,604,011	10,822,913	11,211,272	10,122,885	9,902,305	8,194,986
CONFERENCES	0	0	0	0	0	0	0
Discretionary spending	0	0	0	0	0	0	0



### Current Year Report

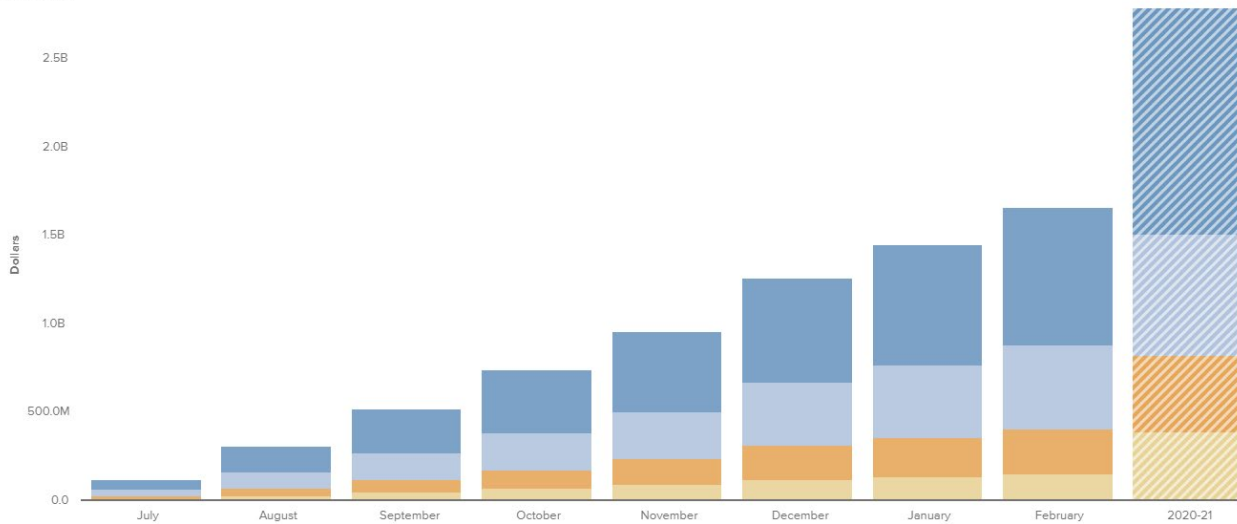
Updated On 5 Mar, 2021

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Service Areas

Visualization



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# **THE ORR STREET BRIDGE - TWELVE YEARS OF DELAY**

July 16, 2020

## **SUMMARY**

In 2008, Waugh Lane and Orr Street Bridges were on the Ukiah City Council docket for refurbishment. Waugh Lane was renovated in 2010, however, the Orr Street Bridge has been closed since 2009 and remains unrepaired and in a hazardous condition.

If the City realized there was disagreement between the Public Works Department (PW) and the Wagenseller Neighborhood Association (WNA) and had researched guidance from CA Public Resource Code they could have solved this problem years earlier at a much lower cost.

The result of City inaction has resulted in a blighted bridge, inoperable for any use. Conflict in determining the use of this bridge between the WNA and the PW has resulted in no action despite the funding allocation for repair. Work may be delayed further because its condition was included in a grant application for Community Development Block Grant (CDBG) funds. This grant will cover the cost of a community needs survey.

## **BACKGROUND**

The Grand Jury (GJ) received a complaint about the condition of the Orr Street Bridge and the 12-year absence of City action after it had been closed to traffic in 2008. After a site visit, the current condition of the bridge prompted the GJ to investigate.

## **METHODOLOGY**

The GJ visited and photographed the bridge and surrounding neighborhood. Interviews were conducted with City Administration, Staff, members of the WNA, neighbors to the north and south of the bridge, and C&S Waste Solutions staff. Documents included in the citizen complaint have been verified.

## **DISCUSSION**

The Wagenseller neighborhood, located in the northeast section of Ukiah, is one of the City's oldest neighborhoods and is home to many working-class households. It has long streets and no parks. In addition to many rental properties and Public Housing, there also remain homes designed in early 19<sup>th</sup> Century architectural styles.

In the early 2000's, the WNA successfully organized to take on a number of neighborhood problems including, drug use, parking and traffic issues. The WNA cooperated with the Ukiah Police Department to address drug problems in the neighborhood. The Association then focused on the single-lane Orr Street bridge as it did not safely serve the amount of cut-through traffic to Brush Street.

In August 2008, the WNA attended a City Council meeting to address the Orr Street Bridge and

began their appeal to the City to change the use of the bridge to pedestrian and bicycle use only.

In 2009, a bridge constructed for the Orchard Street extension to Brush Street was opened allowing through traffic to Brush Street. The City closed the Orr Street bridge for repairs, and the WNA petitioned the city at that time to refurbish the bridge to make it safe for pedestrian and bicycle traffic. At the same meeting, the Senior Civil Engineer presented a strong case for keeping the bridge open to through traffic. Also mentioned at that meeting were the Rural Community Housing and Development Corporation (RCHDC) intentions to build affordable housing units on the County side of the bridge.

On October 6, 2010, the City Council allocated \$125,000 and directed the PW to study the Orr Street Bridge proposal for repairs. At the same time, \$130,000 was allocated to conduct repairs on the similarly constructed Waugh Lane bridge which was completed in 2010. Further consideration of the neighborhood concerns for Orr Street Bridge resulted in no action taken by the City at that time. Even after the 2014 Ukiah City Council budgeted \$254,000 for refurbishment, the bridge remains in a state of disrepair in 2021.

While waiting for action from the City, and in the years closed to traffic, the WNA began using the bridge as a pop-up park. They added a bench and plywood decking and flowers. Eventually community interest waned, with no evidence of maintenance by the City, and the condition of the bridge continued to decay. In the interim, the city staff reviewed the possibilities given the input from the WNA on bridge design but inaction followed without explanation from the City. The bridge has become an unsafe blight on the neighborhood.

Although the bridge has been deemed to have structurally sound footings and steel beams, there is currently a dangerous open hole in the decking. The asphalt surface is littered with uneven aging plywood and a rotted wood safety railing. The cost to repair the bridge is significantly less than it would be if the footings and beams were unsound.

In September 2020, the GJ reviewed a detailed packet of documentation starting in 2008 showing the history between the WNA, past City Councils and PW. Documentation included communications between the WNA and the City Council requesting that PW move forward on the WNA recommendations to close the Orr Street Bridge to vehicle access.

The PW Director expressed concern that the bridge should be able to be opened for evacuations, emergency service and public service vehicles. There are communication records from PW staff indicating that there is no turn around for garbage trucks to service the properties on Orr Street and that having the bridge closed to vehicle traffic requires the drivers of garbage trucks to back out of Orr Street into a busy roadway. The GJ asked a representative of the solid waste services provider, C&S Waste Solutions, how serious is this problem. The representative stated that their staff was capable of dealing with all of Ukiah's streets but indicated that it is never desirable to have a garbage truck back out of a dead-end street.

The Police Chief in 2018 did not see any concerns with denying vehicle access to the bridge but did have concern that the unused bridge area would attract illegal camping and other illegal activities. He also stated anything that can increase regular use will reduce illegal activity. The current condition of the bridge, its seclusion and lack of traffic, has resulted in an area of

illegal activity and loitering now in the middle of a growing neighborhood.

Recently the Regional Redwood Trail project constructed a walking bridge one block west of Orr Street. This trail through the City provides a walking bridge over Orr Creek to Brush Street, through the Wagenseller neighborhood.

A RCHDC housing project north of the bridge proposed in 2008 is soon to be opened. The 70-unit Orr Creek Commons housing project, which is a multi-use residential apartment complex for low and moderate-income individuals, families and seniors now increases the pedestrian and vehicle traffic demands on the Orr Street Bridge. This new construction from Brush Street south to the bridge includes a newly paved two-lane Orr Street with sidewalks. Construction ends abruptly at the bridge.

In mid-June of 2020, a State of California Grant Application from the City included a request for \$150,000 to study traffic and infrastructure improvements for the Wagonseller neighborhood. The City received informal acknowledgement of acceptance of this grant in November 2020. The formal approval of the Grant was received in March 2021.

Grant conditions indicate that construction could not take place until formal notification of the grant was received from the State Department of Housing and Community Development (HCD). This resulted in additional delays before the Request for Proposal (RFP) for a study could be opened.

As of the date of this report, the City continues to consider additional applications for grants to help pay for the work needed in the entire neighborhood. There is \$254,000 for repair of the bridge in the City budget allocated since 2018. The GJ was told this was being used as leverage for more grant funding. Inclusion of the bridge in this year's grant application makes excellent sense from a planning perspective but it also means additional delays of two to four years are possible before the bridge will finally be made usable. The GJ understands the city is prohibited to use CDBG funds to rehabilitate the bridge due to designated City funding for the project.<sup>1</sup>

This long period of inaction was avoidable with available California Environmental Quality Act (CEQA) guidance in the Public Resource Code (PRC) to officially designate a Lead Agency and one or more Responsible Agencies to this project for managing an Initial Study as well as public input.<sup>2</sup>

The GJ could find no evidence that past City Councils acting in the capacity of a Lead Agency had regular follow up on their direction to staff when working with the WNA.

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<sup>1</sup> CFR § 570.207 (2) *General government expenses*. Except as otherwise specifically authorized in this subpart or under 2 CFR part 200, subpart E, expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance under this part.

<sup>2</sup> CA Public Resource Code § 15051(b)(1): The Lead Agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose such as an air pollution control district or a district which will provide a public service or public utility to the project. CA PRC § 21067: "Lead agency" means the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment. CA PRC § 21069: "Responsible agency" means a public agency, other than the lead agency, which has responsibility for carrying out or approving a project.

The City Council directed the City Engineer to lead the bridge project. This placed coordination, responsibility, and public outreach for this project on a single department when that department's staff and the WNA disagreed on the outcome. Plans were drafted but never completed for following the WNA's recommendations. Work never began and only partial explanations from PW were communicated to the WNA.

By accepting input from the public and directing staff to work with the WNA stakeholders in 2010, the City Council had changed the scope of the project to require the inclusion of more than one Agency.

## **FINDINGS**

- F1. The extension of Orchard Avenue to Brush Street relieved the traffic and made it possible to close the Orr St bridge for repairs which provided an opportunity for the WNA to seek a change in the use of the bridge.
- F2. City Council decisions on October 6, 2010 and again on February 21, 2018 supported the WNA goals for bridge use but did not include formal assignments of Lead and Responsible Agencies which has resulted in long-term delays and increases in project scope and costs.
- F3. Since the closure of the bridge in 2009, development of housing and a new roadway on County land to the north ending abruptly at the bridge. This has accelerated the need for repairing the bridge for traffic and introduced new potential stakeholders to the project.
- F4. Project delays caused by the change in project scope have resulted in increased costs for either repairs or alterations to the Orr Street Bridge. Bridge repair estimates in 2009 were \$125,000, and in 2017 were between \$300,000-\$400,000. It is unknown what the costs for 2022 will be.
- F5. The Regional Redwood trail crossing, one block West of Orr Street, with a pedestrian bridge over Orr Creek limits the justification for a pedestrian/bike only bridge on Orr Street.
- F6. The bridge repairs have been included in the 2019 grant application for the entire Wagenseller Neighborhood which may cause delays in construction for two to four more years.
- F7. Refurbishment of the Orr Street Bridge for vehicle, pedestrian and bicycle traffic would have met all the needs of the neighborhood residents and qualified for project exemptions under CEQA in 2009.
- F8. The root cause for inaction on the bridge is that the focused outcome pursued by the WNA requires more planning and a CEQA review which can take years to complete under normal circumstances.

- F9. Project delays have led to the current blighted condition of the Orr Street Bridge.
- F10. The City Council could have formally assigned this project to the Planning Department and not Public Works after accepting recommendations from a community group.
- F11. The Planning Department was not informed of the line-item fund available for bridge repair/refurbishment in the City budget while managing the application for CDBG funds.

**RECOMMENDATIONS**

The Grand Jury recommends that:

- R1. the City utilize public surveys funded by the Community Development Block Grant and in the final decision on the alterations to the bridge. (F2, F3)
- R2. in future disagreements between Staff and Community Groups, the city investigate alternatives, document a decision and make quarterly progress reports. (F2, F3, F6, F10)
- R3. if plans for projects change based on need or finance, the City shall inform interested parties of delays or fundamental changes. (F4)
- R4. in areas like the Wagenseller/Brush neighborhood which straddle the City and County jurisdiction, it is essential for agencies to coordinate plans for the area. (F8, F9)
- R5. the city prevent any use of the bridge until reconstruction or refurbishment is complete and the bridge deemed safe for access from either side. (F6)
- R6. the Planning Department should be the agency that does research and seeks public input on projects that have ramifications beyond engineering and construction. (F4, F10, F11)

**REQUIRED RESPONSES**

Pursuant to Penal Code § 933 and 933.05, the grand jury requires responses as follows:

From the following governing bodies within 90 days:

Ukiah City Council - (All Findings, All Recommendations)

**REQUESTED RESPONSES**

Pursuant to Penal Code § 933 and 933.05, the grand jury requests responses as follows:

From the following respondents within 90 days:

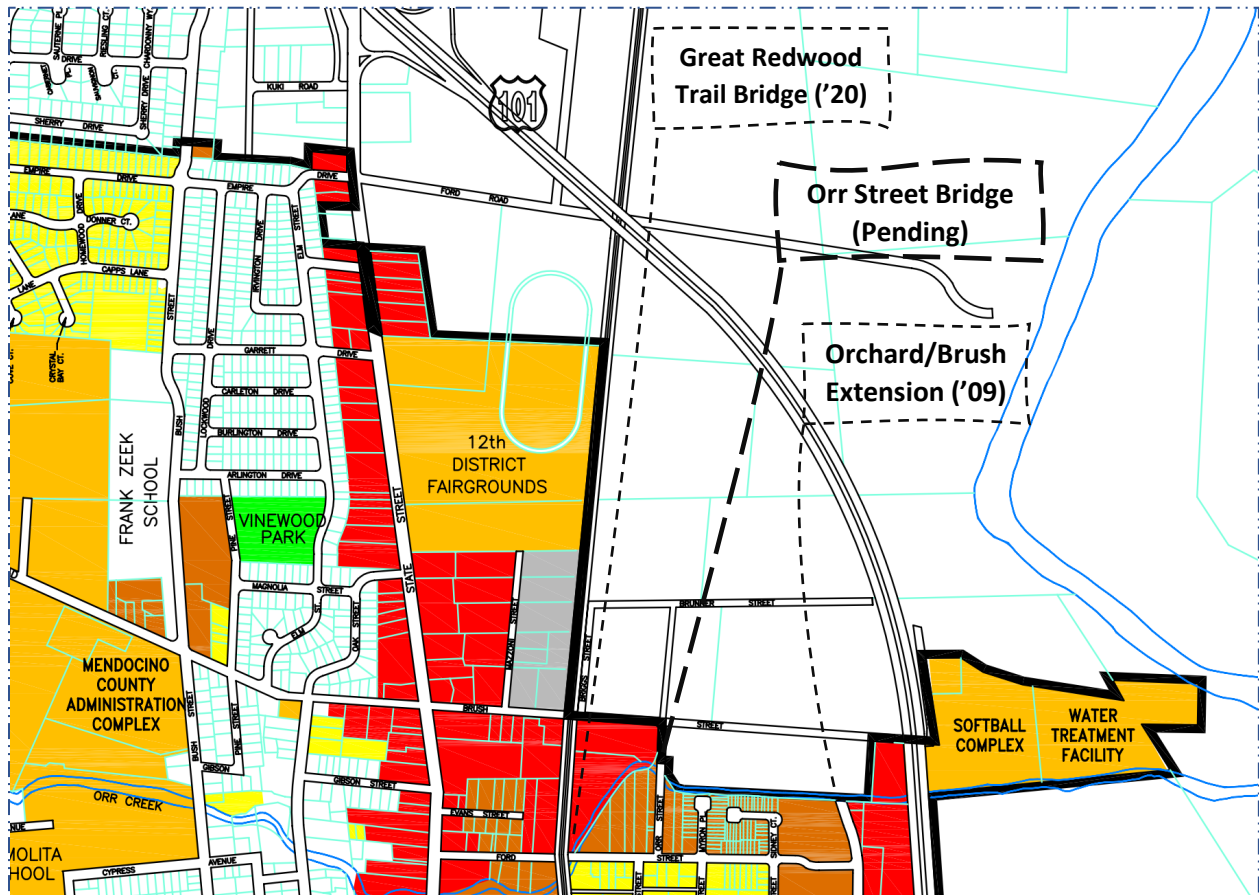
Ukiah City Manager - (All Findings) (All Recommendations)

Director, Ukiah Public Works, City Engineer - (F6-F10) (R2-R4, R6)

Community Development Director - (F2-F4, F6, F8-F11) (R1, R4-R6)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## SITE PHOTOS



Northeast Ukiah bridge projects around Wagenseller neighborhood with identified completion dates. Image from City of Ukiah GIS server.

North side of Orr Street Bridge looking south into Wagenseller neighborhood. (November 2020)



South side of Orr Street Bridge looking north toward new housing development in County jurisdiction. (November 2020)



North side of Orr Street Bridge looking south into Wagenseller neighborhood with restrictive signage. (December 2020)

Orr Street development looking south toward Orr Street Bridge from the Orr Street/Brush Street intersection. (May 2020)



North side of Orr Street Bridge looking south into Wagenseller neighborhood with fence to prevent foot traffic entry into road construction from bridge. (May 2020)



North side of Orr Street Bridge looking east along Orr Creek walking trail with fence to prevent foot traffic entry from trail to road construction. (May 2020)



North side of Orr  
Street Bridge looking  
south into Wagenseller  
neighborhood with  
deck still accessible  
for foot traffic.  
(May 2020)



# **MENDOCINO COUNTY’S DISTANCE LEARNING: PROBLEMS AND PRODUCTIVE ASPECTS**

July 26, 2021

## **SUMMARY**

This report reflects findings of the Grand Jury (GJ) as of March 3, 2021, as health and school policies for Distance Learning (DL) continue to evolve.

DL had adverse impacts on effectively educating Mendocino County’s public-school students. Reports of child maltreatment to Health and Human Services - Child Protective Services (HHS-CPS) declined during DL as teachers and other mandated reporters lacked sufficient observation and interaction with students.

Many students are not understanding core subjects and many have completely ignored elective subjects. Failure rates of students more than doubled, though some districts and schools will not issue failing grades (which would penalize students during DL). DL was not practical for approximately 28% of the student population due to the absence of sufficient or affordable internet service in remote areas of Mendocino County. Households, especially those with more than one student on DL, encountered problems regarding learning from home, lack of privacy, distractions and inadequate internet bandwidth.

Directives of the Mendocino County Health Officer (MCHO) were disruptive due to the lack of time allowed for schools to prepare for DL, especially in Spring 2020 and for the sudden change in orders immediately prior to start of the Fall 2020 semester.

Some positive aspects of DL are the many technologies deployed for conducting DL. Some were useful in the geographically diverse Mendocino County. Technologies and tools deployed for DL could be used after the COVID-19 pandemic to provide remote instruction for courses not offered at a local school or for students unable to attend class in person due to health or personal issues. Teleconferencing was utilized during this DL period for conducting meetings of teachers and staff to avoid time consuming travel and for conducting parent-teacher conferences, saving parents’ travel time and costs such as child care.

## **GLOSSARY**

- CTF - California Teleconnect Fund (a state program that provides discounts on advanced communication services, such as broadband Internet, and voice services to qualified non-profits)
- DL - Distance Learning (aka, “Remote Learning”. DL may include situations where students are remote from their teachers even though the teacher may be in a classroom for instruction)
- E-Rate - E-Rate Program (Schools and Libraries Program, also known as the E-rate program, makes telecommunications and information services more affordable for schools in the United States)
- Parents - includes parents, guardians, foster parents, etc. of students.

## BACKGROUND

DL is the instructional model required of public schools by the MCHO starting in March 2020 and continuing through December 2020. This model was mandated as an approach to minimize the spread of COVID-19 following recommendations of the Centers for Disease Control, the California Department of Public Health and the State of California Safe Schools for All Hub<sup>1</sup>.

MCOE proposed four models for conducting Distance Learning<sup>2</sup>:

- Synchronous DL which consists of live, sustained learning with the teacher and students,
- Asynchronous DL which consists of pre-recorded online learning with daily live interaction with a teacher and students,
- Independent Study whereby the teacher develops the curriculum and the parent supports instruction,
- Homeschooling whereby a parent submits an affidavit with the State and directs all aspects of the student's education.

The GJ report is focused on the Synchronous and Asynchronous models of DL at public schools. Independent Study and Homeschooling and privately run schools are not within the scope of the GJ's research and report.

The GJ focused on the following questions related to DL:

- How effective was DL for educating students?
- What were the impacts of DL on reports of child maltreatment?
- What were the obstacles for implementing DL, such as inadequate or unavailable internet or Broadband?
- What technologies and tools could be beneficial to schools and teachers after COVID-19 is no longer a threat?
- What household conditions impaired using DL for its students?

## METHODOLOGY

Between October 8, 2020 and January 14, 2021, the GJ conducted interviews with:

- Senior administrative staff of the MCOE,
- District Superintendents and School Principals of selected sample districts and schools ranging from small to large, from urban to rural and charter to non-charter,
- HHSA-CPS Administration.

For tools or techniques described during the interviews, the GJ researched the primary functions of the various products or services including the following examples:

- Google Classroom <https://support.google.com/edu/classroom/answer/6020279?hl=en>
- PearDeck <https://www.peardeck.com/googleslides>
- Aeries Student Information System <https://aeries.com/>
- Powerschool <https://www.powerschool.com/>
- Schoology <https://www.schoology.com/>

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<sup>1</sup> CA Safe Schools for All <https://schools.covid19.ca.gov/>

<sup>2</sup> MCOE Distance Learning Options August 31, 2020

- Khan Academy <https://www.khanacademy.org/>
- Kami <https://www.kamiapp.com/>
- Big Ideas Learning <https://www.bigideaslearning.com/>
- IXL <https://www.ixl.com/>
- Apex Learning <https://www.apexlearning.com/>

The GJ attended a roundtable discussion (*Equitable Practices During the Remote Learning Environment*) hosted by the Latinx Alliance Steering Committee on November 19, 2020. This meeting included discussions of issues voiced by superintendents, principals, counselors, instructors, parents and students. The GJ listened to local community news and discussions on KZYYX-Mendocino County Public Broadcasting, reviewed news postings on websites of “Mendo Fever” and “Mendocino Voice” and newspaper articles as cited in the Bibliography.

Deficiency of broadband internet service for students in Mendocino County was confirmed by data compiled by the Center for Rural Innovation in its report and data compilations presented as COVID-19 and Broadband Availability in School Districts (<https://maps.ruralopportunitymap.us/broadband-access-map>), as of January 24, 2021 and Healthy Mendocino, data compiled from U.S. Census data for 2018 <http://www.healthymendocino.org/indicators/index/view?indicatorId=9231&localeId=260> Maps depicting broadband deficiencies are presented in Appendix C.

## **DISCUSSION**

### **The Impact of Distance Learning on Grades and Attendance**

“Grades are a disaster” was a quote by several of the principals the GJ interviewed. Academic failure rates have more than doubled with one school reporting failure rates pre-DL were 25% and now with DL are 50%.

A shared concern of principals interviewed is that students are not achieving basic understanding of essential skills during DL. Schools are planning to provide remedial instruction for core curricula such as math and language arts once DL is no longer in effect using 2021 summer school and afterschool in-person programs.

Some of the problems encountered using DL include:

- Multigenerational households with several students under one roof,
- internet service not available or with insufficient bandwidth,
- electrical or internet outages,
- parents who must work and are absent from the household and are unavailable to monitor and motivate students to learn on their own,
- older siblings having to assume the role of teacher/parent-motivator,
- parental or other household interruptions.

The State of California directed that no failing grades would be issued for the last half of the 2019/20 school year and the Smarter Balanced Assessment System testing was cancelled for the year ending in 2020. Standardized testing (Smarter Balanced) for the end of the 2020/21 school

year as waivers of testing are being considered as of the preparation of this report<sup>3</sup>. The consequence is a lack of hard data to demonstrate the impact of DL on student comprehension of subjects, comparing pre-COVID-19 results with those of DL. Therefore, the GJ had to rely on subjective assessments by school principals.

School attendance as reported by several interviewees decreased during DL due to deficient motivation or parental involvement in having children attend classes online. Middle and high school students report they were overwhelmed by coursework, as each subject's teacher did not coordinate the volume of required homework with teachers of other subjects.

As a positive upside, some students excelled during DL as they were:

- self-motivated to learn,
- able to advance at their own pace,
- free to excel on their own.

These were the exceptions, but DL did provide the environment that such self-motivated students advanced at faster than average paces. This is an aspect of DL, particularly Asynchronous DL with professionally developed lessons and materials that proved beneficial.

## **Child Maltreatment**

Teachers are among the mandated reporters for suspected cases of child maltreatment and must annually attend “mandated reporter” training. Often the clues to child maltreatment are subtle changes in behavior as observed in the classroom or playground. Additionally, students may trust their teachers and confide privately when they are maltreated. When students are not in contact with teachers and other school workers, suspected cases of maltreatment may remain unreported.

Cited in a March 2, 2021 article in the Ukiah Daily Journal “*School personnel are frequently one of the top mandated reporter categories to notice and make suspected child abuse reports. This is due to school personnel having regular contact with children and they are often able to notice unusual changes in children or identify signs or behaviors in children that are not developmentally appropriate for the child's age. We rely on school personnel to bring to our attention suspected child abuse and neglect so we can assess child safety and provide services and supports to them and their families when needed,*” commented the Deputy Director of Mendocino County HHS Family & Children’s Services.<sup>4</sup>

Although specialized training for identifying potential child maltreatment was developed for DL it was not universally provided in all school districts. A three-hour in-depth Zoom presentation for mandated reporters was presented to school staff benefiting in reduced travel time and cost for the presenters and attendees. Even when such specialized training was provided, teachers could not always observe the subtle clues of maltreatment.

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<sup>3</sup> [California school officials push for standardized testing waiver amid Covid-19 spike | EdSource](#)

<sup>4</sup> “Redwood Community Services - Ukiah teachers filling the need for fostering” article in Ukiah Daily Journal (CA) March 2, 2021

Several schools reported expanding child maltreatment training to include specialized courses in identifying and reporting suicide, depression and sex trafficking. One school reported it provided training for parents in how to identify cyberbullying.

These clues were not always visible due to the limitation of the view from the student's camera during instruction or when the student did not share their video. Online group instruction also diminished opportunities for a student to privately or confidentially discuss problems with their teacher.

Some districts reported that teachers made the extra effort to have some private online time with a student whose observable behavior had changed. Some also reported that teachers were more proactive in making reports of even marginally suspected maltreatment.

Interviews of school staff revealed that calls to law enforcement officers increased for reports of child maltreatment, situations of increased depression and suicidal actions of school-age children. An unfortunate consequence is that HHSA-CPS reported that the number of reported cases of suspected child maltreatment decreased during this period of distance learning starting in the late Spring of 2020 and continuing into the Fall semester.

HHSA-CPS provided the GJ summaries of reported child maltreatment cases for the periods of January 2018 through December 2020. There was a sharp drop-off of reported cases of child maltreatment starting in March 2020 and continuing through to December 2020 (the last period available). The reported cases declined by 20.4% during DL representing an average decline of 41 cases per month. This is especially concerning by reason of the increased financial, emotional and mental stresses endured by families during the mandated stay-at-home orders. Refer to Appendix A for details.

The unintended consequences of socially distanced online instruction were the unreported cases of suspected child maltreatment as well as student depression. Due to the greatly diminished opportunities for interactions with peers during distance learning, some students endured loneliness.

### **Obstacles When Implementing Distance Learning**

DL for remote instruction requires four essential technology or household components:

- A personal computer with audio and video for each student and teacher,
- video conferencing hosting (Zoom, Google Classroom, etc.),
- a sufficient internet connection for students and teachers either through broadband or a cell-based hot spot. This is especially important for households with more than one student in DL,
- privacy for students during instruction.

Other recommended and optional technologies and many of the tools used for DL are summarized in Appendix B.

Some schools were under the impression that DL could be eliminated in the Fall Semester of 2020 and were preparing for in person classroom attendance. Then the State and MCHO

mandated DL in August. Because of this short notice, preparations were adversely impacted for DL.

At the beginning of the Fall 2020 semester, Mendocino County had a backorder for Chromebooks and hot spots due to the overwhelming National demand for such products. These tools were slowly obtained during September with the backlog fulfilled by October 2020. The consequence is that not all students had access to a personal computer at the start of the Fall semester. This was not an issue for schools that customarily provided Chromebooks or similar devices to students.

Several schools reported that its teachers did not attend the MCOE DL workshop as it was untimely for the school year and methods had already been developed and implemented. Some teachers were also overwhelmed with normal teaching duties and lacked enthusiasm to attend courses immediately at the end of the school day unless required by their local School District.

Hot spot devices furnished by school districts could not be used in several locations of the County lacking adequate, available or affordable internet speeds via cell service.

Mendocino County suffers from a serious and persistent “digital divide<sup>5</sup>” with densely populated areas generally having sufficient internet access while the less populated areas of the County lack sufficient or affordable internet access. This is illustrated by the maps presented in Appendix C:

- *Broadband Access for School Districts in Mendocino County* shows most of Mendocino County’s schoolchildren have partial to extremely poor broadband access,
- *Households with Internet Subscriptions* reveals that many family units do not subscribe to internet services even if available due to affordability or personal choice,
- *Comparison of Mendocino County by Census Tract with Other Regions of California* illustrates that Mendocino County’s households fare below ‘best’ for households having internet subscriptions with most of the County’s area ranked in the “worst” quartile as compared to other California counties.

Approximately 28% of school age children in Mendocino County lack access to broadband<sup>6</sup>. An unknown number are from family units that are financially unable to pay for such service.

MCOE and the County’s school districts faced the challenge of the “digital divide,” sometimes using very innovative approaches:

- Paying for cell phone service, enabling low-income families to utilize school-provided hot spot devices where cell service was available,
- arranging with broadband providers to establish Wi-Fi towers for areas of underserved communities,
- providing Wi-Fi hot spots in school parking lots, libraries and rooms allowing social distance of students for learning.

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<sup>5</sup> “digital divide” is the uneven distribution of information and communication technologies in society due to infrastructure deficiencies or socioeconomic issues.

<sup>6</sup> Source: Broadband Availability in School Districts (<https://maps.ruralopportunitymap.us/broadband-access-map>), as of January 24, 2021

DL was facilitated by those schools that provided instruction to parents on how to connect and operate the DL technologies. The Round Valley Tribe paid for installing three cell towers to provide internet access and Willits Online provided internet relays in the Covelo community according to an interviewed school principal. One school reported obtaining grant funding from California's E-rate program to provide discounted broadband services for students.

Internet access is one of the more serious challenges facing Mendocino County and adversely impacted DL. However, even when internet service was available, students and teachers often encountered connection latency delays, insufficient bandwidth and a few power outages which disrupted remote Synchronous DL.

### **Looking to the Future**

MCOE and School Districts are now better positioned to deal with future problems where DL could be required. Lessons learned must not be forgotten or neglected, only built upon to achieve excellence.

Teleconferencing and DL using Zoom or similar tools enable:

- Teachers and administrators to collaborate with remote peers or attend professional development training, avoiding travel time,
- teachers to virtually meet with parents improving scheduling efficiency and providing convenience to both parties,
- students to virtually attend remotely provided courses that may not be offered by their local schools or districts,
- students preparing for college to obtain accredited training via courses,
- students desiring specialized vocational courses to attend,
- students to attend classes due to health or personal issues.

MCOE should develop the administrative guidance for facilitating DL attendance reporting and financial coordination among schools for when students attend classes remotely as in the above situations.

Teachers have learned to effectively use computer-based lesson planning tools to distribute materials and lessons to students. At least one school distributed materials to students using Google Forms for requests, then placing materials into a locker and electronically notifying the student of the availability. Students could then retrieve materials on their own schedule.

Many of the technologies and tools used for DL as summarized in Appendix B could benefit student education. MCOE should lead the exploration and adoption of these tools in collaboration with all of Mendocino County's school districts, charter, private and alternative education schools.

Meeting the challenge of Mendocino County's "digital divide" could level the learning playing field for its students to better compete with peers in more "connected" parts of the world.

In conclusion, there is no "one size fits all" approach that could be used by all School Districts. The ultimate decision for how to conduct educational instruction must rest with educators and parents in each school district.

## **FINDINGS**

- F1. Students who failed to master core academic subjects or benefit from electives will require remedial classes to bring them up to their class level because of the year lost from the effects of DL.
- F2. Maltreatment of children has been underreported during COVID. Data supplied by HHS-CPS revealed a sharp decrease in reported cases of abuse due to educators having reduced visibility of the subtle signs of abuse or neglect, restrictions on home visits and interaction with students.
- F3. During DL travel time and transportation costs were reduced for meetings among colleagues from distant school districts improving cross communication and sharing of ideas and approaches. Additionally, parents could more readily attend conferences with teachers using teleconferencing.
- F4. Some students accessed inappropriate content due to deficient filters monitoring internet searches and websites on computers used by students at home.
- F5. DL enables students who might otherwise be unable to attend school the ability to continue studies with their teacher and classmates.
- F6. Asynchronous DL enables students who are self-motivated and can study independently to advance at their own pace. For example, using tools like Khan Academy to provide professional instruction of subjects.
- F7. California's E-rate and CTF grant programs provide discounted broadband services for students which otherwise might not have been available.

## **RECOMMENDATIONS**

The GJ Recommends that:

- R1. MCOE guide all schools in the County to develop and implement action plans to assess and remediate failed academic subjects. (F1)
- R2. MCOE develop or obtain interactive online training available 24/7 to mandated reporters of child maltreatment and expand training to include depression, cyberbullying, suicidal warning signs and sex trafficking. (F2, F3)
- R3. MCOE allow mandated reporters to train on their own schedules which would provide flexibility of scheduling and cost savings. Interactive training would track attendance and comprehension as verified by online testing and provide certification upon successful completion. (F2, F3)
- R4. MCOE prepare recommendations for schools to implement internet search filters to identify and block searches of inappropriate content. This may include guidance for parents in how to filter online searches by students during remote learning. (F4)

- R5. MCOE encourage all Districts to continue use of video conferencing among peer educators to collaborate and develop best practices and provide needed funding. (F3)
- R6. MCOE encourage all school districts provide technologies to permit remote instruction of students due to illness or other conditions. (F3, F5)
- R7. MCOE develop a catalogue with funding and accreditation mechanisms of third party or internally developed learning materials for specialized or core subjects. This would facilitate students who can study and advance at their own pace. (F6)
- R8. MCOE work with all school districts to explore if they are eligible for E-Rate or CTF grants to provide broadband and telecommunications services to their underserved students. (F7)

## **REQUIRED RESPONSES**

Pursuant to Penal Code sections 933 and 933.05, the GJ requires responses as follows:  
From the following governing body within 90 days:

- MCOE Board of Education (All Findings and Recommendations)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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## **BIBLIOGRAPHY**

Independent Coast Observer November 27, 2020 edition “Many Students Receiving Failing Grades in Point Arena, Trustees Learn”

The Willits News PUBLISHED: November 5, 2020 “Parents, teachers and school administrators weigh in on school reopening” by Jaclyn Luna

“Learning Lessons U.S. Public High Schools and the COVID-19 Pandemic in Spring 2020” by John Roberts and Michael Ishimoto, UCLA IDEA Institute for Democracy, Education and Access, September, 2020

Reopening K-12 Schools for In-Person, On-Site instruction Preliminary Guidance for School Year 2020-2021 (Mendocino County Health Officer) December 17, 2020

Center for Rural Innovation “COVID-19 and Broadband Availability in School Districts” January 24, 2021 (<https://maps.ruralopportunitymap.us/broadband-access-map>)

Healthy Mendocino, data compiled from U.S. Census data for 2018  
<http://www.healthymendocino.org/indicators/index/view?indicatorId=9231&localeId=260> based on data from <https://www.census.gov/programs-surveys/acs/>

**APPENDIX A**

**Reported cases of child maltreatment for pre-DL and DL periods (DL highlighted in yellow)**

<b>All Child Abuse/Neglect Referrals Received by Month and Year, Mendocino County Family &amp; Children's Services 1/1/2018- 12/31/2020</b>							
<b>2018</b>			<b>2019</b>			<b>2020</b>	
January	261		January	210		January	229
February	227		February	234		February	195
March	195		March	203		March	159
April	214		April	218		April	113
May	215		May	254		May	117
June	181		June	158		June	169
July	130		July	151		July	159
August	168		August	151		August	145
September	221		September	230		September	203
October	275		October	230		October	193
November	167		November	198		November	178
December	153		December	172		December	144
<b>Total</b>	<b>2407</b>			<b>2409</b>			<b>2004</b>

Data source: CWS/CMS Business Objects, 3/28/2021

1 APPENDIX B

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3 Technologies and Tools Utilized During Distance Learning

4

<b>Technology:</b>	<b>Tools Used / Available:</b>	<b>Purposes / Benefits:</b>
<b>Essential:</b>		
Personal computers with camera, speakers, and microphone (or headset)	Chromebooks Personal Computers	<ul style="list-style-type: none"> <li>• Enables students to attend teleconferences and access websites for educational materials</li> <li>• Headphones reduce distractions for students who lack private study surroundings</li> </ul>
Internet connections with site filtering	<ul style="list-style-type: none"> <li>• Dedicated broadband (cable, satellite, microwave)</li> <li>• Hotspot Wi-Fi (requires cell service)</li> <li>• Filtering content sources (GoGuardian, NortonLifeLock, Qustodio, bark, BullGuard, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Provides required connectivity for teleconferencing or for connection to learning sources such as websites</li> <li>• Requires content filtering to either prevent access to or alert parent or school of inappropriate searches or website content</li> </ul>
Teleconferencing software / website <i>(requires a personal computer with camera, microphone and internet connection)</i>	<ul style="list-style-type: none"> <li>• Zoom</li> <li>• Google Classroom</li> <li>• Microsoft Teams</li> </ul>	<ul style="list-style-type: none"> <li>• Allows teacher and students to view and discuss with each other from remote locations (home, classroom, etc.)</li> <li>• Teachers and administrators can meet without the need for travel</li> <li>• Parent-teacher conferences can be efficiently scheduled with the convenience that parents do not need travel time to attend</li> <li>• Facilitates communication and sharing of ideas among schools in geographically distant areas of the County</li> </ul>
<b>Recommended:</b>		
Assignment Collaboration	<ul style="list-style-type: none"> <li>• Google Classroom</li> <li>• Schoology</li> <li>• Edmodo</li> </ul>	<ul style="list-style-type: none"> <li>• Tools for creating, distributing, and grading assignments</li> <li>• Boost collaboration and foster communication when teaching remotely</li> <li>• Distributing announcements</li> </ul>

<b>Optional:</b>		
Classroom-based tools	<ul style="list-style-type: none"> <li>• Large format interactive whiteboard-like displays (e.g., ViewSonic, RS+ Boards, JamBoard, etc.)</li> <li>• Motion tracking web cameras (Pivo, OBSBOT, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Improves the ability for the teacher to view the entire class of students attending sessions remotely</li> <li>• Facilitates sharing of online teaching materials with students and interactive lesson presentations (similar to how a whiteboard is used)</li> <li>• Tracking webcams allow the teacher to move in the classroom among various instructional displays and the camera follows the teacher’s movements</li> <li>• For students attending class remotely, it improves the feeling of “being in the classroom”</li> </ul>
Presentation Development Tools	<ul style="list-style-type: none"> <li>• PearDeck</li> <li>• Kami</li> </ul>	<ul style="list-style-type: none"> <li>• Facilitates creating instructional content and engaging content with students</li> </ul>
Online / digital Instructional Aids	<ul style="list-style-type: none"> <li>• Khan Academy</li> <li>• Big Ideas Learning</li> <li>• IXL (Math, Language Arts, Science, Social Studies, Lesson Planning)</li> <li>• Apex Learning (Credit Recovery, Summer School, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Professionally developed teaching aids designed to engage students and facilitate independent learning and providing tools for adaptive learning paths</li> <li>• Digital, online instruction and independent study for students who want advanced courses like Chemistry, Physics or for college prep or for credit recovery (“summer school”)</li> </ul>
Augmented or Virtual Reality Courses	<ul style="list-style-type: none"> <li>• Lincoln Electric Virtual Welding Simulator</li> <li>• ACS Virtual Chemistry</li> <li>• ShareCare YOU</li> </ul>	<ul style="list-style-type: none"> <li>• Provides instruction for obtaining basic skills that may require equipment or instruction that is not available at school sites. Subjects include: <ul style="list-style-type: none"> <li>○ Welding</li> <li>○ Chemistry</li> <li>○ Human Biology, etc.</li> </ul> </li> </ul>

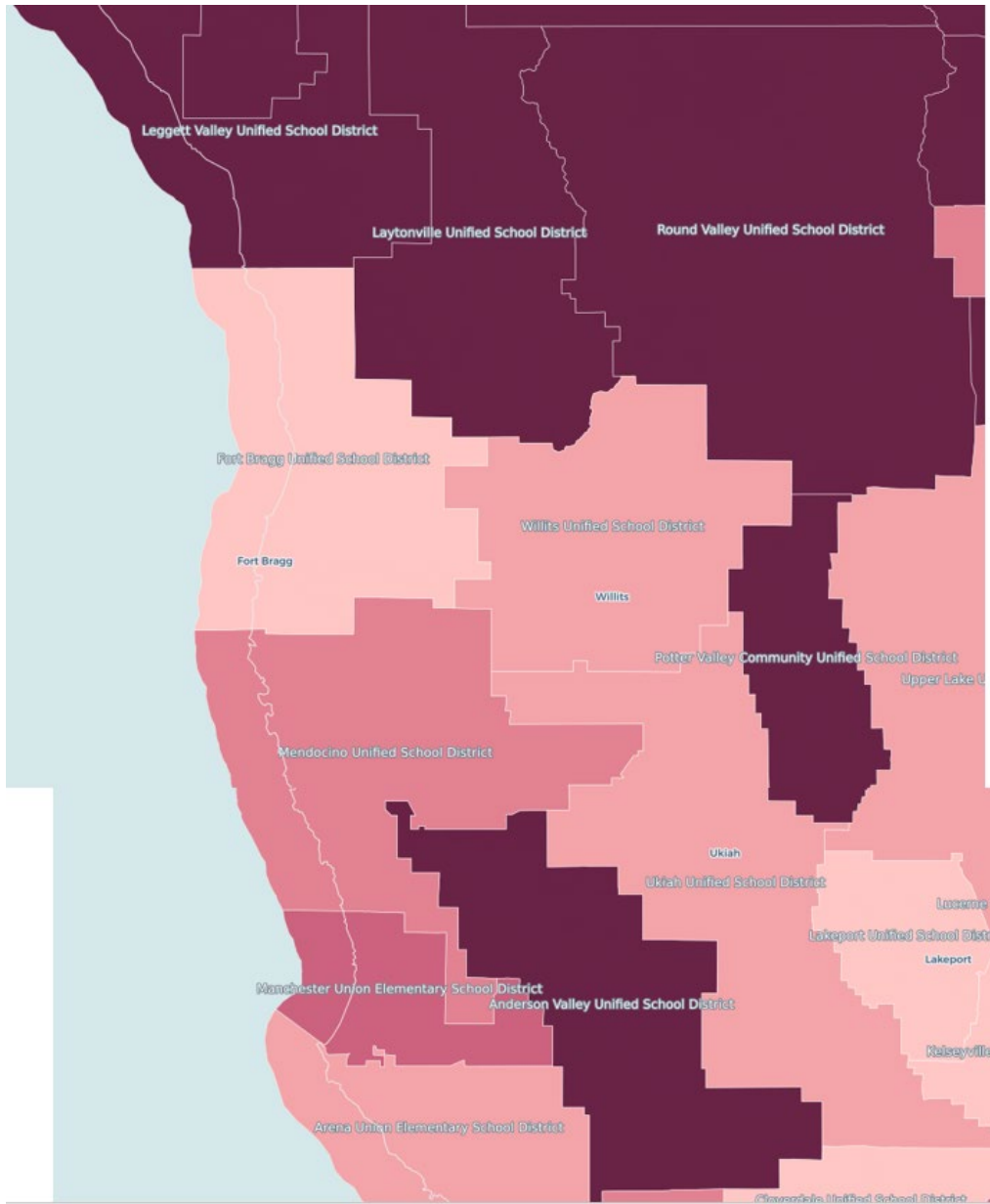
<b><i>Administrative:</i></b>		
Student Information System	<ul style="list-style-type: none"> <li>• Aeries</li> <li>• Powerschool</li> </ul>	<ul style="list-style-type: none"> <li>• Tracking attendance, grades, reengagement of chronic absentees</li> <li>• Powerschool has a more modern design than Aires with tools for engaging parents</li> </ul>

1  
2 *Sources: Compiled from Interviews of the GJ Education Committee based on comments by MCOE representatives, District*  
3 *Superintendents and School Principals of Mendocino County*  
4

1 **APPENDIX C**

2  
3 **Broadband Access for School Districts in Mendocino County**

4  
5 Source: Broadband Availability in School Districts (<https://maps.ruralopportunitymap.us/broadband-access-map>), as  
6 of January 24, 2021  
7



8

COLOR:	ACCESS CLASSIFICATION:
	Good Access (example, Ft. Bragg)
	Partial Access (example, Point Arena, Ukiah)
	Poor Access (example, Mendocino)
	Extremely Poor access (example, Anderson Valley)

9

# Households with an Internet Subscription

Select a Census Tract Measurement Period: 2014-2018

This indicator shows the percentage of households that have an Internet subscription.

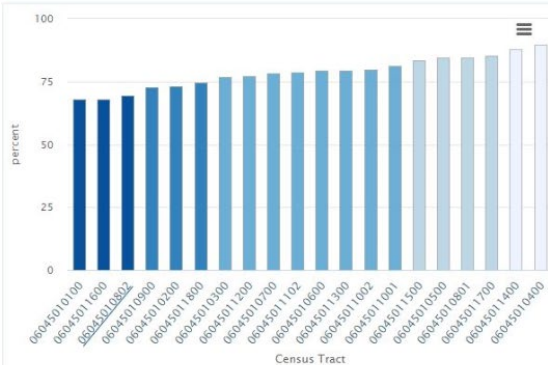
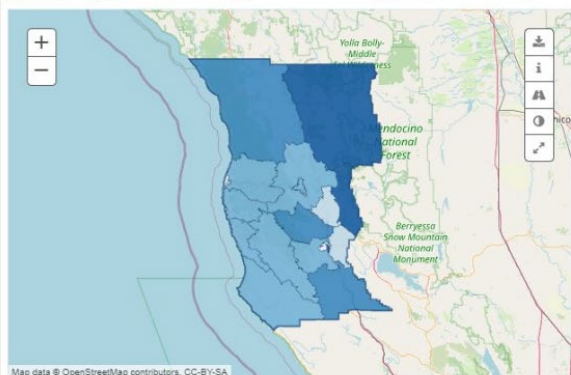
### Why is this important?

Owning a computing device and being able to access the Internet can be useful for maintaining one's health. Healthcare consumers can obtain data regarding physicians and hospitals in their area. Those with chronic diseases can find information on how to manage their illness. Individuals can also learn best practices regarding wellness, fitness, and diet to maintain their health.

COUNTY CENSUS PLACES ZIP CODES **CENSUS TRACTS**

### SELECT A COMPARISON

Grouped  CA Census Tracts  U.S. Census Tracts  Mendocino, CA County Value  Prior Value



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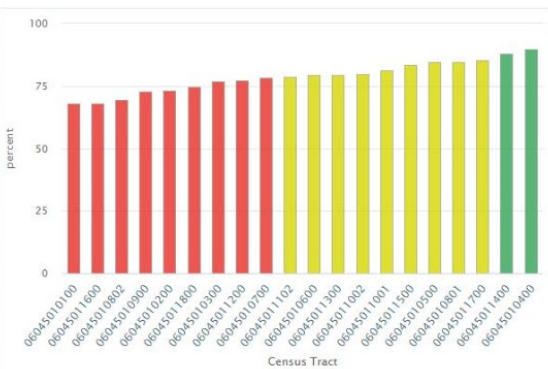
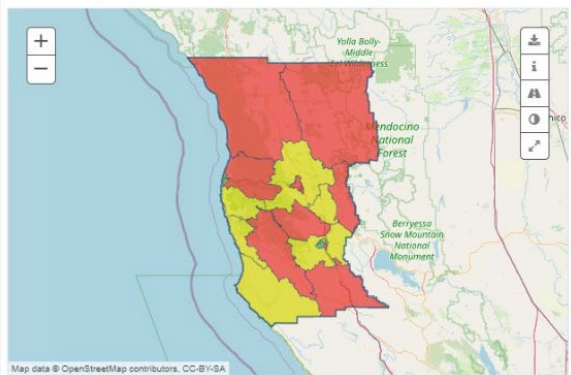
### Why is this important?

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COUNTY CENSUS PLACES ZIP CODES **CENSUS TRACTS**

### SELECT A COMPARISON

Grouped  CA Census Tracts  U.S. Census Tracts  Mendocino, CA County Value  Prior Value



## Comparison of Mendocino County by Census Tract with Other Regions of California

Source: Healthy Mendocino, data compiled from U.S. Census data for 2018

<http://www.healthymendocino.org/indicators/index/view?indicatorId=9231&localeId=260>

# **HOMELESSNESS IN MENDOCINO COUNTY IS A COMMUNITY CONCERN**

August 16, 2021

## **SUMMARY**

The City of Ukiah is the epicenter of County services for homelessness and transient populations in Mendocino County. Local businesses have served a growing community of people including displaced and homeless populations for the duration of social distance and masking protocols.

The COVID-19 pandemic has exposed disparities and service gaps in outcomes of the Mendocino County Homeless Services Continuum of Care (COC) services and local community policing strategies. Local governments and agencies should assess the outcomes of their strategies and look for ways to improve.

Many businesses operating around the intersection of Talmage Road and State Street have identified a rise in theft, loitering, vandalism and loss of revenue. Protecting the health and safety of frontline employees and customers is a major concern. Police dispatch calls pertaining to alleged crimes increased but options to respond in the field were severely limited.

Without viable tools for referral to COC funded services or actionable enforcement measures from police, the employees of local businesses are left unassisted to manage these problems.

## **BACKGROUND**

Limited housing and rental inventory in the City of Ukiah and throughout the County has contributed to the establishment and growth of homeless encampments. Meeting the basic needs of food, clothing and shelter is essential. Vulnerable or addicted people have little choice in methods to make these acquisitions. Theft, loitering and pandering can be necessary for survival.

Law enforcement is tasked with the primary role of protecting the community. County and local governments, private providers and local non-profits are responsible for addressing the care of those in need through collaborative efforts and protecting the rights of the business community. During its investigation, the Grand Jury (GJ) noted that the perception of businesses and local service providers is the Ukiah Police Department (UPD) operates in a reactive role. The safety of the community is often addressed on a case-by-case basis depending on the severity of the reported occurrence.

Health and Human Services Agency (HHS) is the lead agency responsible for addressing the immediate needs of those who seek personal necessities and other assistance. The COC is a Federal, collaborative model tasked with coordinating grant funds and services to vulnerable people. The local COC includes appointed County Staff, a UPD representative, private care providers and the local business community who volunteer their time and effort.

On paper, the County, City, and the COC funded private sector work together in a collaborative effort to meet the needs of homeless families and individuals. The GJ received multiple citizen complaints pertaining to the collaboration of services and police.

## **METHODOLOGY**

The GJ reviewed documents and interviewed key stakeholders with the County, City of Ukiah, the COC, local providers and the business community.

## **DISCUSSION**

The GJ focused on two key areas in the investigation:

- growing impacts of the homeless community on the City of Ukiah and the response of law enforcement,
- identifying key stakeholders that are addressing current issues of homelessness County wide.

### **Enforcement**

The UPD is the primary responder to any law enforcement call for assistance within the city limits. Both the California Highway Patrol (CHP) and Mendocino County Sheriff's Office (SO) are available to help with any emergency as needed.

All law enforcement is tasked with addressing each enforcement issue on a case-by-case basis while observing the law and protecting the rights of the parties involved.

In 2015, the City of Ukiah formed a Special Enforcement Team to address quality-of-life issues. The staffing level for this team consisted of one sergeant and two deputies. Due to budgetary and recruitment issues the team was unstaffed in August 2019 and presently remains unstaffed according to the UPD website.

In 2019, the UPD website identified the Top 10 Officer Calls city-wide. Of the approximately 25,000 reported calls 3,030 were transient-related. These calls were ranked first and accounted for 12% of the annual call volume. As reported in the Ukiah Daily Journal on October 14, 2020, transient-related calls near the intersection of State Street and Talmage Road had increased by 40% between February and August of 2020.

UPD operates with an engaging philosophy that focuses on Community Policing<sup>1</sup>. As defined by the Community Oriented Policing Services (COPS) - a department of the United States Department of Justice - Community Policing is a way to promote organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the conditions that give rise to public safety issues.

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<sup>1</sup> City of Ukiah 2020/21 Budget Report

In 2020/21 the City of Ukiah budgeted \$10,741,428 to law enforcement. In the 2021/22 proposed budget for law enforcement, the UPD is scheduled to receive \$11,249,999. Police Services is the largest department in the City's budget, even at a 62% staffing level with 26 officers. Recruiting and retaining officers is a recurring problem within the department and throughout the county.

In the budget narrative, the city deferred patrol car replacement which may result in a decreased pool of reliable patrol vehicles. This decrease in patrol vehicles may impact response time to non-life-threatening calls. The budget accounts associated with proactive or specialized enforcement have been reduced in anticipation of a limited workforce and increased service calls associated with an economic recession and the COVID-19 pandemic.

In 2020, a goal was identified by the UPD to study and evaluate co-responder models. To develop a program to serve vulnerable populations more effectively and safely in the field requires working closely with support services and community partners. As of the date of this investigation the GJ did not find a status update.

## **Housing**

HHSA works to provide mental health and outreach services to those in need. Local non-profits work in a collaborative effort to provide for the three basic essential needs of food, shelter and clothing.

Coordinated outreach by public and private providers was sporadic. Without consistent service outreach, self-dependency and survival instinct can lead to increases in crimes of desperation.

Gaps in services often result in a greater concentration of transient people around local businesses which leads to lost clientele and revenue. The GJ investigated the factors that contribute to the increase in homelessness in the community and how those concerns can best be addressed.

In January 2017, directive CPD-17-01 Notice Establishing Additional Requirements for a COC Centralized or Coordinated Assessment System was issued from the Department of Housing and Urban Development (HUD). The notice established new requirements for the COC and recipients of COC Program and Emergency Solutions Grants Program funding. They must now develop and use a centralized or coordinated assessment system. The Notice also provides guidance that applicants should incorporate written policies and procedures to achieve outcomes for the homeless.

In April 27, 2020, the COC adopted the Strategic Plan to Address Homelessness in Mendocino County (Plan). The Strategic Planning Committee and more than 31 public and private non-profit organizations throughout the county which serve the homeless collaborated to draft the Plan. The Plan identified a need to share with the community a common agenda and plan of action to make homelessness rare, brief and a one-time experience. It also identified a fragmentation of the existing system that reduces the effectiveness of the level of service delivered, homeless-related funding and system performance. Key goals identified in the Plan

were to strengthen the collaboration between the COC, its governing body and the community at-large.

According to the Plan, poverty, leading to the inability to pay for housing is the single greatest risk factor for homelessness. It identified the trend in homelessness and proposed a strategy to meet these needs. Some key information in the Plan identified a reduction in the Point in Time (PIT) Count of 1,242 homeless in the County in 2016 to 785 in 2019. This equates to a homeless count reduction of 457. The survey also identified the homeless count in the City of Ukiah in 2019 as between 198 to 225. In studying the PIT Count process, the GJ learned that the numbers are based on a limited timeframe and a geographically restrictive area for counting the vulnerable. Since many identifiable areas of unsheltered homeless live in remote and less traveled sections of the City of Ukiah and Mendocino County, the ability to get an accurate count is problematic under the current PIT procedure.

In a February 28, 2020, communication from the State of California Business, Consumer Services and Housing Agency, Department of Housing and Community Development, Division of Financial Assistance notifying grant applicants that Federal HUD Grant funding in the amount of \$5 million in new federal funds for the Emergency Solutions Grants (ESG) program was available. Funding would be available pursuant to Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act. The ESG program provides funding for the following:

- Engaging individuals or families experiencing homelessness,
- improving the quality of Emergency Shelters (ES) for individuals and families experiencing homelessness by helping to operate these shelters, and by providing essential services to shelter residents,
- rapidly re-housing individuals and families experiencing homelessness,
- preventing families/individuals from becoming homeless. County of Mendocino System of Care receives HUD funding annually. Any service provider receiving funds are required to participate in a Coordinated Entry System (CES). The CES connects the most vulnerable persons in the community to available housing and supportive services.

To monitor and oversee the Homeless program the COC Board was established to fund administration and housing issues in the County. The COC has between 30 to 40 seated members of which 18 of those members are seated on the Board of Directors. In the organizational chart of the COC, there are two Co-Chairs that oversee the Executive Board of Directors. The COC oversees the PIT Count of individuals and families experiencing homelessness, Coordinated Entry, Permanent Housing and collaboration toward securing and maintaining HUD funded housing projects for addressing homelessness in Mendocino County.

The COC developed a rating tool for Renewal/Expansion and New Projects. The Emergency Solutions Grant (ESG) application process on the COC website was last updated on May 4, 2020. The COC selects four committee members to serve as the primary review and grading of all competitive and non-competitive applications. The Renewal/Expansion and New Project Rating Tool rates key areas to assist committee members in Housing, percentage of beds, population needs and financial information. The measuring process does not identify whether renewal applicants achieved specific goals or objectives from the previous year.

Applicants must file grant applications annually to receive funding. Upfront funding requests are rarely approved. Grant funds are commonly disbursed as a reimbursement of costs to local service providers. Program funding is applied for based on available services which are collectively limited in scope. If a service does not exist, such as hygiene stations, grant monies cannot be applied for.

## **FINDINGS**

- F1. The Mendocino County COC website is outdated and there is no single point of contact, such as an 800 number, for those in need of homeless services.
- F2. The COC is limited to coordinating funds to locally available services which can result in service gaps for the homeless.
- F3. The breadth of locally available services does not have or require written policies and procedures to monitor the level of service being provided for the homeless which results in service outcomes for the homeless not being measured.
- F4. Gaps in the Homeless Services System of Care, such as coordinated, collaborative response teams of service providers and law enforcement, are filled by law enforcement agencies that are resource-limited and have unfilled liaison positions for effective Community Policing.
- F5. The COC has a quantitative rating system to grade service provider applicants. The rating tool does not evaluate prior objectives of an applicant to determine a history of successful outcomes. There is no rating system for similar services funded separately through County Health and Human Services.
- F6. Law Enforcement agencies are represented on the COC by the UPD. With the absence of Federal guidance on how to coordinate police with program services, there is a collaboration gap between providers and government agencies that requires creative local solutions to establish protocols, and define clear roles for service providers and agencies, to foster working relationships.
- F7. The majority of members on the COC are employees of other agencies and struggle to address the level of service needed locally without policy guidance from the Board of Supervisors, City elected officials, or other assigned staff.

## **RECOMMENDATIONS**

The Grand Jury recommends that:

- R1. the COC update its website, expand information dissemination, and develop a toll-free number to address homeless questions and issues by January 3, 2022. (F1)
- R2. the COC develop clarity of responsibility for the issuance of funds and a process to evaluate the qualitative merits of a grant application by January 3, 2022. (F3)

- R3. the COC develop clarity of responsibility for the grant applicants that require the agencies to identify specific goals and objectives for the grant funding period by November 30, 2021. These submittals will provide a baseline rating system for the COC to determine if the applicant can provide the identified goals and objectives prior to the issuance of funds in the next grant cycle. (F5)
- R4. the COC, through local partnerships, place a high priority on addressing the hygiene needs of the homeless within 90 days of the release of this report. (F2)
- R5. the COC work with local elected officials to identify and develop a Homeless Housing element by July 1, 2022. (F2, F7)
- R6. City of Ukiah's City Council and the COC evaluate standards for partnership with HHSA and Law Enforcement within 180 days of the release of this report. (F4, F6)
- R7. County and local elected officials prioritize the development of specific objectives that meet the homeless issues identified in the Strategic Plan within 180 days of the release of this report. (F7)

**REQUIRED RESPONSES**

Pursuant to Penal Code § 933 and 933.05, the GJ requests responses as follows from the following elected county officials within 90 days:

- Mendocino County Board of Supervisors (F7, R7)
- City of Ukiah, City Council (F6, F7, R6, R7)

**REQUESTED RESPONSES**

Pursuant to Penal Code § 933 and 933.05, the GJ requests responses as follows from the following respondents:

- COC Governing Board (F1-F7, R1-R7)
- Mendocino County Chief Executive Officer (F1-F7, R1-R7)
- City of Ukiah, City Manager (F1-F7, R1-R7)
- City of Ukiah, Police Department (F3-F7, R6)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.