

**AGENDA
BOARD OF SUPERVISORS
SONOMA COUNTY
575 ADMINISTRATION DRIVE, ROOM 102A
SANTA ROSA, CA 95403**

TUESDAY

NOVEMBER 20, 2012

8:30 A.M.

(The regular afternoon session commences at 2:00 p.m.)

| | | | |
|----------------|-----------------|----------------------|----------------------|
| Valerie Brown | First District | Veronica A. Ferguson | County Administrator |
| David Rabbitt | Second District | Bruce Goldstein | County Counsel |
| Shirlee Zane | Third District | | |
| Mike McGuire | Fourth District | | |
| Efren Carrillo | Fifth District | | |

This is a simultaneous meeting of the Board of Supervisors of Sonoma County, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, the Board of Directors of the Northern Sonoma County Air Pollution Control District, the Sonoma County Public Finance Authority, and as the governing board of all special districts having business on the agenda to be heard this date. Each of the foregoing entities is a separate and distinct legal entity.

The Board welcomes you to attend its meetings which are regularly scheduled each Tuesday at 8:30 a.m. Your interest is encouraged and appreciated.

AGENDAS AND MATERIALS: Agendas and most supporting materials are available on the Board's website at <http://www.sonoma-county.org/board/>. Due to legal, copyright, privacy or policy considerations, not all materials are posted online. Materials that are not posted are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, at 575 Administration Drive, Room 100A, Santa Rosa, CA.

SUPPLEMENTAL MATERIALS: Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the Board of Supervisors office at 575 Administration Drive, Room 100A, Santa Rosa, CA, during normal business hours.

DISABLED ACCOMMODATION: If you have a disability which requires an accommodation, an alternative format, or requires another person to assist you while attending this meeting, please contact the Clerk of the Board at (707) 565-2241, as soon as possible to ensure arrangements for accommodation.

Public Transit Access to the County Administration Center:

Sonoma County Transit: Rt. 20, 30, 44, 48, 60, 62

Santa Rosa CityBus: Rt. 14

Golden Gate Transit: Rt. 80

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APPROVAL OF THE CONSENT CALENDAR

The Consent Calendar includes routine financial and administrative actions, are usually approved by a single majority vote. There will be no discussion on these items prior to voting on the motion unless Board Members or the public request specific items be discussed and/or removed from the Consent Calendar.

PUBLIC COMMENT

Any member of the audience desiring to address the Board on a matter on the agenda: Please walk to the podium and after receiving recognition from the Chair, please state your name and make your comments. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the subject under discussion. Each person is usually granted 3 minutes to speak; time limitations are at the discretion of the Chair.

8:30 A.M. CALL TO ORDER

PLEDGE OF ALLEGIANCE

I. APPROVAL OF THE AGENDA

(Items may be added or withdrawn from the agenda consistent with State law)

II. BOARD MEMBER ANNOUNCEMENTS

III. CONSENT CALENDAR

(Items 1 through 20)

PRESENTATIONS/GOLD RESOLUTIONS

(Items 1 through 4)

PRESENTATIONS AT BOARD MEETING

1. Adopt a Gold Resolution commending Phil Demery for his service as the Director of the Sonoma County Department of Transportation and Public Works.
2. Adopt a Gold Resolution commending George Erdman for 33 years of service to the Northern Sonoma County Air Pollution Control District. (Northern Sonoma County Air Pollution Control District)
3. Presentation – Recognizing Art Ibleto, The Pasta King, as key sponsor of PastaPalooza for the Parks. (Third District)
4. Adopt a Gold Resolution proclaiming December 1, 2012 World AIDS Day in Sonoma County. (Health Services)

SONOMA COUNTY WATER AGENCY

(Directors: Brown, Rabbitt, Zane, McGuire, Carrillo)

5. Determine that the granting of Quitclaim Deed from the City of Rohnert Park will not adversely affect the Water Agency in any respect and will not have a significant adverse effect on the environment; and Authorize the Chair to execute the Quitclaim Deed conveying property rights to the City of Rohnert Park; and Authorize the General Manager to file a Notice of Exemption in accordance with the California Environmental Quality Act. (4/5 vote required) (Second District)
6. Authorize the Chair to execute an agreement with Dina Luvishis to provide database and web development services for the amount of \$80,000; agreement terminates on December 31, 2014.
7. Authorize the Chair to approve the second amended agreement with Inter-Fluve, Inc. in an amount not to exceed \$147,235, expanding the scope of work to include additional engineering design services for Phase II of the Dry Creek Habitat Enhancement Demonstration Project, for a new not-to-exceed agreement total of \$622,893; with an agreement termination date of December 31, 2014. (Fourth District)

CONSENT CALENDAR (Continued)

AUDITOR-CONTROLLER-TREASURER-TAX COLLECTOR

8. Adopt a Resolution designating the County Administrator, the Auditor-Controller-Treasurer-Tax Collector and the Fiscal Division Accounting Manager of the Auditor-Controller-Treasurer-Tax Collector's Office as authorized agents of the County of Sonoma for California Emergency Management Agency (CalEMA) public assistance grants.

BOARD OF SUPERVISORS

AND

AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

COMMUNITY DEVELOPMENT COMMISSION

NORTHERN SONOMA COUNTY AIR POLLUTION CONTROL DISTRICT

SONOMA COUNTY WATER AGENCY

(Directors/Commissioners: Brown, Rabbitt, Zane, McGuire, Carrillo)

9. Adopt a Concurrent Resolution amending the Salary Resolution No. 95-0926, Table II: Flat Rates and Department Heads Bargaining Unit 0052, to reflect a salary range for the classification of Director of Human Services, effective November 20, 2012.

BOARD OF SUPERVISORS

AND

AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

SONOMA COUNTY WATER AGENCY

(Directors: Brown, Rabbitt, Zane, McGuire, Carrillo)

10. Adopt a Concurrent Resolution establishing appropriation limits for County and Board of Supervisors-Governed Special Districts, County Service Areas, other Board of Supervisors-governed agencies, Agricultural Preservation and Open Space District, and Sonoma County Water Agency.

COMMUNITY DEVELOPMENT COMMISSION

11. Adopt an Ordinance pursuant to Health and Safety Code Section 34120.5 providing for the revised composition of the Sonoma County Community Development Committee. (Second Reading – Ready for Adoption).

COUNTY ADMINISTRATOR

12. Approve and authorize the County Administrator to execute contract extensions with: (1) Madison Governmental Affairs, Inc. – Contract from January 1, 2013 to December 31, 2013, in an amount not to exceed \$38,000, which provides for a monthly retainer of \$3,000 plus reimbursement of approved expenses not to exceed \$2,000. (2) Alcalde and Fay – Contract from January 1, 2013, to December 31, 2013, in an amount not to exceed \$62,400, which provides for a monthly retainer of \$5,000 per month, plus reimbursement of expenses up to \$100/month plus pre-approved travel expenses not to exceed \$1,200. (3) Direct staff to launch Request for Proposal process for Federal Advocacy services to be completed no later than September 1, 2013.

CONSENT CALENDAR (Continued)

GENERAL SERVICES / SHERIFF'S OFFICE

13. Mt. Jackson Lookout Communication Site Lease Amendment No. 1 – (1) Declare intent to ratify Amendment No. 1 to Lease Agreement L-0986, executed between the State of California and the County of Sonoma providing for replacement of communications tower and equipment vault improvements at the Mt. Jackson Lookout communications site near Guerneville, and offset of the \$18,634 annual rent value of the lease by contribution of County vault space and other in-kind services to the State; (2) Direct the Clerk of the Board to publish a Notice of Intention to ratify such lease agreement amendment; (3) Ratify execution of Amendment No. 1 by the Director of General Services upon completion of the notice period.

HEALTH SERVICES

14. Authorize the Director of Health Services to execute an agreement with Anne Castro to provide veterinary services to implement a mobile spay/neuter pilot program for the period December 1, 2012 through December 31, 2013 in an amount not to exceed \$76,500.
15. Authorize the Director of Health Services to execute a Memorandum of Understanding to provide Public Health Laboratory services to the County of Mendocino for the period November 20, 2012 through June 30, 2015 in an amount not to exceed \$205,405.

TRANSPORTATION AND PUBLIC WORKS

16. Adopt an Ordinance to implement the revised speed limit on Petaluma Avenue from 30 mph to 35 mph. (Second Reading – Ready for Adoption) (Second District)
17. Adopt a Resolution authorizing the Director of Transportation and Public Works to accept the grant from the Department of Fish and Game in the amount of \$24,565, effective from November 20, 2012, through February 28, 2013, for the Purrington Creek Fish Passage Barrier Modification (Job No. M12008). (Fifth District)

APPOINTMENTS/REAPPOINTMENTS

(Items 18 through 20)

18. Appoint Christa Seghezzi to the Alcohol and Drug Problems Advisory Board for a term of 3 years beginning November 20, 2012 and ending November 20, 2015. (Third District)
19. Appoint Stephanie Hulbert to the Developmental Disabilities Board (Area IV) for a term of three years, beginning November 20, 2012 and ending November 20, 2015. (Third District)
20. Reappoint Maryann Cantone to the Developmental Disabilities Board (Area IV) for a term of three years, beginning December 31, 2012 and ending December 31, 2015. (Third District)

IV. REGULAR CALENDAR

(Items 21 through 25)

COUNTY ADMINISTRATOR

21. **9:30 A.M.** – Receive a report on the Management Review of the Office of the Public Defender.

HEALTH SERVICES

22. **10:00 A.M.** – Receive Update from Partnership HealthPlan of California.

HUMAN SERVICES

23. Child Care Planning Council of Sonoma County – (1) Accept an Annual Report from the Child Care Planning Council of Sonoma County on the status of child care planning activities in Sonoma County. (2) Authorize the Interim Director of Human Services to sign the required certification statement regarding composition of local Planning Council Membership. (3) Appoint Carrie Anabo, Cheryl Scholar, and Debb Reece, to the Child Care Planning Council of Sonoma County, for a term ending December 31, 2013. (4) Reappoint Carli Ortiz, Kathleen Kelley, Terry Ziegler, Teri Clark, Teri Porter, Debbie Blanton, Chiara Bacigalupa, Elisabeth Chicoine, Marianne Schwarz-Kesling, Melita Love, Melanie Dodson, Amy Howder-Thompson, Bobby Ewell, Ofelia Ochoa-Morris, to the Child Care Planning Council of Sonoma County for two-year terms beginning January 1, 2013.

COUNTY ADMINISTRATOR

24. Receive Report from Bartel Associates conducting actuary analysis of the effects of establishing new lower pension benefit formulas for new employees effective December 31, 2012.

BOARD OF SUPERVISORS

25. Waive fees in the amount of \$2,600 to Save Our Sports/Altimira and Adele Harrison Middle School for use of the Sonoma Valley Veteran's Memorial Building for a crab feed fundraiser. (First District)

V. CLOSED SESSION CALENDAR

(Items 26 through 28)

26. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel – Existing Litigation – Name of Case: County of Sonoma v. Vickie Greenbaum SCV 251577 (Govt. Code Section 54956.9(a)).
27. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel – Existing Litigation – Name of Case: County of Sonoma v. Hogerton/Carlson. Sonoma County Superior Court Case No.: SCV 250791; In re the Worker’s Compensation Case: Liner, Stephen WCAB.: ADJ7487075 (Govt. Code Section 54956.9(a)).
28. The Board of Supervisors, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, and the Board of Directors of the Agricultural Preservation and Open Space District will consider the following in closed session: Conference with Labor Negotiator, Agency Negotiator: Wendy Macy/Carol Allen/William Kay, Burke & Associates and Carol Stevens, Burke & Associates. Employee organization: All. Unrepresented employees: All, including retired employees (Govt. Code Section 54957.6 (b)).

VI. REGULAR AFTERNOON CALENDAR

(Items 29 through 33)

2:00 P.M. - RECONVENE FROM CLOSED SESSION

29. Report on Closed Session.
30. **PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA**
(Comments are restricted to matters within the Board jurisdiction. The Board will hear public comments at this time for up to thirty minutes. Please be brief and limit your comments to three minutes. Any additional public comments will be heard at the conclusion of the meeting.)
31. Permit and Resource Management Department: Review and possible action on the following:
- Acts and Determinations of Planning Commission/Board of Zoning Adjustments
 - Acts and Determinations of Project Review and Advisory Committee
 - Acts and Determinations of Design Review Committee
 - Administrative Determinations of the Director of Permit and Resource Management

AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

(Directors: Brown, Rabbitt, Zane, McGuire, Carrillo)

32. **2:10 P.M.** – Receive a report on the Gordon and Betty Moore Foundation Grant; and Authorize the General Manager of the Sonoma County Agricultural Preservation and Open Space District to enter into three agreements in support of the \$750,000 Gordon and Betty Moore Foundation Grant awarded to the District for economic valuation of conservation. Two of the agreements are for expenditures (Earth Economics for \$576,700 and Alnus Ecological for \$35,000) and one agreement is for additional income to the District (\$187,000 from Santa Clara County Open Space Authority). The terms of these agreements shall extend from November 20, 2012 to December 31, 2015.
33. **2:10 P.M.** – Approve the District Fee Lands Strategy as recommended by the District General Manager. Actions specific to a particular property would be brought back to the Board for consideration at a later date.

NOTE:

The next meeting will be held on December 4, 2012 at 8:30 a.m.

Upcoming Hearings (All dates tentative until each agenda is finalized)

- December 4th (PM) – UPE07-0008; Cornell Winery Use Permit
- December 4th (PM) – EIR for Watmaugh Road Bridge
- December 11th (AM) – Resolution of Necessity Hearing
- December 11th (PM) – Right-of-Way Vacation of Labath Avenue
- December 11th (PM) – PLP09-0004; Stony Point Rock Quarry



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 1
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisorial District(s):

Supervisor Shirlee Zane, (707) 565-2241

All

Title: Gold Resolution – Phil Demery, Director of Transportation & Public Works

Recommended Actions:

Adopt resolution commending Phil Demery for his five years of service as the Director of the Sonoma County Department of Transportation and Public Works.

Executive Summary:

The Board of Supervisors would like to honor Phil Demery for his five years of dedicated service.

Phil has been a County Public Works Director in California for 18 years, 13 years as the Public Works Director in Santa Barbara County and 5 years as the Transportation and Public Works Director for Sonoma County. He is a graduate of Colorado State University, receiving his B.S. and M.S. Degrees in Civil Engineering. He was elected and served as the President of the County Engineers Association of California (CEAC) in 2002, President of the National Association of County Engineers (NACE) in 2010, named as the County Engineer of the Year in the State of California for 2011 and was named as the National 2011 Urban County Engineer of the year by NACE.

Prior Board Actions:

None.

Strategic Plan Alignment: Goal 4: Civic Services and Engagement

Recognize a director upon his retirement for his contributions to the County.

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-----------|--------------------------|-----------|
| Budgeted Amount | \$ | Select an item. | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ | Total Sources | \$ |

Narrative Explanation of Fiscal Impacts (If Required):

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|---|---|------------------------------|------------------------------|
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Narrative Explanation of Staffing Impacts (If Required):

Attachments:

Resolution

Related Items "On File" with the Clerk of the Board:

Resolution No.

**County of Sonoma
Santa Rosa, CA 95403**

Date: 11/20/2012

**Resolution Of The Board Of Supervisors Of The County Of
Sonoma, State Of California, Commending, Upon His Retirement, Phil
Demery, For His Dedication To The Sonoma County Department of
Transportation and Public Works.**

Whereas, Phil has been a County Public Works Director in California for 18 years, 13 years as the Public Works Director in Santa Barbara County and 5 years as the Transportation and Public Works Director for Sonoma County; and

Whereas, Phil has advocated tirelessly at the State and National level for transportation funding and processes streamlining to maintain transportation infrastructure; and

Whereas, Phil was elected and served as the President of the County Engineers Association of California (CEAC) in 2002; and

Whereas, Phil was elected and served as the President of the National Association of County Engineers (NACE) in 2010; and

Whereas, Phil was named as the County Engineer of the Year in the State of California for 2011; and

Whereas, Phil was named as the National 2011 Urban County Engineer of the year by NACE; and

Whereas, Phil has lead the department in the implementation of new technologies for pavement preservation and road maintenance management; and

Whereas, Phil played a pivotal role in shaping key programs in Transportation, Airport and Refuse that improved the quality of life for all current and future Sonoma County residents; and

Whereas, Phil has been a leader and a friend to those in TPW whose compassion and humor will be sorely missed; and

Whereas, Phil is a loving and caring husband and father who always puts his family first; and

Now, Therefore, Be It Resolved that the Board of Supervisors wishes to express its deep appreciation and commend the manner in which Phil has led the department and served the Board of Supervisors.

Resolution #
Date: 11/20/2012
Page 2

Be It Further Resolved, that the Board of Supervisors of the County of Sonoma wishes to recognize him and wish him the best in his retirement as he and his wife Marlene enjoy their future travels and time spent with their family.

Supervisors:

| | | | | |
|--------|----------|----------|-----------|-------|
| Brown: | Rabbitt: | McGuire: | Carrillo: | Zane: |
| Ayes: | Noes: | Absent: | Abstain: | |

So Ordered.



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 2
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Northern Sonoma County Air Pollution Control District Board of Directors

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): Transportation and Public Works - NSCAPCD

Staff Name and Phone Number:

Supervisorial District(s):

Barbara Lee - (707) 433-5911

Title: Gold Resolution – George Erdman

Recommended Actions:

Adopt resolution commending George Erdman for 33 years of service to the Northern Sonoma County Air Pollution Control District.

Executive Summary:

The Northern Sonoma County Air Pollution Control District (NSCAPCD) would like to honor George Erdman for 33 years of dedicated service to the citizens of the area. George has been an integral part of the team at the NSCAPCD as an Air Quality Specialist III. George played a pivotal role in shaping key air pollution control programs that have measurably improved air quality in Northern Sonoma.

Prior Board Actions:

None

Strategic Plan Alignment: Goal 4: Civic Services and Engagement

Honoring a long-term employee for his contributions to the County.

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-----------|--------------------------|-----------|
| Budgeted Amount | \$ | Select an item. | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ | Total Sources | \$ |

Narrative Explanation of Fiscal Impacts (If Required):

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|---|---|------------------------------|------------------------------|
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| | | | |

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

Resolution

Related Items "On File" with the Clerk of the Board:

Resolution No.

**County of Sonoma
Santa Rosa, CA 95403**

Date: 11/20/2012

**Resolution Of The Board Of Supervisors Of The County Of
Sonoma, State Of California, Commending, Upon His Retirement, George
Erdman, For His Dedication To The Northern Sonoma County Air Pollution
Control District.**

Whereas, George has worked for the Northern Sonoma County Air Pollution Control District for 33 years, beginning in 1979; and

Whereas, shortly after being hired, George displayed a combination of courage, calmness, and compassion, when helping to rescue a citizen from an industrial accident at the Geysers; and

Whereas, George used his compassion, patience, and sense of humor to provide assistance to residents of the District who were confused about the Smog Check Program boundaries when that program was first established, and was recognized by the California State Legislature for his efforts; and

Whereas, George played a pivotal role in shaping key air pollution control programs that have measurably improved air quality in Northern Sonoma; and

Whereas, George led the District's efforts to reduce emissions from woodstoves and fireplaces, and has contributed to statewide and national efforts to improve the performance of these devices; and

Whereas, George was instrumental in the development of the Geysers Air Monitoring Program, a public-private partnership whose mission is to accurately measure the impact of emissions from geothermal energy development on downwind communities; and

Whereas, George has been honored by the Geysers Air Monitoring Consortium for his continued commitment to the success of the Geysers Air Monitoring Program; and

Whereas, George worked tirelessly to establish positive relationships and common goals between the District, the local fire protection agencies, the agricultural community, and the residents of Northern Sonoma that led to improved management of smoke from open burning; and

Whereas, George has been willing to share his knowledge and experience with others and has been a repeated guest speaker at the CA Air Resources Board Air Pollution Enforcement Symposium; and

Whereas, George's dedication to customer service has been reflected in the many positive comments and letters received from residents of the District throughout his 33 year career; and

Whereas, during the course of George's career and due in part to his hard work, the Northern Sonoma County Air Pollution Control District has attained compliance with **ALL** federal and state Ambient Air Quality Standards; and

Whereas, George has been a mentor, leader, and friend to those in the NSCAPCD office and throughout the entire District. His sense of humor, outgoing personality, and straight forward attitude have made him a pleasure to work with and he will be greatly missed.

Now, Therefore, Be It Resolved that the Board of Supervisors wishes to express its deep appreciation and commend the manner in which George has performed his responsibilities.

Be It Further Resolved the Board of Supervisors of the County of Sonoma wishes to recognize him and wish him the best in his retirement.

Supervisors:

| | | | | |
|--------|----------|----------|-----------|-------|
| Brown: | Rabbitt: | McGuire: | Carrillo: | Zane: |
| Ayes: | Noes: | Absent: | Abstain: | |

So Ordered.



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 3
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisorial District(s):

Supervisor Shirlee Zane, (707) 565-2241

Third

Title: Presentation

Recommended Actions:

Presentation - Recognizing Art Ibleto, The Pasta King, as key sponsor of PastaPalooza for the Parks. (Third District)

Executive Summary:

Prior Board Actions:

None.

Strategic Plan Alignment: Goal 4: Civic Services and Engagement

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-----------|--------------------------|-----------|
| Budgeted Amount | \$ | Select an item. | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ | Total Sources | \$ |

Narrative Explanation of Fiscal Impacts (If Required):

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|---|---|------------------------------|------------------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

Resolution

Related Items "On File" with the Clerk of the Board:



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 4
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: County of Sonoma Board of Supervisors

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): Department of Health Services

Staff Name and Phone Number:

Rita Scardaci, 565-4700

Supervisory District(s):

Countywide

Title: World AIDS Day 2012

Recommended Actions:

Adopt a Resolution proclaiming December 1, 2012 World AIDS Day in Sonoma County.

Executive Summary:

The Sonoma County World AIDS Day Committee requests the Board of Supervisors proclaim December 1, 2012 World AIDS Day in Sonoma County. The World AIDS Day Committee and a coalition of HIV prevention agencies are planning a number of events leading up to December 1, 2012 to increase awareness and educate the community about HIV and AIDS. These events are designed to encourage Sonoma County residents to get involved locally and globally by volunteering at one of the many local HIV prevention and care agencies or donating to one of the local agencies that are providing hands-on assistance around the world.

The World Health Organization established World AIDS Day in 1988 to focus attention on the devastating impact of the HIV/AIDS epidemic. World AIDS Day is held on December 1 each year and is an opportunity for people worldwide to unite in the fight against HIV, show their support for people living with HIV, and to commemorate people who have died. Locally, World AIDS Day provides an opportunity for government, local agencies, community groups, associations, and individuals to demonstrate the importance of the fight against HIV/AIDS.

Theme for 2012:

Sonoma County's theme for World AIDS Day this year is "The Many Faces of HIV/AIDS ~ Finding the 500 Together!" HIV and AIDS affect all individuals in Sonoma County. It is estimated that there are approximately 500 people in Sonoma County who are unaware that they are HIV-positive. Through routine and targeted testing, outreach awareness, and press releases, the goal is to inform all about the importance of getting tested and knowing their status. If we are able to find the 500, we can strive for an HIV-free generation in the future.

Critical to HIV prevention and improving the survival of HIV-infected persons is targeted testing, linking people to a health home for treatment and care, implementing an antiretroviral therapy, and suppressing viral load. For HIV-positive individuals, achieving viral suppression maintains health and reduces the chances of transmission to uninfected sexual and drug partners. Undiagnosed HIV-positive individuals are more likely to

transmit HIV to others, compared to individuals who know their HIV-positive status. The Centers for Disease Control recommends HIV testing as part of every person's health regimen. Like many other diseases, early detection and treatment can greatly extend the length, and improve the quality, of a person's life.

Global and United States HIV/AIDS Statistics

- There were 34 million people living with HIV at the end of 2010; 50 percent of these are women.
- In the United States 1.2 million people are living with HIV/AIDS. Of these, 20 percent do not know they are infected.
- In the US, someone is newly infected with HIV every 9.5 minutes.
- The Centers for Disease Control predicts that by 2015 half of those living with HIV will be over 50.

Sonoma County HIV/AIDS Statistics

- There are approximately 2,000 persons living with HIV/AIDS in Sonoma County.
- Approximately 25% of the individuals with AIDS do not know they are infected with HIV.
- Sonoma County has the seventh highest prevalence of persons living with AIDS of all 58 California counties.

Proclaiming December 1, 2012 World AIDS Day in Sonoma County will provide support to the Committee on World AIDS Day and the coalition of agencies and individuals working together to help reduce the stigma of this disease.

Prior Board Actions:

11/15/11 World AIDS Day December 1, 2011; 11/9/10 World AIDS Day 2010 in Sonoma County, December 1, 2010; 11/17/09 World AIDS Day 2009 in Sonoma County, December 1, 2009; 11/18/08 World AIDS Day 2008 in Sonoma County, December 1, 2008; 11/27/07 World AIDS Day 2007 in Sonoma County, December 1, 2007.

Strategic Plan Alignment:

Goal 1: Safe, Healthy, and Caring Community

Bringing about a greater awareness of the prevalence of HIV/AIDS will result in reduced disease transmission and improvement of the lives of those already infected.

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-------------|----------------------|-------------|
| Budgeted Amount | \$ 0 | County General Fund | \$ 0 |
| Add Appropriations Req'd. | \$ 0 | State/Federal | \$ 0 |
| | \$ | Fees/Other | \$ 0 |
| | \$ | Use of Fund Balance | \$ 0 |
| | \$ | Contingencies | \$ 0 |
| | \$ | | \$ |
| Total Expenditure | \$ 0 | Total Sources | \$ 0 |

Narrative Explanation of Fiscal Impacts (If Required):

None.

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|---|---|------------------------------|------------------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

None.

Attachments:

Resolution, List of World AIDS Day Events.

Related Items “On File” with the Clerk of the Board:

None.

Resolution No.

**County of Sonoma
Santa Rosa, CA 95405**

Date: 11/20/2012

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State
Of California, Proclaiming December 1, 2012, As World AIDS Day.**

Whereas, the global AIDS epidemic requires a coordinated, worldwide effort to increase communication, education, and action to stop the spread of HIV/AIDS; and

Whereas, World AIDS Day was established by the World Health Organization in 1988 to focus attention on the devastating impact of the HIV/AIDS epidemic; and

Whereas, UNAIDS observes December 1 of each year as World AIDS Day, a day to expand and strengthen worldwide efforts to stop the spread of HIV/AIDS; and

Whereas, World AIDS Day provides an opportunity to focus local, national, and international attention on the importance of the fight against HIV infection and AIDS, and to disseminate information on how to prevent the spread of HIV; and

Whereas, the Centers for Disease Control and Prevention estimates up to 1.2 million people in the United States are now living with the disease; and 20 percent of these are undiagnosed and unaware of their HIV infection; and

Whereas, Sonoma County has the seventh highest prevalence of persons living with AIDS of all 58 counties in California; and

Whereas, the Sonoma County Commission on AIDS has been responding to the epidemic locally for 25 years, and

Whereas, the Sonoma County Commission on AIDS and a coalition of dedicated HIV prevention volunteers and agencies have mobilized to provide a range of World AIDS Day activities to increase community awareness of HIV, support, and engagement.

Now, Therefore, Be It Resolved that the Board of Supervisors of the County of Sonoma, does hereby proclaim December 1, 2012 as World AIDS Day in Sonoma County.

Supervisors:

| | | | | |
|--------|----------|----------|-----------|-------|
| Brown: | Rabbitt: | McGuire: | Carrillo: | Zane: |
| Ayes: | Noes: | Absent: | Abstain: | |

So Ordered.

World AIDS Day Events in Sonoma County 2012

| Event | Date & Time | Location | Donation Recipients |
|---------------------------|----------------------------------|---|---------------------------------|
| Food Drives | Sat. Dec. 1 10AM - 5 PM | Safeway Sebastopol | Food for Thought |
| | Sat. Dec. 1 10AM - 5 PM | Sonoma Market Sonoma | Food for Thought |
| Candlelight Vigil | Sat. Dec. 1 5:00 PM | SRJC Bertolini Plaza 1801 Mendocino Avenue if rain, Bertolini Student Center | |
| HIV/HCV Testing | Thurs. Nov. 29 10 PM | Across from Chrome Lotus 504 Mendocino Avenue | |
| Give Back Tuesday | Tues. Nov 27 5:30 - 8:00 PM | Rainbow Cattle Company 16220 Main St. Guerneville Raffle of donated items & 10% of total sales are donated | Sisters of Perpetual Indulgence |
| Dining Out For Life | Thurs. Nov 29 | Many participating restaurants throughout Sonoma County www.diningoutforlife.com/sonomacounty | Food For Thought |
| Fashion Show | Thurs. Nov 29 10PM - Midnight | Chrome Lotus 501 Mendocino Avenue SRJC students designed and community members will model condom outfits. | |
| World AIDS Day Ceremonies | Mon. Dec. 3 12:30-1:30 PM | Kaiser Permanente at the fountain in front of the main hospital Santa Rosa | |
| AIDS Memorial Quilt | Sat. Dec. 1 & Sun. Dec. 2 | Guerneville Vets Building Church & First Sts, Guerneville | |



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 5
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Directors, Sonoma County Water Agency

Board Agenda Date: November 20, 2012

Vote Requirement: 4/5

Department or Agency Name(s): Sonoma County Water Agency

Staff Name and Phone Number:

Supervisorial District(s):

Kevin Campbell 547-1921

Second

Title: Grant of Property to City of Rohnert Park

Recommended Actions:

Adopt Board Action for the following actions:

1. Determine that the granting of the Quitclaim Deed will not adversely affect the Water Agency in any respect and will not have a significant adverse effect on the environment; 2. Authorize the Chair to execute the Quitclaim Deed conveying property rights to the City of Rohnert Park; and 3. Authorize the General Manager to file a Notice of Exemption in accordance with the California Environmental Quality Act.

Executive Summary:

The Sonoma County Water Agency (Water Agency) owns property located at the intersection of Redwood Drive and Business Park Drive in Rohnert Park. The property was originally acquired by the Water Agency for construction of the Transport Avenue Conduit Project (Project) and Labath Channel Daylight Section. The Water Agency's improvements consist of an underground 54" conduit and an improved channel. The City of Rohnert Park (City) and Pacific Gas and Electric Company (PG&E) have also constructed improvements on the property. The City's improvements consist of a portion of Redwood Drive. Other improvements constructed on the property consist of a sign identifying the Business Park together with landscaping improvements. PG&E has also installed a transmission pole with guy wires on the property. The City has requested that the Water Agency adopt an easement for the City for them to construct additional street improvements on the Water Agency property.

The Water Agency has a long-standing policy of transferring enclosed conduit flood control works that were constructed for the benefit of City municipalities upon expiration of the warranty period for the construction of such improvements. For undetermined reasons this conduit project was never transferred to the City. The staff of the Water Agency is recommending that the Board of Directors instead, quitclaim the property acquired by the Water Agency for the Project.

If the Water Agency quitclaims the property to the City, the City would be able to construct their improvements and would assume liability for existing Project improvements. The City has agreed to accept the Quitclaim Deed executed by the Water Agency. The Quitclaim Deed is on file with the Clerk.

The proposed granting of the property was submitted to the City of Rohnert Park Planning Department (Planning Department) for determination of general plan consistency in accordance with Government Code, Section 65402. The Planning Department determined that the transfer of the property is consistent with the general plan.

The Water Agency has determined that the grant of property to the City is exempt from the California Environmental Quality Act pursuant to the California Environmental Quality Act Guidelines § 15061(b)(3) because the transfer of property rights would not result in any change in existing environmental conditions and any further development of the parcel would be subject to future environmental review pursuant to the California Environmental Quality Act. Staff has prepared a Notice of Exemption in accordance with the California Environmental Quality Act, the State California Environmental Quality Act Guidelines and the Water Agency's Procedures for the Implementation of the California Environmental Quality Act and is on file with the Clerk.

Section 9 of the Agency Act states that the Water Agency may convey property rights to other public agencies, by a four-fifths vote of the Board, after the Board has considered such conveyance as a scheduled agenda item at not less than two of its regularly scheduled meetings. This item was considered by the Board at the Board's meeting of November 13, 2012. Per Section 9 of the Agency Act, the Board can now act of the requested conveyance.

Furthermore, Section 9 of the Agency Act states that the Water Agency may convey such property rights to other public agencies with or without consideration. The property was appraised and has no market value.

The staff of the Water Agency is of the opinion that the mutual benefit of transferring title of the property and Project improvements warrant the Board's execution of the Quitclaim Deed without payment of monetary consideration by the City.

Prior Board Actions:

11-13-2012 Consideration of Board Action determinating that the granting of Quitclaim Deed will not adversely affect the Water Agency in any respect and will not have a significant adverse effect on the environment; 2. Authorize the Chair to execute the Quitclaim Deed conveying property rights to the City of Rohnert Park; and 3. Authorize the General Manager to file a Notice of Exemption in accordance with the California Environmental Quality Act.

Strategic Plan Alignment: Goal 3: Invest in the Future

Transferring the title is in the best interest of the county's future and providing resources to the local communities' benefit and appropriate future management.

Water Agency Flood Control Goals and Strategies:

Goal 1: Maintain, operate, and modify flood protection

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-------------|-----------------------|-------------|
| Budgeted Amount | \$ 0 | Water Agency Gen Fund | \$ 0 |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ 0 |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 0 | Total Sources | \$ 0 |

Narrative Explanation of Fiscal Impacts (If Required):

This item is administrative in nature with no budgetary actions associated. The property has no market value. As the City of Rohnert Park will be assuming the liability and maintenance of the improvements, there is greater benefit to the Agency in quitclaiming the property to the City than in retaining the property. This action is consistent with the Agency's practice and eliminates the maintenance and liability costs to the Agency.

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|--|--------------------------------------|-----------------------|-----------------------|
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

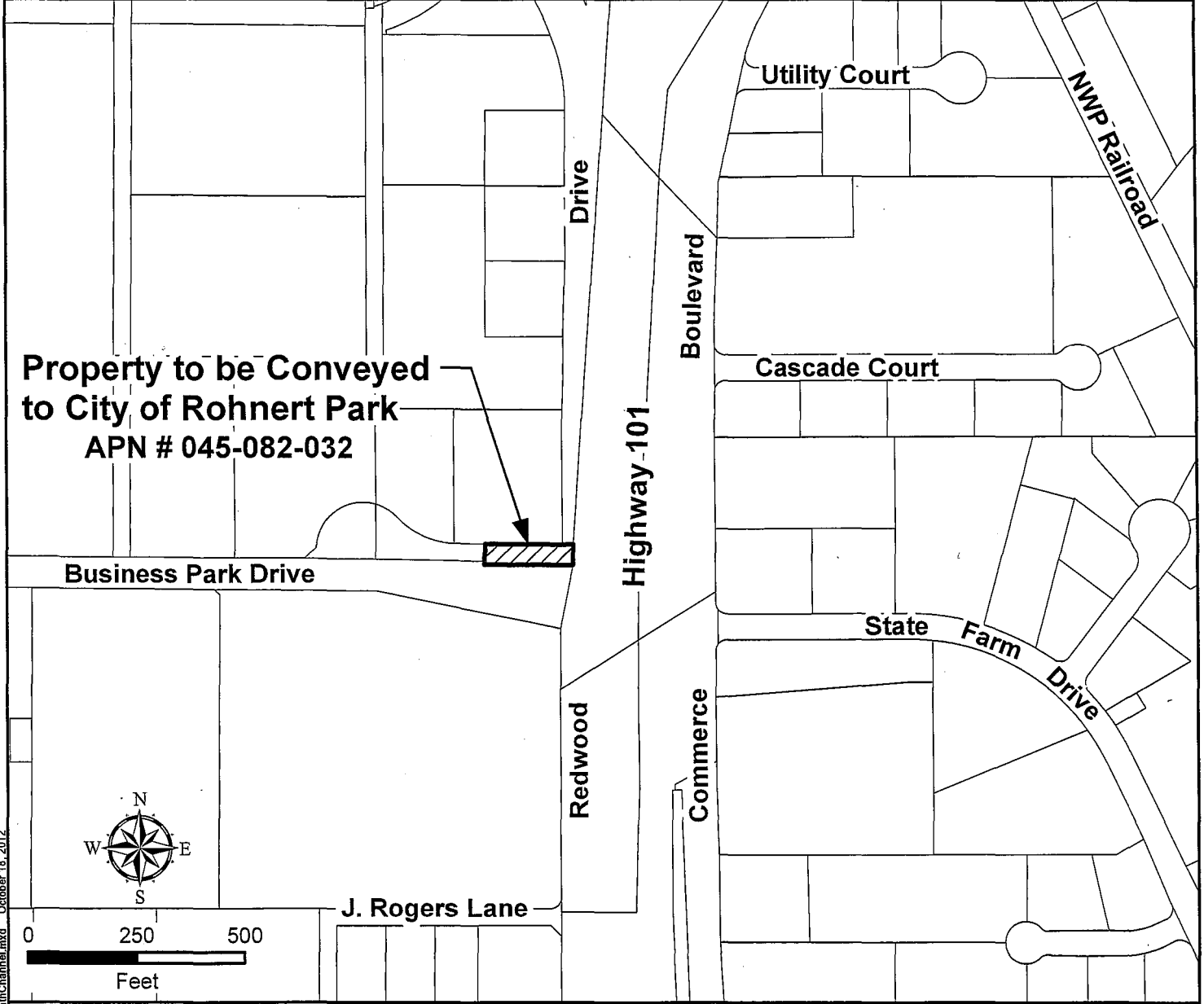
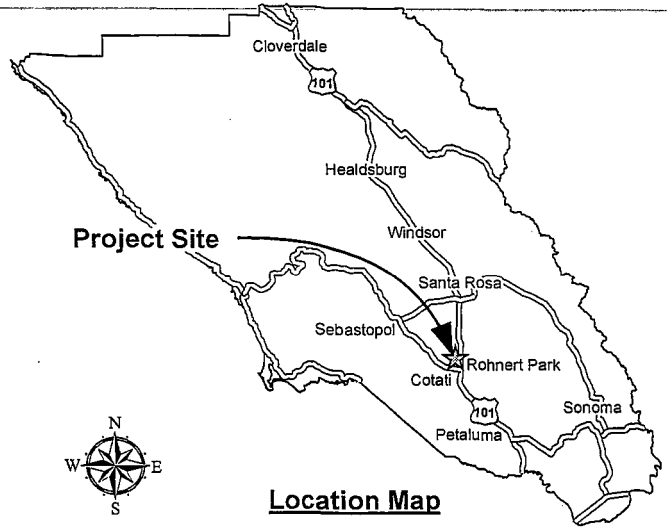
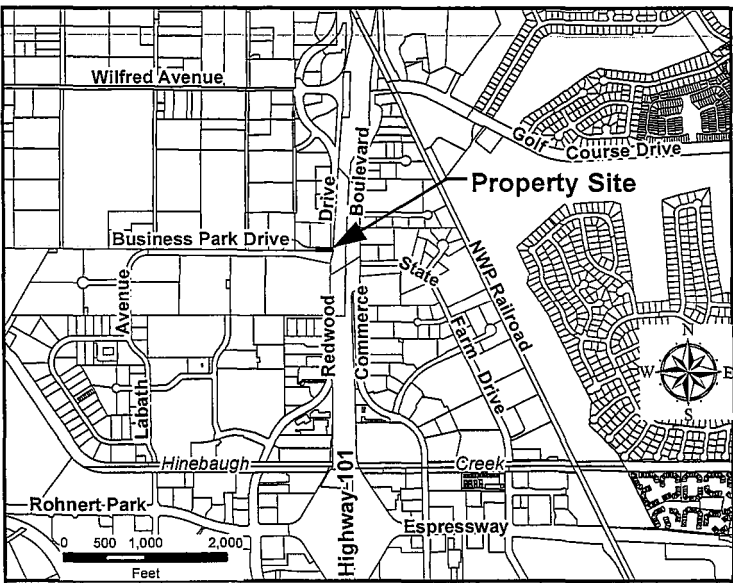
None

Attachments:

Exhibit A-1 (Map)

Related Items "On File" with the Clerk of the Board:

Quitclaim Deed (3 Copies)
Water Agency's Notice of Exemption



V:\Flood Control\17249_LabathChannel.mxd - October 18, 2012

Sonoma County Water Agency
 404 Aviation Boulevard
 Santa Rosa, CA

**Grant of Property to City of Rohnert Park
 Labath Channel**

**Exhibit
 A-1**



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 6
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Directors, Sonoma County Water Agency

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s):

Staff Name and Phone Number:

Courtney Ellerbusch 547-1961

Supervisory District(s):

All

Title: Database and Web Development Services

Recommended Actions:

Authorize Chair to execute an agreement with Dina Luvishis to provide Database and Web Development Services for the amount of \$80,000; agreement terminates on Dec. 31, 2014.

Executive Summary:

History of Item/Background

On June 7, 2011, the Board authorized a two-year agreement between the Sonoma County Water Agency (Water Agency) and Dina Luvishis for \$75,000 to expand work on database, user and web application systems related to standards certification, financial management, Biological Opinion compliance, water resource planning, public affairs management, utilization of Geographic Information Systems, right-of-way management, and other activities central to the Water Agency's current and long term goals.

Tasks under that agreement included the following:

1. Design, construct, and implement various forms for use on the Water Agency's intranet.
2. Create, interface and link new and existing databases, such as Stream Maintenance Program Database to existing Geographic Information Systems database and Right of Way database.
3. Structured Query Language Database and web interface for the Water Conservation Rebate program.
4. Database for water conservation efficiency analysis in volumetric billing rate study.
5. Web forms and reports for Sonoma County Youth Ecology Corp Stream Maintenance program database.
6. Environmental Management Systems and Quality Management Systems, Call Log (public) web application/Structured Query Language database.

While this work was being completed, the Water Agency identified additional tasks and areas of need that could not be commenced during the limited time remaining under the agreement. It was determined that

additional consultation would be necessary to address upcoming or ongoing needs in this area.

Selection Process

On September 12, 2012, the Water Agency invited statements of qualifications from firms or individuals interested in providing database and web development services.

Invitations were sent to six firms or individuals; the invitation was also posted online. Four firms or individuals responded with statements of qualifications. Based on evaluation of statements of qualifications, Water Agency staff developed a list of three qualified firms or individuals, including the County of Sonoma's Information Systems Department, Dina Luvishis of Santa Rosa, and Moosepoint Technologies in Sonoma. The Water Agency will use the list to select consultants for various future projects.

For the subject agreement, Dina Luvishis (Consultant) was selected to develop project-level databases with a variety of input interfaces as well as potential mobile applications for field data collection, and other related tasks. The Consultant was selected based on general overall experience in combination with specific experience with Water Agency programs and projects, as well as familiarity with particular applications and databases.

Services To Be Performed

Under the proposed new agreement, the Consultant will further develop and maintain the following database, user, and web application systems, and will begin new assignments related to the following:

1. Ongoing Biological Opinion and Stream Maintenance Program regulatory compliance, natural resource planning and environmental document preparation.
2. Continued support of multiple field data collection applications used as resource for Geographic Information Systems projects related to engineering and environmental activities.
3. Administrative information management systems to improve efficiency and facilitate the Water Agency's goal of International Standards certification.
4. Additional Programming as Needed: Consultant will work on additional database and web application tasks as needed and upon request of the Water Agency.

Prior Board Actions:

On 06/07/2011 Board authorized an agreement between the Water Agency and consultant Dina Luvishis to expand work on database, user and web application systems.

Strategic Plan Alignment: Goal 3: Invest in the Future

The work under this agreement supports County Goal #3: Invest in the Future, by maintaining and improving the Water Agency's ability to plan for the future and function in the present in critical areas such as accounting, finance and recordkeeping, water resource planning, engineering, sanitation, water transmission and environmental activities and compliance, and more.

Water Agency Organizational Goals and Strategies, Goal 2: Increase organizational efficiency, effectiveness, and resiliency to natural disasters.

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|------------------|--------------------------|------------------|
| Budgeted Amount | \$ 80,000 | Water Agency Gen Fund | \$ 80,000 |
| Add Appropriations Req'd. | \$ 0 | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 80,000 | Total Sources | \$ 80,000 |

Narrative Explanation of Fiscal Impacts (If Required):

Total costs are included in the FY 12/13 budget.

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|---|---|------------------------------|------------------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

None

Related Items "On File" with the Clerk of the Board:

Agreement (4 Copies)



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 7
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Directors, Sonoma County Water Agency

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): Sonoma County Water Agency

Staff Name and Phone Number:

Supervisory District(s):

Greg Guensch 547-1972

Fourth

Title: Dry Creek Habitat Enhancement Demonstration Project

Recommended Actions:

Authorize Chair to approve the second amended agreement with Inter-Fluve, Inc. in an amount not to exceed \$147,235, expanding the scope of work to include additional engineering design services for Phase II of the Dry Creek Habitat Enhancement Demonstration Project, for a new not-to-exceed agreement total of \$622,893; with an agreement termination date of December 31, 2014.

Executive Summary:

The purpose of this agenda item is to amend the existing agreement with Inter-Fluve, Inc. in order to finalize the construction plans for the remainder of the 1-mile long Demonstration Reach of the Dry Creek Habitat Enhancement Project. The plans and bid documents must be final and put out to bid by late January 2013 in order to construct the project in the 2013 construction season, which is required by the Russian River Biological Opinion.

History of Item/Background

In September 2008, the National Marine Fisheries Service issued the Biological Opinion on the water supply, flood control, and channel maintenance operations in the Russian River watershed, that are conducted by the Sonoma County Water Agency (Water Agency), U.S. Army Corps of Engineers, and Mendocino County Russian River Flood Control District. The Biological Opinion is a 15-year plan based on the results of a Section 7 consultation under the federal Endangered Species Act.

The Biological Opinion identifies the operation of Warm Springs Dam as adversely modifying critical habitat in Dry Creek and jeopardizing the recovery of endangered coho salmon and threatened steelhead. Among other requirements, the Biological Opinion requires the Water Agency to conduct habitat enhancement projects along significant portions of Dry Creek and/or pursue alternatives that may lower minimum flows in Dry Creek during critical fish-rearing months.

To that end, in October 2008 the Water Agency entered into an Agreement with Inter-Fluve, Inc. (Consultant) to perform a two-phase feasibility study to identify habitat enhancement opportunities and develop conceptual designs of potential enhancement projects along Dry Creek. In Phase I, the Consultant conducted a geomorphic and habitat assessment of the existing conditions in the entire 14-mile stretch of Dry Creek from Warm Springs Dam to its confluence with the Russian River and presented basic habitat enhancement approaches. In Phase II, the Consultant evaluated the identified enhancement opportunities in greater detail and developed conceptual alternatives for sites throughout the 14-mile stretch of Dry Creek. The cost and potential habitat value for each project was then estimated, and relative priorities were assigned.

Under the present Demonstration-Project Agreement, signed in March 2010, the Consultant developed detailed plans for a 1-mile long Dry Creek Habitat Enhancement Demonstration Project (Demonstration Project). The purpose of the Demonstration Project is to demonstrate to regulators, landowners, and local decision-makers how the habitat enhancements are constructed, what they initially and eventually look like, and what their effectiveness is at a local scale prior to implementing the full 6 miles of habitat enhancements required by the Biological Opinion. One site along the Demonstration Project (Demonstration Project Phase I) was completed on October 10, 2012. To remain in compliance with the Biological Opinion, the remaining portion of the Demonstration Project (Demonstration Project Phase II) must be completed in the 2013 construction season.

The next phase of the Dry Creek Habitat Enhancement Project, is to design and implement habitat enhancement projects for miles 2 and 3 of the project. Specifically, the process involves the following steps:

1. Evaluate the conceptual alternatives described in Consultant's Phase II report and identify priority reaches of the creek;
2. Meet with property owners along the creek to generate interest in the project and identify those owners who would like to participate by allowing projects to be implemented on their land;
3. Release a Request for Qualifications to generate a list of qualified design consultants;
4. Once the majority of potential project sites are identified, release a Request for Proposals to the qualified design consultants;
5. Once selected, enter agreement with design consultant and execute the design process for the Miles 2 and 3 habitat enhancement projects;
6. Begin construction in 2015.

Throughout this process, the Water Agency's Right-Of-Way Section will be working to establish the necessary right-of-way to the project sites and access routes for a period of 25 years following project implementation.

Selection Process

In July 2007, the Water Agency sent a Request for Proposals for geomorphic and habitat restoration assessment and conceptual design services to twelve firms and seven firms responded.

Based on the July 2007 Request for Proposals process, Inter Fluve, Inc., LOCATION, (Consultant) was selected to conduct the above-referenced geomorphic assessment and feasibility/design studies, because of its extensive experience with this type of work at large scales, and demonstrated knowledge of the challenges in Dry Creek and the Russian River watershed.

Original Demonstration Project Agreement and First Amended Agreement

The Water Agency and the Consultant entered into the Agreement for Engineering Design for the Dry Creek Habitat Enhancement Demonstration Project for the entire one-mile Demonstration Project, dated May 4, 2010, in the amount of \$429,198 (Demonstration Project Agreement).

The Demonstration Project was split into 2 phases in order to make it possible to construct a portion in 2012, while landowner negotiations were finalized with the remainder of the reach.

Demonstration Project Phase I consists of a pilot project that was constructed this summer (2012). Demonstration Project Phase II consists of the remainder of the one-mile Demonstration Project reach. The First Amended Agreement, dated April 26, 2012, added tasks to the Demonstration Project Agreement for Consultant's assistance with bidding and construction of Phase I of the Demonstration Project, adding \$46,460 for a new total Demonstration Project Agreement amount of \$475,658. The First Amended Agreement also clarified the term end date as December 31, 2013.

Second Amended Agreement

As indicated above, the Demonstration Project was split into 2 phases in order to make it possible to construct a portion in 2012. The splitting of the project resulted in an additional project site, two re-organizations of the plan set, an additional submittal, and analysis and design work that was not included in the Demonstration Project Agreement or First Amended Agreement. The construction plans for the Phase II portion of the Demonstration Project were left at 90 percent complete, while the Phase I Demonstration Project construction plans were fully developed into construction bid documents. Under the proposed Second Amended Agreement, the Consultant will finalize the 90 percent construction documents for the Phase II Demonstration Reach, re-introduce revegetation and control-of-water plans, conduct outreach to landowners along the Project, provide construction observation and assistance, perform project management, and, if requested by the Water Agency, provide additional design and construction assistance and geotechnical services.

The proposed Second Amended Agreement adds tasks for engineering design services for the finalization of Phase II of the one-mile Demonstration Project, in the amount of \$147,235, for a new total agreement amount of \$622,893. This amount includes \$59,800 for additional design and construction assistance that can be requested at the option of the Water Agency if warranted. Some situations that may warrant additional assistance include the discovery of unanticipated site conditions, changes in landowner participation, adjustments necessary to satisfy regulators, or the need for more time on site by the design or geotechnical engineer than assumed in the budget. The amendment also extends the term through December 31, 2014 to allow for completion of the additional tasks.

Prior Board Actions:

- 05/04/10 Approved Agreement for Engineering Design for the Dry Creek Habitat Enhancement Demonstration Project
- 03/30/10 Approved Agreement for Dry Creek Habitat Restoration Feasibility Study-Phase II
- 10/07/08 Approved Agreement for Dry Creek Habitat Restoration Feasibility Study-Phase I
- 06/10/08 Approved Agreement for Flow-related EIR/EIS Phase I Environmental Services and Stakeholder Assessment

Strategic Plan Alignment: Goal 2: Economic and Environmental Stewardship

This project advances this goal by meeting the environmental criteria for critical coho and steelhead habitat set forth in the Russian River Biological Opinion, restoring some natural features and functions to the Creek, and securing the ability to use Dry Creek to cost-effectively convey water from Warm Springs Dam at flow rates that meet present and future (increased) water demands. The project also supports the County economy by providing work for local and regional contractors and consultants, demand for building materials, and a steady flow of visitors to the sites and associated wineries.

Water Agency Water Supply Goals and Strategies, Goal 3:

Ensure that water will be available to customers at all times, including during short-term emergencies, such as earthquakes, and long-term challenges caused by extended droughts and global climate change.

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-------------------|-----------------------------|-------------------|
| Budgeted Amount | \$ 147,235 | Water Agency Gen Fund | \$ 0 |
| Add Appropriations Req'd. | \$ 0 | State/Federal | \$ 0 |
| | \$ | Warm Springs Dam Fees/Other | \$ 147,235 |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 147,235 | Total Sources | \$ 147,235 |

Narrative Explanation of Fiscal Impacts (If Required):

FY 12/13 appropriation of \$147,235 is from the Warm Springs Dam fund. No FY 13/14 appropriation is required.

| Staffing Impacts | | | |
|---|---|------------------------------|------------------------------|
| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
| | | | |
| | | | |
| Narrative Explanation of Staffing Impacts (If Required): | | | |
| N/A | | | |
| Attachments: | | | |
| None. | | | |
| Related Items “On File” with the Clerk of the Board: | | | |
| Amended Agreement (4 Copies) | | | |

JB\\FILESERVER\DATA\CL\AGENDA\AGREES\11-20-2012 WA INTER-FLUVE, INC.
2ND AMENDED AGREEMENT_SUMM.DOCX

CF/45-6.1-21 Inter-Fluve, Inc. (Agree for Engineering Design for the Dry Creek Habitat
Enhancement Demonstration Project) TW# 09/10-126 (ID 2453)



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 8
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): Auditor-Controller-Treasurer-Tax Collector (ACTTC)

Staff Name and Phone Number:

Randy Siple 565-3679

Supervisory District(s):

All Supervisory Districts

Title: CalEMA Designation of Applicant's Agent Resolution

Recommended Actions:

Adopt resolution designating the County Administrator, the Auditor-Controller-Treasurer-Tax Collector and the ACTTC Fiscal Division Accounting Manager as authorized agents of the County of Sonoma for CalEMA (California Emergency Management Agency) public assistance grants.

Executive Summary:

CalEMA requires a Designation of Applicant's Agent Resolution for Non-State Agencies to be on file for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act. A new Designation of Applicant's Agent Resolution for Non-State Agencies is required if the previously submitted document is older than three (3) years from the last date of approval or if changes are required to the name and/or title of authorized agents. The County of Sonoma currently has two (2) open public assistance grants administered by CalEMA.

The attached resolution designates the County Administrator, the Auditor-Controller-Treasurer-Tax Collector and the ACTTC Fiscal Division Accounting Manager as authorized agents for the County of Sonoma.

Prior Board Actions:

03/10/1998 Adopted Designation of Applicant's Agent Resolution

Strategic Plan Alignment: Not Applicable

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-----------|--------------------------|-----------|
| Budgeted Amount | \$ | Select an item. | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ | Total Sources | \$ |

Narrative Explanation of Fiscal Impacts (If Required):

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|---|---|------------------------------|------------------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

Cal EMA 130-Designation of Applicant’s Agent Resolution for Non-State Agencies

Related Items “On File” with the Clerk of the Board:

Resolution No.

**County of Sonoma
Santa Rosa, CA 95403**

Date: 11/20/2012

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State
Of California, Adopting Designation of Applicant's Agent.**

Whereas, The County of Sonoma currently has two (2) open federal public assistance grants administered by the California Emergency Management Agency.

Whereas, The California Emergency Management Agency requires a Designation of Applicant's Agent Resolution for Non-State Agencies to be on file for the purpose of obtaining certain federal assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or stated financial assistance under the California Disaster Assistance Act.

Whereas, The California Emergency Management Agency requires that a new Designation of Applicant's Agent Resolution for Non-State Agencies be filed if the previously submitted document is older than three (3) years from the last approved date or if there is a change in name and/or title designation of authorized agents.

Whereas, The County wishes to designate the County Administrator, the Auditor-controller-Treasurer-Tax Collector and the ACTTC Fiscal Division Accounting Manager as its authorized agents.

Whereas, The most recent Designation of Applicant's Agent Resolution filed with the California Emergency Management Agency was approved on March 10, 1998.

Now, Therefore, Be It Resolved that the Board of Directors of Sonoma County hereby order the Clerk of the Board of Directors, in conjunction with the office of the Auditor-Controller-Treasurer-Tax Collector, to file an updated CalEMA Form 130, *Designation of Applicant's Agent Resolution For Non-State Agencies*, with the California Emergency Management Agency, designating the County Administrator, the Auditor-Controller-Treasurer-Tax Collector, and the ACTTC Fiscal Division Accounting Manager as the County's authorized agents.

Supervisors:

Brown: Rabbitt: McGuire: Carrillo: Zane:
Ayes: Noes: Absent: Abstain:

So Ordered.

A-1

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE Board of Supervisors OF THE County of Sonoma
(Governing Body) (Name of Applicant)

THAT Auditor-Controller-Treasurer-Tax Collector, OR
(Title of Authorized Agent)
County Administrator, OR
(Title of Authorized Agent)
Fiscal Accounting Manager
(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the County of Sonoma, a public entity
(Name of Applicant)

established under the laws of the State of California, this application and to file it with the California Emergency Management Agency for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the County of Sonoma, a public entity established under the laws of the State of California,
(Name of Applicant)

hereby authorizes its agent(s) to provide to the California Emergency Management Agency for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

- This is a universal resolution and is effective for all open and futures disasters up to three (3) years following the date of approval below.
- This is a disaster specific resolution and is effective for only disaster number(s) _____

Passed and approved this _____ day of _____, 2012

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

CERTIFICATION

I, _____, duly appointed and _____ of
(Name) (Title)

_____, do hereby certify that the above is a true and correct copy of a
(Name of Applicant)

Resolution passed and approved by the Board of Supervisors of the County of Sonoma
(Governing Body) (Name of Applicant)

on the _____ day of _____, 20____.

(Signature) (Title)

Cal EMA Form 130
Instructions

A new Designation of Applicant's Agent Resolution for Non-State Agencies is required if the previously submitted document is older than three (3) years from the last date of approval.

When completing the Cal EMA Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the individual or group responsible for appointing and approving the Authorized Agents. Examples include: Board of Directors, City Council, Board of Supervisors, etc.

Name of Applicant: This is the official name of the non-profit, agency, city, or county that has applied for the grant. Examples include: Sacramento Public Water Works; City of Sacramento; or Sacramento County.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the California Emergency Management Agency regarding grants applied for by the Applicant. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents should be entered here, not their names. This allows the document to remain valid if an Authorized Agent leaves the position and is replaced by another individual. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency (e.g.; City Clerk, the Authorized Agent, Secretary to the Director) and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names and titles of the Authorized Agents should be listed. A new Cal EMA Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

Governing Body Representative: These are the names and titles of the approving board members. Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles cannot be one of the designated Authorized Agents.

Certification Section:

Name and Title: This is the individual that was in attendance and recorded the Resolution creation and approval. Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person cannot be one of the designated Authorized Agents to eliminate "Self Certification."



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 9
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors of the County of Sonoma, Board of Directors of the Sonoma County Water Agency, Board of Commissioners of the Community Development Commission, Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, and Board of Directors of the Northern Sonoma County Air Pollution Control District

Board Agenda Date: November 20, 2012 **Vote Requirement:** Majority

Department or Agency Name(s): Human Resources

Staff Name and Phone Number: Christina Cramer (707) 565-2988
Supervisory District(s): N/A

Title: Amend Salary Resolution – Salary Table, Director of Human Services

Recommended Actions:

Approve Concurrent Resolution amending the Salary Resolution No. 95-0926, Table II: Flat Rates and Department Heads Bargaining Unit 0052, To Reflect A Salary Range For The Classification Of Director of Human Services, Effective November 20, 2012.

Executive Summary:

In preparation for conducting a recruitment for Director of Human Services, Human Resources evaluated the March 2012 Salary Resolution total compensation salary survey and also reviewed each of the County's comparable counties and classifications. The analysis found that Sonoma's Director of Human Services position was 7.5% below the market in monthly salary and 3% above market when considering total compensation. This analysis also revealed that none of the comparison counties have their respective positions' salary set at a flat rate; all seven counties have a salary range for their respective positions.

The County's Director of Human Services position is compensated at a "flat rate" of \$15,118/month. A flat rate salary does not have a salary range, which means permanently appointed incumbents are initially placed into the position at this level and remain at this level while serving in this position.

With the current exception of the Director of Human Services, other County department head positions have a salary range, and the elected positions, County Administrator and County Counsel are compensated at a flat rate. Given this data, Human Resources and the County Administrator do not recommend adjusting the salary, but do recommend establishing a salary range for the position. A salary range allows for more flexibility to appoint an incumbent based on their relevant experience and qualifications. Using the current flat rate as the

top step, the "A"/entry hourly step would be \$71.51.

Prior Board Actions:

None

Strategic Plan Alignment: Goal 3: Invest in the Future

By amending the way the salary for the Director of Human Services is administered, the department is supporting a more sustainable economic future for the County.

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount | \$ | Select an item. | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ | Total Sources | \$ |

Narrative Explanation of Fiscal Impacts (If Required):

There is not fiscal impact on this recommendation. The position is budgeted at the current rate this fiscal year. Depending on what salary range an incumbent is appointed, there could be salary savings this fiscal year and the next few fiscal years, until the incumbent is at the top of the range.

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|--|--------------------------------------|-----------------------|-----------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

Not applicable.

Attachments:

1. Concurrent Resolution with Attachment A

Related Items "On File" with the Clerk of the Board:

1.

Resolution No.

**County of Sonoma
Santa Rosa, CA 95403**

Date: 11/20/2012

Concurrent Resolution Of The Board Of Supervisors Of The County Of Sonoma, The Board Of Directors Of The Sonoma County Water Agency, The Board Of Commissioners Of The Community Development Commission, The Board Of Directors Of The Sonoma County Agricultural Preservation And Open Space District, And The Board Of Directors Of The Northern Sonoma County Air Pollution Control District, Amending Salary Resolution 95-0926, Table II: Flat Rates and Department Heads Bargaining Unit 0052, To Reflect A Salary Range For The Classification Of Director of Human Services, Effective November 20, 2012.

Whereas, Human Resources conducted a study of respective positions in the County's typical comparison counties, and all respective positions (seven) have a salary range, and;

Whereas, Human Resources and the County Administrator have determined that a salary range is more appropriate for the Director of Human Services so incumbents can be appointed commensurate with experience and qualifications, and;

Whereas, the County believes it is fiscally prudent to establish a salary range for the Director of Human Services, and;

Whereas, using the current rate as the top monthly rate and developing a salary range based on this, the salary at the A step is 7151.

Now, Therefore, Be It Resolved that Salary Resolution 95-0926, Table II: Flat Rates and Department Heads Bargaining Unit 0052, be amended to reflect a new salary range for Director of Human Services, as set forth in Attachment A.

Supervisors:

| | | | | |
|--------|----------|----------|-----------|-------|
| Brown: | Rabbitt: | McGuire: | Carrillo: | Zane: |
| Ayes: | Noes: | Absent: | Abstain: | |

So Ordered.

**SALARY RESOLUTION 95-0926
ATTACHMENT A – SALARY TABLES**

TABLE II: FLAT RATES

| Job Code | Job Title | A-Step 11/20/12 |
|-----------------|---------------------------------------|--------------------|
| 3090 | DIRECTOR OF HUMAN SERVCIES | 8692 |

DEPARTMENT HEADS – BARGAINING UNIT 0052

| Job Code | Job Title | A-Step 11/20/12 |
|----------|----------------------------|--------------------|
| 3090 | DIRECTOR OF HUMAN SERVICES | 7151 |



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 10
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): County Administrator's Office

Staff Name and Phone Number:

Christine Williams 707-565-3776

Supervisory District(s):

Countywide

Title: Adoption of FY 12-13 Appropriation Limits

Recommended Actions:

Concurrent resolution establishing appropriation limits for County and Board of Supervisors-Governed Special Districts, County Service Areas, other Board of Supervisors-Governed Agencies, Agricultural Preservation and Open Space District, and Sonoma County Water Agency.

Executive Summary:

This item details the FY 12-13 Appropriations Limit calculations for the County of Sonoma and Board of Supervisors-Governed Special Districts and Agencies. The County's Proposition 4 appropriation limit is \$551,086,008 or \$322,836,217 more than the FY 12-13 adopted Proposition 4 revenues. The establishing of the FY 12-13 Appropriation Limits was noticed on, November 5, 2012 in the Santa Rosa Press Democrat. The documentation and supporting materials to establish the FY 12-13 appropriation limits have been available for public review since November 5, 2012 at the County Administrator's Office. Pursuant to Section 7 of Article XI of the California Constitution, and Section 7910 of the Government Code, the attached resolution formally establishes the FY 12-13 including notice of the appropriate period of judicial review, and instructs the County Administrator and County Counsel to advise the Board of any changes to law affecting the Appropriations Limit, if necessary.

History

Proposition 4 of November 1979 amended the State Constitution to add Article XIII-B of the State Constitution. It requires the State and most local governments to annually establish appropriations limits. The total annual appropriations subject to limitation of the State and of each local government shall not exceed the appropriations limit of the entity of government for the prior year adjusted for the change in the cost of living and the change in population. The limits are to be established in accordance with the

constitutional amendment and enabling state legislation (SB 1352 of 1980, also known as Chapter 105, Statutes of 1980). These limits for Fiscal Year 12-13 must be adopted for County government and those Board of Supervisors-governed special districts and county service areas that had a property tax rate of 12.5 cents or more per \$100 of assessed valuation in 1977-78.

In addition, Proposition 111 (The Traffic Congestion Relief and Spending Limitation Act of 1990) amended the State Constitution's Appropriations Limit to update it to allow for funding for congestion relief, mass transit, health care, services for the elderly and other priority programs, while still providing an overall limit on state and local spending. Proposition 111 changed the previous Constitutional cost-of-living and population factors for both the state and local appropriations limits and changed exclusions from the appropriations limit as described in attachment A. However, none of the above exclusions were employed in the County's calculation for FY 12-13, as total available revenues are far below the new limit.

In general the County may not exceed the appropriation limit adopted today. However, in the event of a declared emergency the appropriation limit may be increased. In the case of transfer of responsibilities between entities, as in annexation or incorporation, the appropriation limit transfers along with the revenue. Should revenues exceed the adopted appropriation limit for two consecutive fiscal years, the County would return the excess through a revision of the tax rates in the two subsequent fiscal years. Based on the current appropriation limit, which far exceeds projected revenues, it is very unlikely that this would occur.

FY 12-13 CALCULATIONS

A. Proposition 111 - Factors for Limit Calculation

Pursuant to Proposition 111, the State Department of Finance, by letter of May 2012, has provided key factors to adjust the FY 12-13 spending limit. The following percentages are utilized in computing the appropriations limits for the County and special districts governed by the Board of Supervisors:

| Year | Total County Population Change Factor (County) | Unincorporated Population Change Factor (Special Districts) | California Per Capita Income Factor |
|------------------|--|---|--|
| 1-2012vs. 1-2011 | 0.41% | 0.52% | 3.77% |

B. County Appropriation Limit Calculation

The FY 12-13 Appropriation Limit is based on the adopted limits for FY11-12 and the limit factor adjustments provided by Proposition 111 adopted by voters in June 1990.

The FY 12-13 limit adjustment for cost of living is 3.77% and the most favorable population percentage is the county’s total population change factor, which is .41%. These two factors are combined to provide a single limit adjustment factor in the following manner:

$$[(3.77+100)/100] \times 1.0041 = 1.042 \text{ (Appropriation Limit Adjustment Factor)}$$

The 1.042 factor is multiplied by the FY 11-12 limit in order to establish the FY 12-13 Appropriation Limit.

| | |
|--|----------------|
| FY 11-12 Appropriations Limit (exclusive of Refuse Disposal and Transit FY 08-09 Adjustments) | \$526,051,270 |
| Multiplied by the FY 12-13 Adjustment Factor | x 1.042 |
| FY 12-13 Limit Prior to Transit | \$548,145,423 |
| Less Reduction of FY 1981-82 Tax Support for Refuse Disposal | (\$647,046) |
| Plus limit increase per the Agreement for Transit Services between County and Sonoma County Cities for FY. See Resolution Exhibit A for Coordinated Claim. | \$3,587,631 |
| FY 12-13 Appropriations Limit | \$551,086,008 |

The first adjustment decrease to the FY 12-13 limit is due to the reduction of tax support for refuse disposal operations. The Constitution and enabling state legislation requires that if tax support of a service is reduced, and fees are increased to offset the reduction of tax support, the limit must be decreased by an equivalent amount. The previously provided County tax support of \$647,046 for refuse disposal has been terminated.

The second adjustment increasing for transit services is made pursuant to the FY 12-13 agreement for transit services between the County and cities in Sonoma County (see Resolution Exhibit A for the summary of the coordinated claim approved by the Board of Supervisors on June 12, 2012). The limit exchange from the cities is to allow the County to provide transit services to the cities without adversely impacting the County's available appropriation limit for provision of other tax supported activities.

C. District Appropriations Limit Calculation

The appropriation limit calculation for special districts or other governmental entities under the financial/budget control of the Board of Supervisors uses the unincorporated change population factor (.52%) and the California per capita personal income factor (3.77%) provided by the California Department

of Finance in their letter of May 2012.

These two factors are combined to provide a single limit adjustment factor in the following manner:

$$[(3.77+100)/100] \times 1.0052 = 1.043 \text{ (Appropriation Limit Adjustment Factor for Districts).}$$

The 1.043 factor is then multiplied by the FY 11-12 limit in order to establish the FY 12-13 appropriation limit for special districts and other governmental agencies. The full list of new district limits is included in the resolution for your consideration.

Prior Board Actions:

The Board annually adopts the appropriation limit.

Strategic Plan Alignment: Goal 3: Invest in the Future

By adopting appropriation limits the County demonstrates fiscal responsibility and maintains appropriate reserves, in compliance with State law.

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount | \$ | County General Fund | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ | Total Sources | \$ |

Narrative Explanation of Fiscal Impacts (If Required):

There are no direct Fiscal Impacts of the Recommended Action.

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|--|--------------------------------------|-----------------------|-----------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

Attachment A, Concurrent resolution adopting appropriations limits for County and Board of Supervisors-governed districts and other entities, County Service Areas, Agricultural Preservation & Open Space District and Sonoma County Water Agency.

Related Items "On File" with the Clerk of the Board:

Resolution No. _____

Administration Building
Santa Rosa, CA

November 20, 2012

CONCURRENT RESOLUTION OF THE BOARD OF SUPERVISORS OF SONOMA COUNTY, AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT, AND SONOMA COUNTY WATER AGENCY ESTABLISHING APPROPRIATIONS LIMITS FOR COUNTY GOVERNMENT AND BOARD OF SUPERVISORS GOVERNED SPECIAL DISTRICTS AND COUNTY SERVICE AREAS FOR FY 2012-2013 AS REQUIRED BY ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION WHICH WAS ADDED BY PROPOSITION 4 OF NOVEMBER 1979 AND GIVING INSTRUCTION TO THE COUNTY ADMINISTRATOR AND COUNTY COUNSEL AND GIVING NOTICE OF APPROPRIATE PERIOD OF LIMITATION FOR JUDICIAL REVIEW

WHEREAS, Article XIII B of the California Constitution was added by Proposition 4 (November, 1979) and requires that appropriation limits be established for each entity of government having a secured property tax rate of 12.5 cents or more per \$100 of assessed valuation in 1977-78; and

WHEREAS, staff from the offices of the County Administrator and Auditor-Controller have prepared documentation necessary to establish the appropriations limits for the FY 2012-2013 for county government and Board of Supervisors governed special districts and county service areas; and

WHEREAS, fifteen days prior to the meeting documentation used in the determination of the appropriations limit and other necessary determinations was available to the public, and a duly noticed public hearing on the establishment of the limits by this Board of Supervisors date was completed; and

WHEREAS, the establishment of the limits has been conducted by this Board of Supervisors pursuant to State law on November 20, 2012 at a regularly scheduled meeting; and

WHEREAS, pursuant to that notice, the County Administrator has made available to interested members of the public a copy of this resolution including the following documentation:

1. Summary of the FY 2012-2013 coordinated claim for Sonoma County Transit Services dated September 28, 2012 marked Exhibit 'A' and attached hereto;
2. Letter from the Department of Finance, dated May 2012 marked Exhibit 'B' and attached hereto;
3. Notice of Revenue and Appropriation Limit Public Meeting, marked Exhibit 'C' and attached hereto;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors that the following appropriations limits are hereby adopted for Sonoma County and special districts and county service areas governed by the Board of Supervisors:

FY 2012-2013 (A)

| | |
|--|-------------|
| Sonoma County (See Note B) | 551,086,008 |
| Sonoma County Water Agency – Zone 2A | 9,505,690 |
| County Service Area #41 (Roseland) | 404,738 |
| County Service Area #41 (Sonoma Valley) | 469,559 |
| County Service Area #40 (Fire Services) | 4,346,667 |
| Belmont Terrace Lighting District | 17,347 |
| Carmet Lighting District | 14,520 |
| Cinnabar Lighting District | 32,621 |
| Countryside Manor Lighting District | 8,257 |
| Forestville Lighting District | 36,458 |
| Geyserville Lighting District | 19,062 |
| Graton Lighting District | 22,258 |
| Guerneville Lighting District | 329,627 |
| Jenner Lighting District | 18,726 |
| Madrone Acres Lighting District | 36,911 |
| Monte Rio Lighting District | 180,276 |
| Pacific View Lighting District | 7,415 |
| Penngrove Lighting District | 36,463 |
| Rio Nido Lighting District | 107,318 |
| South Park Lighting District | 57,583 |
| Summer Home Park Lighting District | 16,888 |
| Valley of the Moon Lighting District | 535,740 |
| Westside Lighting District | 22,601 |
| CFD #4 Wilmar | 377,464 |
| CFD #5 Dry Creek | 377,464 |
| CFD #7 Mayacamas | 94,360 |
| Bittner Lane Permanent Road District | 8,666 |
| Monte Rosa Div. #1 Permanent Road District | 7,738 |
| Peaks Pike Permanent Road District | 8,668 |
| Sonoma County Open Space District | 51,599,840 |

- (A) The FY 2012-2013 limits reflect a 1.043% increase from the FY 2011-2012 limit except for Sonoma County.
- (B) Sonoma County limit includes the County Library Funds and has also been increased for FY 2012-2013 pursuant to the city-county agreement for transit services. The appropriations limit increase includes \$3,587,631 for FY 2012-2013 to the County from the cities for transportation tax (Transportation Development Act) financed transit services performed by County for cities.

BE IT FURTHER RESOLVED that the public meeting of November 20, 2012 the FY 2012-2013 Appropriations Limits was noticed on November 5, 2012 by publication in the Santa Rosa Press Democrat. The documentation and materials supporting necessary determinations to establish the FY 2012-2013 Appropriations Limit have been available for public review since November 5, 2012 at the County Administrator's Office, and that pursuant to the provisions of Section 7 of Article XI of the California Constitution, and Section 7910 of the Government Code, any action or proceeding to review, attack, set aside, void or amend the action taken by the Board of Supervisors, acting as the governing body of the County of Sonoma and the governmental entities described herein, by this Resolution or the appropriations described herein must be commenced within 45 days of the date of adoption of this Resolution; and

BE IT FURTHER RESOLVED that this Board anticipates additional clarification of the provisions of Article XIII B of the California Constitution through anticipated opinions of the County Counsel of this County and counsel for other counties and other public agencies, opinions of the Attorney General, case law and additional implementing legislation. Because these clarifications may result in the necessity of reviewing the base year calculations, the County Administrator and the County Counsel are directed to advise this Board, from time-to-time, on changes in the law that may necessitate such base year modifications.

BE IT FURTHER RESOLVED that this Board will authorize via a resolution any adjustments to the limit as permitted by Article XIII B for transfers of responsibility for services.

BE IT FURTHER RESOLVED that this Board reserves the authority to make changes to the appropriations limits based on revised Appropriations Limit Procedure Guidelines when issued by the State Controller's County Accounting Standards and Procedures Committee, and when other necessary population and non-residential property value change information becomes available.

SUPERVISORS/DIRECTORS:

BROWN _____ RABBIT _____ MCGUIRE _____ CARRILLO _____ ZANE _____

AYES _____ NOES _____ ABSENT _____ ABSTAIN _____

SO ORDERED

Resolution Exhibit "A"

Sonoma County Transit
 FY 2012-13
 TDA/STA Coordinated Claim Summary
 Prepared: 9-28-12

TDA Claim Summary

| | | |
|--|--------------------|----------------|
| County TDA Apportionment | \$5,247,831 | |
| County Contribution to Golden Gate Transit | (1,514,524) | |
| <hr/> | | |
| Subtotal - County TDA | 3,733,307 | 50.99% |
| City TDA Contributions* | 3,587,631 | 49.01% |
| *Includes City contributions for County provided local transit services, intercity transit services, ADA paratransit and municipally operated services in Cloverdale and Healdsburg. | | |
| <hr/> | | |
| Total TDA Available | \$7,320,938 | 100.00% |

STA Claim Summary* (FY 2013 funds only, does not include prior-year funds available to claim)

| | | |
|------------------------------------|-------------|--|
| County - Population Based Fund | \$1,294,847 | |
| County - Revenue Based Fund | 159,336 | |
| County - Regional Paratransit Fund | 294,578 | |
| <hr/> | | |
| Total | \$1,748,761 | |
| <hr/> | | |
| STA - County Funds | 1,693,157 | |
| STA - City Contributions to SCT* | 55,604 | |

TDA/STA Combined Claim Summary

| | | |
|--------------------------------------|------------------|----------------|
| TDA - County | \$3,733,307 | |
| STA - County | 1,693,157 | |
| <hr/> | | |
| Total County TDA/STA | 5,426,464 | 59.83% |
| <hr/> | | |
| TDA - City Contributions | 3,587,631 | |
| STA - City Contributions | 55,604 | |
| <hr/> | | |
| Total City TDA/STA | 3,643,235 | 40.17% |
| <hr/> | | |
| Total FY 2013 TDA/STA Revenue | 9,069,699 | 100.00% |



May 2012

Dear Fiscal Officer:

Subject: Price and Population Information

Appropriations Limit

The California Revenue and Taxation Code, Section 2227, mandates the Department of Finance (Finance) to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2012, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2012-2013. Enclosure I provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2012-2013 appropriations limit. Enclosure II provides city and unincorporated county population percentage changes, and Enclosure IIA provides county and incorporated areas' summed population percentage change. The population percentage change data excludes federal and state institutionalized populations and military populations.

Population Percent Change for Special Districts

Some special districts must establish an annual appropriations limit. Consult the Revenue and Taxation Code, Section 2228 for further information regarding the appropriations limit. You can access the Code from the following website: "<http://www.leginfo.ca.gov/calaw.html>" check box: "Revenue and Taxation Code" and enter 2228 for the search term to learn more about the various population change factors available to special districts to calculate their appropriations limit. Article XIII B, Section 9(C), of the State Constitution exempts certain special districts from the appropriations limit calculation mandate. Consult the following website: "http://www.leginfo.ca.gov/const/article_13B" for additional information. Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this issue should be referred to their respective county for clarification, or to their legal representation, or to the law itself. No State agency reviews the local appropriations limits.

Population Certification

The population certification program applies only to cities and counties. Revenue and Taxation Code Section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2012.**

Please Note: Prior year's city population estimates may be revised.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

ANA J. MATOSANTOS

Director

By:

MICHAEL COHEN

Chief Deputy Director

Enclosures

May 2012

Enclosure I

- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost-of-living factor to compute their appropriation limit by a vote of their governing body. The cost-of-living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the 2012-2013 appropriation limit is:

Per Capita Personal Income

| Fiscal Year (FY) | Percentage change over prior year |
|---------------------|--------------------------------------|
| 2012-2013 | 3.77 |

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2012-2013 appropriation limit.

2012-2013:

Per Capita Cost of Living Change = 3.77 percent

Population Change = 0.68 percent

Per Capita Cost of Living converted to a ratio: $\frac{3.77 + 100}{100} = 1.0377$

Population converted to a ratio: $\frac{0.68 + 100}{100} = 1.0068$

Calculation of factor for FY 2012-2013:

$$1.0377 \times 1.0068 = 1.0448$$

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total</u> |
|----------------|-----------------------|--|-----------|--------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Alameda | | | | |
| Alameda | 0.87 | 72,767 | 73,400 | 74,640 |
| Albany | 0.78 | 18,345 | 18,488 | 18,488 |
| Berkeley | 0.79 | 113,925 | 114,821 | 114,821 |
| Dublin | 2.40 | 43,838 | 44,891 | 46,785 |
| Emeryville | 0.89 | 10,110 | 10,200 | 10,200 |
| Fremont | 1.07 | 215,391 | 217,700 | 217,700 |
| Hayward | 1.39 | 145,101 | 147,113 | 147,113 |
| Livermore | 1.05 | 81,547 | 82,400 | 82,400 |
| Newark | 0.80 | 42,700 | 43,041 | 43,041 |
| Oakland | 0.77 | 392,333 | 395,341 | 395,341 |
| Piedmont | 0.91 | 10,710 | 10,807 | 10,807 |
| Pleasanton | 1.04 | 70,537 | 71,269 | 71,269 |
| San Leandro | 0.81 | 85,364 | 86,053 | 86,053 |
| Union City | 1.29 | 69,746 | 70,646 | 70,646 |
| Unincorporated | 0.81 | 141,600 | 142,744 | 142,833 |
| County Total | 0.98 | 1,514,014 | 1,528,914 | 1,532,137 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|-----------------------|--|---------------|-----------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Alpine | | | | |
| Unincorporated | -2.75 | 1,128 | 1,097 | 1,097 |
| County Total | -2.75 | 1,128 | 1,097 | 1,097 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Amador | | | | |
| Amador | -1.09 | 184 | 182 | 182 |
| lone | 2.08 | 3,749 | 3,827 | 7,259 |
| Jackson | -0.39 | 4,618 | 4,600 | 4,600 |
| Plymouth | -0.80 | 999 | 991 | 991 |
| Sutter Creek | -0.92 | 2,501 | 2,478 | 2,478 |
| Unincorporated | -0.78 | 21,700 | 21,531 | 21,610 |
| County Total | -0.42 | 33,751 | 33,609 | 37,120 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Butte | | | | |
| Biggs | -0.64 | 1,707 | 1,696 | 1,696 |
| Chico | 1.08 | 86,566 | 87,500 | 87,500 |
| Gridley | -0.09 | 6,582 | 6,576 | 6,576 |
| Oroville | 0.33 | 15,512 | 15,563 | 15,563 |
| Paradise | -0.23 | 26,208 | 26,147 | 26,147 |
| Unincorporated | -0.12 | 83,890 | 83,791 | 83,791 |
| County Total | 0.37 | 220,465 | 221,273 | 221,273 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Calaveras | | | | |
| Angels City | -1.05 | 3,792 | 3,752 | 3,752 |
| Unincorporated | -0.49 | 41,198 | 40,996 | 41,088 |
| County Total | -0.54 | 44,990 | 44,748 | 44,840 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total</u> |
|----------------|-----------------------|--|--------|--------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Colusa | | | | |
| Colusa | 0.98 | 5,991 | 6,050 | 6,050 |
| Williams | 0.87 | 5,200 | 5,245 | 5,245 |
| Unincorporated | 0.33 | 10,361 | 10,395 | 10,395 |
| County Total | 0.64 | 21,552 | 21,690 | 21,690 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total</u> |
|----------------|-----------------------|--|-----------|--------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Contra Costa | | | | |
| Antioch | 0.75 | 103,055 | 103,833 | 103,833 |
| Brentwood | 1.05 | 52,030 | 52,575 | 52,575 |
| Clayton | 0.49 | 10,942 | 10,996 | 10,996 |
| Concord | 0.50 | 122,245 | 122,852 | 123,206 |
| Danville | 0.55 | 42,217 | 42,450 | 42,450 |
| El Cerrito | 0.53 | 23,649 | 23,774 | 23,774 |
| Hercules | 0.49 | 24,153 | 24,272 | 24,272 |
| Lafayette | 0.56 | 24,024 | 24,159 | 24,159 |
| Martinez | 0.47 | 35,953 | 36,122 | 36,225 |
| Moraga | 0.47 | 16,076 | 16,152 | 16,152 |
| Oakley | 1.48 | 35,998 | 36,532 | 36,532 |
| Orinda | 0.59 | 17,714 | 17,819 | 17,819 |
| Pinole | 0.54 | 18,461 | 18,560 | 18,560 |
| Pittsburg | 1.52 | 63,735 | 64,706 | 64,706 |
| Pleasant Hill | 0.48 | 33,280 | 33,440 | 33,440 |
| Richmond | 0.48 | 104,382 | 104,887 | 104,887 |
| San Pablo | 0.60 | 28,931 | 29,105 | 29,105 |
| San Ramon | 1.73 | 73,111 | 74,378 | 74,378 |
| Walnut Creek | 0.81 | 64,710 | 65,233 | 65,233 |
| Unincorporated | 1.01 | 161,100 | 162,731 | 162,815 |
| County Total | 0.83 | 1,055,766 | 1,064,576 | 1,065,117 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Del Norte | | | | |
| Crescent City | -0.35 | 4,286 | 4,271 | 7,429 |
| Unincorporated | -0.19 | 20,937 | 20,897 | 21,000 |
| County Total | -0.22 | 25,223 | 25,168 | 28,429 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| El Dorado | | | | |
| Placerville | 0.61 | 10,306 | 10,369 | 10,369 |
| South Lake Tahoe | 0.07 | 21,328 | 21,343 | 21,343 |
| Unincorporated | 0.10 | 148,731 | 148,883 | 149,000 |
| County Total | 0.13 | 180,365 | 180,595 | 180,712 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|----------------|-----------------------|--|---------|-----------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Fresno | | | | |
| Clovis | 1.82 | 96,848 | 98,611 | 98,611 |
| Coalinga | 0.51 | 11,993 | 12,054 | 16,817 |
| Firebaugh | 2.67 | 7,591 | 7,794 | 7,794 |
| Fowler | 1.00 | 5,699 | 5,756 | 5,756 |
| Fresno | 1.50 | 497,482 | 504,936 | 505,009 |
| Huron | 0.31 | 6,765 | 6,786 | 6,786 |
| Kerman | 1.77 | 13,699 | 13,942 | 13,942 |
| Kingsburg | 0.62 | 11,465 | 11,536 | 11,536 |
| Mendota | 1.17 | 11,038 | 11,167 | 11,167 |
| Orange Cove | 1.70 | 9,163 | 9,319 | 9,319 |
| Parlier | 1.54 | 14,601 | 14,826 | 14,826 |
| Reedley | 0.88 | 24,407 | 24,622 | 24,622 |
| Sanger | 1.01 | 24,391 | 24,638 | 24,638 |
| San Joaquin | 0.52 | 4,010 | 4,031 | 4,031 |
| Selma | 1.63 | 23,307 | 23,687 | 23,687 |
| Unincorporated | -0.29 | 167,470 | 166,980 | 167,170 |
| County Total | 1.16 | 929,929 | 940,685 | 945,711 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total</u> |
|----------------|-----------------------|--|--------|--------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Glenn | | | | |
| Orland | 1.11 | 7,458 | 7,541 | 7,541 |
| Willows | 0.03 | 6,105 | 6,107 | 6,107 |
| Unincorporated | -0.40 | 14,422 | 14,364 | 14,474 |
| County Total | 0.10 | 27,985 | 28,012 | 28,122 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Humboldt | | | | |
| Arcata | 0.40 | 17,681 | 17,752 | 17,752 |
| Blue Lake | 0.08 | 1,254 | 1,255 | 1,255 |
| Eureka | -0.27 | 27,034 | 26,960 | 26,960 |
| Ferndale | 0.00 | 1,362 | 1,362 | 1,362 |
| Fortuna | -0.26 | 11,871 | 11,840 | 11,840 |
| Rio Dell | -0.21 | 3,351 | 3,344 | 3,344 |
| Trinidad | -0.27 | 365 | 364 | 364 |
| Unincorporated | 0.06 | 71,443 | 71,488 | 71,710 |
| County Total | 0.00 | 134,361 | 134,365 | 134,587 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|----------------|-----------------------|--|---------|-----------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Imperial | | | | |
| Brawley | 0.95 | 25,226 | 25,465 | 25,465 |
| Calexico | 1.49 | 38,954 | 39,533 | 39,533 |
| Calipatria | 0.89 | 3,576 | 3,608 | 7,980 |
| El Centro | 0.89 | 43,013 | 43,396 | 43,396 |
| Holtville | 0.85 | 5,998 | 6,049 | 6,049 |
| Imperial | 2.07 | 15,042 | 15,353 | 15,353 |
| Westmorland | 1.02 | 2,247 | 2,270 | 2,270 |
| Unincorporated | 0.31 | 33,017 | 33,119 | 37,395 |
| County Total | 1.03 | 167,073 | 168,793 | 177,441 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Inyo | | | | |
| Bishop | -0.03 | 3,859 | 3,858 | 3,858 |
| Unincorporated | -0.18 | 14,513 | 14,487 | 14,603 |
| County Total | -0.15 | 18,372 | 18,345 | 18,461 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total</u> |
|-----------------|-----------------------|--|---------|--------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Kern | | | | |
| Arvin | 1.77 | 19,503 | 19,849 | 19,849 |
| Bakersfield | 1.28 | 349,946 | 354,436 | 354,480 |
| California City | 0.70 | 11,529 | 11,610 | 13,260 |
| Delano | 1.43 | 42,626 | 43,236 | 52,005 |
| Maricopa | 0.61 | 1,156 | 1,163 | 1,163 |
| McFarland | 1.58 | 11,534 | 11,716 | 12,333 |
| Ridgecrest | 1.04 | 26,985 | 27,266 | 28,089 |
| Shafter | 1.13 | 16,710 | 16,898 | 16,928 |
| Taft | 0.51 | 6,517 | 6,550 | 8,906 |
| Tehachapi | 0.61 | 8,726 | 8,779 | 13,872 |
| Wasco | 1.59 | 20,009 | 20,327 | 25,324 |
| Unincorporated | 1.00 | 298,172 | 301,153 | 303,797 |
| County Total | 1.18 | 813,413 | 822,983 | 850,006 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Kings | | | | |
| Avenal | 0.52 | 9,161 | 9,209 | 14,885 |
| Corcoran | 0.35 | 12,804 | 12,849 | 23,621 |
| Hanford | 0.85 | 54,658 | 55,123 | 55,123 |
| Lemoore | 0.46 | 24,701 | 24,815 | 24,815 |
| Unincorporated | 0.23 | 27,002 | 27,065 | 33,975 |
| County Total | 0.57 | 128,326 | 129,061 | 152,419 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Lake | | | | |
| Clearlake | -1.89 | 15,199 | 14,912 | 14,912 |
| Lakeport | -2.01 | 4,717 | 4,622 | 4,622 |
| Unincorporated | -1.65 | 44,358 | 43,625 | 43,732 |
| County Total | -1.73 | 64,274 | 63,159 | 63,266 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Lassen | | | | |
| Susanville | -2.04 | 9,547 | 9,352 | 16,794 |
| Unincorporated | -1.89 | 15,698 | 15,401 | 17,373 |
| County Total | -1.95 | 25,245 | 24,753 | 34,167 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | Percent Change | --- Population Minus Exclusions --- | | Total Population |
|----------------------|----------------|-------------------------------------|---------|---------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Los Angeles | | | | |
| Agoura Hills | 0.21 | 20,371 | 20,413 | 20,413 |
| Alhambra | 0.35 | 83,366 | 83,661 | 83,661 |
| Arcadia | 0.11 | 56,486 | 56,546 | 56,546 |
| Artesia | 0.21 | 16,474 | 16,508 | 16,594 |
| Avalon | 0.32 | 3,768 | 3,780 | 3,780 |
| Azusa | 0.58 | 46,350 | 46,618 | 46,618 |
| Baldwin Park | 0.33 | 75,582 | 75,830 | 75,830 |
| Bell | 0.19 | 35,539 | 35,607 | 35,607 |
| Bellflower | 0.20 | 76,756 | 76,907 | 76,907 |
| Bell Gardens | 0.21 | 42,142 | 42,231 | 42,231 |
| Beverly Hills | 0.35 | 34,173 | 34,291 | 34,291 |
| Bradbury | 0.66 | 1,058 | 1,065 | 1,065 |
| Burbank | 0.22 | 104,193 | 104,427 | 104,427 |
| Calabasas | 2.48 | 23,109 | 23,683 | 23,683 |
| Carson | 0.41 | 91,455 | 91,828 | 91,828 |
| Cerritos | 0.19 | 49,128 | 49,223 | 49,223 |
| Claremont | 0.80 | 35,021 | 35,300 | 35,300 |
| Commerce | 0.19 | 12,846 | 12,871 | 12,871 |
| Compton | 0.25 | 96,820 | 97,058 | 97,058 |
| Covina | 0.33 | 47,880 | 48,038 | 48,038 |
| Cudahy | 0.19 | 23,847 | 23,893 | 23,893 |
| Culver City | 0.19 | 38,931 | 39,004 | 39,004 |
| Diamond Bar | 0.20 | 55,705 | 55,819 | 55,819 |
| Downey | 0.19 | 111,985 | 112,201 | 112,201 |
| Duarte | 0.25 | 21,358 | 21,411 | 21,411 |
| El Monte | 0.22 | 113,662 | 113,912 | 113,912 |
| El Segundo | 0.18 | 16,690 | 16,720 | 16,720 |
| Gardena | 0.30 | 58,946 | 59,124 | 59,124 |
| Glendale | 0.20 | 192,271 | 192,654 | 192,654 |
| Glendora | 0.31 | 50,207 | 50,361 | 50,361 |
| Hawaiian Gardens | 0.20 | 14,275 | 14,303 | 14,303 |
| Hawthorne | 0.34 | 84,762 | 85,047 | 85,047 |
| Hermosa Beach | 0.19 | 19,536 | 19,574 | 19,574 |
| Hidden Hills | 0.05 | 1,868 | 1,869 | 1,869 |
| Huntington Park | 0.19 | 58,216 | 58,329 | 58,329 |
| Industry | -0.68 | 439 | 436 | 436 |
| Inglewood | 0.65 | 109,909 | 110,623 | 110,623 |
| Irwindale | -0.56 | 1,424 | 1,416 | 1,416 |
| La Canada Flintridge | 0.28 | 20,279 | 20,335 | 20,335 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | Percent Change | --- Population Minus Exclusions --- | | Total Population |
|-----------------------|----------------|-------------------------------------|-----------|---------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| La Habra Heights | 0.34 | 5,334 | 5,352 | 5,352 |
| Lakewood | 0.26 | 80,172 | 80,378 | 80,378 |
| La Mirada | 0.18 | 48,608 | 48,697 | 48,697 |
| Lancaster | 0.51 | 152,014 | 152,792 | 157,826 |
| La Puente | 0.25 | 39,886 | 39,987 | 39,987 |
| La Verne | 1.09 | 31,122 | 31,461 | 31,461 |
| Lawndale | 0.19 | 32,824 | 32,887 | 32,887 |
| Lomita | 0.49 | 20,297 | 20,396 | 20,396 |
| Long Beach | 0.26 | 463,336 | 464,554 | 464,662 |
| Los Angeles | 0.50 | 3,803,365 | 3,822,324 | 3,825,297 |
| Lynwood | 0.56 | 69,506 | 69,897 | 69,897 |
| Malibu | 0.22 | 12,671 | 12,699 | 12,699 |
| Manhattan Beach | 0.09 | 35,209 | 35,239 | 35,239 |
| Maywood | 0.08 | 27,451 | 27,472 | 27,472 |
| Monrovia | 0.22 | 36,646 | 36,727 | 36,727 |
| Montebello | 0.21 | 62,723 | 62,857 | 62,857 |
| Monterey Park | 1.30 | 60,369 | 61,153 | 61,153 |
| Norwalk | 0.20 | 104,870 | 105,079 | 105,714 |
| Palmdale | 0.35 | 153,167 | 153,708 | 153,708 |
| Palos Verdes Estates | 0.38 | 13,465 | 13,516 | 13,516 |
| Paramount | 0.32 | 54,193 | 54,368 | 54,368 |
| Pasadena | 0.33 | 138,768 | 139,222 | 139,222 |
| Pico Rivera | 0.18 | 63,053 | 63,168 | 63,168 |
| Pomona | 0.37 | 149,099 | 149,655 | 149,950 |
| Rancho Palos Verdes | 0.42 | 41,704 | 41,880 | 41,897 |
| Redondo Beach | 0.17 | 66,895 | 67,007 | 67,007 |
| Rolling Hills | 0.48 | 1,866 | 1,875 | 1,875 |
| Rolling Hills Estates | 0.16 | 8,084 | 8,097 | 8,097 |
| Rosemead | 0.36 | 53,978 | 54,172 | 54,172 |
| San Dimas | 0.20 | 33,432 | 33,499 | 33,499 |
| San Fernando | 0.27 | 23,687 | 23,752 | 23,752 |
| San Gabriel | 0.33 | 39,796 | 39,926 | 39,926 |
| San Marino | 0.19 | 13,170 | 13,195 | 13,195 |
| Santa Clarita | 0.38 | 176,779 | 177,445 | 177,445 |
| Santa Fe Springs | 0.51 | 16,387 | 16,471 | 16,516 |
| Santa Monica | 0.16 | 90,080 | 90,223 | 90,223 |
| Sierra Madre | 0.25 | 10,936 | 10,963 | 10,963 |
| Signal Hill | 0.62 | 11,060 | 11,129 | 11,129 |
| South El Monte | 0.19 | 20,151 | 20,190 | 20,190 |
| South Gate | -0.26 | 94,563 | 94,320 | 94,320 |
| South Pasadena | 0.24 | 25,664 | 25,725 | 25,725 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|------------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Temple City | 0.32 | 35,634 | 35,749 | 35,749 |
| Torrance | 0.24 | 145,770 | 146,115 | 146,115 |
| Vernon | 0.00 | 120 | 120 | 120 |
| Walnut | 0.86 | 29,407 | 29,661 | 29,661 |
| West Covina | 0.40 | 106,284 | 106,713 | 106,713 |
| West Hollywood | 0.24 | 34,599 | 34,681 | 34,681 |
| Westlake Village | 0.19 | 8,284 | 8,300 | 8,300 |
| Whittier | 0.20 | 85,482 | 85,654 | 85,654 |
| Unincorporated | 0.29 | 1,057,931 | 1,061,000 | 1,062,073 |
| County Total | 0.38 | 9,836,718 | 9,874,366 | 9,884,632 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Madera | | | | |
| Chowchilla | 1.63 | 11,662 | 11,852 | 17,817 |
| Madera | 1.17 | 61,789 | 62,514 | 62,514 |
| Unincorporated | 0.90 | 71,104 | 71,743 | 71,743 |
| County Total | 1.08 | 144,555 | 146,109 | 152,074 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total</u> |
|----------------|-----------------------|--|---------|--------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Marin | | | | |
| Belvedere | 1.01 | 2,069 | 2,090 | 2,090 |
| Corte Madera | 1.00 | 9,258 | 9,351 | 9,351 |
| Fairfax | 1.03 | 7,445 | 7,522 | 7,522 |
| Larkspur | 1.06 | 11,932 | 12,058 | 12,058 |
| Mill Valley | 1.47 | 13,967 | 14,172 | 14,172 |
| Novato | 1.06 | 51,560 | 52,104 | 52,447 |
| Ross | 0.99 | 2,419 | 2,443 | 2,443 |
| San Anselmo | 1.02 | 12,342 | 12,468 | 12,468 |
| San Rafael | 0.92 | 57,775 | 58,305 | 58,305 |
| Sausalito | 1.00 | 7,067 | 7,138 | 7,138 |
| Tiburon | 1.00 | 8,969 | 9,059 | 9,059 |
| Unincorporated | 1.11 | 62,620 | 63,314 | 67,737 |
| County Total | 1.05 | 247,423 | 250,024 | 254,790 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Mariposa | | | | |
| Unincorporated | -1.28 | 17,845 | 17,616 | 17,716 |
| County Total | -1.28 | 17,845 | 17,616 | 17,716 |

(* Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Mendocino | | | | |
| Fort Bragg | -0.32 | 7,278 | 7,255 | 7,255 |
| Point Arena | -0.45 | 448 | 446 | 446 |
| Ukiah | 0.21 | 15,926 | 15,960 | 15,960 |
| Willits | -0.45 | 4,879 | 4,857 | 4,857 |
| Unincorporated | -0.22 | 58,968 | 58,839 | 59,054 |
| County Total | -0.16 | 87,499 | 87,357 | 87,572 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Merced | | | | |
| Atwater | 1.26 | 28,212 | 28,568 | 28,568 |
| Dos Palos | 0.38 | 4,956 | 4,975 | 4,975 |
| Gustine | 0.38 | 5,527 | 5,548 | 5,548 |
| Livingston | 1.10 | 13,219 | 13,364 | 13,364 |
| Los Banos | 0.41 | 36,397 | 36,546 | 36,546 |
| Merced | 0.43 | 78,986 | 79,328 | 79,328 |
| Unincorporated | 0.41 | 88,505 | 88,869 | 90,407 |
| County Total | 0.55 | 255,802 | 257,198 | 258,736 |

(* Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total</u> |
|----------------|-----------------------|--|--------|--------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Modoc | | | | |
| Alturas | -0.82 | 2,797 | 2,774 | 2,774 |
| Unincorporated | 0.00 | 6,675 | 6,675 | 6,792 |
| County Total | -0.24 | 9,472 | 9,449 | 9,566 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Mono | | | | |
| Mammoth Lakes | 0.15 | 8,245 | 8,257 | 8,257 |
| Unincorporated | 0.52 | 5,971 | 6,002 | 6,134 |
| County Total | 0.30 | 14,216 | 14,259 | 14,391 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Monterey | | | | |
| Carmel-By-The-Sea | 0.70 | 3,737 | 3,763 | 3,763 |
| Del Rey Oaks | 0.67 | 1,631 | 1,642 | 1,642 |
| Gonzales | 0.60 | 8,220 | 8,269 | 8,269 |
| Greenfield | 0.70 | 16,396 | 16,510 | 16,510 |
| King City | 0.66 | 12,942 | 13,028 | 13,028 |
| Marina | 1.20 | 19,758 | 19,996 | 19,996 |
| Monterey | 0.77 | 23,707 | 23,889 | 28,460 |
| Pacific Grove | 0.74 | 15,107 | 15,219 | 15,219 |
| Salinas | 0.94 | 150,989 | 152,401 | 152,401 |
| Sand City | 0.60 | 335 | 337 | 337 |
| Seaside | 1.21 | 28,642 | 28,989 | 33,160 |
| Soledad | 0.87 | 15,773 | 15,910 | 26,239 |
| Unincorporated | 0.90 | 100,159 | 101,059 | 101,644 |
| County Total | 0.91 | 397,396 | 401,012 | 420,668 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Napa | | | | |
| American Canyon | 0.92 | 19,628 | 19,809 | 19,809 |
| Calistoga | 0.58 | 5,170 | 5,200 | 5,200 |
| Napa | 0.77 | 77,208 | 77,805 | 77,805 |
| St Helena | 0.79 | 5,829 | 5,875 | 5,875 |
| Yountville | 0.55 | 1,994 | 2,005 | 2,999 |
| Unincorporated | 0.67 | 25,201 | 25,369 | 26,567 |
| County Total | 0.77 | 135,030 | 136,063 | 138,255 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Nevada | | | | |
| Grass Valley | -0.77 | 12,736 | 12,638 | 12,638 |
| Nevada City | -0.62 | 3,081 | 3,062 | 3,062 |
| Truckee | -0.64 | 16,021 | 15,918 | 15,918 |
| Unincorporated | -0.80 | 66,005 | 65,477 | 65,564 |
| County Total | -0.76 | 97,843 | 97,095 | 97,182 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | Percent Change | --- Population Minus Exclusions --- | | Total Population |
|------------------------|----------------|-------------------------------------|-----------|---------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Orange | | | | |
| Aliso Viejo | 1.40 | 48,310 | 48,988 | 48,988 |
| Anaheim | 0.82 | 340,978 | 343,776 | 343,793 |
| Brea | 2.18 | 40,060 | 40,932 | 40,932 |
| Buena Park | 0.74 | 80,858 | 81,460 | 81,460 |
| Costa Mesa | 0.71 | 109,596 | 110,375 | 110,757 |
| Cypress | 0.78 | 47,901 | 48,273 | 48,273 |
| Dana Point | 0.73 | 33,424 | 33,667 | 33,667 |
| Fountain Valley | 0.71 | 55,417 | 55,810 | 55,810 |
| Fullerton | 1.49 | 135,468 | 137,481 | 137,481 |
| Garden Grove | 0.78 | 171,307 | 172,648 | 172,648 |
| Huntington Beach | 1.14 | 190,355 | 192,524 | 192,524 |
| Irvine | 2.46 | 218,353 | 223,729 | 223,729 |
| Laguna Beach | 0.77 | 22,790 | 22,966 | 22,966 |
| Laguna Hills | 0.69 | 30,407 | 30,618 | 30,618 |
| Laguna Niguel | 0.74 | 63,221 | 63,691 | 63,691 |
| Laguna Woods | 0.70 | 16,221 | 16,334 | 16,334 |
| La Habra | 0.74 | 60,424 | 60,871 | 60,871 |
| Lake Forest | 0.72 | 77,481 | 78,036 | 78,036 |
| La Palma | 0.68 | 15,594 | 15,700 | 15,700 |
| Los Alamitos | 0.73 | 11,473 | 11,557 | 11,557 |
| Mission Viejo | 0.77 | 93,472 | 94,196 | 94,196 |
| Newport Beach | 0.73 | 85,367 | 85,990 | 85,990 |
| Orange | 0.67 | 137,086 | 138,010 | 138,010 |
| Placentia | 0.84 | 50,658 | 51,084 | 51,084 |
| Rancho Santa Margarita | 0.70 | 47,941 | 48,278 | 48,278 |
| San Clemente | 0.74 | 63,735 | 64,208 | 64,208 |
| San Juan Capistrano | 0.83 | 34,732 | 35,022 | 35,022 |
| Santa Ana | 0.71 | 325,420 | 327,731 | 327,731 |
| Seal Beach | 0.70 | 23,627 | 23,793 | 24,354 |
| Stanton | 0.48 | 38,313 | 38,498 | 38,498 |
| Tustin | 1.05 | 75,772 | 76,567 | 76,567 |
| Villa Park | 0.76 | 5,823 | 5,867 | 5,867 |
| Westminster | 0.84 | 89,926 | 90,677 | 90,677 |
| Yorba Linda | 1.43 | 64,847 | 65,777 | 65,777 |
| Unincorporated | -1.46 | 121,475 | 119,698 | 119,698 |
| County Total | 0.89 | 3,027,832 | 3,054,832 | 3,055,792 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Placer | | | | |
| Auburn | 0.67 | 13,378 | 13,468 | 13,468 |
| Colfax | 0.56 | 1,966 | 1,977 | 1,977 |
| Lincoln | 0.99 | 43,144 | 43,572 | 43,572 |
| Loomis | 0.62 | 6,460 | 6,500 | 6,500 |
| Rocklin | 0.91 | 57,767 | 58,295 | 58,295 |
| Roseville | 1.46 | 120,307 | 122,060 | 122,060 |
| Unincorporated | 0.94 | 108,441 | 109,456 | 109,456 |
| County Total | 1.10 | 351,463 | 355,328 | 355,328 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Plumas | | | | |
| Portola | -1.77 | 2,087 | 2,050 | 2,050 |
| Unincorporated | -0.82 | 17,814 | 17,668 | 17,668 |
| County Total | -0.92 | 19,901 | 19,718 | 19,718 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total</u> |
|--------------------|-----------------------|--|-----------|--------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Riverside | | | | |
| Banning | 0.81 | 29,723 | 29,965 | 29,965 |
| Beaumont | 2.15 | 38,034 | 38,851 | 38,851 |
| Blythe | 0.98 | 13,201 | 13,330 | 20,400 |
| Calimesa | 1.11 | 7,910 | 7,998 | 7,998 |
| Canyon Lake | 0.78 | 10,606 | 10,689 | 10,689 |
| Cathedral City | 1.07 | 51,353 | 51,901 | 51,952 |
| Coachella | 1.37 | 41,339 | 41,904 | 41,904 |
| Corona | 0.96 | 153,047 | 154,520 | 154,520 |
| Desert Hot Springs | 1.32 | 27,277 | 27,638 | 27,638 |
| Eastvale | 2.80 | 54,090 | 55,602 | 55,602 |
| Hemet | 0.98 | 79,309 | 80,089 | 80,089 |
| Indian Wells | 0.90 | 4,990 | 5,035 | 5,035 |
| Indio | 1.62 | 76,817 | 78,065 | 78,065 |
| Lake Elsinore | 1.40 | 52,149 | 52,879 | 53,024 |
| La Quinta | 1.03 | 37,688 | 38,075 | 38,075 |
| Menifee | 1.83 | 79,139 | 80,589 | 80,589 |
| Moreno Valley | 1.05 | 194,451 | 196,495 | 196,495 |
| Murrieta | 0.90 | 104,051 | 104,985 | 104,985 |
| Norco | 0.78 | 22,837 | 23,015 | 27,053 |
| Palm Desert | 1.13 | 48,920 | 49,471 | 49,471 |
| Palm Springs | 1.00 | 44,829 | 45,279 | 45,279 |
| Perris | 0.97 | 69,506 | 70,180 | 70,180 |
| Rancho Mirage | 0.60 | 17,399 | 17,504 | 17,504 |
| Riverside | 0.80 | 306,010 | 308,452 | 308,511 |
| San Jacinto | 0.86 | 44,421 | 44,803 | 44,803 |
| Temecula | 1.81 | 101,255 | 103,092 | 103,092 |
| Wildomar | 0.94 | 32,414 | 32,719 | 32,719 |
| Unincorporated | 3.05 | 451,347 | 452,725 | 453,089 |
| County Total | 0.99 | 2,194,112 | 2,215,850 | 2,227,577 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Sacramento | | | | |
| Citrus Heights | 0.36 | 83,583 | 83,881 | 83,881 |
| Elk Grove | 0.97 | 154,440 | 155,937 | 155,937 |
| Folsom | 0.72 | 66,126 | 66,605 | 72,725 |
| Galt | 1.34 | 23,757 | 24,076 | 24,076 |
| Isleton | 0.25 | 808 | 810 | 810 |
| Rancho Cordova | 0.94 | 65,475 | 66,093 | 66,093 |
| Sacramento | 0.32 | 469,477 | 470,956 | 470,956 |
| Unincorporated | 0.53 | 557,578 | 560,532 | 560,675 |
| County Total | 0.54 | 1,421,244 | 1,428,890 | 1,435,153 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| San Benito | | | | |
| Hollister | 1.17 | 35,123 | 35,533 | 35,533 |
| San Juan Bautista | -0.38 | 1,862 | 1,855 | 1,855 |
| Unincorporated | -0.34 | 18,489 | 18,427 | 18,427 |
| County Total | 0.61 | 55,474 | 55,815 | 55,815 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total</u> |
|------------------|-----------------------|--|-----------|--------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| San Bernardino | | | | |
| Adelanto | 0.12 | 31,017 | 31,053 | 31,066 |
| Apple Valley | 0.87 | 69,431 | 70,033 | 70,033 |
| Barstow | 1.19 | 22,363 | 22,630 | 23,019 |
| Big Bear Lake | 1.05 | 5,035 | 5,088 | 5,088 |
| Chino | 1.08 | 71,380 | 72,149 | 79,171 |
| Chino Hills | 0.75 | 75,089 | 75,655 | 75,655 |
| Colton | 0.71 | 52,319 | 52,690 | 52,690 |
| Fontana | 1.07 | 197,786 | 199,898 | 199,898 |
| Grand Terrace | 0.73 | 12,069 | 12,157 | 12,157 |
| Hesperia | 0.68 | 90,420 | 91,033 | 91,033 |
| Highland | 0.75 | 53,263 | 53,664 | 53,664 |
| Loma Linda | 0.64 | 23,177 | 23,325 | 23,389 |
| Montclair | 0.69 | 36,909 | 37,163 | 37,163 |
| Needles | 0.76 | 4,857 | 4,894 | 4,894 |
| Ontario | 0.79 | 164,836 | 166,134 | 166,134 |
| Rancho Cucamonga | 1.07 | 167,701 | 169,498 | 169,498 |
| Redlands | 0.72 | 69,002 | 69,498 | 69,498 |
| Rialto | 0.92 | 99,686 | 100,606 | 100,606 |
| San Bernardino | 0.76 | 208,407 | 209,994 | 211,674 |
| Twentynine Palms | 1.34 | 16,751 | 16,976 | 25,713 |
| Upland | 0.83 | 73,957 | 74,568 | 74,568 |
| Victorville | 1.08 | 112,486 | 113,697 | 119,059 |
| Yucaipa | 1.08 | 51,544 | 52,100 | 52,100 |
| Yucca Valley | 0.73 | 20,764 | 20,916 | 20,916 |
| Unincorporated | 0.79 | 283,848 | 286,086 | 295,233 |
| County Total | 0.86 | 2,014,097 | 2,031,505 | 2,063,919 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total</u> |
|----------------|-----------------------|--|-----------|--------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| San Diego | | | | |
| Carlsbad | 1.19 | 106,403 | 107,674 | 107,674 |
| Chula Vista | 1.37 | 245,699 | 249,066 | 249,382 |
| Coronado | 0.83 | 16,318 | 16,454 | 23,187 |
| Del Mar | 0.29 | 4,182 | 4,194 | 4,194 |
| El Cajon | 0.58 | 99,981 | 100,562 | 100,562 |
| Encinitas | 0.87 | 59,827 | 60,346 | 60,346 |
| Escondido | 0.74 | 144,998 | 146,064 | 146,064 |
| Imperial Beach | 0.65 | 26,437 | 26,609 | 26,609 |
| La Mesa | 0.56 | 57,969 | 58,296 | 58,296 |
| Lemon Grove | 0.62 | 25,445 | 25,603 | 25,603 |
| National City | 0.62 | 53,688 | 54,021 | 58,967 |
| Oceanside | 0.82 | 167,943 | 169,319 | 169,319 |
| Poway | 0.61 | 48,088 | 48,382 | 48,382 |
| San Diego | 0.91 | 1,291,454 | 1,303,198 | 1,321,315 |
| San Marcos | 1.16 | 84,586 | 85,569 | 85,569 |
| Santee | 1.00 | 54,102 | 54,643 | 54,643 |
| Solana Beach | 0.56 | 12,928 | 13,000 | 13,000 |
| Vista | 0.81 | 94,269 | 95,036 | 95,036 |
| Unincorporated | 0.92 | 446,776 | 450,876 | 495,281 |
| County Total | 0.91 | 3,041,093 | 3,068,912 | 3,143,429 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| San Francisco | | | | |
| San Francisco | 0.47 | 808,531 | 812,306 | 812,538 |
| County Total | 0.47 | 808,531 | 812,306 | 812,538 |

(* Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| San Joaquin | | | | |
| Escalon | 0.77 | 7,151 | 7,206 | 7,206 |
| Lathrop | 1.67 | 18,546 | 18,856 | 18,908 |
| Lodi | 0.77 | 62,344 | 62,825 | 62,825 |
| Manteca | 2.27 | 68,265 | 69,815 | 69,815 |
| Ripon | 1.25 | 14,356 | 14,535 | 14,535 |
| Stockton | 0.96 | 292,897 | 295,707 | 295,707 |
| Tracy | 0.79 | 83,242 | 83,900 | 83,900 |
| Unincorporated | 0.81 | 137,980 | 139,103 | 142,854 |
| County Total | 1.05 | 684,781 | 691,947 | 695,750 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| San Luis Obispo | | | | |
| Arroyo Grande | -0.09 | 17,306 | 17,291 | 17,291 |
| Atascadero | 0.00 | 27,390 | 27,391 | 28,477 |
| El Paso De Robles | 1.03 | 29,918 | 30,225 | 30,225 |
| Grover Beach | -0.28 | 13,199 | 13,162 | 13,162 |
| Morro Bay | -0.19 | 10,294 | 10,274 | 10,274 |
| Pismo Beach | -0.09 | 7,682 | 7,675 | 7,675 |
| San Luis Obispo | 0.09 | 45,269 | 45,308 | 45,308 |
| Unincorporated | 0.86 | 112,247 | 113,212 | 119,071 |
| County Total | 0.47 | 263,305 | 264,538 | 271,483 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|---------------------|-----------------------|--|---------|-----------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| San Mateo | | | | |
| Atherton | -0.03 | 6,890 | 6,888 | 6,888 |
| Belmont | 0.77 | 25,923 | 26,123 | 26,123 |
| Brisbane | 0.86 | 4,310 | 4,347 | 4,347 |
| Burlingame | 0.75 | 28,888 | 29,106 | 29,106 |
| Colma | -0.45 | 1,797 | 1,789 | 1,789 |
| Daly City | 1.08 | 101,493 | 102,593 | 102,593 |
| East Palo Alto | 0.78 | 28,247 | 28,467 | 28,467 |
| Foster City | 0.77 | 30,660 | 30,895 | 30,895 |
| Half Moon Bay | 0.92 | 11,373 | 11,478 | 11,478 |
| Hillsborough | 1.16 | 10,880 | 11,006 | 11,006 |
| Menlo Park | 0.99 | 31,951 | 32,266 | 32,513 |
| Millbrae | 2.05 | 21,625 | 22,069 | 22,069 |
| Pacifica | 0.78 | 37,367 | 37,658 | 37,658 |
| Portola Valley | 0.87 | 4,373 | 4,411 | 4,411 |
| Redwood City | 1.22 | 77,299 | 78,244 | 78,244 |
| San Bruno | 1.89 | 41,663 | 42,451 | 42,451 |
| San Carlos | 0.79 | 28,494 | 28,719 | 28,719 |
| San Mateo | 0.76 | 97,557 | 98,298 | 98,298 |
| South San Francisco | 0.75 | 63,827 | 64,307 | 64,307 |
| Woodside | 1.37 | 5,313 | 5,386 | 5,386 |
| Unincorporated | 0.81 | 62,192 | 62,695 | 62,695 |
| County Total | 0.98 | 722,122 | 729,196 | 729,443 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Santa Barbara | | | | |
| Buellton | 0.08 | 4,854 | 4,858 | 4,858 |
| Carpinteria | 0.27 | 13,041 | 13,076 | 13,076 |
| Goleta | 0.14 | 29,887 | 29,930 | 29,930 |
| Guadalupe | 0.24 | 7,080 | 7,097 | 7,097 |
| Lompoc | 0.24 | 39,059 | 39,151 | 42,854 |
| Santa Barbara | 0.29 | 88,807 | 89,062 | 89,082 |
| Santa Maria | 0.62 | 99,582 | 100,199 | 100,199 |
| Solvang | 0.32 | 5,264 | 5,281 | 5,281 |
| Unincorporated | 0.63 | 130,660 | 131,482 | 134,890 |
| County Total | 0.45 | 418,234 | 420,136 | 427,267 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | Percent Change | --- Population Minus Exclusions --- | | Total Population |
|------------------------|-----------------------|--|---------------|-----------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Santa Clara | | | | |
| Campbell | 0.69 | 39,610 | 39,882 | 39,882 |
| Cupertino | 0.61 | 58,665 | 59,022 | 59,022 |
| Gilroy | 1.71 | 49,316 | 50,158 | 50,158 |
| Los Altos | 1.11 | 29,136 | 29,460 | 29,460 |
| Los Altos Hills | 0.73 | 7,969 | 8,027 | 8,027 |
| Los Gatos | 0.81 | 29,613 | 29,854 | 29,854 |
| Milpitas | 0.49 | 66,637 | 66,966 | 66,966 |
| Monte Sereno | 0.39 | 3,360 | 3,373 | 3,373 |
| Morgan Hill | 2.28 | 38,255 | 39,127 | 39,127 |
| Mountain View | 0.88 | 74,618 | 75,275 | 75,275 |
| Palo Alto | 1.07 | 64,853 | 65,544 | 65,544 |
| San Jose | 1.46 | 957,369 | 971,372 | 971,372 |
| Santa Clara | 0.69 | 117,998 | 118,813 | 118,813 |
| Saratoga | 0.70 | 30,153 | 30,363 | 30,363 |
| Sunnyvale | 1.42 | 140,898 | 142,896 | 142,896 |
| Unincorporated | 0.63 | 84,821 | 85,352 | 86,354 |
| County Total | 1.24 | 1,793,271 | 1,815,484 | 1,816,486 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Santa Cruz | | | | |
| Capitola | 0.58 | 9,923 | 9,981 | 9,981 |
| Santa Cruz | 1.16 | 61,245 | 61,955 | 61,955 |
| Scotts Valley | 0.52 | 11,581 | 11,641 | 11,641 |
| Watsonville | 0.75 | 51,226 | 51,611 | 51,611 |
| Unincorporated | 0.63 | 129,887 | 130,704 | 130,793 |
| County Total | 0.77 | 263,862 | 265,892 | 265,981 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Shasta | | | | |
| Anderson | 2.13 | 9,982 | 10,195 | 10,195 |
| Redding | 0.17 | 90,050 | 90,200 | 90,200 |
| Shasta Lake | -0.25 | 10,102 | 10,077 | 10,077 |
| Unincorporated | -0.04 | 67,255 | 67,229 | 67,351 |
| County Total | 0.18 | 177,389 | 177,701 | 177,823 |

(* Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total</u> |
|----------------|-----------------------|--|--------|--------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Sierra | | | | |
| Loyalton | -1.33 | 753 | 743 | 743 |
| Unincorporated | -0.82 | 2,429 | 2,409 | 2,409 |
| County Total | -0.94 | 3,182 | 3,152 | 3,152 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total</u> |
|----------------|-----------------------|--|--------|--------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Siskiyou | | | | |
| Dorris | -0.64 | 934 | 928 | 928 |
| Dunsmuir | -0.85 | 1,641 | 1,627 | 1,627 |
| Etna | -0.41 | 733 | 730 | 730 |
| Fort Jones | -0.40 | 746 | 743 | 743 |
| Montague | -0.77 | 1,435 | 1,424 | 1,424 |
| Mount Shasta | -0.65 | 3,376 | 3,354 | 3,354 |
| Tulelake | -0.70 | 1,005 | 998 | 998 |
| Weed | -0.90 | 2,986 | 2,959 | 2,959 |
| Yreka | -0.49 | 7,788 | 7,750 | 7,750 |
| Unincorporated | -0.28 | 24,107 | 24,039 | 24,126 |
| County Total | -0.44 | 44,751 | 44,552 | 44,639 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Solano | | | | |
| Benicia | 0.05 | 26,906 | 26,919 | 26,919 |
| Dixon | -0.05 | 18,291 | 18,282 | 18,282 |
| Fairfield | 0.42 | 101,329 | 101,753 | 106,379 |
| Rio Vista | 0.61 | 7,373 | 7,418 | 7,418 |
| Suisun City | -0.05 | 27,992 | 27,978 | 27,978 |
| Vacaville | 0.37 | 84,786 | 85,098 | 92,092 |
| Vallejo | 0.13 | 115,773 | 115,928 | 115,928 |
| Unincorporated | 0.04 | 17,963 | 17,971 | 18,790 |
| County Total | 0.23 | 400,413 | 401,347 | 413,786 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Sonoma | | | | |
| Cloverdale | 0.07 | 8,623 | 8,629 | 8,629 |
| Cotati | 0.07 | 7,271 | 7,276 | 7,276 |
| Healdsburg | 0.19 | 11,420 | 11,442 | 11,442 |
| Petaluma | 0.23 | 58,033 | 58,165 | 58,165 |
| Rohnert Park | 0.07 | 40,818 | 40,846 | 40,846 |
| Santa Rosa | 0.48 | 168,034 | 168,841 | 168,841 |
| Sebastopol | 0.24 | 7,387 | 7,405 | 7,405 |
| Sonoma | 0.07 | 10,658 | 10,665 | 10,665 |
| Windsor | 0.75 | 26,803 | 27,003 | 27,003 |
| Unincorporated | 0.52 | 144,617 | 145,365 | 146,739 |
| County Total | 0.41 | 483,664 | 485,637 | 487,011 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total</u> |
|----------------|-----------------------|--|---------|--------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Stanislaus | | | | |
| Ceres | 0.69 | 45,538 | 45,854 | 45,854 |
| Hughson | 1.67 | 6,687 | 6,799 | 6,799 |
| Modesto | 0.68 | 201,713 | 203,085 | 203,085 |
| Newman | 0.88 | 10,475 | 10,567 | 10,567 |
| Oakdale | 0.81 | 20,779 | 20,947 | 20,947 |
| Patterson | 0.65 | 20,501 | 20,634 | 20,634 |
| Riverbank | 0.65 | 22,775 | 22,924 | 22,924 |
| Turlock | 0.81 | 68,813 | 69,370 | 69,370 |
| Waterford | 0.65 | 8,478 | 8,533 | 8,533 |
| Unincorporated | 0.67 | 110,485 | 111,227 | 111,227 |
| County Total | 0.72 | 516,244 | 519,940 | 519,940 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Sutter | | | | |
| Live Oak | 1.30 | 8,141 | 8,247 | 8,247 |
| Yuba City | 0.78 | 64,792 | 65,300 | 65,300 |
| Unincorporated | 0.64 | 21,382 | 21,518 | 21,518 |
| County Total | 0.80 | 94,315 | 95,065 | 95,065 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|-----------------------|--|---------------|-----------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Tehama | | | | |
| Corning | 0.04 | 7,583 | 7,586 | 7,586 |
| Red Bluff | 0.34 | 13,984 | 14,032 | 14,032 |
| Tehama | 0.48 | 414 | 416 | 416 |
| Unincorporated | 0.32 | 40,790 | 40,919 | 41,143 |
| County Total | 0.29 | 62,771 | 62,953 | 63,177 |

(* Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Trinity | | | | |
| Unincorporated | -0.05 | 13,613 | 13,606 | 13,722 |
| County Total | -0.05 | 13,613 | 13,606 | 13,722 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Tulare | | | | |
| Dinuba | 3.41 | 21,869 | 22,614 | 22,614 |
| Exeter | 0.63 | 10,357 | 10,422 | 10,422 |
| Farmersville | 0.63 | 10,756 | 10,824 | 10,824 |
| Lindsay | 2.38 | 11,977 | 12,262 | 12,262 |
| Porterville | 0.89 | 54,115 | 54,596 | 55,107 |
| Tulare | 1.54 | 59,710 | 60,627 | 60,627 |
| Visalia | 1.21 | 125,342 | 126,864 | 126,864 |
| Woodlake | 0.99 | 7,305 | 7,377 | 7,377 |
| Unincorporated | 1.08 | 143,095 | 144,643 | 144,743 |
| County Total | 1.28 | 444,526 | 450,229 | 450,840 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|----------------|-----------------------|--|--------|-----------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Tuolumne | | | | |
| Sonora | -2.17 | 4,894 | 4,788 | 4,788 |
| Unincorporated | -1.84 | 46,625 | 45,765 | 49,046 |
| County Total | -1.88 | 51,519 | 50,553 | 53,834 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Ventura | | | | |
| Camarillo | 0.40 | 66,140 | 66,407 | 66,407 |
| Fillmore | 0.40 | 15,085 | 15,145 | 15,145 |
| Moorpark | 0.57 | 34,629 | 34,826 | 34,826 |
| Ojai | 0.55 | 7,494 | 7,535 | 7,535 |
| Oxnard | 0.56 | 199,265 | 200,390 | 200,390 |
| Port Hueneme | 0.66 | 19,438 | 19,566 | 21,682 |
| San Buenaventura | 0.86 | 106,192 | 107,108 | 107,166 |
| Santa Paula | 1.42 | 29,464 | 29,882 | 29,882 |
| Simi Valley | 0.47 | 124,734 | 125,317 | 125,317 |
| Thousand Oaks | 0.60 | 127,264 | 128,031 | 128,031 |
| Unincorporated | 0.57 | 93,762 | 94,297 | 96,589 |
| County Total | 0.61 | 823,467 | 828,504 | 832,970 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Yolo | | | | |
| Davis | -0.56 | 65,421 | 65,052 | 65,052 |
| West Sacramento | 0.50 | 49,048 | 49,292 | 49,292 |
| Winters | 3.48 | 6,609 | 6,839 | 6,839 |
| Woodland | 0.54 | 55,345 | 55,646 | 55,646 |
| Unincorporated | 2.66 | 24,648 | 25,304 | 25,304 |
| County Total | 0.53 | 201,071 | 202,133 | 202,133 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

| County City | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> | | <u>Total Population</u> |
|------------------------|------------------------------|---|---------------|------------------------------------|
| | 2011-2012 | 1-1-11 | 1-1-12 | 1-1-2012 |
| Yuba | | | | |
| Marysville | 0.05 | 12,098 | 12,104 | 12,104 |
| Wheatland | 0.29 | 3,459 | 3,469 | 3,469 |
| Unincorporated | 0.57 | 55,057 | 55,369 | 57,042 |
| County Total | 0.46 | 70,614 | 70,942 | 72,615 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure IIa
Annual Percent Change in Population Minus Exclusions (*)
January 1, 2011 to January 1, 2012

| County | <u>Percent Change</u> 2011-12 | <u>--- Population</u> 1-1-11 | <u>Minus Exclusions</u> 1-1-12 |
|---------------------|--|---|---|
| Alameda | | | |
| Incorporated | 1.00 | 1,372,414 | 1,386,170 |
| County Total | 0.98 | 1,514,014 | 1,528,914 |
| Alpine | | | |
| Incorporated | 0.00 | 0 | 0 |
| County Total | -2.75 | 1,128 | 1,097 |
| Amador | | | |
| Incorporated | 0.22 | 12,051 | 12,078 |
| County Total | -0.42 | 33,751 | 33,609 |
| Butte | | | |
| Incorporated | 0.66 | 136,575 | 137,482 |
| County Total | 0.37 | 220,465 | 221,273 |
| Calaveras | | | |
| Incorporated | -1.05 | 3,792 | 3,752 |
| County Total | -0.54 | 44,990 | 44,748 |
| Colusa | | | |
| Incorporated | 0.93 | 11,191 | 11,295 |
| County Total | 0.64 | 21,552 | 21,690 |
| Contra Costa | | | |
| Incorporated | 0.80 | 894,666 | 901,845 |
| County Total | 0.83 | 1,055,766 | 1,064,576 |
| Del Norte | | | |
| Incorporated | -0.35 | 4,286 | 4,271 |
| County Total | -0.22 | 25,223 | 25,168 |
| El Dorado | | | |
| Incorporated | 0.25 | 31,634 | 31,712 |
| County Total | 0.13 | 180,365 | 180,595 |
| Fresno | | | |
| Incorporated | 1.47 | 762,459 | 773,705 |
| County Total | 1.16 | 929,929 | 940,685 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure IIa
Annual Percent Change in Population Minus Exclusions (*)
January 1, 2011 to January 1, 2012

| County | <u>Percent Change</u> 2011-12 | <u>--- Population Minus Exclusions ---</u> | |
|---------------|--|---|---------------|
| | | 1-1-11 | 1-1-12 |
| Glenn | | | |
| Incorporated | 0.63 | 13,563 | 13,648 |
| County Total | 0.10 | 27,985 | 28,012 |
| Humboldt | | | |
| Incorporated | -0.07 | 62,918 | 62,877 |
| County Total | 0.00 | 134,361 | 134,365 |
| Imperial | | | |
| Incorporated | 1.21 | 134,056 | 135,674 |
| County Total | 1.03 | 167,073 | 168,793 |
| Inyo | | | |
| Incorporated | -0.03 | 3,859 | 3,858 |
| County Total | -0.15 | 18,372 | 18,345 |
| Kern | | | |
| Incorporated | 1.28 | 515,241 | 521,830 |
| County Total | 1.18 | 813,413 | 822,983 |
| Kings | | | |
| Incorporated | 0.66 | 101,324 | 101,996 |
| County Total | 0.57 | 128,326 | 129,061 |
| Lake | | | |
| Incorporated | -1.92 | 19,916 | 19,534 |
| County Total | -1.73 | 64,274 | 63,159 |
| Lassen | | | |
| Incorporated | -2.04 | 9,547 | 9,352 |
| County Total | -1.95 | 25,245 | 24,753 |
| Los Angeles | | | |
| Incorporated | 0.39 | 8,778,787 | 8,813,366 |
| County Total | 0.38 | 9,836,718 | 9,874,366 |
| Madera | | | |
| Incorporated | 1.25 | 73,451 | 74,366 |
| County Total | 1.08 | 144,555 | 146,109 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure IIa
Annual Percent Change in Population Minus Exclusions (*)
January 1, 2011 to January 1, 2012

| County | <u>Percent Change</u> 2011-12 | <u>--- Population Minus Exclusions ---</u> | |
|------------------|--|---|---------------|
| | | 1-1-11 | 1-1-12 |
| Marin | | | |
| Incorporated | 1.03 | 184,803 | 186,710 |
| County Total | 1.05 | 247,423 | 250,024 |
| Mariposa | | | |
| Incorporated | 0.00 | 0 | 0 |
| County Total | -1.28 | 17,845 | 17,616 |
| Mendocino | | | |
| Incorporated | -0.05 | 28,531 | 28,518 |
| County Total | -0.16 | 87,499 | 87,357 |
| Merced | | | |
| Incorporated | 0.62 | 167,297 | 168,329 |
| County Total | 0.55 | 255,802 | 257,198 |
| Modoc | | | |
| Incorporated | -0.82 | 2,797 | 2,774 |
| County Total | -0.24 | 9,472 | 9,449 |
| Mono | | | |
| Incorporated | 0.15 | 8,245 | 8,257 |
| County Total | 0.30 | 14,216 | 14,259 |
| Monterey | | | |
| Incorporated | 0.91 | 297,237 | 299,953 |
| County Total | 0.91 | 397,396 | 401,012 |
| Napa | | | |
| Incorporated | 0.79 | 109,829 | 110,694 |
| County Total | 0.77 | 135,030 | 136,063 |
| Nevada | | | |
| Incorporated | -0.69 | 31,838 | 31,618 |
| County Total | -0.76 | 97,843 | 97,095 |
| Orange | | | |
| Incorporated | 0.99 | 2,906,357 | 2,935,134 |
| County Total | 0.89 | 3,027,832 | 3,054,832 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure IIa
Annual Percent Change in Population Minus Exclusions (*)
January 1, 2011 to January 1, 2012

| County | <u>Percent Change</u> 2011-12 | <u>--- Population Minus Exclusions ---</u> | |
|------------------------|--|---|---------------|
| | | 1-1-11 | 1-1-12 |
| Placer | | | |
| Incorporated | 1.17 | 243,022 | 245,872 |
| County Total | 1.10 | 351,463 | 355,328 |
| Plumas | | | |
| Incorporated | -1.77 | 2,087 | 2,050 |
| County Total | -0.92 | 19,901 | 19,718 |
| Riverside | | | |
| Incorporated | 1.17 | 1,742,765 | 1,763,125 |
| County Total | 0.99 | 2,194,112 | 2,215,850 |
| Sacramento | | | |
| Incorporated | 0.54 | 863,666 | 868,358 |
| County Total | 0.54 | 1,421,244 | 1,428,890 |
| San Benito | | | |
| Incorporated | 1.09 | 36,985 | 37,388 |
| County Total | 0.61 | 55,474 | 55,815 |
| San Bernardino | | | |
| Incorporated | 0.88 | 1,730,249 | 1,745,419 |
| County Total | 0.86 | 2,014,097 | 2,031,505 |
| San Diego | | | |
| Incorporated | 0.91 | 2,594,317 | 2,618,036 |
| County Total | 0.91 | 3,041,093 | 3,068,912 |
| San Francisco | | | |
| Incorporated | 0.47 | 808,531 | 812,306 |
| County Total | 0.47 | 808,531 | 812,306 |
| San Joaquin | | | |
| Incorporated | 1.11 | 546,801 | 552,844 |
| County Total | 1.05 | 684,781 | 691,947 |
| San Luis Obispo | | | |
| Incorporated | 0.18 | 151,058 | 151,326 |
| County Total | 0.47 | 263,305 | 264,538 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure IIa
Annual Percent Change in Population Minus Exclusions (*)
January 1, 2011 to January 1, 2012

| County | <u>Percent Change</u> 2011-12 | <u>--- Population Minus Exclusions ---</u> | |
|----------------------|--|---|---------------|
| | | 1-1-11 | 1-1-12 |
| San Mateo | | | |
| Incorporated | 1.00 | 659,930 | 666,501 |
| County Total | 0.98 | 722,122 | 729,196 |
| Santa Barbara | | | |
| Incorporated | 0.38 | 287,574 | 288,654 |
| County Total | 0.45 | 418,234 | 420,136 |
| Santa Clara | | | |
| Incorporated | 1.27 | 1,708,450 | 1,730,132 |
| County Total | 1.24 | 1,793,271 | 1,815,484 |
| Santa Cruz | | | |
| Incorporated | 0.91 | 133,975 | 135,188 |
| County Total | 0.77 | 263,862 | 265,892 |
| Shasta | | | |
| Incorporated | 0.31 | 110,134 | 110,472 |
| County Total | 0.18 | 177,389 | 177,701 |
| Sierra | | | |
| Incorporated | -1.33 | 753 | 743 |
| County Total | -0.94 | 3,182 | 3,152 |
| Siskiyou | | | |
| Incorporated | -0.63 | 20,644 | 20,513 |
| County Total | -0.44 | 44,751 | 44,552 |
| Solano | | | |
| Incorporated | 0.24 | 382,450 | 383,376 |
| County Total | 0.23 | 400,413 | 401,347 |
| Sonoma | | | |
| Incorporated | 0.36 | 339,047 | 340,272 |
| County Total | 0.41 | 483,664 | 485,637 |
| Stanislaus | | | |
| Incorporated | 0.73 | 405,759 | 408,713 |
| County Total | 0.72 | 516,244 | 519,940 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Enclosure IIa
Annual Percent Change in Population Minus Exclusions (*)
January 1, 2011 to January 1, 2012

| County | <u>Percent Change</u> 2011-12 | <u>--- Population Minus Exclusions ---</u> | |
|-----------------|--|---|---------------|
| | | 1-1-11 | 1-1-12 |
| Sutter | | | |
| Incorporated | 0.84 | 72,933 | 73,547 |
| County Total | 0.80 | 94,315 | 95,065 |
| Tehama | | | |
| Incorporated | 0.24 | 21,981 | 22,034 |
| County Total | 0.29 | 62,771 | 62,953 |
| Trinity | | | |
| Incorporated | 0.00 | 0 | 0 |
| County Total | -0.05 | 13,613 | 13,606 |
| Tulare | | | |
| Incorporated | 1.38 | 301,431 | 305,586 |
| County Total | 1.28 | 444,526 | 450,229 |
| Tuolumne | | | |
| Incorporated | -2.17 | 4,894 | 4,788 |
| County Total | -1.88 | 51,519 | 50,553 |
| Ventura | | | |
| Incorporated | 0.62 | 729,705 | 734,207 |
| County Total | 0.61 | 823,467 | 828,504 |
| Yolo | | | |
| Incorporated | 0.23 | 176,423 | 176,829 |
| County Total | 0.53 | 201,071 | 202,133 |
| Yuba | | | |
| Incorporated | 0.10 | 15,557 | 15,573 |
| County Total | 0.46 | 70,614 | 70,942 |

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Resolution Exhibit "C"

Notice of Fiscal Year 2012-13 Appropriation Limit Adoption
for County Government and Board of Supervisors Governed
Special Districts and Service Areas in Compliance with
Article XIII B of the State Constitution

Notice is hereby given that the Board of Supervisors of the County of Sonoma, as the governing body of said county and various Special Districts and County Service Areas, will complete the establishment of appropriations limits in compliance with Article XIII B of the State Constitution for said county including said Special Districts and County Service Areas, for the 2012-13 fiscal year, commencing July 1, 2012 and ending June 30, 2013, and that supporting documentation will be available to citizens requesting them at the Office of the County Administrator, 575 Administration Drive, Room 104A, Santa Rosa, California on and after November 5, 2012. The governmental entities having appropriation and revenue limits established may include, but are not limited to, the Sonoma County Government; Water Agency; County Service Area #40 (Fire Services), County Service Area #41 (Multi-Services), Community Facilities Districts #4 (Wilmar), #5 (Dry Creek), and #7 (Mayacamas); Lighting Districts of: 1) Belmont Terrace, 2) Carmet, 3) Cinnabar, 4) Country Manor, 5) Forestville, 6) Geyserville, 7) Graton, 8) Guerneville, 9) Jenner, 10) Madrone Acres, 11) Monte Rio, 12) Pacific View, 13) Penngrove, 14) Rio Nido, 15) South Park, 16) Summer Home Park, 17) Valley of the Moon, 18) Westside; Bittner Lane Permanent Road District; Monte Rosa Division #1 Permanent Road District; Peaks Pike Permanent Road District and Sonoma County Agricultural and Open Space District.

NOTICE IS FURTHER GIVEN that appropriation limits will be adopted on November 20, 2012, in the Board of Supervisors Chambers, 575 Administration Drive, Room 102A, Santa Rosa, California. In accordance with law, appropriation limits supporting documentation is available for review at the County Administrator's Office, 575 Administration Drive, Room 104, Santa Rosa, California.

VERONICA A. FERGUSON
Clerk of the Board of Supervisors

By: _____
Clerk of the Board of Supervisors



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 11
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): Sonoma County Community Development Commission

Staff Name and Phone Number:

Supervisory District(s):

Kathleen H Kane, 565-7505

All

Title: Composition of the Sonoma County Community Development Committee

Recommended Actions:

Adopt Ordinance pursuant to Health and Safety Code Section 34120.5 providing for the revised composition of the Sonoma County Community Development Committee.

Executive Summary:

On March 20, 1984, the Sonoma County Board of Supervisors adopted Ordinance 3257 by which it 1) declared the need for and established a community development commission (CDC) to function in the County of Sonoma, pursuant to Health and Safety Code Section 34115, 2) declared itself to be the Sonoma County Community Development Commission (Commission) to govern the CDC, pursuant to Section 34120, and 3) established a seven-member Sonoma County Community Development Committee (Committee), appointed by the Board of Supervisors, to review and make recommendations on matters to come before the Commission prior to Commission action. Pursuant to Health and Safety Code Section 34120.5, two Committee members must be tenants of the Sonoma County Housing Authority, one of whom must be at least 62 years of age. The Ordinance stipulates that each member of the Board nominates one person to represent his or her Supervisory district to fill the remaining five Committee seats. Since 1993, a Human Services Department Director appointee sits with the Committee in a non-voting ex-officio capacity.

Following the disbanding of the Human Services Commission (HSC) in 2011, and the subsequent transfer of County community services funding from the Human Services Department to the CDC, the 2011 Sonoma County Grand Jury investigated a citizen complaint expressing concern that 1) the CDC did not have the interest or expertise that the HSC had in dealing with the community partner agencies, 2) the types of services provided by the HSC were different from the CDC's focus on redevelopment and housing programs, and 3) partnerships between public and private systems of care previously funded by the HSC should remain intact. In their June 2012 Report, the Grand Jury found that 1) the disbanding of the HSC and consolidating of its duties into the CDC

was a fiscally prudent decisions by the Board of Supervisors, 2) despite the loss of expertise, commitment and experience of the prior HSC volunteers, efforts are being made to ensure that grantees can continue to be part of the funding process, and 3) appropriate steps are being taken to help the former community partners transition to CDC community services funding grantees. The report states, “The Grand Jury commends both the HSC and the CDC for ensuring that [community services funding] grantees continue to receive funding in Sonoma County to assist at-risk and in-need members of the community despite the economic downturn.”

The Report also included a fourth finding that it may benefit the Committee to expand its membership, as well as a recommendation that the Executive Director of the CDC consider expanding the Committee to eight or nine members, which is the maximum permitted by State law, to ensure inclusion of one or two individuals with prior community partner and/or local safety net funding experience. The CDC Executive Director discussed this finding and recommendation with the Committee, which voted to recommend that the Board expand the composition of the Committee to include eight members, and to ensure that the additional member has knowledge and experience with community services partners, by making the current Human Services Department ex officio appointee a full voting member. CDC staff concurs with this recommendation. While it is typical for voting bodies to have an odd number of members, Committee members and staff do not recommend expanding the Committee to nine members at this time, although they will continue to examine the potential benefits of such an increase in the future, and do not anticipate any negative impacts as a result of having an even number of seated members.

To revise an Ordinance such as this, it is typical to repeal the entire original Ordinance and to adopt a wholly new Ordinance so that all inter-related provisions are included in one document. However, with the enactment of the Redevelopment Dissolution Act (ABx1 26) in June 2011, Health and Safety Code Section 34166 was added to prohibit establishment of any new redevelopment agencies. The newly added Section also includes a prohibition on the creation of any new community development commissions, presumably to prevent redevelopment-type agencies from being formed under a different guise. Therefore, in an abundance of caution, staff recommends leaving the original Ordinance 3257 establishing the Sonoma County CDC in place. Adoption of the attached Ordinance would amend only Section VII of Ordinance 3257, which sets the CD Committee membership at seven. The sole purpose of the new Ordinance is to provide for a CD Committee comprised of eight members, seven of whom are appointed by the Board of Supervisors to represent the five supervisorial districts and to meet the legal requirement for two Housing Authority tenants, and one of whom is appointed by the Human Services Department Director. The provisions of the current Section VII that detail the method of appointment, term, and replacement of Board-appointed members will remain unchanged. All other Sections and provisions of Ordinance 3257 will remain in full force and effect.

The proposed Ordinance was introduced for first reading on November 13, 2012.

Prior Board Actions:

11/13/2012 – Introduction and first reading of Ordinance pursuant to Health and Safety Code Section 34120.5 providing for the revised composition of the Sonoma County Community Development Committee.

03/20/1984 – Adopted Ordinance 3257, creating the Sonoma County Community Development Commission and providing for its composition and duties.

Strategic Plan Alignment: Not Applicable

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount | \$ | Select an item. | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ | Total Sources | \$ |

Narrative Explanation of Fiscal Impacts (If Required):

None.

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|--|--------------------------------------|-----------------------|-----------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

None.

Attachments:

Ordinance Providing for the Revised Composition of the Sonoma County Community Development Committee

Related Items "On File" with the Clerk of the Board:

None

ORDINANCE NO. _____

**An Ordinance Of The Board Of Supervisors Of The County Of Sonoma,
State Of California, Changing The Composition Of The Sonoma County
Community Development Committee.**

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. Section VII of Ordinance 3257, enacted by the Board of Supervisors on March 20, 1984 to create the Sonoma County Community Development Commission and providing for its composition and duties, and establishing the Sonoma County Community Development Committee, is hereby amended to read as follows:

“SECTION VII. There is hereby established the Sonoma County Community Development Committee. Such committee shall be composed of eight (8) members. Seven (7) members shall be appointed by the Board of Supervisors, two of whom shall be tenants of the Sonoma County Housing Authority. One such tenant shall be at least 62 years of age. One member shall be appointed by the Sonoma County Human Services Department Director. Each member of the Board of Supervisors shall nominate one person from his or her supervisorial district. The tenant members of the committee shall be nominated by the six members first appointed by the Board and Human Services Director. Each tenant member shall, subject to the conditions prescribed by law, serve for a term of two years or until his or her successor is appointed and qualified. Each of the other five Board-appointed members of the Committee shall serve at the pleasure of the Board of Supervisors, provided that unless sooner terminated by the Board, the term of each such member shall be coterminous for the term of the supervisor by whom he or she was nominated and until his or her successor is appointed and qualified. The Human Services Department Director appointee shall serve at the pleasure of the Department Director.”

SECTION II. All other Sections and provisions of Ordinance 3257 shall remain in full force and effect.

SECTION III. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION IV. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in the Sonoma County Press Democrat, a newspaper of general circulation published in the County of Sonoma, State of California.

Ordinance #
Date: 11/20/2012
Page 2

In regular session of the Board of Supervisors of the County of Sonoma introduced on the _____ day of _____, 2012, and finally passed and adopted this _____ day of _____ 2012, on regular roll call of the members of said Board by the following vote:

Supervisors:

Brown: Rabbitt: McGuire: Carrillo: Zane:

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Clerk of the Board of Supervisors



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 12
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): County Administrator's Office

Staff Name and Phone Number:

Supervisory District(s):

Jim Leddy, 565-2190

All

Title: Federal Advocacy Contract Extension for 2013

Recommended Actions:

Approve and authorize the County Administrator to execute contract extensions with:

- 1) Madison Governmental Affairs, Inc. – Contract from January 1, 2013 to December 31, 2013, in an amount not to exceed \$38,000, which provides for a monthly retainer of \$3,000 plus reimbursement of approved expenses not to exceed \$2,000.
- 2) Alcalde and Fay – Contract from January 1, 2013, to December 31, 2013, in an amount not to exceed \$62,400, which provides for a monthly retainer of \$5,000 per month, plus reimbursement of expenses up to \$100/month plus pre-approved travel expenses not to exceed \$1,200.
- 3) Direct staff to Launch request for Proposal process for Federal Advocacy services to be completed no later than September 1st, 2013.

Executive Summary:

On November 3, 2009, the Board authorized contract with Madison Government Affairs, Inc. and Alcalde and Fay for federal advocacy services. The contract allowed for the extension of the contracts at Board discretion. In 2013, staff is recommending the Board launch a new Request for Proposals for federal advocacy services as was done in 2009. Until such time, it is requested that the Board approve a one year extension for the two federal advocacy firms, Alcalde and Faye, Inc. and Madison Government Affairs, Inc., in order to preserve the Counties advocacy capacity during calendar year 2013. In addition, staff is requesting permission to initiate a formal Request for proposal process to be completed no later than September 1st, 2013.

The one year contract extension amount would be at the same cost as in 2010. The Madison Governmental Affairs, Inc. – Contract Extension would be from January 1, 2013 to December 31, 2013, in an amount not to exceed \$38,000, which provides for a monthly retainer of \$3,000 plus reimbursement of approved expenses not to exceed \$2,000. This firm would support advocacy efforts for health policy issues.

The Alcalde and Fay Contract Extension would be from January 1, 2013, to December 31, 2013, in an amount not to exceed \$62,400, which provides for a monthly retainer of \$5,000 per month, plus reimbursement of expenses up to \$100/month plus pre-approved travel expenses not to exceed \$1,200. This firm supports County advocacy on all other policy areas.

Prior Board Actions:

On November 3, 2009, the Board awarded contracts for federal advocacy services with Madison Government Affairs, Inc. and Alcalde and Faye after a Request for Proposal process.

Strategic Plan Alignment: Civic Services and Community Engagement.

The County Strategic Plan and the Board’s Annual Goals both emphasize the need to remain active in policy and funding decisions at both the State and Federal government levels. Advocacy services support Board led leadership efforts to protect and enhance County programs.

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-------------------|--|-------------------|
| Budgeted Amount | \$ 101,000 | Select an item. | \$ |
| Add Appropriations Req'd. | \$ 0 | State/Federal | \$ 0 |
| | \$ | Fees/Other | \$ 101,000 |
| | \$ | Use of Fund Balance | \$ 0 |
| | \$ | Contingencies | \$ 0 |
| | \$ | | \$ |
| Total Expenditure | \$ 101,000 | Total Sources | \$ 101,000 |

Narrative Explanation of Fiscal Impacts (If Required):

This amount is budgeted from General Fund resources. These advocacy contracts allow the County to strengthen Board and Department led efforts in protecting and enhancing state and federal revenues. The County receives approximately \$473 million in intergovernmental revenues annually. These sources are often at risk from federal and state policy changes.

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|--|--------------------------------------|-----------------------|-----------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

No positions are added by this item.

Attachments:

Attachment A – Contract with Alcalde and Faye

Attachment B – Contract with Madison Government Affairs, Inc.

Attachment C – Amendment #2 with Alcalde and Faye

Attachment D – Amendment #2 with Madison Government Affairs, Inc.

Related Items “On File” with the Clerk of the Board:

AGREEMENT FOR FEDERAL ADVOCACY CONSULTING SERVICES

This agreement ("Agreement"), dated as of December 1, 2009 ("Effective Date") is by and between the County of Sonoma, a political subdivision of the State of California (hereinafter "County"), and Alcalde and Faye, Inc. (hereinafter "Consultant").

R E C I T A L S

WHEREAS, Consultant represents that it is a duly qualified federal legislative advocate, experienced in the preparation of legislative advocacy and related services; and

WHEREAS, in the judgment of the County of Sonoma, it is necessary and desirable to employ the services of Consultant for federal legislative advocacy services.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants contained herein, the parties hereto agree as follows:

A G R E E M E N T

1. Scope of Services.

1.1 Consultant's Specified Services.

Consultant shall perform the services described in Exhibit "A," attached hereto and incorporated herein by this reference (hereinafter "Scope of Work"), and within the times or by the dates provided for in Exhibit "A" and pursuant to Article 7. In the event of a conflict between the body of this Agreement and Exhibit "A", the provisions in the body of this Agreement shall control.

1.2 Cooperation With County. Consultant shall cooperate with County and County staff in the performance of all work hereunder.

1.3 Performance Standard. Consultant shall perform all work hereunder in a manner consistent with the level of competency and standard of care normally observed by a person practicing in Consultant's profession. County has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees to provide all services under this Agreement in accordance with generally accepted professional practices and standards of care, as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Contractor's work by County shall not operate as a waiver or release. If County determines that any of Consultant's work is not in accordance with such level of competency and standard of care, County, in its sole discretion,

shall have the right to do any or all of the following: (a) require Consultant to meet with County to review the quality of the work and resolve matters of concern; (b) require Consultant to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of Article 4; or (d) pursue any and all other remedies at law or in equity.

1.4 Assigned Personnel.

a. Consultant shall assign only competent personnel to perform work hereunder. In the event that at any time County, in its sole discretion, desires the removal of any person or persons assigned by Consultant to perform work hereunder, Consultant shall remove such person or persons immediately upon receiving written notice from County.

b. Any and all persons identified in this Agreement or any exhibit hereto as the project manager, project team, or other professional performing work hereunder are deemed by County to be key personnel whose services were a material inducement to County to enter into this Agreement, and without whose services County would not have entered into this Agreement. Consultant shall not remove, replace, substitute, or otherwise change any key personnel without the prior written consent of County. With respect to performance under this Agreement, Consultant shall employ the following key personnel: Paul Schlesinger, Suzanne Eisold, Andy Wahlquist, and Anne Carruther.

c. In the event that any of Consultant's personnel assigned to perform services under this Agreement become unavailable due to resignation, sickness or other factors outside of Consultant's control, Consultant shall be responsible for timely provision of adequately qualified replacements.

2. Payment.

For all services and incidental costs required hereunder, Consultant shall be paid in accordance with the following terms:

Consultant shall be paid a lump sum amount of \$5,000 per month regardless of the number of hours or length of time necessary for Consultant to complete the services. Consultant shall be entitled to any additional payment not to exceed \$100 per month billed at actual cost for following expenses incurred in completion of the services for County: telephone tolls, copying, messenger service, parking, local transportation and postage and appropriate County pre-approved travel expenses.

Upon completion of the work, Consultant shall submit its bill[s] for payment in a form approved by County's Auditor and the Head of the County Department receiving the services. The bill[s] shall identify the services completed and the amount charged.

3. Term of Agreement. The term of this Agreement shall be from January 1, 2010 to December 31, 2010 unless terminated earlier in accordance with the provisions of Article 4 below. The County retains the discretion to extend the term of contract for up to two additional calendar years.

4. Termination.

4.1 Termination Without Cause. Notwithstanding any other provision of this Agreement, at any time and without cause, County shall have the right, in its sole discretion, to terminate this Agreement by giving 5 days written notice to Consultant.

4.2 Termination for Cause. Notwithstanding any other provision of this Agreement, should Consultant fail to perform any of its obligations hereunder, within the time and in the manner herein provided, or otherwise violate any of the terms of this Agreement, County may immediately terminate this Agreement by giving Consultant written notice of such termination, stating the reason for termination.

4.3 Delivery of Work Product and Final Payment Upon Termination. In the event of termination, Consultant, within 14 days following the date of termination, shall deliver to County all materials and work product subject to Section 9.10 (Ownership and Disclosure of Work Product) and shall submit to County an invoice showing the services performed, hours worked, and copies of receipts for reimbursable expenses up to the date of termination.

4.4 Payment Upon Termination. Upon termination of this Agreement by County, Consultant shall be entitled to receive as full payment for all services satisfactorily rendered and expenses incurred hereunder, an amount which bears the same ratio to the total payment specified in the Agreement as the services satisfactorily rendered hereunder by Consultant bear to the total services otherwise required to be performed for such total payment; provided, however, that if services which have been satisfactorily rendered are to be paid on a per-hour or per-day basis, Consultant shall be entitled to receive as full payment an amount equal to the number of hours or days actually worked prior to the termination times the applicable hourly or daily rate; and further provided, however, that if County terminates the Agreement for cause pursuant to Section 4.2, County shall deduct from such amount the amount of damage, if any, sustained by County by virtue of the breach of the Agreement by Consultant.

4.5 Authority to Terminate. The Board of Supervisors has the authority to terminate this Agreement on behalf of the County. In addition, the Purchasing Agent or the

County Administrator, in consultation with County Counsel, shall have the authority to terminate this Agreement on behalf of the County.

5. Indemnification. Consultant agrees to accept all responsibility for loss or damage to any person or entity, including County, and to indemnify, hold harmless, and release County, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including Consultant, that arise out of, pertain to, or relate to Consultant's performance or obligations under this Agreement. Consultant agrees to provide a complete defense for any claim or action brought against County based upon a claim relating to Consultant's performance or obligations under this Agreement. Consultant's obligations under this Section apply whether or not there is concurrent negligence on County's part, but to the extent required by law, excluding liability due to County's conduct. County shall have the right to select its legal counsel at Consultant's expense, subject to Consultant's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.

6. Insurance. With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain, insurance as described below.

6.1 Workers' Compensation Insurance. Workers' compensation insurance with statutory limits as required by the Labor Code of the State of California. Said policy shall be endorsed with the following specific language:

This policy shall not be cancelled or materially changed without first giving thirty (30) days' prior written notice to the County of Sonoma, County Administrator's Office.

6.2 General Liability Insurance. Commercial general liability insurance covering bodily injury and property damage using an occurrence policy form, in an amount no less than One Million Dollars (\$1,000,000) limit for each occurrence and Three Million Dollars (\$3,000,000) each for the general aggregate and the products/completed operations aggregate. Said commercial general liability insurance policy shall either be endorsed with the following specific language or contain equivalent language in the policy:

a. The County of Sonoma, its officers and employees, is named as additional insured for all liability arising out of the on-going and completed operations by or on behalf of the named insured in the performance of federal advocacy services between the County of Sonoma and Alcalde and Fay, Inc.

b. The inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, and the coverage afforded shall apply as though separate policies had been issued to each insured, but the

inclusion of more than one insured shall not operate to increase the limits of the company's liability.

c. The insurance provided herein is primary and non-contributory coverage to the County of Sonoma with respect to any insurance or self-insurance programs maintained by the County. □

d. This policy shall not be cancelled or materially changed without first giving thirty (30) days prior written notice to the County of Sonoma, County Administrator's Office.

6.3 Automobile Insurance. Automobile liability insurance covering bodily injury and property damage in an amount no less than One Million Dollars (\$1,000,000) combined single limit for each occurrence. Said insurance shall include coverage for owned, hired, and non-owned vehicles. Said policy shall be endorsed with the following language:

This policy shall not be cancelled or materially changed without first giving thirty (30) days prior written notice to the County of Sonoma, County Administrator's Office.

6.4 Professional Liability Insurance. Professional liability insurance for all activities of Consultant arising out of or in connection with this Agreement in an amount no less than One Million Dollars (\$1,000,000) combined single limit for each occurrence. Said policy shall be endorsed with the following specific language:

This policy shall not be cancelled or materially changed without first giving thirty (30) days prior written notice to the County of Sonoma, County Administrator's Office.

6.5 Documentation. The following documentation shall be submitted to the County of Sonoma, County Administrator's Office:

a. Properly executed Certificates of Insurance clearly evidencing all coverages and limits required above. Said Certificates shall be submitted prior to the execution of this Agreement. Consultant agrees to maintain current Certificates of Insurance evidencing the above-required coverages and limits on file with the County for the duration of this Agreement.

b. Copies of properly executed endorsements required above for each policy. Said endorsement copies shall be submitted prior to the execution of this Agreement. Consultant agrees to maintain current endorsements evidencing the above-specified requirements on file with the County for the duration of this Agreement.

c. Upon County's written request, certified copies of the insurance policies. Said policy copies shall be submitted within thirty (30) days of County's request.

d. After the Agreement has been signed, signed Certificates of Insurance shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.

6.6 Policy Obligations. Consultant's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

6.7 Material Breach. If Consultant, for any reason, fails to maintain insurance coverage, which is required pursuant to this Agreement, the same shall be deemed a material breach of this Agreement. County, in its sole option, may terminate this Agreement and obtain damages from Consultant resulting from said breach. Alternatively, County may purchase such required insurance coverage, and without further notice to Consultant, County may deduct from sums due to Consultant any premium costs advanced by County for such insurance. These remedies shall be in addition to any other remedies available to County.

7. Prosecution of Work. The execution of this Agreement shall constitute Consultant's authority to proceed immediately with the performance of this Agreement. Performance of the services hereunder shall be completed within the time required herein, provided, however, that if the performance is delayed by earthquake, flood, high water, or other Act of God or by strike, lockout, or similar labor disturbances, the time for Consultant's performance of this Agreement shall be extended by a number of days equal to the number of days Consultant has been delayed.

8. Extra or Changed Work. Extra or changed work or other changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both parties. Minor changes, which do not increase the amount paid under the Agreement, and which do not significantly change the scope of work or significantly lengthen time schedules may be executed by the Department Head in a form approved by County Counsel. The Board of Supervisors/Purchasing Agent must authorize all other extra or changed work. The parties expressly recognize that, pursuant to Sonoma County Code Section 1-11, County personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of Consultant to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter Consultant shall be entitled to no compensation whatsoever for the performance of such work. Consultant further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of the County.

9. Representations of Consultant.

9.1 Standard of Care. County has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees that all its work will be performed and that its operations shall be conducted in accordance with generally accepted and applicable professional practices and standards as well as the

requirements of applicable federal, state and local laws, it being understood that acceptance of Consultant's work by County shall not operate as a waiver or release.

9.2 Status of Consultant. The parties intend that Consultant, in performing the services specified herein, shall act as an independent contractor and shall control the work and the manner in which it is performed. Consultant is not to be considered an agent or employee of County and is not entitled to participate in any pension plan, worker's compensation plan, insurance, bonus, or similar benefits County provides its employees. In the event County exercises its right to terminate this Agreement pursuant to Article 4, above, Consultant expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.

9.3 Taxes. Consultant agrees to file federal and state tax returns and pay all applicable taxes on amounts paid pursuant to this Agreement and shall be solely liable and responsible to pay such taxes and other obligations, including, but not limited to, state and federal income and FICA taxes. Consultant agrees to indemnify and hold County harmless from any liability which it may incur to the United States or to the State of California as a consequence of Consultant's failure to pay, when due, all such taxes and obligations. In case County is audited for compliance regarding any withholding or other applicable taxes, Consultant agrees to furnish County with proof of payment of taxes on these earnings.

9.4 Records Maintenance. Consultant shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement and shall make such documents and records available to County for inspection at any reasonable time. Consultant shall maintain such records for a period of four (4) years following completion of work hereunder.

9.5 Conflict of Interest. Consultant covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Consultant further covenants that in the performance of this Agreement no person having any such interests shall be employed. In addition, if requested to do so by County, Consultant shall complete and file and shall require any other person doing work under this Agreement to complete and file a "Statement of Economic Interest" with County disclosing Consultant's or such other person's financial interests.

9.6 Statutory Compliance. Contractor agrees to comply with all applicable federal, state and local laws, regulations, statutes and policies applicable to the

services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement.

9.7 Nondiscrimination. Without limiting any other provision hereunder, Consultant shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, pregnancy, disability, sexual orientation or other prohibited basis, including without limitation, the County's Non-Discrimination Policy. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.

9.8 AIDS Discrimination. Consultant agrees to comply with the provisions of Chapter 19, Article II, of the Sonoma County Code prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection during the term of this Agreement and any extensions of the term.

9.9 Assignment Of Rights. Consultant assigns to County all rights throughout the world in perpetuity in the nature of copyright, trademark, patent, right to ideas, in and to all versions of the plans and specifications, if any, now or later prepared by Consultant in connection with this Agreement. Consultant agrees to take such actions as are necessary to protect the rights assigned to County in this Agreement, and to refrain from taking any action which would impair those rights. Consultant's responsibilities under this provision include, but are not limited to, placing proper notice of copyright on all versions of the plans and specifications as County may direct, and refraining from disclosing any versions of the plans and specifications to any third party without first obtaining written permission of County. Consultant shall not use or permit another to use the plans and specifications in connection with this or any other project without first obtaining written permission of County.

9.10 Ownership And Disclosure Of Work Product. All reports, original drawings, graphics, plans, studies, and other data or documents ("documents"), in whatever form or format, assembled or prepared by Consultant or Consultant's subcontractors, consultants, and other agents in connection with this Agreement shall be the property of County. County shall be entitled to immediate possession of such documents upon completion of the work pursuant to this Agreement. Upon expiration or termination of this Agreement, Consultant shall promptly deliver to County all such documents, which have not already been provided to County in such form or format, as County deems appropriate. Such documents shall be and will remain the property of County without restriction or limitation. Consultant may retain copies of the above-described documents but agrees not to disclose or discuss any information gathered, discovered, or generated in any way through this Agreement without the express written permission of County.

9.11 Authority. The undersigned hereby represents and warrants that he or she has authority to execute and deliver this Agreement on behalf of Consultant.

10. Demand for Assurance. Each party to this Agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party, the other may in writing demand adequate assurance of due performance and until such assurance is received may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, but not exceeding thirty (30) days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Article limits County's right to terminate this Agreement pursuant to Article 4.

11. Assignment and Delegation. Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented.

12. Method and Place of Giving Notice, Submitting Bills and Making Payments. All notices, bills, and payments shall be made in writing and shall be given by personal delivery or by U.S. Mail or courier service. Notices, bills, and payments shall be addressed as follows:

TO: COUNTY: Jim Leddy
Community & Government Affairs Manager
575 Administration Drive, Suite 104A
Santa Rosa, CA 95403

TO: CONSULTANT: Paul Schlesinger
Alcalde and Fay, Inc.
2111 Wilson Blvd.
8th Floor
Arlington, VA 22201

When a notice, bill or payment is given by a generally recognized overnight courier service, the notice, bill or payment shall be deemed received on the next business day. When a copy of a notice, bill or payment is sent by facsimile or email, the notice, bill or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, bill or payment is promptly deposited in the U.S. mail and postmarked on the date of the facsimile or email (for a payment, on or before the due date), (2) the sender has a written confirmation of the facsimile transmission or email, and (3) the facsimile or email is transmitted before 5 p.m. (recipient's time). In all other instances, notices, bills and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this paragraph.

13. Miscellaneous Provisions.

13.1 No Waiver of Breach. The waiver by County of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or provision or any subsequent breach of the same or any other term or promise contained in this Agreement.

13.2 Construction. To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. Consultant and County acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other. Consultant and County acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

13.3 Consent. Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.

13.4 No Third Party Beneficiaries. Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.

13.5 Applicable Law and Forum. This Agreement shall be construed and interpreted according to the substantive law of California, regardless of the law of conflicts to the contrary in any jurisdiction. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in Santa Rosa or the forum nearest to the city of Santa Rosa, in the County of Sonoma.

13.6 Captions. The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

13.7 Merger. This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure Section 1856. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

13.8 Time of Essence. Time is and shall be of the essence of this Agreement and every provision hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

CONSULTANT: _____

COUNTY: COUNTY OF SONOMA

Alcalde & Fay

CERTIFICATES OF INSURANCE ON FILE WITH AND APPROVED AS TO SUBSTANCE FOR COUNTY:

By: [Signature]

By: [Signature]
Department Head

Name: Paul Schlessinger

Title: Partner

Date: 12-1-09

Date: 12/7/09

APPROVED AS TO FORM FOR COUNTY:

By: [Signature]
County Counsel

Date: 12/3/09

By: _____
or Purchasing Agent

Date: _____

By: [Signature]
County Administrator

acting

Date: 12/7/09

ATTEST: [Signature]
Clerk of the Board of Supervisors

acting

Jim

AGREEMENT FOR FEDERAL ADVOCACY CONSULTING SERVICES

This agreement ("Agreement"), dated as of November 5, 2009 ("Effective Date") is by and between the County of Sonoma, a political subdivision of the State of California (hereinafter "County"), and Madison Government Affairs, Inc. (hereinafter "Consultant").

R E C I T A L S

WHEREAS, Consultant represents that it is a duly qualified federal legislative advocate, experienced in the preparation of legislative advocacy and related services; and

WHEREAS, in the judgment of the County of Sonoma, it is necessary and desirable to employ the services of Consultant for federal legislative advocacy services.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants contained herein, the parties hereto agree as follows:

A G R E E M E N T

1. Scope of Services.

1.1 Consultant's Specified Services.

Consultant shall perform the services described in Exhibit "A," attached hereto and incorporated herein by this reference (hereinafter "Scope of Work"), and within the times or by the dates provided for in Exhibit "A" and pursuant to Article 7. In the event of a conflict between the body of this Agreement and Exhibit "A", the provisions in the body of this Agreement shall control.

1.2 Cooperation With County. Consultant shall cooperate with County and County staff in the performance of all work hereunder.

1.3 Performance Standard. Consultant shall perform all work hereunder in a manner consistent with the level of competency and standard of care normally observed by a person practicing in Consultant's profession. County has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees to provide all services under this Agreement in accordance with generally accepted professional practices and standards of care, as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Contractor's work by County shall not operate as a waiver or release. If County determines that any of Consultant's work is not in

accordance with such level of competency and standard of care, County, in its sole discretion, shall have the right to do any or all of the following: (a) require Consultant to meet with County to review the quality of the work and resolve matters of concern; (b) require Consultant to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of Article 4; or (d) pursue any and all other remedies at law or in equity.

1.4 Assigned Personnel.

a. Consultant shall assign only competent personnel to perform work hereunder. In the event that at any time County, in its sole discretion, desires the removal of any person or persons assigned by Consultant to perform work hereunder, Consultant shall remove such person or persons immediately upon receiving written notice from County.

b. Any and all persons identified in this Agreement or any exhibit hereto as the project manager, project team, or other professional performing work hereunder are deemed by County to be key personnel whose services were a material inducement to County to enter into this Agreement, and without whose services County would not have entered into this Agreement. Consultant shall not remove, replace, substitute, or otherwise change any key personnel without the prior written consent of County. With respect to performance under this Agreement, Consultant shall employ the following key personnel: Mandy J. Kenney.

c. In the event that any of Consultant's personnel assigned to perform services under this Agreement become unavailable due to resignation, sickness or other factors outside of Consultant's control, Consultant shall be responsible for timely provision of adequately qualified replacements.

2. Payment.

For all services and incidental costs required hereunder, Consultant shall be paid in accordance with the following terms:

Consultant shall be paid a lump sum amount of \$3,000 per month regardless of the number of hours or length of time necessary for Consultant to complete the services. Consultant shall be entitled to any additional payment not to exceed \$2,000 per calendar year billed at actual cost for following expenses incurred in completion of the services for County: travel, telephone tolls, copying, messenger service, parking, local transportation and postage.

Upon completion of the work, Consultant shall submit its bill[s] for payment in a form approved by County's Auditor and the Head of the County Department receiving the services. The bill[s] shall identify the services completed and the amount charged.

3. Term of Agreement. The term of this Agreement shall be from January 1, 2010 to December 31, 2010 unless terminated earlier in accordance with the provisions of Article 4 below. The County retains the discretion to extend the term of contract for up to two additional calendar years.

4. Termination.

4.1 Termination Without Cause. Notwithstanding any other provision of this Agreement, at any time and without cause, County shall have the right, in its sole discretion, to terminate this Agreement by giving 5 days written notice to Consultant.

4.2 Termination for Cause. Notwithstanding any other provision of this Agreement, should Consultant fail to perform any of its obligations hereunder, within the time and in the manner herein provided, or otherwise violate any of the terms of this Agreement, County may immediately terminate this Agreement by giving Consultant written notice of such termination, stating the reason for termination.

4.3 Delivery of Work Product and Final Payment Upon Termination. In the event of termination, Consultant, within 14 days following the date of termination, shall deliver to County all materials and work product subject to Section 9.10 (Ownership and Disclosure of Work Product) and shall submit to County an invoice showing the services performed, hours worked, and copies of receipts for reimbursable expenses up to the date of termination.

4.4 Payment Upon Termination. Upon termination of this Agreement by County, Consultant shall be entitled to receive as full payment for all services satisfactorily rendered and expenses incurred hereunder, an amount which bears the same ratio to the total payment specified in the Agreement as the services satisfactorily rendered hereunder by Consultant bear to the total services otherwise required to be performed for such total payment; provided, however, that if services which have been satisfactorily rendered are to be paid on a per-hour or per-day basis, Consultant shall be entitled to receive as full payment an amount equal to the number of hours or days actually worked prior to the termination times the applicable hourly or daily rate; and further provided, however, that if County terminates the Agreement for cause pursuant to Section 4.2, County shall deduct from such amount the amount of damage, if any, sustained by County by virtue of the breach of the Agreement by Consultant.

4.5 Authority to Terminate. The Board of Supervisors has the authority to terminate this Agreement on behalf of the County. In addition, the Purchasing Agent or the

County Administrator, in consultation with County Counsel, shall have the authority to terminate this Agreement on behalf of the County.

5. Indemnification. Consultant agrees to accept all responsibility for loss or damage to any person or entity, including County, and to indemnify, hold harmless, and release County, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including Consultant, that arise out of, pertain to, or relate to Consultant's performance or obligations under this Agreement. Consultant agrees to provide a complete defense for any claim or action brought against County based upon a claim relating to Consultant's performance or obligations under this Agreement. Consultant's obligations under this Section apply whether or not there is concurrent negligence on County's part, but to the extent required by law, excluding liability due to County's conduct. County shall have the right to select its legal counsel at Consultant's expense, subject to Consultant's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.

6. Insurance. With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain, insurance as described below.

6.1 Workers' Compensation Insurance. Workers' compensation insurance with statutory limits as required by the Labor Code of the State of California. Said policy shall be endorsed with the following specific language:

This policy shall not be cancelled or materially changed without first giving thirty (30) days' prior written notice to the County of Sonoma, County Administrator's Office.

6.2 General Liability Insurance. Commercial general liability insurance covering bodily injury and property damage using an occurrence policy form, in an amount no less than One Million Dollars (\$1,000,000) limit for each occurrence and Three Million Dollars (\$3,000,000) each for the general aggregate and the products/completed operations aggregate. Said commercial general liability insurance policy shall either be endorsed with the following specific language or contain equivalent language in the policy:

a. The County of Sonoma, its officers and employees, is named as additional insured for all liability arising out of the on-going and completed operations by or on behalf of the named insured in the performance of federal advocacy services between the County of Sonoma and Madison Government Affairs, Inc.

b. The inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, and the coverage afforded shall apply as though separate policies had been issued to each insured, but the

inclusion of more than one insured shall not operate to increase the limits of the company's liability.

c. The insurance provided herein is primary and non-contributory coverage to the County of Sonoma with respect to any insurance or self-insurance programs maintained by the County. □

d. This policy shall not be cancelled or materially changed without first giving thirty (30) days prior written notice to the County of Sonoma, County Administrator's Office.

6.3 Automobile Insurance. Automobile liability insurance covering bodily injury and property damage in an amount no less than One Million Dollars (\$1,000,000) combined single limit for each occurrence. Said insurance shall include coverage for owned, hired, and non-owned vehicles. Said policy shall be endorsed with the following language:

This policy shall not be cancelled or materially changed without first giving thirty (30) days prior written notice to the County of Sonoma, County Administrator's Office.

6.4 Professional Liability Insurance. Professional liability insurance for all activities of Consultant arising out of or in connection with this Agreement in an amount no less than One Million Dollars (\$1,000,000) combined single limit for each occurrence. Said policy shall be endorsed with the following specific language:

This policy shall not be cancelled or materially changed without first giving thirty (30) days prior written notice to the County of Sonoma, County Administrator's Office.

6.5 Documentation. The following documentation shall be submitted to the County of Sonoma, County Administrator's Office:

a. Properly executed Certificates of Insurance clearly evidencing all coverages and limits required above. Said Certificates shall be submitted prior to the execution of this Agreement. Consultant agrees to maintain current Certificates of Insurance evidencing the above-required coverages and limits on file with the County for the duration of this Agreement.

b. Copies of properly executed endorsements required above for each policy. Said endorsement copies shall be submitted prior to the execution of this Agreement. Consultant agrees to maintain current endorsements evidencing the above-specified requirements on file with the County for the duration of this Agreement.

□

c. Upon County's written request, certified copies of the insurance policies. Said policy copies shall be submitted within thirty (30) days of County's request.

d. After the Agreement has been signed, signed Certificates of Insurance shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.

6.6 Policy Obligations. Consultant's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

6.7 Material Breach. If Consultant, for any reason, fails to maintain insurance coverage, which is required pursuant to this Agreement, the same shall be deemed a material breach of this Agreement. County, in its sole option, may terminate this Agreement and obtain damages from Consultant resulting from said breach. Alternatively, County may purchase such required insurance coverage, and without further notice to Consultant, County may deduct from sums due to Consultant any premium costs advanced by County for such insurance. These remedies shall be in addition to any other remedies available to County.

7. Prosecution of Work. The execution of this Agreement shall constitute Consultant's authority to proceed immediately with the performance of this Agreement. Performance of the services hereunder shall be completed within the time required herein, provided, however, that if the performance is delayed by earthquake, flood, high water, or other Act of God or by strike, lockout, or similar labor disturbances, the time for Consultant's performance of this Agreement shall be extended by a number of days equal to the number of days Consultant has been delayed.

8. Extra or Changed Work. Extra or changed work or other changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both parties. Minor changes, which do not increase the amount paid under the Agreement, and which do not significantly change the scope of work or significantly lengthen time schedules may be executed by the Department Head in a form approved by County Counsel. The Board of Supervisors/Purchasing Agent must authorize all other extra or changed work. The parties expressly recognize that, pursuant to Sonoma County Code Section 1-11, County personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of Consultant to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter Consultant shall be entitled to no compensation whatsoever for the performance of such work. Consultant further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of the County.

9. Representations of Consultant.

9.1 Standard of Care. County has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees that all its work will be performed and that its operations shall be conducted in accordance with generally accepted and applicable professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Consultant's work by County shall not operate as a waiver or release.

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may in writing demand adequate assurance of due performance and until such assurance is received may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, but not exceeding thirty (30) days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Article limits County's right to terminate this Agreement pursuant to Article 4.

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TO: COUNTY: Jim Leddy
Community & Government Affairs Manager
575 Administration Drive, Suite 104A
Santa Rosa, CA 95403

TO: CONSULTANT: Mandy J. Kenney
Madison Government Affairs, Inc.
444 North Capitol Street, Northwest
Suite 601
Washington, DC 20001

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13.8 Time of Essence. Time is and shall be of the essence of this Agreement and every provision hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

CONSULTANT: _____

COUNTY: COUNTY OF SONOMA

MADISON GOVERNMENT AFFAIRS INC.

CERTIFICATES OF INSURANCE ON FILE WITH AND APPROVED AS TO SUBSTANCE FOR COUNTY:

By: Paul J. Hirsch

Name: PAUL J. HIRSCH

Title: PRESIDENT

Date: NOVEMBER 5, 2009

By: [Signature]
Department Head

Date: 12/2/09

APPROVED AS TO FORM FOR COUNTY:

By: [Signature]
County Counsel

Date: 11/19/09

By: _____
or Purchasing Agent

Date: _____

By: [Signature]
acting County Administrator

Date: 12/2/09

acting ATTEST: Chris Thomas by [Signature]
Clerk of the Board of Supervisors

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EXHIBIT "A"

The scope of work is the general guide for the work that will be expected of federal advocates. The items described will be performed during the period of January 1, 2010 to December 31st, 2010.

- 1.) Work with County Administrator's Office in analyzing potential federal advocacy health care items including researching funding sources. Provide financial and political feasibility of County efforts to advise Board and County Administrator on viability of requests and develop specific plan to achieve success.
- 2.) Provide County with identified vehicles for federal legislative health care items and include appropriations bill, department and account information for proper tracking.
- 3.) Represent the County in Washington, DC in terms of communicating the County's federal legislative health care priorities to appropriate elected officials, key Congressional Committee members and staff, federal agencies and the federal Administration.
- 4.) Participate in crafting itineraries and facilitating meetings with County's federal representatives and other federal representatives as needed for County Board Members who travel to Washington, DC on County legislative business.
- 5.) Assist in drafting materials and correspondence to support County's federal legislative efforts.
- 6.) Monitor federal legislation, funding and grant opportunities in relation to County's legislative health care priorities and apprise County staff in a timely manner.
- 7.) Provide annual federal legislative report on efforts on behalf of the County for Board and public dissemination.
- 8.) Travel to Sonoma County as needed, with a minimum of one visit a year to advise Board of progress made towards achieving federal objectives.
- 9.) Provide a brief written report, on a monthly basis, which documents all activities conducted on behalf of the County. Report should include copies of letters and correspondence prepared on behalf of the County, and provide a summary of meetings, conversations, etc. engaged in on behalf of the County.
- 10.) Monitor federal legislative and regulatory activity to detect any potential threats to county revenue sources.

**AMENDMENT #2 TO
AGREEMENT FOR PROFESSIONAL SERVICES
Between County of Sonoma and Alcalde & Fay. Inc.**

The following is an amendment to an Agreement (hereafter "Agreement") for Professional Services between the COUNTY OF SONOMA, hereinafter "County" and Alcalde & Fay, hereinafter "Consultant".

WHEREAS, County and Consultant entered into an Agreement for Professional Services on December 1, 2009, expiring on December 31, 2010 wherein Consultant is to provide federal advocacy consulting services ("Agreement") and

WHEREAS, the Board of Supervisors on November 3rd, 2009 authorized the County Administrator to enter into the Agreement and provided authority to exercise a two year extension of the Agreement which was exercised on December 22, 2010; now

THEREFORE, THE PARTIES HERETO agree to amend the Agreement as follows:

I. Paragraph 1.1 Consultant Specified Services shall read:

"Consultant shall perform the services described in Exhibit "B" in replacement of Exhibit "A", attached hereto and incorporated herein by this reference (Hereinafter "Scope of Work"), and within the times and dates provided for in Exhibit "B" and pursuant to Article 7 In the event of a conflict between the body of this Agreement and Exhibit "B", the provisions in the body of this Agreement shall control."

II. Paragraph 3. Term of Agreement shall read:

"The term of this agreement shall be from January 1, 2013 to December 31, 2013 unless terminated earlier in accordance with the provisions of Article 4 below."

III. Scope of Services labeled Exhibit "B" in Amendment No. 1 remains the Scope of Services for this Amendment.

BE IT FURTHER AGREED that all other terms and conditions contained in the Agreement shall remain in full force and effect as though fully set forth herein.

Dated: _____

By: _____

PAUL SCHLESINGER, PARTNER
ALCALDE & FAY, Inc.
2111 Wilson Blvd.
8th Floor
Arlington, VA 22201

Certificates of Insurance on File with and
Approved as to Substance for County:

Dated: _____

By: _____

DEPARTMENT HEAD/DESIGNEE

Approved as to Form for County:

Dated: _____

By: _____

COUNTY COUNSEL

**AMENDMENT #2 TO
AGREEMENT FOR PROFESSIONAL SERVICES
Between County of Sonoma and Madison Government Affairs, Inc.**

The following is an amendment to an Agreement (hereafter "Agreement") for Professional Services between the COUNTY OF SONOMA, hereinafter "County" and Madison Government Affairs, Inc., hereinafter "Consultant".

WHEREAS, County and Consultant entered into an Agreement for Professional Services on November 5, 2009, expiring on December 31, 2010 wherein Consultant is to provide federal advocacy consulting services ("Agreement") and

WHEREAS, the Board of Supervisors on November 3rd, 2009 authorized the County Administrator to enter into the Agreement and provided authority to exercise a two year extension of the Agreement which was exercised on December 22, 2010; now

THEREFORE, THE PARTIES HERETO agree to amend the Agreement as follows:

I. Paragraph 1.1 Consultant Specified Services shall read:

"Consultant shall perform the services described in Exhibit "B" in replacement of Exhibit "A", attached hereto and incorporated herein by this reference (Hereinafter "Scope of Work"), and within the times and dates provided for in Exhibit "B" and pursuant to Article 7 In the event of a conflict between the body of this Agreement and Exhibit "B", the provisions in the body of this Agreement shall control."

II. Paragraph 3. Term of Agreement shall read:

"The term of this agreement shall be from January 1, 2013 to December 31, 2013 unless terminated earlier in accordance with the provisions of Article 4 below."

III. Scope of Services labeled Exhibit "B" in Amendment No. 1 remains the Scope of Services for this Amendment.

BE IT FURTHER AGREED that all other terms and conditions contained in the Agreement shall remain in full force and effect as though fully set forth herein.

Dated: _____

By: _____

PAUL HIRSCH
MADISON GOVERNMENT AFFAIRS, INC.
444 North Capitol Street, Northwest
Suite 601
Washington, DC 20001

Certificates of Insurance on File with and
Approved as to Substance for County:

Dated: _____

By: _____

VERONICA A. FERGUSON
COUNTY ADMINISTRATOR

Approved as to Form for County:

Dated: _____

By: _____

COUNTY COUNSEL



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 13
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Sonoma County Board of Supervisors

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): General Services / Sheriff

Staff Name and Phone Number:

Supervisory District(s):

General Services – Mike Wagner 565-2463
Sheriff – Sgt. Dennis Smiley 565-2411

All

Title: Mt. Jackson Lookout Communication Site Lease Amendment No. 1

Recommended Actions:

- 1) Declare intent to ratify Amendment No. 1 to Lease Agreement L-0986, executed between the State of California and the County of Sonoma providing for replacement of communications tower and equipment vault improvements at the Mt. Jackson Lookout communications site near Guerneville, and offset of the \$18,634 annual rent value of the lease by contribution of County vault space and other in-kind services to the State;
- 2) Direct the Clerk of the Board to publish a Notice of Intention to ratify such lease agreement amendment;
- 3) Ratify execution of Amendment No. 1 by the Director of General Services upon completion of the notice period.

Executive Summary:

General. Board ratification of the lease amendment for the Mt. Jackson Lookout communication site is requested in order to install new tower and equipment vault improvements needed for County radio system facilities, and the proposed BayWEB emergency communications equipment.

The County operates the Mt. Jackson communication facility for all of the County's radio users, such as the Sheriff, Public Works, Public Health, Regional Parks, Emergency Services, General Services and local fire districts. Numerous other governmental agencies also utilize this facility. Mt. Jackson provides coverage for a broad geographical range throughout the County. The East to West coverage extends from Sonoma to the Russian River area while the North to South coverage extends from Cloverdale to Cotati. The site is critical to the County's ability to provide a reliable communication network for emergency response.

Mt. Jackson is one of the County's primary radio sites and requires the proposed improvements for several reasons. The existing tower is 30 years old and overloaded with user equipment. The tower's foundation will not support any enhancements to the existing tower. Therefore, a new tower must be built to accommodate

the County's growing telecommunications needs at this location. The proposed tower and vault improvements will establish a better location for the tower, increase the size of the tower, and allow telecommunications staff to safely operate and maintain the equipment located at this facility. In addition, a larger tower will allow for the addition of BayWEB equipment. If the County does not proceed with building a new tower, some existing users will need to remove their equipment to address the overloading issue.

Lease Amendment. The Mt. Jackson site has been leased from the State of California since 1984. The current lease agreement was executed in 2008, and the term extends through June 30, 2032. Lease Amendment No. 1 contains the following key provisions, with no modification to the lease term:

1. Expansion of the lease area from 1,250 s.f. to 1,450 s.f., to accommodate a new 180' tower, equipment vault and generator pad, together with appurtenant electrical easement and non-exclusive use of the existing access road.
2. Waiver of rent payments valued at \$18,634 per year plus 5% annual increases, in exchange for County contribution of in lieu benefits to State, including maintenance of facilities and the access road, reservation of two racks in the equipment vault for State use, provision of utilities at no cost to State, and collocation of cooperative emergency communications services.

This amendment to the lease would typically be brought to the Board for authorization to publish a notice of intent to execute the amendment and subsequent approval for execution by the Board Chair or the General Services Director after the required notice period. However, in this case, the amendment was inadvertently signed by the State and General Services in advance of notice publication due to constrained project delivery timelines associated with the BayWEB project. Therefore, Board ratification of the signed lease amendment is requested, to fully comply with legal requirements pertaining to the public notice and authority for execution. Following ratification of the lease amendment, County staff will return to the Board in the next few months for award of construction contracts to build the tower and equipment vault.

General Plan Conformity and CEQA. PRMD staff has determined that the proposed communications site improvement project and lease amendment are consistent with the General Plan Public Facilities and Services Element contingent on conformance to the applicable criteria set forth in Section 26-88-130 of the Zoning Code Regulations pursuant to Policy PF-2u. This policy stipulates that public telecommunication facilities must meet the standards and site design criteria of the applicable zoning district. Section 26-02-070 of the Zoning Ordinance specifically exempts public projects of the County from these zoning regulations.

The project was determined categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15301(c) of the CEQA Guidelines because it is a minor alteration of an existing publicly owned facility involving negligible expansion of use. The Notice of Categorical Exemption was posted on November 14, 2012.

Notice of Intent. Government Code Section 25350 requires the Board to publish a notice of its intention to enter into a lease agreement valued at more than \$50,000 for three (3) consecutive weeks before consummation of the agreement. Staff has prepared the attached notice for publication, which sets December 11, 2012 at 8:30 a.m. as the date and time of the meeting to ratify the lease amendment. By approving this agenda item, the Board directs the Clerk of the Board to publish the notice in accordance with Government Code Sections 25350.

Prior Board Actions:

09/25/12 – Board authorizations to execute contracts for architectural design and special inspection services pertaining to various communications sites, including the Mt. Jackson Lookout site.

1/10/12 – Board approval of the BayWEB Systems Funding Plan, and authorization for the County’s BayRICS Board Director to approve the BayWEB Build Own Operate Maintain Agreement between BayRICS and Motorola Solutions, Inc.

12/13/11 – Board approval of the Site Access and Use Agreement with Motorola Solutions, Inc. providing access and use of telecommunications sites controlled by the County for implementation of the BayWEB project.

9/9/08 – Board adoption of Resolution No. 08-0766 authorizing the General Services Director to execute a lease agreement with the State of California for premises at the Mt. Jackson Lookout telecommunications site.

Strategic Plan Alignment: Goal 1: Safe, Healthy, and Caring Community

The new tower and equipment vault at the Mt Jackson site will provide the infrastructure needed to accommodate the County’s growing telecommunication needs and the Bay Area-wide BayWEB emergency communications system network, improving the ability of first responders to maintain critical radio communications in remote coastal and wooded areas of the County. Implementation of these facilities further aligns with the goal to Invest in the Future, by ensuring timely improvements to the County’s communication network that promote the safety and connectivity of the community at nominal cost to the County.

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount | \$ | Select an item. | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ | Total Sources | \$ |

Narrative Explanation of Fiscal Impacts (If Required):

No fiscal impacts associated with payment of rent are anticipated for FY 12-13 as a result of the lease amendment. The County provides in-kind services to the State to offset the annual rental value of the lease.

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|---|---|------------------------------|------------------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

None.

Attachments:

Notice of Intent

Related Items “On File” with the Clerk of the Board:

Amendment No. 1 to Lease L-0986 between the State of California and County of Sonoma pertaining to the Mt Jackson Communication Site

**PUBLIC NOTICE
OF INTENT OF COUNTY
TO LEASE REAL PROPERTY**

NOTICE IS GIVEN that the Sonoma County Board of Supervisors intends to authorize and ratify Amendment No. 1 to Lease Agreement L-0986, executed by the State of California and by the Director of the General Services Department on behalf of the County of Sonoma, providing for replacement of communications tower and equipment vault improvements at the premises commonly known as the Mt. Jackson Lookout communications site. The premises is located outside of the town of Guerneville in Sonoma County, and consists of approximately 1,450 square feet of State owned land at Mt. Jackson, together with an appurtenant electrical easement and a non-exclusive right to use approximately 1.5 miles of access road.

The annual rent, valued at \$18,634, will be offset by County contribution of vault space and other in-kind services to the State. Additional information regarding the lease agreement is available for public review at the office of the Director of the Sonoma County General Services Department, 2300 County Center Drive, Suite A200, Santa Rosa, CA 95403. The Board of Supervisors will meet on December 11, 2012 at 8:30 a.m. at the Sonoma County Administration Building, Room 102A, 575 Administration Drive, Santa Rosa, CA to ratify the Amendment No. 1 to Lease Agreement L-0986.

Clerk of the Board of Supervisors

Public notice of the County's intention to purchase the Property shall be published once a week for at least three successive weeks in accordance with Government Code Section 25350 and 6063.



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 14
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors of Sonoma County

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): Department of Health Services

Staff Name and Phone Number:

Supervisory District(s):

Rita Scardaci, 565-4700

Countywide

Title: Spay/Neuter Pilot Program - Veterinarian Contract

Recommended Actions:

Authorize the Director of Health Services to execute an agreement with Anne Castro to provide veterinary services to implement a mobile spay/neuter pilot program for the period December 1, 2012 through December 31, 2013 in an amount not to exceed \$76,500.

Executive Summary:

The Animal Care and Control Unit (ACC) of the Department of Health Services provides field services, sheltering, and medical care and treatment services to unincorporated areas and several cities within Sonoma County. ACC also places homeless animals into appropriate homes and works to reduce pet overpopulation through spay and neuter services.

ACC operates an open-admission shelter that takes in nearly 6,000 animals annually, primarily dogs and cats. Every dog and cat is spayed or neutered before being adopted out by ACC. Despite the efforts of ACC and other local animal welfare organizations to reduce animal overpopulation in the County, a more comprehensive, accessible, and affordable spay/neuter services program is needed.

Targeted Spay/Neuter Pilot Program. As authorized by your Board on September 11, 2012, ACC is partnering with Community Foundation Sonoma County to implement a targeted spay/neuter pilot program to improve access to and utilization of spay/neuter services. The program is characterized by a more proactive and targeted approach to services. By improving access to low-cost, high-quality spay/neuter surgeries in underserved populations and targeted geographic areas, the County aims to decrease pet overpopulation in Sonoma County. The targeting of specific geographic areas will be facilitated with the County's Mobile Animal Center (MAC), a fully-equipped animal surgery and adoption center vehicle that was donated to ACC in 2003 for use in community outreach programs.

Targeted Spay/Neuter Pilot Program Staffing. In October 2012 ACC released a Request for Proposals seeking a veterinarian to support the new off-site mobile spay/neuter pilot program. Veterinarian responsibilities include performing high-volume spay/neuter surgeries on-board the MAC, overseeing all aspects of veterinary care including pre- and post-operative care, anesthetic administration and monitoring, vaccinations, and emergency

care. These activities are key to the mobile spay/neuter pilot program and the goal of providing 2,400 surgeries in calendar year 2013.

Two proposals were received in response to the Request for Proposals. A review committee comprised of department staff and a local veterinarian evaluated the proposals. Based on the proposer's capacity to provide services, experience in performing high-volume spay/neuter surgeries, and references, the department recommends contracting with Anne Castro for veterinarian services totaling \$76,500, (\$38,250 in FY 12-13 and \$38,250 FY 13-14).

Prior Board Actions:

9/11/12- Authorized execution of a grant agreement with Community Foundation Sonoma County to implement a mobile spay/neuter pilot program.

Strategic Plan Alignment:

Goal 1: Safe, Healthy, and Caring Community

The services provided through the spay/neuter pilot program will result in a reduction in the number of homeless animals by reducing pet overpopulation, thus improving the health and welfare of the County's animal population.

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|------------------|------------------------|------------------|
| Budgeted Amount | \$ 38,250 | County General Fund | \$ 0 |
| Add Appropriations Req'd. | \$ 0 | State/Federal | \$ 0 |
| | \$ | Fees/Other | \$ 0 |
| | \$ | Use of Fund Balance | \$ 0 |
| | \$ | Contingencies | \$ 0 |
| | \$ | Comm. Foundation Grant | \$ 38,250 |
| Total Expenditure | \$ 38,250 | Total Sources | \$ 38,250 |

Narrative Explanation of Fiscal Impacts (If Required):

Of the total contract amount of \$76,500, the FY 12-13 budget includes \$38,250. The FY 13-14 budget request will include \$38,250 for the veterinarian services contract.

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|--|--------------------------------------|-----------------------|-----------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

None.

Related Items "On File" with the Clerk of the Board:

Agreement with veterinarian for spay/neuter services.



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 15
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors of Sonoma County

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): Department of Health Services

Staff Name and Phone Number:

Rita Scardaci, 565-4700

Supervisorial District(s):

Countywide

Title: Public Health Laboratory Services Memorandum of Understanding

Recommended Actions:

Authorize the Director of Health Services to execute a Memorandum of Understanding to provide Public Health Laboratory services to the County of Mendocino for the period November 20, 2012 through June 30, 2015 in an amount not to exceed \$205,405.

Executive Summary:

The Sonoma County Department of Health Services Public Health Laboratory (Public Health Laboratory) performs a wide variety of clinical and environmental tests that protect the community from communicable diseases and toxic chemicals. Specimens are tested for pathogens that can cause tuberculosis, syphilis, tick borne diseases, food borne illnesses, whooping cough, influenza, rabies, and other illnesses.

The Public Health Laboratory is an active member of the Centers for Disease Control and Prevention (CDC) Laboratory Response Network. The laboratory's LRN responsibilities include support for law enforcement in cases of possible biological releases of highly infectious diseases like anthrax, plague, and small pox; surge capacity support for large scale outbreaks like the 2009 pandemic influenza (H1N1); and aid to local clinicians, hospitals, and public health officials with rapid molecular-based testing to identify diseases like measles, mumps, and pathogenic Escherichia coli. The CDC has assigned the Sonoma County laboratory a three county catchment area that currently includes Mendocino, Lake, and Sonoma counties.

As an active member of the CDC Laboratory Response Network, the Public Health Laboratory has made operational improvements including a bio-safety-level 3 suite, which enables diagnostic work with agents having a potential for respiratory transmission and which may cause serious and potentially lethal infection. Additional improvements also include a gene sequencing unit that significantly enhances the lab's ability to perform disease tracking and surveillance. These improvements allow Sonoma County to aid public health officials and local physicians in making decisions in hours rather than days. The laboratory's capacity for public health preparedness (pandemic influenza testing) has increased fivefold over the 2009 capacity.

As a result of the expansion of Medi-Cal managed care, the consolidation of health care providers, and the proliferation of community health centers over the past few years, clinical testing has moved from public

health laboratories to large regional private laboratories that offer expanded services at a competitive cost. As this has occurred, the role of public health laboratories has become increasingly focused on disease surveillance, environmental health investigations, research, and public health preparedness, allowing for a more dynamic approach to services and sustainable financing.

Across California, counties are forming regional relationships to support the common goal of protecting public health by sharing vital laboratory resources. Before your Board today is a Memorandum of Understanding (MOU) establishing Sonoma County Public Health Laboratory as a provider of laboratory services to Mendocino County for a three year period through FY 14-15. As part of this regional relationship, Sonoma County will provide Mendocino County routine and surge capacity testing and analysis for all mandatory reportable diseases, support public health investigations, and maintain accreditations.

Total revenue from this three year MOU will be \$205,405. Funding will be implemented in a stepped fashion whereby Sonoma County will receive one-third of the assigned cost in FY 12-13 (prorated at \$21,460 based on an MOU effective date of November 20, 2012), two-thirds in FY 13-14 (\$73,578), and full cost in FY 14-15 (\$110,367). DHS will evaluate the relationship, revenues and assignments every six months and work with Mendocino County should adjustments be necessary on an annual basis.

As your Board is aware, DHS will be participating in national health department accreditation with the CDC. One of the areas to be assessed is the local health department's laboratory or its relationship to a licensed public health laboratory. Mendocino County will use this Sonoma County regional laboratory MOU to satisfy their accreditation requirement. The MOU will also fulfill the mandated requirement for Mendocino County that each California County with a population greater than 50,000 maintain a public health laboratory or a relationship with a public health laboratory in another county. This new regional partnership provides Mendocino County with full access to substantial technology and expertise in order to serve their population with the best public health practices.

The Sonoma County Public Health Laboratory MOU was approved by the Mendocino County Board of Supervisors on November 13, 2012.

Prior Board Actions:

None.

Strategic Plan Alignment: Goal 1: Safe, Healthy, and Caring Community

Providing public health laboratory services to Mendocino County enhances the ability to manage public health emergencies and analyze disease evolution from a regional perspective.

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|------------------|----------------------|------------------|
| Budgeted Amount | \$ | County General Fund | \$ |
| Add Appropriations Req'd. | \$ 21,460 | State/Federal | \$ |
| | \$ | Fees/Other | \$ 21,460 |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 21,460 | Total Sources | \$ 21,460 |

Narrative Explanation of Fiscal Impacts (If Required):

The first year of the contract (FY 12-13) will result in a prorated revenue amount of \$21,460, based on 7 months. The second year (FY 13-14) will result in revenue of \$73,578. The final year (FY 14-15) will result in revenue of \$110,367. DHS will add revenue and appropriations of \$21,460 during 2nd Quarter Consolidated Budget Adjustments. Revenue for future fiscal years will be included in the appropriate budget.

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|--|--------------------------------------|-----------------------|-----------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

None.

Attachments:

Memorandum of Understanding Between County of Sonoma and County of Mendocino

Related Items "On File" with the Clerk of the Board:

None.

MEMORANDUM OF UNDERSTANDING
BETWEEN
COUNTY OF SONOMA AND COUNTY OF MENDOCINO

This Memorandum of Understanding (hereinafter “MOU”), dated as of _____, 2012 (hereinafter “Effective Date”) is by and between the County of Sonoma (hereinafter “Sonoma”), and the County of Mendocino (hereinafter “Mendocino”).

RECITALS

WHEREAS, Sonoma operates its Public Health Laboratory under the supervision of a Laboratory Director, qualified under the Clinical Laboratory Improvement Act of 1988 (hereinafter, “CLIA”) to act as a public health laboratory director, and Sonoma is willing to provide certain laboratory services to Mendocino, as specified herein, and

WHEREAS, Mendocino is in need of the services of a Public Health Laboratory, and

WHEREAS, in the judgment of the parties, it is necessary and desirable for Sonoma to provide, and Mendocino to use, the services of Sonoma’s Public Health Laboratory, and

WHEREAS, each party affirms its intent to comply with all applicable laws, including but not limited to CLIA and the Health Insurance Portability and Accountability Act (HIPAA). With respect to HIPAA, each party represents to the other that it is either a covered entity or a covered component of a hybrid entity.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants contained herein, the parties hereto agree as follows:

AGREEMENT

I. Sonoma Roles and Responsibilities

Sonoma agrees to provide public health laboratory services for Mendocino. The laboratory services are presented in the attached Exhibit A, Scope of Work, made a part of this MOU by reference.

With respect to any identifiable information concerning a client under this contract that is obtained by Sonoma, Sonoma agrees to comply with applicable regulations for the Health Insurance Portability and Accountability Act (HIPAA) and shall hold Mendocino harmless from any sanctions imposed on Sonoma, to the extent permitted by law, for breach of these regulations. Sonoma (1) will not use any such information for any purpose other than carrying out the express terms of this contract, (2) will promptly transmit to Mendocino all requests for disclosure of such information not emanating from the client, and (3) will not disclose, except as otherwise specifically permitted by this contract or authorized by the client any such information to any party other than Mendocino without prior written authorization specifying that the information is releasable.

II. Mendocino Roles and Responsibilities

Mendocino will determine whether a laboratory test should be performed by Sonoma. Mendocino is responsible for packaging of all specimens sent to the County of Sonoma Public

Health Laboratory. Mendocino shall designate a specimen pick up location, and submit all required submission forms and is responsible for complying with proper specimen collection, storage and transport requirements. Mendocino will assume responsibility for handling specimens within approved guidelines for time, temperature and other critical factors prior to transportation. Mendocino will provide the names and contact information necessary to receive web-based reporting of test results.

III. Payment

In full consideration of satisfactory performance by Sonoma in providing services required under this MOU, Mendocino shall be billed for services in accordance with Exhibit B.

IV. Performance Standards

Sonoma shall follow procedures approved by the State Laboratories in providing these Public Health Laboratory Services. Sonoma shall maintain its compliance with the minimum requirements of a Public Health Laboratory according to California Code of Regulations, Title 17, Section 1078, and shall take part in any quality control procedures deemed necessary by the State Department of Health during the term of this MOU.

V. Term of MOU

The term of this MOU shall be from Effective Date to June 30, 2015 unless terminated earlier in accordance with the provisions of Section VI below and has no force or effect until fully executed by Mendocino and Sonoma.

VI. Termination

1. Termination. This MOU may be terminated by either party by delivery of a written notice one hundred twenty (120) days prior to the date of termination.
2. Payment Upon Termination. Upon termination of this MOU, Sonoma shall be entitled to receive full payment prorated annually for all services satisfactorily rendered and expenses incurred within the term of the agreement.
3. Authority to Terminate. The Director of the Department of Health Services has the authority to terminate this MOU on behalf of Sonoma. The Mendocino County Health & Human Services Director has the authority to terminate this MOU on behalf of Mendocino.

VII. Indemnification

Except as provided below, each party shall indemnify, defend, protect, hold harmless, and release the other, its officers, agents, and employees, from and against any and all claims, loss, proceedings, damages, causes of action, liability, costs, or expense (including attorneys' fees and witness costs) arising from or in connection with, or caused by any act, omission, or negligence of such indemnifying party. This indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages or compensation payable to or for the indemnifying party under worker's compensation acts, disability benefit acts, or other employee benefit acts.

Sonoma County Department of Health Services
Public Health Division
Mendocino County Laboratory Services
Public Health Laboratory – 164808-3343
FY 12-15 Agreement for Services

VIII. Method and Place of Giving Notice, Submitting Bills and Making Payments

All notices, bills, and payments shall be made in writing and shall be given by personal delivery or by U.S. Mail or courier service. Notices, bills, and payments shall be addressed as follows:

TO SONOMA COUNTY: Public Health Laboratory
 Attn: Michael Ferris, Director
 County of Sonoma Department of Health Services
 3313 Chanate Road
 Santa Rosa, CA 95404
 Facsimile (707) 565-7849

TO MENDOCINO COUNTY: Tom Pinizzotti, Assistant, HHS Director
 County of Mendocino Health and Human Services Agency
 Public Health Services
 1120 South Dora St
 Ukiah, CA 95482

When a notice, bill or payment is given by a generally recognized overnight courier service, the notice, bill or payment shall be deemed received on the next business day. When a copy of a notice, bill or payment is sent by facsimile, the notice bill or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, bill or payment is promptly deposited in the U.S. mail, (2) the sender has a written confirmation of the facsimile transmission, and (3) the facsimile is transmitted before 5 p.m. (recipient's time). In all other instances, notices, bills and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to who notices are to be given by giving notice pursuant to this paragraph.

IX. Merger

This writing is intended both as the final expression of the MOU between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the MOU. No modification of this MOU shall be effective unless and until such modification is evidenced by a writing signed by both parties.

∞ The remainder of this page left blank intentionally ∞

Sonoma County Department of Health Services
Public Health Division
Mendocino County Laboratory Services
Public Health Laboratory – 164808-3343
FY 12-15 Agreement for Services

IN WITNESS WHEREOF, the parties hereto have executed this MOU as of the Effective Date.

COUNTY OF MENDOCINO:

_____ Date _____
Stacey Cryer, HHSA Director

_____ Date _____
County Counsel, Mendocino County

_____ Date _____
Risk Management, Mendocino County

_____ Date _____
John McCowen, Chair and/or Dan Hamburg, Vice Chair
Board of Supervisors

ATTEST:
CARMEL J. ANGELO, Clerk of said Board

_____ Date _____
Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

CARMEL J. ANGELO, Clerk of said Board

_____ Date _____
Deputy

Sonoma County Department of Health Services
Public Health Division
Mendocino County Laboratory Services
Public Health Laboratory – 164808-3343
FY 12-15 Agreement for Services

COUNTY OF SONOMA:

_____ Date _____
Rita Scardaci, MPH, Director of Health Services

Approved as to Substance:

_____ Date _____
Division Director or Designee

Approved as to form:


 _____ Date 10/25/12
County Counsel, Sonoma County

Exhibit A

Scope of Work

Sonoma County Health Services operates its Public Health Laboratory under the supervision of a Laboratory Director, qualified under the Clinical Laboratory Improvement Act of 1988 (hereinafter, “CLIA”) to act as a public health laboratory director, and Sonoma is willing to provide laboratory services to regional county partners.

Sonoma County Public Health Laboratory (SCPHL) will:

- Maintain adequate equipment and facilities and sufficient personnel to carry on dependable public health laboratory work.
- Employ procedures and reporting practices consistent with all applicable laws
- Establish and maintain for a minimum of two years adequate record systems and files of laboratory work done.
- Conduct, maintain, and operate programs for controlling the quality of test performance.
- Demonstrate satisfactory performance in a proficiency testing program

SCPHL provides the following specimen testing and technical assistance services to its regional partners:

Specimen Testing Services

Bacteriology
Molecular Diagnostics
Mycology
Serology
Shellfish & Water
Mycobacteriology
Tick-borne Diseases
Virology
Rabies

SCPHL certified list of available tests are listed on the Sonoma DHS website.

Sample requirements including handling, shipping and storage will be clearly placed on the (SCPHL) website. Where applicable, turn-around times will be listed on the web page.

Water Testing – Language specific to water testing, storage and transportation will be listed on the SCPHL web page.

New Testing Services – Requests for new tests not currently on the list of available services may be developed in consultation with the Lab Director and Health Officers or Deputy Health Officers from each county. The SCPHL Director will assess feasibility and develop a cost analysis and time frame for implementation.

Public Health Threats or Emergencies – In cases where a County’s Health Officer or designee has determined that a test or tests are required in order to respond to a public health emergency or threat, the Lab will make every effort to process the specimen within the requested turnaround

time. In cases where there are multiple, competing priorities, the Lab Director will consult with the Health Officer or designee of the affected counties.

Special Handling – The Lab does perform “STAT” testing at the request of the Health Officer

Transportation – SCPHL is responsible for transporting or arranging for the transportation of specimens to the Public Health Laboratory, located at 3313 Chanate Road, Santa Rosa, CA 95404. The specific requirements for each test can be found at SCPHL website. SCPHL is not responsible for specimens which are improperly packaged or handled.

Laboratory Business Office and Hours – The SCPHL is open Monday through Friday 8 am to 5 pm. The SCPHL observes the following holidays but maintains minimal staffing or on-call to conduct routine and unexpected testing requests.

New Year's Day
Martin Luther King, Jr. Day
Lincoln's Birthday
Presidents' Birthday
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving day and day after
Christmas

Processing Time and Testing Results – Specimens which arrive at our lab by 10 a.m. will be processed the same day of arrival. The laboratory will process the specimen and report results within the times indicated on our website for each test. SCPHL will provide web based reporting, and supply a valid user ID and password to access test results online.

Microbiologist Training – Within available resources, the laboratory will pursue opportunities to use the SCPHL for training microbiologists.

Compliance with Public Health Emergency Preparedness – SCPHL will provide and comply with all requirements of the PHEP (Public Health Emergency Preparedness) grant program.

Perform sample management – Implement LRN-established protocols and procedures where available and applicable [and other mandatory protocols such as those for the International Air Transport Association (IATA) and the U.S. Department of Transportation (DOT)] for sample collection, handling, packaging, processing, transport, receipt, storage, retrieval, and disposal.

Maintain certification of laboratory personnel in a shipping and packaging program – Laboratory staff responsible for sample management must maintain certification of laboratory personnel in a shipping and packaging program that meets national and state requirements (e.g., Sample Collection, Packing and Shipping; ShipPack).

Conduct Testing and Analysis for Routine and Surge Capacity – SCPHL agrees to provide and comply with all requirements of the PHEP to coordinate with applicable lead agency, for testing of chemical, radiological, nuclear, and explosive samples, utilizing CDC-established protocols and procedures (e.g., LRN), where available and applicable, to provide detection,

characterization and confirmatory testing to identify public health incidents. This testing may include clinical, food, and environmental samples.

Laboratory Surge Capacity – Written plans should include the following considerations for surge capacity:

- Options to optimize procedures based on regular and surge personnel, equipment, and facility resources for short-term (e.g., days) and long-term (e.g., weeks to months) response efforts. Options should also be based on best practices and models available on the Laboratory Response Network LRN website or other sources.
- Triage policies that address how the laboratory will manage surge testing that may include:
 - Referral of samples to other jurisdictional laboratories
 - Prioritization of testing based upon sample type
 - Prioritization of testing based upon risk or threat assessment
 - Contingencies to assure newborn screening in a surge situation. Newborn screening can be assured by memoranda of agreement or contracts with commercial vendors ensuring that laboratory testing and reporting can be performed for extended shifts based on need for Level 1 and Level 2 LRN-C laboratories.
- Ensuring that laboratory testing, quality assurance and control review, and reporting can be performed for extended shifts based on need for LRN-R laboratories, if program funds become available.

Preventative Maintenance Contracts and Service Agreements – As part of our grant requirement, we maintain preventative maintenance contracts and service agreements for equipment and instruments utilized in LRN protocols, procedures, and methods – at a minimum. Plans include protocols to ensure that equipment and instruments utilized in LRN protocols, procedures, and methods have been inspected and/or certified according to manufacturer’s specifications. These procedures and protocols are inspected by CDC every three years and or with unannounced drop in inspections.

Competency for LRN-B Testing Methods – As an active member of the LRN, the Sonoma County Public Health Laboratory is designated as a level-B reference laboratory. The lab maintains competency for LRN-B testing methods by having the ability to test for select agents/sample types/tests listed in the high risk environmental sample testing algorithm posted on the secure LRN website.

LRN Proficiency Tests – All LRN Laboratories must maintain the competency to pass routine LRN proficiency tests and onsite inspections. In addition to proficiency subscriptions, the Sonoma County Public Health Laboratory is required to participate in CDC, LRN and FBI drills and proficiency testing. These drills and tests measure the laboratory’s testing personnel, procedures, on-site and instrumentation. Results are analyzed for accuracy, timeliness and overall performance.

Support Public Health Investigations – Provide analytical and investigative support to epidemiologists, healthcare providers, law enforcement, environmental health, food safety, and

Sonoma County Department of Health Services
Public Health Division
Mendocino County Laboratory Services
Public Health Laboratory – 164808-3343
FY 12-15 Agreement for Services

poison control efforts to help determine cause and origin of, and definitively characterize, a public health incident.

In addition to the LRN requirements detailed above, SCPHL is inspected every year by the State of California –Environmental Laboratory Accreditation Program (ELAP).

This review happens annually and covers all aspects of our drinking and recreational water testing. The Inspection report and any corrective actions are documented and are on-site for viewing.

Every two years SCPHL is inspected by the CLIA or the Clinical Laboratory Improvement Act. This inspection covers all of our main lab's testing which includes protocols, personnel, equipment and instruments as well as timely reporting. The inspection report and any corrective actions are documented and are on-site for viewing.

Every year the State of California requires split sample testing for all of our dairy samples. These results are compared to other dairy labs in the state and reviewed for intra-laboratory agreement.

Every two years an on-site inspection is performed by the State to review the facility, procedures, instrumentation and personnel for compliance with standard methods.

The Sonoma County Public Health laboratory subscribes to the College of American Pathologists (CAP), the American Association of Bio-analysts (AAB), the Wisconsin State Laboratory of Health (WSLH), and ERA waters, for mandatory and voluntary proficiency testing. All proficiency scores are reported to the appropriate regulatory agency.

Billing Clients and Third Party Payors – This agreement is strictly between Sonoma County and Mendocino County. Laboratory testing requests made by Mendocino County will not be billed. Test requests from hospitals or any private party will be billed the board approved fee.

Exhibit B

Mendocino County– costs will be set initially at 33.3% of the total annual cost in the first year and invoiced based on a prorated cost based on executed date of MOU, and increase in each of the next two years by 33.3% or until County is contributing 100% of the costs in year three of this MOU. Each subsequent three year period a revised cost/analysis will be completed and paid annually at 100%.

The first year of the contract (FY 12-13, beginning October 1, 2012) will result in revenue of approximately \$27,564. The second year of the proposed contract (FY 13-14) will result in revenue of approximately \$73,505. The final year of the proposed contract (FY 14-15) will result in revenue of approximately \$110,367.

Population estimates may be used to determine future costs. Population estimates produced by the Department of Finance are mandated in the State Constitution and various codes. They are used by state agencies, California counties, for budgeting, needs assessment, program planning and evaluation, distribution of State funds, and the calculation of rates. State preliminary estimates as of July 1 are released in December of the same year. County population data from the California Department of Finance will be used as source data.

∞ The remainder of this page left blank intentionally ∞

LIST OF CURRENT TESTS PERFORMED AT THE SONOMA COUNTY PUBLIC HEALTH LABORATORY

Sonoma County is one of three LRN level B confirmatory laboratories in the San Francisco Bay Area. These member labs perform CDC/FBI approved analysis on high risk environmental powders in a highly secure and safe BSL3 laboratory. Only these member laboratories are certified and recognized by the CDC and the FBI to handle these dangerous and potentially criminal environmental samples.

Rapid Molecular –CDC/FBI/LRN

Anthrax-- Both vaccine and wild strains-clinical or environmental
Brucella abortus clinical or environmental
Brucella canis clinical or environmental
Brucella melitensis clinical or environmental
Brucella suis clinical or environmental
Burkholdera mallei clinical or environmental
Burkholdera pseudomallei clinical or environmental
Coxiella burnetti (Q-fever) clinical or environmental
Francisella tularensis (tularemia) clinical or environmental
Orthopox (rule out small/monkey-pox) clinical or environmental
Varicella zoster (chicken pox) clinical or environmental
Yersinia pestis (plague) clinical or environmental

Ricin bio-toxin clinical or environmental

Rapid Molecular –same day/next day results

Influenza A
Influenza A sub-typing: seasonal H1, seasonal H3, and 2009 pandemic H1
Influenza B
Norovirus type 1-clinical or environmental
Norovirus type 2-clinical or environmental
Bordetella pertussis (whooping cough)
Measles virus
Mumps virus
Shiga toxin-type 1 clinical or environmental
Shiga toxin-type 2 clinical or environmental
E.coli H7 classification-clinical or environmental
Mycobacterium tuberculosis
Herpes simplex virus type 1 and type 2 under development

In 2012 the laboratory will add genetic sequencing. This technology will allow for rapid identification of all bacteria, mycobacteria, yeast and fungus isolates using the 16s ribosome. This will be the first step toward full genomic sequencing which will be a powerful tool for linking infectious disease cases.

Rapid Molecular-environmental water

qPCR total bacteroides (ALLBAC)
qPCR human bacteroides (HUBAC)
qPCR bovine bacteroides (BOBAC)

The following environmental rapid molecular assays are under development:

qPCR avian bacteroides
qPCR canine bacteroides
qPCR deer bacteroides

The EPA's method A for rapid molecular beach monitoring

qPCR e.coli
qPCR enterococcus

vibrio parahaemolyticus for shell fish

Mycobacteriology

Primary smear
Culture
Identification
Sensitivities
First day detection of Mycobacterium tuberculosis by molecular RT-PCR.

Mycology

Culture
Identification

Serology

Syphilis VDRL
MHA-TP
West Nile virus
Lyme disease ELISA
Lyme disease western blot IgG
Lyme disease western blot IgM
Babesia microti
Babesia duncani (formerly WA1)
Rickettsia rickettsii
Rickettsia typhus
Ehrlichia chaffeensis
Human Granulocytic Ehrlichiosis

Bacteriology

All aerobic and facultative anaerobic bacteria including:

Salmonella
Shigella
Campylobacter
Vibrio
Listeria
Pathogenic E.coli (all STEC)
Bordetella pertussis
Food borne illness work-ups

Nucleic Acid Amplification (NAAT)

Chlamydia detection –urine or swab
Gonorrhea detection- urine or swab

Virology

Culture for:
Influenza A
Influenza B
Para-Influenza 1
Para-Influenza 2
Para-Influenza 3
Adenovirus
RSV
Human Metapneumovirus
Rabies virus detection by DFA

Dairy and Soft Serves

Coliform counts
Total plate counts
Lab pasteurization
Somatic cell counts
Yeast and Mold counts
Inhibitory substances (antibiotic detection)

Waters

Total coliforms *
Fecal coliforms*
Enterococcus*
Salinity
Standard plate count
Rapid methods for recreational waters –see molecular
*presence/absence by colilert/enterolert -enumeration by quantitray or MPN.



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 16
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number:

Supervisory District(s):

Thomas F. O’Kane Jr., (707) 565-3585

Second

Title: Petaluma Avenue Speed Limit Adjustment – Adopt

Recommended Actions:

Adopt an Ordinance to implement the revised speed limit on Petaluma Avenue from 30 mph to 35 mph.

Executive Summary:

The California Highway Patrol (CHP) annually provides a list of county roads that require updating of the speed limits. They must have confirming speed studies conducted every 7 years in order to enforce the limits using radar. Petaluma Avenue was included in the list for CHP this year. In addition, there have been requests from residents to have CHP enforce the limit because of speeding in this corridor.

Petaluma Avenue is posted at 30 mph. It is a 24-foot-wide, straight asphalt road which connects Arnold Drive to Riverside Drive. The road has centerline and edge line striping, minimal shoulders and no sidewalk. A vicinity map is attached which shows its functional role as a “cross valley” connector between Arnold Drive and State Route 12.

In response to the requests from residents and the CHP, county staff performed the engineering and traffic survey. The speed profile showed that the average speed was 34 mph and the 85th percentile was 37 mph. With respect to the accident rate, there have been 3 collisions between August 1, 2009 and August 31, 2012. This equates to a collision rate of 0.74 collisions per million vehicle miles (mvm) which is well below the statewide average of 1.31 per mvm. This will allow for the posting of the roadway at 35 mph.

The staff has had conversations with residents regarding this proposed change and there has been at least one response requesting that the speed limit be reduced further from 30 mph to 25 mph. It is certainly within the Board’s authority to further reduce or maintain the existing speed limit, understanding that CHP will not provide enforcement for a speed limit that does not have a study that supports the posting. In order to have speed enforcement in this corridor the speed limit should be set at 35 mph.

Prior Board Actions:

11-13-12: Board adopted a resolution introducing, reading the title of, and waiving further reading of a proposed Ordinance establishing a revised prima facie speed limit of 35 mph on Petaluma Avenue # 56018 between

Arnold Drive and Riverside Drive (Second Supervisorial District). 2-16-10: Ordinance 1231 added subsection 10 to Section VII of Ordinance 664 setting a speed limit of 40 miles per hour from Arnold Drive to Riverside Drive. 1-5-88: Ordinance 3808 deleted subsection 10 of Ordinance 664 and set the speed limit at 30 miles per hour.

Strategic Plan Alignment: Goal 1: Safe, Healthy, and Caring Community

The change in the speed limit will allow for concentrated enforcement by the California Highway Patrol, which will improve safety in the corridor.

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-------------------|----------------------|-------------------|
| Budgeted Amount | \$ 1500.00 | Select an item. | \$ 1500.00 |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 1500.00 | Total Sources | \$ 1500.00 |

Narrative Explanation of Fiscal Impacts (If Required):

Impact reflects the cost of staff and signage materials for the installation of new speed limits signs.

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|--|--------------------------------------|-----------------------|-----------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

Ordinance

Related Items "On File" with the Clerk of the Board:

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ESTABLISHING A PRIMA FACIE SPEED LIMIT ON PETALUMA AVENUE AND AMENDING SONOMA COUNTY ORDINANCE NO. 664

THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION I:

Pursuant to the authority provided by California Vehicle Code Section 22358, the Board of Supervisors hereby determines, on the basis of an Engineering and Traffic Survey completed in compliance with the requirements set forth in California Vehicle Code Section 627 made upon those certain portions of the County highways as set out in this Ordinance and upon the basis of the findings of these investigations, that each portion of the County highway as set out in this Ordinance should have a prima facie speed limit as herein designated. The Board further determines that these prima facie speed limits are reasonable and safe and are most appropriate to facilitate the safe and orderly movement of traffic on the portions of the County highways as are herein listed under each of the prima facie speed limits.

SECTION II:

Subsection 21 is hereby deleted from Section V of Sonoma County Ordinance No. 664 (said Section establishes a prima facie speed limit of 30 miles per hour on certain highways in the County of Sonoma).

Subsection 235 is hereby added to Section VI of Sonoma County Ordinance No. 664 (said Section establishes a prima facie speed limit of 35 miles per hour on certain highways in the County of Sonoma) to read:

Petaluma Avenue (#56018) from the easterly right of way of Arnold Drive (#5603) to the westerly right of way of Riverside Drive (#56015), Post Miles 10.00 to 10.62.

SECTION III:

The Board of Supervisors finds and determines that this ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment. The Director of Transportation and Public Works is directed to file a notice of determination that this ordinance is exempt from CEQA and the State CEQA Guidelines.

SECTION IV:

This Ordinance shall be, and the same is hereby declared to be in full force and effect from and after thirty (30) days after its passage, and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation published in the County of Sonoma, State of California.

SECTION V:

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every

section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION VI:

This Ordinance shall not be codified.

In regular session of the Board of Supervisors of the County of Sonoma introduced on the ____ day of _____, 2012, and finally passed and adopted this ____ day of _____, 2012, on regular roll call of the members of said Board by the following vote:

Supervisors:

Brown: ____ **Rabbitt:** ____ **McGuire:** ____ **Carrillo:** ____ **Zane:** ____

Ayes: ____ **Noes:** ____ **Absent:** ____ **Abstain:** ____

Whereupon, the Chair declared the above and foregoing ordinance duly adopted and

So Ordered.

By: _____
Chair, Board of Supervisor
County of Sonoma, State of California

ATTEST:

By: _____
Veronica A. Ferguson, Clerk of the
Board of Supervisors of said County



County of Sonoma Agenda Item Summary Report

Agenda Item Number:
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number:

Supervisory District(s):

Thomas F. O'Kane, Jr, (707) 565-3585

Fifth

Title: Purrington Creek Department of Fish and Game Grant

Recommended Actions:

Approve Resolution authorizing the Director of Transportation and Public Works to accept the grant in the amount of \$24,565, effective from November 20, 2012, through February 28, 2013, for the Purrington Creek Fish Passage Barrier Modification (Job No. M12008) (Fifth Supervisory District)

Executive Summary:

Sonoma County creeks provide important habitat for endangered Coho salmon and threatened steelhead trout. The Department of Transportation and Public Works is actively seeking to remediate County-owned stream road crossings that create barriers to fish migration. In 2005, the County was awarded a grant from the Department of Fish and Game (DFG) to create designs for eight high priority fish passage barrier modifications. In 2009, design consultants were hired to complete designs for six of the fish passage barrier modifications. These designs were completed in early 2010 and submitted to DFG as part of the completed grant process.

In 2010, the Department of Transportation and Public Works applied for a construction grant from the Department of Fish and Game Fisheries Restoration Grant Program (FRGP) to construct the improvements designed for the Purrington Creek Fish Passage Barrier. The construction grant was approved by DFG in 2011 and accepted by the County in July 2011 by Resolution 11-0380.

The purpose of this project, and the associated grant, is to modify existing design that was completed in 2010 for the existing box culvert and channel to allow passage of Coho salmon and steelhead trout. The design revisions have been requested by DFG after submittal and approval of the construction grant.

The 2012 grant, in the amount not to exceed of \$24,565, will fund the design revisions required for the project to move forward. This grant will expire in February 28, 2013.

At this time, the grant funding for this project is confirmed. However, due to the uncertainty of state funding, the department proposes to include a cancellation provision within the agreements which will allow cancellation of work should funding be withdrawn by the state.

Prior Board Actions:

7/12/11: BOS accepted grant and authorized contracts with the California Department of Fish and Game for construction of Purrington Creek Fish Passage Project; 6/23/09: BOS authorized contracts for the design of Fish Passage Projects; 3/17/09: BOS approved and authorized a cooperative agreement between the Sonoma County Transportation Authority and the Sonoma County Department of Transportation and Public Works in order to partially fund the fish passage project on Purrington Creek at Graton Road; 8/23/05: BOS accepted a grant and authorized contracts with the California Department of Fish and Game for design of the Purrington Creek fish Passage Project.

Strategic Plan Alignment: Goal 2: Economic and Environmental Stewardship

The Purrington Creek project will improve fish habitat in the lower Russian River Watershed.

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-----------|----------------------|------------------|
| Budgeted Amount | \$ 24,565 | Select an item. | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ 24,565 |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ | Total Sources | \$ 24,565 |

Narrative Explanation of Fiscal Impacts (If Required):

The grant that the County of Sonoma has received will not be accepted and the fish passage improvement project will be redesigned, which may put future funding opportunities in jeopardy.

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|--|--------------------------------------|-----------------------|-----------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):**Attachments:**

Resolution; Location Map.

Related Items "On File" with the Clerk of the Board:

Grant Agreement.

Resolution No.

**County of Sonoma
Santa Rosa, CA 95403**

Date: 11/20/2012

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Authorizing The County Of Sonoma To Enter Into An Agreement With The State Of California And Designate A Representative Between The County Of Sonoma And The California Department Of Fish And Game To Sign A Grant Agreement And Any Amendments Thereto In The Amount Not To Exceed \$24,565, Effective From November 20, 2012 Through February 28, 2013, For The Purrington Creek Project.

Whereas, the California Department of Fish and Game has awarded a grant to the County of Sonoma in the amount of \$24,565 for the modification of an existing design for the Purrington Creek Fish Passage Barrier; and

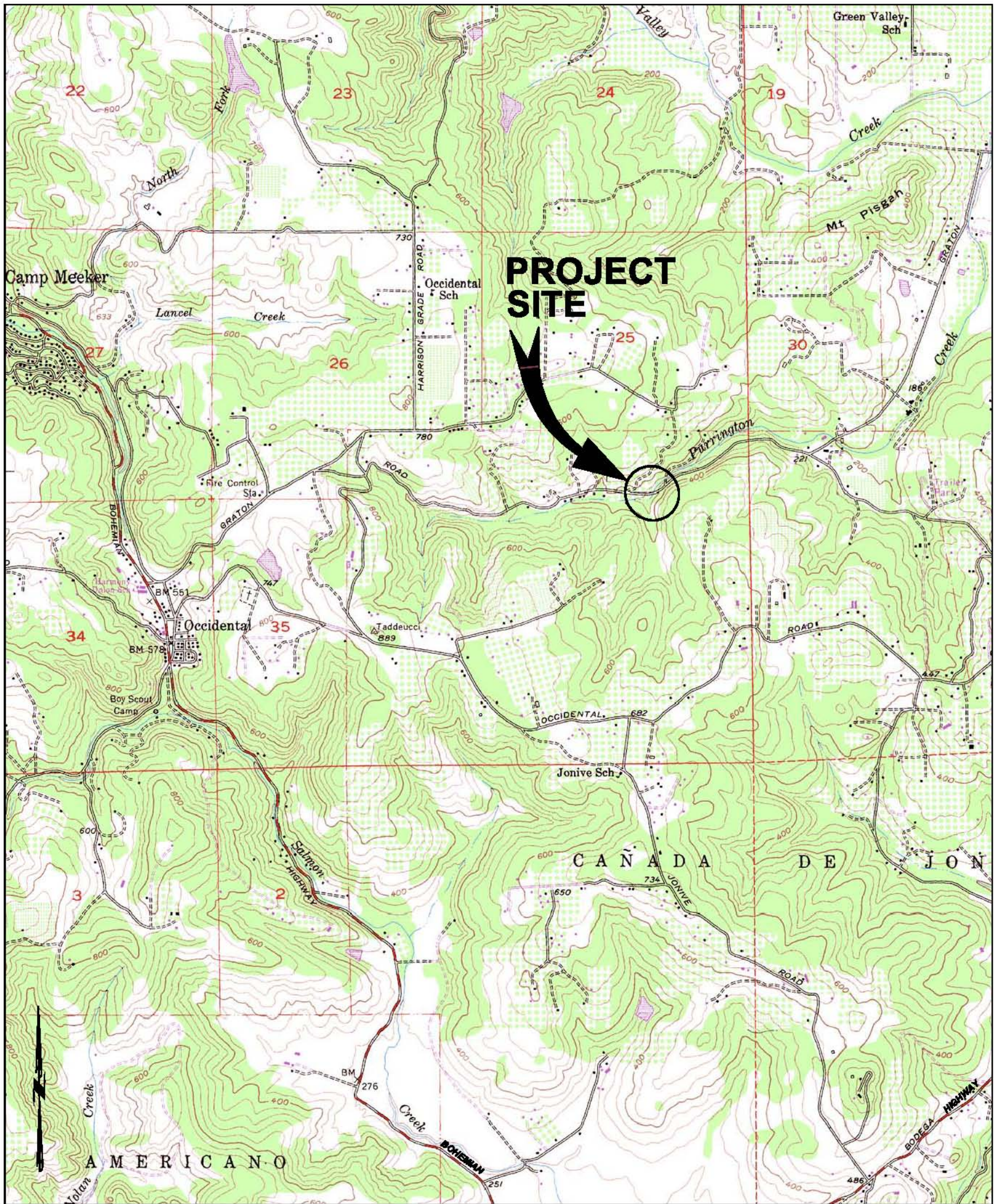
Whereas, it is a benefit to the County to accept this award.

Now, Therefore, Be It Resolved, that the Director of the Sonoma County Department of Transportation and Public Works is authorized and directed to execute an agreement in the form on file with the Clerk, with the California Department of Fish and Game to accept the grant.

Supervisors:

| | | | | |
|--------|----------|----------|-----------|-------|
| Brown: | Rabbitt: | McGuire: | Carrillo: | Zane: |
| Ayes: | Noes: | Absent: | Abstain: | |

So Ordered.



LOCATION MAP USGS 7.5' CAMP MEEKER QUAD



County of Sonoma
Agenda Item
Summary Report

Agenda Item Number: 18
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisory District(s):

Supervisor Shirlee Zane

Third

Title: Appointment

Recommended Actions:

Appoint Christa Seghezzi to the Alcohol and Drug Problems Advisory Board for a term of 3 years beginning November 20, 2012 and ending November 20, 2015.

Executive Summary:

Prior Board Actions:

Strategic Plan Alignment: Goal 4: Civic Services and Engagement

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount | \$ | Select an item. | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ | Total Sources | \$ |

Narrative Explanation of Fiscal Impacts (If Required):

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|---|---|------------------------------|------------------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

none

Related Items "On File" with the Clerk of the Board:



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 19
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s):

Staff Name and Phone Number:

Supervisory District(s):

Chairwoman Shirlee Zane

Sonoma County

Title: Reappointment

Recommended Actions:

Appoint Stephanie Hulbert to the Developmental Disabilities Board (Area IV) for a term of three years, beginning November 20, 2012 and ending November 20, 2015.

Executive Summary:

Prior Board Actions:

Strategic Plan Alignment: Goal 4: Civic Services and Engagement

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount | \$ | Select an item. | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ | Total Sources | \$ |

Narrative Explanation of Fiscal Impacts (If Required):

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|---|---|------------------------------|------------------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

None

Related Items "On File" with the Clerk of the Board:

None



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 20
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s):

Staff Name and Phone Number:

Supervisory District(s):

Chairwoman Shirlee Zane

Sonoma County

Title: Reappointment

Recommended Actions:

Reappoint Maryann Cantone to the Developmental Disabilities Board (Area IV) for a term of three years, beginning December 31, 2012 and ending December 31, 2015.

Executive Summary:

Prior Board Actions:

Strategic Plan Alignment: Goal 4: Civic Services and Engagement

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount | \$ | Select an item. | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ | Total Sources | \$ |

Narrative Explanation of Fiscal Impacts (If Required):

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|---|---|------------------------------|------------------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

None

Related Items "On File" with the Clerk of the Board:

None



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 21 9:30 A.M.
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors

Board Agenda Date: October 23, 2012

Vote Requirement: Majority

Department or Agency Name(s): County Administrator

Staff Name and Phone Number:

Supervisory District(s):

Terri Saunders 565-3782

County Wide

Title: Public Defender Management Review

Recommended Actions:

Receive a report on the Management Review of the Office of the Public Defender

Executive Summary:

The Board of Supervisors will receive a management report and analysis of the Office of the Public Defender including findings and recommendations as prepared by Harvey Rose Associates, LLC. A response from the interim Public Defender, Kathleen Pozzi, with information on implementation of recommendations, is attached.

Annually, the County Administrator recommends the Board engage an outside consultant to conduct a department management review. In 2011, the Board selected the Public Defender's Office for the review as the Department has been going through changes in leadership and facing staffing challenges. Harvey Rose Associates LLC (HRA) was selected as a result of a competitive Request for Qualifications. In February, the Board approved an agreement with HRA to conduct the review under the management of the County Administrator's Office and began work immediately in order to capture as much of Mr. Abrahams time and expertise as possible.

The purpose of the management review and benchmark study of was to evaluate the current structure and operations of the Office and compare management and operations with similar California counties. Recommendations were developed with the goal of improving operations, systems and caseload management for the Office and the criminal justice system as a whole. Key objectives of this project were to identify best management practices in other comparable public defender offices and compare them to practices in place in Sonoma County and maximize resources within the criminal justice system, and analyze staffing relative to caseload and case assignment criteria.

The study commenced as John Abrahams was retiring. As such department staff provided information collected

by the consultants and devoted significant time to the effort so that HRA could develop a thorough and meaningful report. Other criminal justice departments including the District Attorney, Sheriff, Probation and the Courts provided information and feedback on their relationships and statistics that provided greater system understanding and operating nuances. Further, Information Systems provided a significant amount of staff time and a number of reports to assist in the evaluation of data for the study.

The Project was completed in August 2012 and the draft report has been provided to the department staff and the Courts.

Key findings of the report include:

The Office lacks systems and methods for collecting accurate, verifiable caseload data, limiting its ability to assess staff efficiency, Office staffing needs and to ensure the equitable allocation of caseload.

Though there are limitations to existing Office caseload data, it shows that attorneys assigned to misdemeanors have higher caseloads than national standards and the median of peer counties. Felony attorneys, on the other hand, have caseloads lower than the national standard and within range of the median of peer counties. Once reliable, verifiable caseload data is established by the Office, some staffing reallocations within the Office and additional positions may prove appropriate.

Key performance measures are not in place for management to systematically monitor case processing efficiency and timing. Quality of representation measures are not collected from members of the Superior Court bench.

The Office is not taking sufficient advantage of existing Countywide and internal information systems to ensure the reliable production of key management and caseload information.

Management spans of control are reasonable overall but unevenly distributed for the Office's management attorneys.

Formal policies and procedures have not been established to guide staff in key areas of operations.

The County's indigent defense costs could be reduced by \$222,075 per year by replacing the private attorney's now staffing one misdemeanor courtroom with County Deputy Public Defenders.

The Office could increase its revenues by an estimated \$214,000 by formalizing and improving its financial screening policies and procedures and establishing mechanisms to ensure that more clients with the ability to do so pay the required \$50 registration fee and court -ordered attorney fees.

The results and recommendations from the report are summarized in its Executive Summary (pages i – xiii) of the attached report).

The interim Public Defender, Kathleen Pozzi has already begun to implement changes to address the findings. The County Administrator will work with the department to continue efforts toward better management

practices and information reporting for future staffing analysis. In addition, The Board of Supervisors approved the addition of two attorney positions in the FY 12-13 budget which will address one of the key findings above.

If additional staffing or funding is recommended, the County Administrator will return to the Board with a report on the need and recommendation for source of funding.

Prior Board Actions:

Annually the Board of Supervisors authorizes a management review for selected Departments
 On February 25, 2012 the Board authorized an agreement with Harvey Rose Associates LLC to perform the management review of the Public Defender’s Office.

Strategic Plan Alignment: Not Applicable

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount | \$ | County General Fund | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ | Total Sources | \$ |

Narrative Explanation of Fiscal Impacts (If Required):

The requested actions of accepting the report and directing staff to return with an implementation plan, has no additional fiscal impact. Implementation of any recommendation may have costs associated with them. At the time a plan for addressing the findings and recommendations are presented to the Board of Supervisors any costs associated with the plan will be provided as part of the staff report.

The management study was included in the CAO FY 11-12 budget and cost \$133,000.

The FY 12-13 Public Defender’s budget has a General Fund net cost of \$9.3 million and 49.0 FTE positions.

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|--|--------------------------------------|-----------------------|-----------------------|
| | | | |

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|--|--|--|--|
| | | | |
| Narrative Explanation of Staffing Impacts (If Required): | | | |
| | | | |
| Attachments: | | | |
| Management Review of the Sonoma County Office of the Public Defender, Interim Public Defender's response to findings and recommendations included in the report. | | | |
| Related Items "On File" with the Clerk of the Board: | | | |
| | | | |

**Management Review of the Sonoma County
Office of the Public Defender**

Prepared by:

Harvey M. Rose Associates, LLC

<http://www.harveyrose.com>

October 9, 2012

HARVEY M. ROSE
ASSOCIATES, LLC

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(415) 552-9292 • (415) 252-0461 (FAX) • www.harveyrose.com

public sector management consulting



October 9, 2012

Ms. Veronica Ferguson, County Administrator
Sonoma County
575 Administration Drive
Santa Rosa, California 95403

Dear Ms. Ferguson:

Harvey M. Rose Associates, LLC is pleased to present this report on our *Management Review of the Sonoma County Public Defender's Office*. The review was requested by the County to evaluate the current structure and operations of the Public Defender's Office and compare its management and operations with those of similar public defender offices in other California counties. Recommendations were developed with the goal of improving operations, systems and caseload management for the Office and the County criminal justice system as a whole.

Thank you for providing our firm with the opportunity to conduct this management review for Sonoma County. We are available at any time to respond to any questions about this report.

Sincerely,

A handwritten signature in blue ink that reads "Fred Brousseau". The signature is fluid and cursive.

Fred Brousseau
Project Manager

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Executive Summary

The purpose of this management review and benchmark study of the Sonoma County Public Defender's Office was to evaluate the current structure and operations of the Office and compare management and operations with similar California counties. Recommendations were developed with the goal of improving operations, systems and caseload management for the Office and the criminal justice system as a whole. A key objective of this project was to identify best management practices in other comparable public defender offices and compare those to practices in place in Sonoma County.

A few general observations about the Public Defender's Office are now presented before summarizing the key conclusions of this management review. First, the management review team observed that the Public Defender's Office's attorneys are extremely dedicated and hardworking, attempting to provide high levels of service in a fast-paced and challenging criminal justice system environment, with many parties and variables affecting their workload. Investigators and support staff in the Office were also observed to be hard-working and dedicated to the Office and all staff report working well together. Criminal justice system agency representatives reported a commitment to collaboration with each other.

The Office's managers have shown their dedication to the Office through years of service, individual staff support, and numerous initiatives to improve operations. Management was in transition while this management review was underway, with an interim Public Defender appointed at the beginning of the project. A number of new management initiatives and improvements were being implemented during the project field work phase. All management and other staff were extremely cooperative and helpful to the management review team.

Some key conclusions of this management review regarding areas for improvement in the Public Defender's Office are as follows:

1. The Office lacks systems and methods for collecting accurate, verifiable caseload data, limiting its ability to assess staff efficiency and Office staffing needs and to ensure the equitable allocation of caseload.
2. Though there are limitations to existing Office caseload data, it shows that attorneys assigned to misdemeanors have higher caseloads than national standards and the median of peer counties. Felony attorneys, on the other hand, have caseloads lower than the national standard and within range of the median of peer counties. Once reliable, verifiable caseload data is established by the Office, some staffing reallocations within the Office and additional positions may prove appropriate.
3. Key performance measures are not in place for management to systematically monitor case processing efficiency and timing. Quality of representation measures are not collected from members of the Superior Court bench.

4. The Office is not taking sufficient advantage of existing Countywide and internal information systems to ensure the reliable production of key management and caseload information.
5. Management spans of control are reasonable overall but unevenly distributed between the Office's management attorneys.
6. Formal policies and procedures have not been established to guide staff in key areas of operations.
7. The County's indigent defense Costs could be reduced by an estimated \$222,075 per year by replacing the private attorneys now staffing one misdemeanor courtroom with County Deputy Public Defenders.
8. The Office could increase its revenues by an estimated \$214,000 by formalizing and improving its financial screening policies and procedures and establishing mechanisms to ensure that more clients with the ability to do so pay the required \$50 registration fee and court-ordered attorney fees.

A summary of individual findings in this report is as follows. Recommendations related to each report section are presented in a table following these finding summaries.

Findings pertaining to Management Structure and Spans of Control (Section 1)

- Key Public Defender Office management tasks should include ensuring quality representation, developing efficient operations, establishing and communicating long and short-term goals and objectives, and minimizing any negative impacts of poor Office performance on the County's criminal justice system, such as clients remaining in custody longer than necessary.
- Successfully carrying out these duties requires sufficient and effectively used management, supervisory and analytical staff. The Sonoma County Public Defender's Office as a whole has a budgeted employee to manager/supervisor ratio for attorneys and investigators of 7.8 to 1. This ratio appears adequate and, though slightly higher than the average in six comparison counties, it is more generous than in all but two of those six public defender offices. However, the span of control of managing attorneys is uneven, with 20 felony and juvenile attorneys and other staff directly supervised by the Assistant Public Defender but only seven permanent misdemeanor attorneys supervised by the Chief Deputy Public Defender.
- The Office's two managing attorneys do not perform management duties full-time, but instead represent clients and appear in court between 50 and 75 percent of their time. Much of the remainder of their time is spent providing case-specific guidance to staff. As a result, little general supervision or Office-wide management of attorneys occurs. Attorneys are asked to arrange coverage for each other rather than management proactively examining staffing needs and making needed

adjustments. Little formalized training is occurring, communication is not standardized or frequent and performance evaluations are not routinely conducted.

- Though Office management was in transition while this management review was underway and some new management practices were being implemented, the Office's managing attorneys do not have tools in place to systematically evaluate and monitor overall Office performance. A key indicator of this problem is the lack of useful and accurate management reports. Management is unable to quickly and systematically monitor whether staff workload is equitably distributed, why cases are being continued, and other performance factors, without talking to staff members individually or tabulating information manually.
- Key analytical duties, particularly collecting and analyzing information about the Office's performance and developing standardized procedures, have not been sufficiently delegated to the Office's Administrative Services Officer (ASO). This position performs a number of administrative duties and directly supervises one staff person, the Legal Staff Supervisor, who, in turn, is responsible for directly supervising the Legal Secretaries and Legal Processors. Given this current mix of responsibilities and the skills and abilities required of County ASOs, this position could perform more analytical duties for the Office.

Findings pertaining to Staffing and Caseload (Section 2)

- Budgeted staffing in the Public Defender's Office has declined overall by 13 percent over the last three fiscal years, with the majority of reductions absorbed by attorney staff. Reported caseload has also declined during that period. Some modifications have been made to adjust caseload to the lower staff levels, primarily the Public Defender's Office's withdrawal from one misdemeanor court room and replacement by private Alternate Defender staffing.
- Credible assessments of staffing needs relative to caseload cannot be made at present due to the absence of reliable, verifiable caseload data. Case types are not clearly defined and counted, and, the Office's data does not reconcile with information in the County's Integrated Justice System, in the County budget or reported by the State. Differences in these figures result in significantly different conclusions about needed Office attorney staffing levels.
- Recognizing these limitations, the Office's available data indicates that per attorney case assignments are high for misdemeanor attorneys compared to both national professional standards and peer public defender office practices, while felony attorney case assignments are lower than national standards and within range of peer offices. Juvenile attorney caseload appears higher than national standards though the Office's juvenile caseload data is also problematic.

- The caseload imbalance between felony and misdemeanor attorneys is caused to some extent by the Public Defender's Office practice of assigning two attorneys to each courtroom other than Early Case Resolution court (ECR) regardless of the number or seriousness of cases in those courtrooms. This practice also hinders staff attorneys' ability to efficiently handle their cases since Court policy is to assign trials to any available courtroom regardless of where the cases are first assigned.
- Available caseload data indicates that additional staff is warranted for misdemeanor cases. This could be accomplished through a reallocation of some felony attorneys to misdemeanor cases and, possibly, the addition of new staff attorney positions. However, decisions on these increases should be deferred until the Office can track and report several months' worth of reliable, verifiable caseload data. Further, by assigning felony cases not settled in ECR to staff attorneys based on an equitably weighted caseload distribution, staff could be more efficiently utilized.

Findings pertaining to Misdemeanor Alternate Defense Staffing (Section 3)

- Beginning in September of 2011, the Public Defender's Office discontinued providing staff to one misdemeanor courtroom (Department 6) due to insufficient staff. At that time, the County's agreement with the Conflict Administrator, a private attorney who coordinates the provision of private attorneys for cases where the Public Defender's Office has a conflict of interest, was amended to establish that sub-contractor private attorneys under his supervision would provide full-time Alternate Defense in Department 6. The annual cost of the Alternate Defense attorneys for Fiscal Year 2011-12 is projected to be \$463,680, based on actual cost for the first six months of the arrangement.
- However, the annual cost of two Deputy Public Defenders at the entry level would be \$241,605, including salaries and benefits, or \$222,075 less than the current estimated annual cost of \$463,680 for utilizing private Alternate Defender attorneys. Even if the Public Defender's Office were to use two Deputy Public Defender IVs, the highest level in the series, at top salary step for this court department, the costs would be approximately \$45,678 less than the estimated annual \$463,680 cost of using private Alternate Defender attorneys.
- The County should terminate the Addendum with the Conflict Administrator to provide Alternate Defense in Department 6 and hire two Deputy Public Defenders to provide representation in Department 6. In addition to the \$222,075 in annual savings that would be achieved by implementing this recommendation, the Public Defender's Office would benefit by having two additional attorneys that could be deployed more flexibly than the Addendum allows the private attorneys to be deployed.

Findings pertaining to Development and Adherence to Policies (Section 4):

- Operations in the Sonoma County Public Defender’s Office are complex and strategic and legal decisions have to be made throughout the life of a case. Many of these decisions require discretion that cannot be dictated by written policy. Other areas of operations, however, represent administrative decisions for which formal, written policies would allow consistent and transparent decision-making and better ensure compliance with Office policies. These include deciding when to declare a conflict of interest on a case, how to determine whether a defendant is financially eligible for public defender services, investigation and expert witness request protocols, and whether requesting a continuance because of work demands rather than the merits of the case are justified.
- The Public Defender’s Office has only informal, general standards for critical areas of its operations. The Chief Deputy Public Defender prepared a policy and training manual for attorneys defending misdemeanor cases. A review of the manual found it includes a department-wide policy on declaring a conflict of interest but is lacking in other administrative policies. Its primary content is strategic information about misdemeanor criminal defense, preparing for court hearings or trials, and working with juries. A similar manual for felony and juvenile attorneys does not exist.
- Office management states that there are well-understood, oral policies concerning investigation requests, expert witness requests and determining a defendant’s financial status. A review of a random sample of case files for cases disposed of in 2011 indicates that these policies are either not being adhered to or documentation is missing that would confirm they are being followed.
- The Public Defender’s Office should create/revise formalized, written standards for declaring a conflict of interest, requesting a continuance, requesting investigations, using expert witnesses, minimizing unnecessary changes in counsel, and determining a defendant’s financial status. All decisions made under these policies should be well-documented to allow a review of actions taken to be monitored by management for compliance with policies.

Findings pertaining to Management Practices and Performance Measurement (Section 5):

- While the primary goal of the Public Defender’s Office is to provide quality representation to its clients, the efficient management of Office caseload and individual case activity is equally important to ensure that clients are receiving the best possible service with the resources available. Given the number of cases represented by the Public Defender’s Office each year, it is not possible or cost-effective for any manager to attempt to keep track of all cases and activities. A process of formally collecting and monitoring performance measures in key areas

would ensure Office management and other County stakeholders that Office operations are efficient and effective.

- Performance data that should be collected and regularly reviewed by Office management includes: total caseload, by type of case; number of cases per attorney; number of investigations per Investigator; average elapsed case processing time; average elapsed time per investigation; number and timing of case continuance requests per case; and, the number and timing of conflict case declarations. Such data would provide Office management with key information needed to assess overall Office and individual staff member performance. Besides the Office's managers' own observations of staff, formally collecting feedback from Sonoma County judicial officers about the quality of representation being provided would provide useful information to Office management about individual staff performance and overall Office operations.
- Current performance data available shows that Sonoma County's case processing time is slower than six comparison counties, that approximately 31 percent of felony conflict of interest declarations are occurring after preliminary hearings, and that felony cases were continued an average of 10.3 times each in FY 2010-11. Though the figures include continuances requested by the District Attorney and imposed by the Court, in addition to Public Defender requests, it indicates that cases are likely taking longer than desirable and management intervention is needed to ensure that cases are being disposed of as quickly as possible.

Findings pertaining to Uses of Information System (Section 6):

- Though capable of providing a wide range of management information, Sonoma County's Integrated Justice System (IJS) is not being used by the Public Defender's Office for this purpose. Designed as a data management system for all of the County's criminal justice agencies, the system contains valuable data and records that could be summarized in reports and used by the Public Defender's Office to monitor Office workload, performance and efficiency. No reports are being regularly produced for the Public Defender's Office for management purposes.
- Among the reports that were produced from IJS at the request of this management review team were: annual compilations of number of cases, by type; number of multi-defendant cases; number of conflict of interest declarations, number of case continuances; and, the number and type of motions filed. The accuracy of some of the IJS data cannot be confirmed at this time due, in part, to inaccurate or inconsistent data entry practices by the Court and Public Defender's Office staff. Such data entry issues need to be resolved if either IJS or a future system is to be more fully used to produce management reports.
- The Office makes minimal use of its own available office automation. Statistical information pertaining primarily to the number of cases filed and disposed and court

appearances is collected and compiled manually but not used as a monitoring tool by management. Case information is logged in Excel software but summary reports are not run against the data. Key measures of case processing efficiency and workload are not, but could be, collected and analyzed from these records. Form templates have been created on the Office's desktop computers but are being printed and completed manually. Greater use could be made of macros that draw information from IJS.

- Currently all record sharing within the Public Defender's Office and with other departments is manual. Documents must be physically transported to and from the Public Defender's office, requiring courier staff and time, or handed off from one staff person to another, which can result in misplaced documents.
- While improved data collection in Excel, greater use of macros and a stand-alone electronic document management system would improve management information and streamline operations, a case management system suited to the Public Defender's specific needs is a preferred long-term solution. Office staff would need to consistently enter information in the system if it is to be used effectively. Validation routines would also need to be embedded in a new system to ensure that inconsistent data, such as the entry of "private counsel" in concert with the name of an attorney in the Public Defender's Office, cannot occur.

Findings pertaining to Financial Screening and Fees (Section 7):

- The manner in which the Sonoma County Public Defender's Office collects client financial information is not sufficiently rigorous. There is no evidence that staff routinely request financial documentation or critically review financial applications. A random sample of ten misdemeanor files revealed that financial evaluation forms were present in only seven cases and in none was there indication that Public Defender's Office staff had reviewed or approved the application. Juvenile parties are assumed to be eligible for services and are not screened.¹
- Pursuant to State law, the Sonoma County Board of Supervisors authorized a \$50 registration fee to be assessed against all defendants or, for juvenile defendants, their parents or guardians.^{2,3} However, neither the Public Defender's Office nor the Court compares payments against the number of defendants who should have paid the fee. Juvenile parties' parents/guardians are not being directed to pay the registration fees.

¹ The California Supreme Court has ruled that in-custody defendants are considered automatically eligible for indigent defense services.

² The Sonoma Public Defender's Office also does not charge the registration fee for in-custody defendants.

³ The registration fee was raised from \$25 to \$50 by Board of Supervisors' resolution on April 20, 2010.

- In Fiscal Year (FY) 2010-11, the Public Defender’s Office collected \$33,635⁴ in revenue from registration fees. At \$50 per defendant, this represents payment by approximately 673 defendants out of a total of approximately 11,000 adult defendants represented by the Office.
- The Sonoma County Public Defender’s Office established an attorney fee schedule in December 1999 that has not since been updated. A sample of adult case files indicates that fee payments ordered do not adhere to the fee schedule. In juvenile cases, parents or guardians are ordered to pay a flat \$100 in attorney fees, which is inconsistent with the juvenile fee schedule. The alternate/conflict defender reports that his office does not collect fees or follow-up on whether defendants pay the registration fee.
- In FY 2010-11, the Court ordered \$91,462 in attorney fees to be paid by defendants, though only 41 percent, or \$37,788, was collected.⁵ Taken together, registration and attorney fees collected totaled \$71,423, or 0.8 percent of the Office’s \$9,060,504 in reported actual expenditures for that year. Data from several other counties indicate a median collection rate from these two revenue sources of approximately three percent of total expenditures. Applying that collection rate to Sonoma County, \$271,815 would have been collected in FY 2010-11.

All report recommendations are presented in the table starting on the following page.

⁴ This is the equivalent of registration fees paid by approximately 673 defendants. Fifteen percent was retained by the Superior Court for its collection efforts.

⁵ Of this amount, \$16,853 went to the Probation Department pursuant to an agreement with the Public Defender.

Section 1 Recommendations: Management Structure and Spans of Control

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| | The Public Defender should: |
| 1.1 | Redistribute responsibility for managing attorneys so that the Assistant Public Defender is responsible for felony attorneys, including Early Case Resolution Court (ECR), a total of 13 line attorney positions as well as the Chief Deputy Public Defender, the Senior Investigator and the ASO, and the Chief Deputy Public Defender is responsible for misdemeanor attorneys, juvenile attorneys, and law clerks, a total of 13.5 positions. |
| 1.2 | Relieve the Chief Deputy Public Defender of responsibility for representing clients in the treatment courts and replace him with a senior Deputy Public Defender. This will allow the Chief Deputy Public Defender to proactively manage attorney assignments, assist in planning Office operations and represent clients in more complex trials and in case of absence of a Deputy Public Defender. |
| 1.3 | Provide the senior Deputy Public Defender in the Juvenile Division a differential to compensate him or her for serving as lead attorney. Specific duties should include case assignment and monitoring courtroom attorney coverage. |
| 1.4 | Assign the Office’s Administrative Services Officer responsibility for developing and implementing systematic collection and analysis of management information, and training Office employees in their content and implementation. |
| 1.5 | Develop policy and procedure manuals for felony and juvenile cases and for the Office as a whole. Post the manuals on the shared drive so that they can be easily accessed by staff, and provide training as needed on the content. |
| 1.6 | Develop an Office-specific orientation and training program for all staff. The program should include training to prepare misdemeanor attorneys to assume responsibility for felony assignments, and monthly training for all staff. |
| 1.7 | Set meaningful qualitative and quantitative job-specific standards, training and performance goals for staff and hold staff accountable to the performance standards and measures during annual performance evaluations. Include individual performance standards in the Policies and Procedures Manual. |

Section 2 Recommendations: Public Defender’s Office Staffing and Caseload

| | |
|-----|--|
| | The Public Defender should: |
| 2.1 | Establish protocols for recording and classifying caseload using clearly defined terms and methods that provides accurate measures of staff activity and productivity, as detailed in this management review report. |
| 2.2 | Work with Information Systems Department staff to ensure that case counting methods employed by the Public Defender’s Office can be reconciled with those in IJS. |
| 2.3 | Present caseload standards to the County Administrator’s Office for approval of targets to use for subsequent analysis of staffing needs. |
| 2.4 | Provide a monthly Office caseload report to the County Administrator’s Office and, after six months of such reports, reconsider Office staffing needs based on a combination of national and/or peer county caseload practices identified in this management report. |
| 2.5 | Reallocate attorney staffing to more equitably distribute caseloads among felony, misdemeanor, and juvenile attorneys, consistent with national standards and peer county practices. The exact number of reallocated attorneys should be determined by the Public Defender based on the most current caseload statistics and court scheduling processes, but with the goal of reducing the number of misdemeanor cases per attorney. |
| 2.6 | To the extent new permanent attorney positions are determined to be justified after the Office and County have collected and verified several months’ worth of reliable caseload data, fill such positions consistent with County policy regarding using permanent positions in lieu of Extra Help positions if ongoing permanent staff is needed. |
| 2.7 | Collaborate with the Superior Court on the development and consideration of alternatives to current Court calendaring practices, including: a) hearing all trials in their originating courtrooms to allow for vertical Public Defender’s Office representation with minimal schedule conflicts; and/or, b) having Public Defender’s Office management assign felony trial cases to staff based on achieving an equitable caseload distribution rather than each attorney being assigned all felony trial cases from their home courtroom. |

| Section 3 Recommendations: Misdemeanor Alternate Defender Staffing | |
|--|---|
| 3.1 | The Board of Supervisors should: Authorize the addition of two Deputy Public Defender I's to the Office of the Public Defender and direct the Human Resources Department to fill the positions as soon as possible. |
| 3.2 | Direct the County Administrator's Office to terminate the Addendum to the agreement between the County and the Conflict Administrator by providing at least 30 days written notice to the Conflict Administrator. The transition should be carried out in a manner that minimizes the disruption to existing misdemeanor case work. |
| Section 4 Recommendations: Development of and Adherence to Policies | |
| 4.1 | The Public Defender should: Revise the procedure on declaring a conflict of interest to require all staff attorneys document their conflict of interest declarations, to include a record of case information, the reason for the conflict, the date the conflict was discovered, the date conflict was declared and supervisory approval. |
| 4.2 | Develop and implement a formal Office –wide written policy regarding requesting and documenting continuances, addressing when continuances are appropriate, and direct all staff attorneys to record the reason for continuances on Case Activity Sheets. |
| 4.3 | Develop and implement a formal Office-wide written policy regarding investigatory activities, to include the process for making the request, appropriate timing, and when a written investigation report is required. |
| 4.4 | Modify the existing investigation request form to include all relevant case information, a checkbox-style format with standard investigation requests, an indicator of whether a written report is needed or not and a sample of a standardized investigation report format |
| 4.5 | Develop and implement a formal Office-wide written policy on the use and payment of expert witnesses, to include the process for determining the need for an expert and for requesting approval to hire one. |
| 4.6 | Direct staff to create and maintain an up-to-date list of experts in commonly-needed disciplines, including their name and contact information, area of expertise, and hourly rates, if available. |

| | |
|------|---|
| 4.7 | Create an Expert Witness Request form that includes case information, the reason the expert is needed, the expected cost and actual cost of the expert, and the signature of the supervisor approving the request. |
| 4.8 | Develop and implement a formal Office-wide written policy to ensure client representation is provided in a manner that reduces unnecessary changes in counsel, including a statement of the goal and philosophy for vertical representation, how attorneys are to manage their schedules to maintain that representation, and when it is appropriate to substitute attorneys. |
| 4.9 | Develop and implement a formal written Office-wide policy about proper case file notations. Include the information that should be included on the Case Activity Sheet (date, action, explanation or reason for the action, if appropriate, and initials) and state that the entries should be legible and complete so that they are useful to anyone reviewing the file. |
| 4.10 | Periodically monitor staff activity to ensure adherence to the policies including periodic reviews of case files to ascertain if attorneys and clerical staff are accurately and completely recording reasons for conflicts, financial declaration approval, continuance, requests for investigation and expert witnesses; that supervisory approval is noted when appropriate; and that notations on the Case Activity Sheet are complete, legible, and initialed, so that questions about the content can be referred to the person responsible for the notation. |
| 4.11 | Annually review the policies to verify they are still appropriate, and make changes as required to ensure they continue to be viable. |
| 4.12 | Provide staff training as needed to ensure compliance with the policies. |

Section 5 Recommendations: Management Practices and Performance Measurement

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| | The Public Defender should: |
| 5.1 | Direct Office staff to work with the County’s Information Systems Department and Superior Court staff to develop data entry protocols and controls to enable an accurate and comprehensive reporting of Public Defender’s Office caseload, by type of case, to be regularly produced from the Integrated Justice System (IJS). |
| 5.2 | Begin regularly reviewing case processing summary data and case processing practices to ensure that the Public Defender’s Office is not causing undue delays in case processing cycle time. |

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|-----|---|
| 5.3 | Direct staff to work with the County’s Information Systems Department and Superior Court staff to develop data entry protocols and controls to enable regular production of performance measurement reports presenting data on the number of continuances requested, by agency and staff member, for review and to develop corrective action if the data shows that the Office is requesting an undue number of continuances. |
| 5.4 | Direct staff to work with the County’s Information Systems Department and Superior Court staff to develop data entry protocols and controls to enable regular production of performance measurement reports presenting data on the number of conflict of interest declarations, including the point in the case at which the declaration was made and the number of cases redirected to Conflict Defenders and establishing the goal of minimizing the number of conflicts of interest declared at later stages of the case and possible development of new conflict detection processes. |
| 5.5 | Direct staff to work with the County’s Information Systems Department and Superior Court staff to develop data entry protocols for regularly producing performance measurement reports containing information on the number of motions filed by Office staff, to be broken out by case and attorney. The County Administrator should: |
| 5.6 | Request that criminal justice agency staff regularly assemble for the purpose of reviewing new performance measurement data to be produced from IJS and to identify and collectively remedy systemic problems that are causing undue delays in case processing |
| 5.7 | Direct County Counsel to review and reconcile the number of cases for which the Public Defender’s Office has a conflict of interest, as reported by IJS, with caseload numbers reported by the County’s contract Conflict Defenders. |

Section 6 Recommendations: Uses of Information Systems

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|-----|---|
| 6.1 | <p>The Sonoma County Administrator should:</p> <p>Utilize existing criminal justice forums or create a new forum of criminal justice agencies to discuss data accuracy and consistency issues with the Superior Court and other criminal justice agencies. The group should report twice a year to the County Administrator’s Office on data issues identified and progress made in rectifying them.</p> <p>The Sonoma County Public Defender should:</p> |
|-----|---|

| | |
|-----|--|
| 6.2 | Improve quality controls over data entered by Office staff in IJS, particularly for appointed felony and misdemeanor attorney names. |
| 6.3 | As part of the work of the data accuracy forum recommended above, work with the County’s Information Systems Department to determine what modifications to IJS are needed. Programming to consider includes implementing the attorney caseload balancing requested in 2010, establishing caseload weighting, and using IJS to populate Word documents with case information. |
| 6.4 | Use the Office’s existing software to create management reports to assist in measuring and monitoring workload until such a time that IJS or another system meets all the Office’s needs, including a history of felony attorney assignments. |
| 6.5 | Identify and present to the CAO the costs and benefits of procuring fee-based online search engine licenses for individual staff investigators to improve their efficiency in locating witnesses and other persons of interest. |
| 6.6 | Prepare a business case for the CAO identifying the costs and benefits of the Public Defender’s Office acquiring a shared or stand-alone case management system, including the savings that would be achieved from the system through the reduction in administrative positions and/or more efficient use of staff time. |
| 6.7 | Determine the costs and benefits of purchasing the County’s preferred electronic document management system, OnBase, for the Public Defender’s Office and present to the County Administrator for review and approval. |

Section 7 Recommendations: Financial Screening and Fees

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|-----|--|
| | The Public Defender’s Office should: |
| 7.1 | Establish a formal financial evaluation policy and process and standard criteria for granting legal representation which incorporate principles of “careful inquiry” with possible eligibility criteria including a maximum monthly income or receipt of any government assistance, a given ratio of income to expenses, and incarceration in jail, prison or a mental health facility. |
| 7.2 | Codify defendant financial indicators that trigger further review by a supervisor or manager, such as income above an established threshold amount, monthly expenses that exceed income, ownership of real property, or ownership of multiple vehicles or luxury items (for example, recreational vehicles). The policy should include the criteria for eligibility; detail who may review the application and decide about the ability to pay; indicate what triggers review by a supervisor or manager; require that the reviewer state the reason for granting or denying the application and sign and record |

| | |
|-----|---|
| | the review date. |
| 7.3 | Revise the Application for Financial Evaluation form to include all information needed (e.g. value of assets, status of mortgage, income tax documentation, total amount of monthly household expenses) and a checkbox list of reasons for granting or denying the application. |
| 7.4 | Record electronically which defendants are referred to the Court’s fiscal office to pay registration fees prior to providing services. Establish a policy of requiring juvenile parents/guardians to pay registration fees and, given the ability to pay, attorney fees, pursuant to State law. At the close of the case, ask the Judge to remind defendants of the requirement that they pay the registration fee if they did not do so prior to receiving legal services. |
| 7.5 | Update the 1999 attorney fee schedule by estimating the time attorneys generally spend on major phases of cases. |
| 7.6 | Initiate discussion with the Presiding Judge of the Superior Court about how to best serve both the client and the County by ordering appropriate attorney fees. |
| 7.7 | Record who is ordered by the Court to pay attorney fees and how much is ordered; compare with collections transmitted to the Office’s budget by the Central Collections Unit. The Sonoma County Counsel’s Office should: |
| 7.8 | Request that the Court provide a monthly report of indicating which defendants sent to pay the registration fee did so. |
| 7.9 | Monitor and report to the County Administrator the Conflict Administrator’s efforts to instruct defendants to pay registration and attorney fees and request that bench officers assess fee payments for defendants represented by contract attorneys. |

Introduction

Harvey M. Rose Associates, LLC was retained by the County of Sonoma to conduct this *Management Review and Benchmark Study of the Office of the Public Defender of Sonoma County*. The project was overseen by the County Administrator’s Office.

Background: Public Defender’s Office

Mission and Legal Mandate

The Office of the Public Defender of Sonoma County is responsible for providing legal representation to indigent defendants and juveniles in all court proceedings where no conflict or caseload impairment exists. The authority for the Office stems from the Sixth Amendment to the United States Constitution, which states “In all criminal prosecutions, the accused shall enjoy the right...to have the Assistance of Counsel for his defence [sic].” The specific roles and responsibilities of Public Defender’s Offices in California are provided in California Government Code Section 27700-27712.

The Office functions in collaboration with other participants in the criminal justice system to ensure its efficient operation, while protecting the constitutionally guaranteed rights of accused persons. The Public Defender also represents persons who are not charged with a crime, alleged to be mentally ill, developmentally disabled or in need of conservatorship, and cannot afford an attorney.

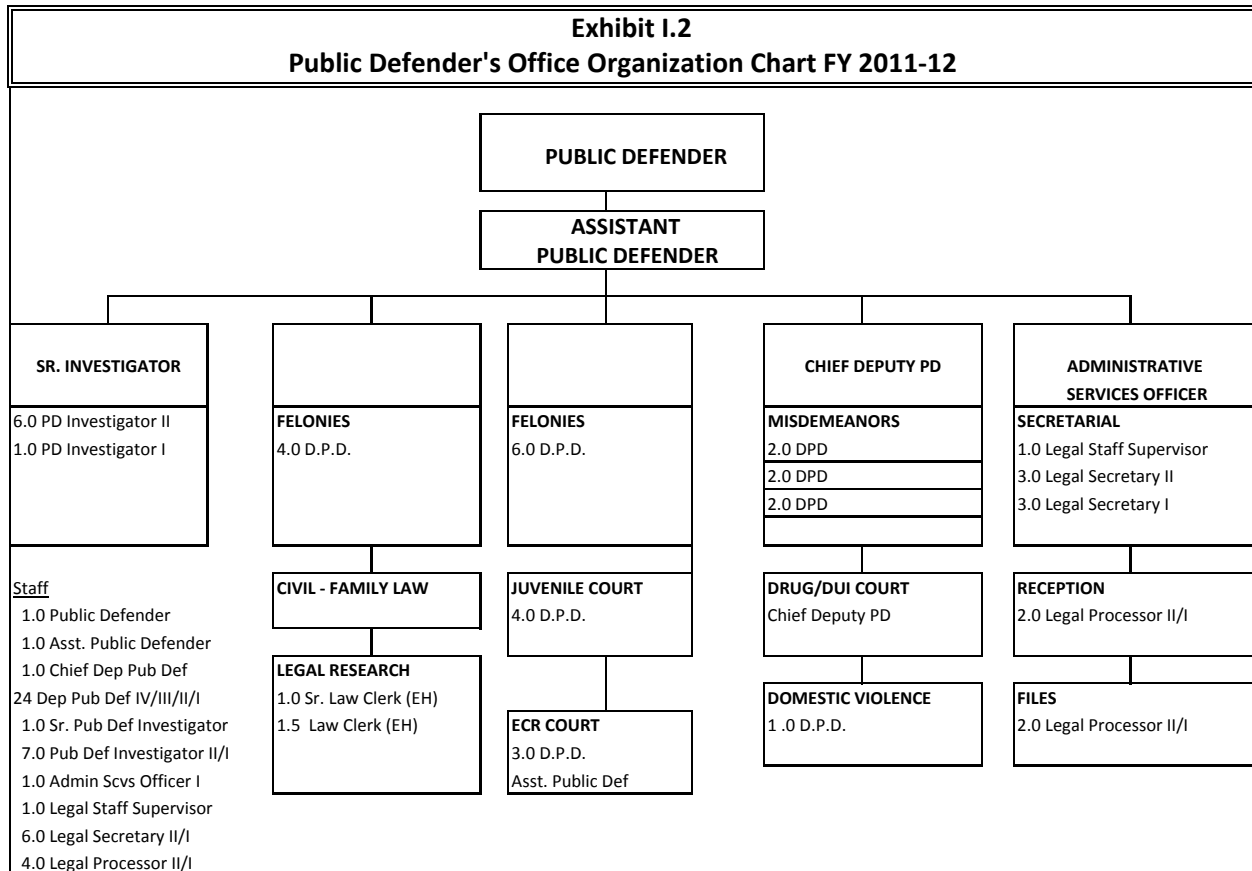
Budget, Staffing and Organization

Funded primarily by the County General Fund, the Public Defender’s Office received an appropriation of \$9,119,129 for Fiscal Year 2011-12 and was authorized 47 permanent positions. Exhibit I.1 below shows the composition of the 47 authorized positions, including 27 attorneys, eight investigators, and 12 administrative support staff.

| Exhibit I.1 Public Defender’s Office Authorized Staffing FY 2011-12 | |
|--|-----------|
| Attorneys | 27 |
| Investigators | 8 |
| Administrative Support | 12 |
| TOTAL PERMANENT POSITIONS | 47 |

Source: Sonoma County Approved Budget FY 2011-12

The Office’s organization chart is shown as Exhibit I.2, depicting the distribution of attorneys, investigators, administrative support staff, and managers throughout the department.



Source: Office of the Public Defender

Shortly after the commencement of this management review, the Public Defender retired from County employment and the Assistant Public Defender was appointed to serve as Interim Public Defender until a permanent replacement is selected. Therefore, the Assistant Public Defender position was functionally vacant during the course of the management review.

Caseload

As discussed in more detail in Section 5, the quality of performance information currently generated and used by the Public Defender's Office is in need of improvement. However, based on data tracked internally by the Public Defender's Office, total caseload for Fiscal Year 2010-11 was 12,739 misdemeanor, felony, juvenile, and civil cases. Exhibit I.3 shows the distribution of cases by case type, including felony, misdemeanor, collaborative courts (includes casework by both felony and misdemeanor attorneys), juvenile and civil.¹

¹ Note that for the purposes of per attorney caseload analysis in Section 2, collaborative courts cases and civil cases were not included since those cases involve work by both felony and misdemeanor attorneys. The figures are shown here for the purpose of providing a comprehensive overview.

| Exhibit I.3 Public Defender's Office Distribution of New Case Assignments by Type of Case FY 2010-11 | | |
|---|-----------------|----------------------|
| Type of Case | Number of Cases | Percent of all Cases |
| Misdemeanor | 9,132 | 71.7% |
| Felony | 2,051 | 16.1% |
| Juvenile | 1,307 | 10.3% |
| Civil | 169 | 1.3% |
| Other ¹ | 80 | 0.6% |
| Total | 12,739 | 100.0% |

Source: Office of the Public Defender

¹ Collaborative court cases not identified as felony or misdemeanor

In addition, the Office re-opened 11,405 previously established cases during Fiscal Year 2010-11 and made 96,983 court appearances. According to Public Defender's Office staff, nearly all of the re-opened cases are violations of probation and generally require less casework than a regular new case.

In addition, the County retains the services of a contract Conflict Administrator who coordinates a group of private attorneys to provide counsel to defendants with whom the Public Defender's Office declares a conflict of interest. In Fiscal Year 2010-11, the Conflict Administrator group handled 1,867 new cases, 1,012 violation of probation cases, and 1,095 cases that the Conflict Administrator classifies as transferred cases and violations of probation. The Fiscal Year 2010-11 contract amount equaled \$2,248,684.

Management Review Objectives, Scope and Methodology

Objectives and Scope

The purpose of this management review and benchmark study of the Sonoma County Public Defender's Office was to evaluate the current structure and operations of the Office and compare management and operations with similar California counties. The analysis took into consideration the context of the Sonoma County criminal justice system and its practices, incorporating the impact of recent resource reductions on the Office and other criminal justice agencies. Recommendations were developed with the goal of improving operations, systems and caseload management for the Office and the criminal justice system as a whole. A key objective of this project was to identify best management practices in other comparable public defender offices and comparing those practices to practices in place in Sonoma County.

Methodology

This management review was conducted in accordance with *United States Government Auditing Standards, 2011 Revision*, as promulgated by the Comptroller General of the United

States. In accordance with these standards and best practices for conducting performance audits, the following four key phases were conducted:

1. An entrance conference was held with the then Public Defender and then Assistant Public Defender. The purpose of the entrance conference was to introduce HMR staff, describe the management review process and protocol, and request general information.
2. An initial review of the Public Defender's Office and County criminal justice system was performed, including (1) interviews with key Public Defender's Office officials and representatives of the Superior Court, District Attorney's Office, Probation Department, Sheriff's Office, and Information Systems Department; and (2) a review of documentation provided by these agencies.
3. Field work was conducted to research key elements of the Public Defender's Office, the Countywide criminal justice system, and public defender offices in other California counties.
 - a. Additional interviews and four focus group discussions were conducted with misdemeanor, felony, and juvenile attorneys; investigators; legal processor staff; and managers of the Office.
 - b. Collection and analysis of case processing data continued throughout the management review, with primary sources including (1) statistics and other data collected by the Public Defender's Office; (2) special reports queried by the Information Systems Department (ISD) using Integrated Justice System (IJS) data; and (3) publicly available data published by the Judicial Council of California and the Administrative Office of the Courts. As described in more detail in this report, the quality of performance information currently generated and used by the Public Defender's Office is in need of improvement. Similarly, while IJS appears to have the potential to provide valuable performance and management information, it is not currently utilized by the Public Defender's Office in this manner. Despite the fact that ISD staff was very helpful and willing to put extraordinary effort into fulfilling management review team data requests, the management review team encountered some degree of difficulty in matching IJS data with that of the Public Defender's Office. At least part of this problem is attributable to data entry errors, according to County personnel familiar with the data and system.
 - c. A file review was conducted of 46 randomly selected cases that were disposed in calendar year 2011, including 17 felony cases, 10 felony cases set for trial, 10 misdemeanor cases, and nine juvenile cases. Files were reviewed for documentation of specified case processing elements.

- d. A best practices survey was conducted of public defender offices in the following six California counties selected by HMR in conjunction with the County Administrator's and Public Defender's Offices: Monterey, Napa, San Joaquin, Santa Barbara, Solano, and Stanislaus. The survey consisted of telephone interviews with the Public Defender of each jurisdiction, focusing primarily on collection of qualitative descriptions of office management practices. Interviews were supplemented by caseload data collection directly from the Public Defenders (for Fiscal Year 2010-11) and from publicly available data from the Administrative Office of the Courts (for Fiscal Year 2009-10).
4. A quality assurance review process was undertaken to ensure the factual accuracy of the report. This process included an internal peer review conducted by personnel from HMR, as well as a review of the draft report by responsible County officials. After officials completed their review of the draft report, exit conferences were held to discuss factual accuracy and clarity. Officials were also requested to provide comments on the recommendations contained herein.

1. Management Structure and Spans of Control

- Key Public Defender Office management tasks should include ensuring quality representation, developing efficient operations, establishing and communicating long and short-term goals and objectives, and minimizing any negative impacts of poor Office performance on the County's criminal justice system, such as clients remaining in custody longer than necessary.
- Successfully carrying out these duties requires sufficient and effectively used management, supervisory and analytical staff. The Sonoma County Public Defender's Office as a whole has a budgeted employee to manager/supervisor ratio for attorneys and investigators of 7.8 to 1. This ratio appears adequate and, though slightly higher than the average in six comparison counties, it is more generous than in all but two of those six public defender offices. However, the span of control of managing attorneys is uneven, with 20 felony and juvenile attorneys and other staff directly supervised by the Assistant Public Defender but only seven permanent misdemeanor attorneys supervised by the Chief Deputy Public Defender.
- The Office's two managing attorneys do not perform management duties full-time, but instead represent clients and appear in court between 50 and 75 percent of their time. Much of the remainder of their time is spent providing case-specific guidance to staff. As a result, little general supervision or Office-wide management of attorneys occurs. Attorneys are asked to arrange coverage for each other rather than management proactively examining staffing needs and making needed adjustments. Little formalized training is occurring, communication is not standardized or frequent and performance evaluations are not routinely conducted.
- Though Office management was in transition while this management review was underway and some new management practices were being implemented, the Office's managing attorneys do not have tools in place to systematically evaluate and monitor overall Office performance. A key indicator of this problem is the lack of useful and accurate management reports. Management is unable to quickly and systematically monitor whether staff workload is equitably distributed, why cases are being continued, and other performance factors, without talking to staff members individually or tabulating information manually.
- Key analytical duties, particularly collecting and analyzing information about the Office's performance and developing standardized procedures, have not been sufficiently delegated to the Office's Administrative Services Officer (ASO). This position performs a number of administrative duties and directly supervises one staff person, the Legal Staff Supervisor, who, in turn, is responsible for directly supervising the Legal Secretaries and Legal Processors. Given this current mix of responsibilities and the skills and abilities required of County ASOs, this position could perform more analytical duties for the Office.

Public Defender Management

The management and supervisory structure of the Public Defender's Office consists of the Public Defender, an Assistant Public Defender, a Chief Deputy Public Defender, a Senior Investigator, and an Administrative Services Officer I (ASO). In addition, a Legal Staff Supervisor directly supervises the ten support staff under the general direction of the ASO¹.

Office leadership was in a state of temporary flux while this management review was underway. Following the former Public Defender's retirement in March 2012, the Board of Supervisors appointed the Assistant Public Defender to the Public Defender position in an interim capacity. The former Public Defender, who retired while this management review was in progress, did not carry a legal caseload but was actively involved in representing the office to the Board of Supervisors and the County Administrator's Office and in forums with other criminal justice agencies, community stakeholders and statewide organizations. Direct supervision of attorneys was largely the responsibility of the Assistant Public Defender and Chief Deputy Public Defender, both of whom carry significant legal caseloads. The interim Public Defender has retained most of her representational and supervisory duties while assuming additional duties as an interim department head, but very recently hired a senior attorney into a temporary position to relieve her of duties in Early Case Resolution Court (ECR). An interim Assistant Public Defender has not been appointed.

Overall Supervisory/Employee Ratios

For attorneys and investigators, the Sonoma County Public Defender's Office has four budgeted management/supervisory positions and 31 staff positions, resulting in a department-wide budgeted employee-to-manager/supervisor ratio of 7.8 to 1. The ratio of attorney and investigator staff positions to managers and supervisors has increased over the last year. In FY 2010-11, a Chief Deputy Public Defender position was eliminated for budgetary reasons and another was converted to a Deputy Public Defender IV. This leaves the Office with the Public Defender and two other managing attorneys: the Assistant Public Defender and the Chief Deputy Public Defender. Office management reported that the loss of management staff renders the Office less able to provide training or in-court observation of attorneys.

Nonetheless, the current ratio of attorney and investigator positions employees to management and supervisory positions is slightly higher than the mean, or average, of 7.1 budgeted attorney and investigator positions per manager/supervisor in the six jurisdictions surveyed for this management review. Four comparison counties have fewer managers/supervisors per employee than in Sonoma County while two (Napa and Santa Barbara) have more, as shown in Exhibit 1.1 below:

¹ It should be noted that the classifications designated as management and supervisory for this review were determined independent of any such definitions that the County may use.

| Exhibit 1.1 | | | | | | | |
|---|-----------------|---------|-------------------------|-----------------------|-------------------------------|---------------------------|------------------------------|
| Ratio of Line Attorney & Investigator Staff to Managers and Supervisors in Sonoma and Surveyed Counties, FY 2011-12 | | | | | | | |
| | Public Defender | Asst PD | Chief Deputy/ Other Mgr | Chief/Sr Investigator | Total Mgmt./ Supvsr Positions | Total Non-Mgmt. Positions | Ratio Line Staff To Each Mgr |
| Napa | 1 | 0 | 2 | 0 | 3 | 14 | 4.7 |
| Santa Barbara | 1 | 2 | 9 | 1 | 13 | 40 | 3.1 |
| Solano | 1 | 0 | 2 | 1 | 4 | 36 | 9.0 |
| San Joaquin | 1 | 1 | 2 | 1 | 5 | 44 | 8.8 |
| Monterey | 1 | 1 | 0 | 1 | 3 | 28 | 9.3 |
| Stanislaus | 1 | 0 | 2 | 0 | 3 | 24 | 8.0 |
| Mean | | | | | | | 7.1 |
| Sonoma | 1 | 1 | 1 | 1 | 4 | 31 | 7.8 |

Source: Public Defender's Office, FY 11-12 Organization Chart; surveyed counties budget documents.

Spans of Control

The span of control in the Office varies considerably, ranging from 7 to 20 employees per manager/ supervisor, excluding extra help attorneys and law clerks, as shown in Exhibit 1.2.

| Exhibit 1.2 | | | | | |
|--|---|---|------------------------------------|--|--|
| Spans of Control: Sonoma County Public Defender's Office | | | | | |
| Manager | Assistant PD | Chief Deputy PD | Senior Investigator | Admin, Svcs. Officer | Legal Staff Supervisor |
| Direct Report(s) | 17 Felony and Juvenile Attorneys Chief Deputy PD Senior Investigator Admin. Svcs Officer | 7 Misdemeanor Attorneys | 7 Investigators | 1 Legal Staff Supervisor | 10 Clerical/ Admin Support Staff |
| Other Primary Function(s) | Representation in ECR Court | Representation in Drug, DUI Courts and DUI Compliance Court | 50% time conducting investigations | Budgeting, Statistics Office and HR Management, IT support | Payroll Accounts Payable Employee Orientation ² |

Source: Public Defender's Office, FY 11-12 Organization Chart; staff interviews

The Assistant Public Defender directly supervises 17 felony and juvenile staff attorneys. This is cushioned slightly by a senior attorney in the juvenile division who effectively supervises the other three juvenile division Attorneys, but without being specifically responsible or compensated for doing so. Unlike the Assistant Public Defender, the Chief Deputy Public Defender supervises only seven misdemeanor attorneys. Supervision of law clerks has been absorbed by a Senior Attorney rather than being under the Assistant Public Defender. If the Assistant Public Defender were instead responsible for all 13 felony attorneys, including those in Early Case Resolution Court (ECR), and the Chief Deputy Public Defender responsible for misdemeanor attorneys, juvenile attorneys, and law clerks, for a total of 13.5 positions, their spans of control over attorneys would be equivalent. The Assistant Public Defender would continue to have greater overall Office management responsibilities, including supervising the Chief Deputy Public Defender, the Senior Investigator and the ASO.³

Managing Attorney Responsibilities

Representing Clients

The number of managing attorneys appears to be adequate and the spans of control would be reasonable if work were redistributed between them. However, managing attorneys also spend a significant portion of their time representing clients and performing duties that should be delegated to line attorneys or administrative staff. The two managing attorneys represent clients and appear in court between 50 percent and 75 percent of their time. In her permanent position, the Assistant Public Defender represents an estimated 100 clients in ECR court and appears in that court each day, assigns serious felony cases to Felony Attorneys, supervises juvenile operations and approves staff attorney conflict-of-interest declarations. She also has direct supervisory responsibility for three management/ supervisory positions and indirect management responsibility for their 24 reports (seven investigators, seven misdemeanor attorneys and ten administrative and clerical staff). The Assistant Public Defender has temporarily absorbed department head duties while only recently hiring a temporary Senior Attorney to represent clients in ECR Court.^{4,5,6}

The Court has created several treatment courts in recent years, such as DUI Court, a treatment court modeled after Drug Court, and DUI Compliance Court, where second and third conviction DUI defendants are monitored to ensure they are complying with probation conditions. These

³ It should be noted that the Office employs temporary attorneys as Extra Help at times and these positions may add to the number of positions being supervised during those periods by either manager. However, even some temporary adjustments to the management ratios would not be sufficient to offset the imbalance in spans of control between the Office's two managing attorneys.

⁴ The Interim Public Defender also handles conservatorship cases on an as-needed basis. These are rarely contested and in complex cases the Office asks to be relieved of representation.

⁵ In contrast, the previous Public Defender did not carry his own caseload, but was a hands-on manager in other ways, performing many administrative and budgetary duties himself.

⁶ The Assistant Public Defender has historically balanced a heavy caseload with management duties, but this was due in great measure because the individual in the position has extraordinary drive; this should not be expected of someone else who might be in the position.

specialty courts require the Public Defender's Office to staff additional courtrooms. The Chief Deputy Public Defender carries a caseload in the Drug and DUI treatment courts, which meet three afternoons per week, and the DUI compliance court, which meets one afternoon per month. The Chief Deputy reports that these assignments involve significant monitoring activity and cross-departmental meetings with criminal justice agencies (Court, Sheriff, Probation, District Attorney), treatment staff and private counsel, in addition to extensive contact with clients. Until very recently, the Chief Deputy Public Defender did not represent clients in trial departments.

The Chief Deputy Public Defender time representing clients in Drug, DUI and DUI compliance court amounts to approximately 10 hours of in-court time per week and an estimated similar number of hours out of court, or a 0.50 Full-time position Equivalent (FTE), for an annual cost of \$104,676. Cases in DUI Court average 24 appearances per case, compared with three appearances per case in the misdemeanor arraignment courts.⁷

Performing Line Staff Duties

Much of the remainder of the time of the managing attorneys is spent in providing case-specific guidance and dealing with urgent situations. Managing attorneys are required to be "hands-on" because there are no other levels of management/supervision within the Office.

These duties are carried out at the expense of higher level management activities, such as short- and long-term planning and goal setting, and developing, reviewing and improving systems and procedures to ensure high quality representation and efficient Office operations. In focus groups, staff attorneys reported that managers spend much of their time "putting out fires" and provide little planning or Office-wide support systems for attorneys. Issues that affect the Office are reportedly dealt with piecemeal, rather than managed at a higher level. For example, courtroom or case coverage for planned absences is made by the attorneys themselves, working together, rather than through a system or procedures designed by management, even though the Office may know far in advance that both attorneys in a department will be scheduled for trial or an attorney has an upcoming approved leave. Because the two managing attorneys are in designated non-trial courtrooms for much of the day, they also do not have time to serve in trial courts when staff attorneys have scheduling conflicts or authorized absences.

Managing attorneys report having a good working sense of the caseload, undue delays and likely case timing through speaking with the attorneys and through what are characterized as "snapshot" caseload reviews. Requests for caseload information by the managing attorneys are made on an ad-hoc basis and generally responded to through e-mail; there is no specific reporting format. Thus, information is not provided to the managers on a regular schedule, systematically collected or organized, or validated for accuracy. It also cannot be easily compared to previous reports to gauge the status of backlogs, case processing times or other usual benchmarks of operations.

Designating Lead Attorneys

In ECR court, the level of activity and the number of attorneys to be coordinated justify leaving a managing attorney in that department. The ECR department is the gateway to the felony trial departments. By being present in ECR court, the Assistant Public Defender receives information useful to the felony trial attorneys she supervises. However, an attorney other than the Deputy Chief Public Defender should be assigned to represent clients in the treatment courts. This is a single attorney assignment, without need for management or coordination of other attorneys. Assigning another attorney to these departments would allow the Chief Deputy Public Defender to proactively manage staff attorney assignments, participate in planning and assessing Office operations and represent clients in more complex trials or in cases when Deputy Public Defenders are absent.

While this change would require reassigning an attorney from a trial department, the improved management of attorney assignments, particularly in the trial departments as discussed in Section 2, can be expected to lead to enhanced overall Office efficiency. It is not clear that an attorney needs to be present in the treatment courts at all times. Activities in these courts are generally non-adversarial, with the judge working with defendants to identify the most appropriate programs for their needs, asking the defendant about his or her progress, such as attendance at alcohol or drug treatment meetings, and barriers to completing ordered programs.

The Public Defender's Office could have a Deputy Public Defender available if circumstances arise that warrant the presence of an attorney without staffing these departments full time. Moreover, as discussed above, the Chief Deputy Public Defender does not need to staff this courtroom; a Deputy Public Defender IV is a more appropriate choice. Management of the Public Defender's Office reports that an attorney is needed in Drug and DUI courts at all times in case a client has violated a term of his or her probation (e.g., failed to attend treatment, had evidence of drugs in their system) and faces additional charges and/or jail time. Some of the contracts with defendants in these courts require "flash incarceration," (i.e., immediate detention if a defendant fails the terms of probation). However, not all defendants are subject to such contracts and an attorney need not be in the courtroom at all times to represent a defendant who is facing immediate detention.

Having an attorney available when needed should reduce the time in court by half for an avoided cost of \$52,340. Deploying a Deputy Public Defender IV instead of the Chief Deputy Public Defender in this courtroom would result in an additional cost avoidance of \$1,882. Total cost avoidance would thus be \$54,222 annually that could be utilized elsewhere.

Management of staff attorneys on a daily basis is cushioned slightly in the juvenile division by a senior attorney who effectively supervises the other three juvenile staff attorneys, but without being specifically responsible or compensated for doing so. The juvenile attorneys assert that they are satisfied with the senior attorney serving as de facto supervisor. The role of the senior attorney in the juvenile division should be formalized and compensation adjusted by adding a lead pay differential. This would be comparable to the staffing at the San Joaquin Public Defender's Office which compensates the head attorney at the Juvenile Justice Center.

Assignment of Duties to Senior Attorneys

Most court departments are currently assigned two staff attorneys each, with one designated as senior. The role of senior attorney has not been formalized and is characterized as being that of a partner rather than a leader. Office staff attorneys report that these senior attorneys are expected to appear in his or her assigned court each day to ensure the caseload is being handled but other responsibilities for these individuals have not been detailed. Data concerning the equity of how cases are distributed between attorneys in each courtroom is not available (see Section 2). Office managers report that they believe the case distribution process (i.e., between attorneys in a single department) should be self-policing and that they do not need to finely manage case assignment. However, at a minimum, under the current staff assignments, the senior attorney in each department should be required to report on the distribution of case assignments between the Office's attorneys in a standardized format to allow managing attorneys an ongoing understanding of each attorney's caseload.

Administrative Staff Responsibilities

Enhancing Use of Management Information

As discussed in Section 5, the Office has not developed useful management reports to monitor performance, assignments and workload. The Office's two managing attorneys are required to spend considerable time assessing case status on a case-by-case basis and must deal with unexpected, sometimes urgent workload and staffing problems.

The Human Resources Department job description for the Administrative Services Officer I classification includes analyzing and improving current operations and business processes. Based on staff interviews and the limited availability of management information and data during this management review, it appears that Office management has not delegated provision of substantial management analytical support or development of standardized procedures to the Public Defender's Office's Administrative Services Officer (ASO). The ASO's assigned duties do not include regular analysis of management information and the Office relies on relatively ad hoc methods for reviewing such information. The former Public Defender's preference was to handle many administrative and analytical functions himself, including actively participating in developing the Office's budget. The now-interim Public Defender indicates that she plans to delegate higher-level analytical duties to the ASO position.

The organizational structure of the Public Defender's Office does not require the ASO to directly supervise anyone other than the Legal Staff Supervisor. While this results in the ASO having a lower span of direct control than the other Office managers and supervisors, it is appropriate for her direct report, the Legal Staff Supervisor, to supervise the Office's ten Legal Secretaries and Legal Processors, including evaluating their work performance as well as daily supervision, such as determining assignments; scheduling staff time off, breaks and lunches; and

communicating updates and reminders to staff.⁸ The Legal Staff Supervisor should carry out this duty independently and rely on the ASO only for high level management support.

Assuming the administrative staff of the Office are supervised by the Legal Staff Supervisor, the ASO position has the capacity to absorb more analytical duties. The Public Defender should add greater management and analytical duties to the ASO role. At the same time, it benefits the Office to have the position remain in a management role over the administrative staff as the ASO can use management information and analysis to more effectively deploy administrative staff. For example, the ASO could play a role in establishing more consistent methods of collecting and analyzing client financial information (discussed further in Section 7) which would require that administrative staff be trained and directed in these methods.

Other California public defender offices often utilize one or more non-attorney positions for analytical support. A comparison with six like-sized California public defender's offices surveyed for this management review found that the offices in Monterey and San Joaquin counties have Administrative Service Officers or a position analogous to it as well as one or more business analyst positions. The Public Defender's Office in Santa Barbara County has a Programmer/Business Leader and a Computer Systems Specialist though no position analogous to the ASO. The staffing of other Sonoma County criminal justice departments include Department Analyst positions that are designed to provide management analytical support in addition to their Administrative Services Officer.⁹ However, those departments have significantly higher staff levels and larger budgets than the Public Defender's Office.

Office communications are infrequent

Public Defender's Office management has not established formal methods of communicating with staff to establish and reinforce the Office's mission, goals and culture. Until recently, Office-wide staff meetings were held very infrequently.

Because staff do not hear a uniform message from management as a group, they lack a sense of cohesiveness and a common vision for the Office. Employees reported finding out about changes to Office and county-wide criminal justice operations or Office goals and priorities informally and a feeling that they were "working in the dark ... information just trickles down from upper levels." The views of office morale, as reported by staff attorneys in focus groups, ranged from "good" to "dismal," depending on who was speaking. Nonetheless, all groups of employees reported good communication between colleagues and an appreciation for the Office's non-hierarchical structure.

As discussed further in Section 4, the Chief Deputy Public Defender created a Policies and Procedures Manual for the misdemeanor attorneys. The manual's primary content is strategic information for defense attorneys, with a single department-wide policy on declaring conflict of interest. There is no similar manual for felony or juvenile attorneys or for other staff. Most

⁸ The Legal Staff Supervisor also carries out many human resources duties, including new employee orientation and payroll duties under the general supervision of the ASO.

⁹ The District Attorney's Office has one Department Analyst; the Probation Department has three and one-half Department Analysts; and the Sheriff's Department has four Department Analysts.

Office policies are informal and unwritten. The Public Defender should expand the manual to include policies as discussed in Section 4 and internal operations and post an electronic copy of the Office-wide Policies and Procedures Manual on their shared drive so that it can be easily accessed by staff and updated by management. Staff training on the content should be provided as needed by management. Office managers should communicate subsequent changes in policies and procedures to staff in writing as soon as they occur.

Staff Training and Performance

The Office lacks formal training and performance evaluation standards, resulting in insufficient job training, inequitable workload, and a lack of accountability.

Training is limited

The Sonoma County Public Defender's Office provides little formal training to its staff, despite being a licensed continuing legal education provider. Attorneys receive some informal on-the-job training. The Chief Deputy Public Defender reports that he conducts monthly training as well as conducting and video-taping mock court so attorneys can assess their own performance. However, staff participating in focus groups indicated that on-the-job training, including a brown bag training session for felony attorneys, is generally organized and provided by colleagues rather than managers. Deputy Public Defenders at Juvenile Hall attend training provided for all County departments that have a role in juvenile justice proceedings (i.e., including Probation, Superior Court, and District Attorney) organized by other agencies but rarely attend training developed by or for the Office.

There is also no formal method of offering training to misdemeanor attorneys to enable them to be prepared for positions in the felony departments when needed and no method of providing coverage for their departments while they are receiving this training. Interested attorneys report they must arrange coverage for their own court department if they wish to shadow a felony attorney for experience. As more senior felony attorneys retire, this may leave the Office without attorneys adequately prepared to step into those courtrooms.

The Public Defender's Office has recently received a resumption of training funds from Sonoma County, allowing Deputy Public Defenders to attend training from the California Public Defender's Association and Administrative Office of the Courts, such as "Beyond the Bench," training designed for professionals associated with juvenile court. Juvenile attorneys report that an area of particular interest for additional training is in trial skills as they find it difficult to shift from the generally collaborative method of handling cases typical for juvenile court to the adversarial mode required for trials.

There is no in-service training provided by the Office to staff Investigators or an expectation of a particular amount of continuing education for Investigators. Instead, the Senior Investigator sends announcements of training offered elsewhere to the staff Investigators. Finally, administrative staff do not receive formal training. The Interim Public Defender has reinstated the requirement for the Chief Deputy Public Defender to provide monthly training to attorneys. Similar training should be organized for investigators and support staff as well.

Internal training in Office practices is also needed. As discussed in Section 4, more formal internal policies and procedures should be developed by the Office and training in these procedures provided once they are complete. Training should cross disciplines, for example, by simultaneously training attorneys and investigators in the proper way to request investigation assistance and respond to investigation requests, and training attorneys and support staff in identifying and documenting conflicts as early as possible in a case.

Office orientation provided to new employees by the Legal Staff Supervisor focuses on the mechanics of County employment such as provision of benefits and understanding the County's computer use policy. Attorneys and Investigators are not given a formal orientation to the operations of the Office by their direct supervisor.

Staff performance evaluations are not being conducted

Staff have not been provided with performance evaluation standards and individual staff performance evaluations are rarely completed for Public Defender's Office staff other than support staff. Managers and staff both report that evaluations are used only for purposes such as support for a promotion rather than identifying ways to improve performance. The Chief Deputy Public Defender has prepared a performance evaluation form for the misdemeanor attorneys and indicates he plans to evaluate the attorneys annually but has not begun to do so.

The Office's managing attorneys and Senior Investigator report they are confident that they would know if an employee were not performing his or her job well but without specific performance standards, poor performance is difficult to document. While the managing attorneys have different styles of supervision, attorneys generally report informally to their manager about the status of their caseload, and receive feedback informally through one-on-one discussions with the manager. Managing attorneys indicate that they see their role as being an advisor/coach to the attorneys and emphasize "management by walking around."

Performance measures for the Office's Investigators have also not been established and staff Investigators rarely receive performance evaluations. The Senior Investigator reports that his primary performance standard is that no more than two weeks should pass on an investigation without some activity occurring. The Senior Investigator will speak to the appropriate Investigator if this is not the case.

To address the effects of disproportionately trained staff and the Office's performance standard limitations, the Public Defender should create a comprehensive orientation and training program for all staff, provide a structured ongoing training program for support staff, and create performance standards for all staff. These standards should be codified in performance standards in the Office's Policies and Procedures Manual and include job-specific standards and Office-wide qualitative and quantitative standards consistent with Office-wide goals, as well as timetables for evaluation. Training and performance goals should be set for staff and reviewed during annual evaluations with supervisors.

Conclusions

Because managing attorneys allocate much of their time to representing clients in court and

providing case-specific guidance, larger management issues and Office shortcomings are not a focus of the Public Defender's Office management team. A key indicator that this is a problem is that the Office has not developed useful and accurate management reports. Without such reports, management is unable to quickly and systematically monitor Office-wide performance to determine whether staff workload is equitably distributed, why cases are being continued, how long staff are taking to dispose of cases, and other factors, without talking to each staff member individually or tabulating information manually. Other indicators are the absence of formal communications between managers and staff, the absence of a formal staff orientation and limited training and performance evaluations. Public Defender management therefore needs to improve its management information reporting and communication with staff and be freed of some of its supervisory duties, the latter of which can be accomplished by managers delegating some of their current responsibilities to lower level staff.

The Office has the potential to make more effective use of its current staff by redirecting the Chief Deputy Public Defender from his present caseload assignment in compliance courts to providing representation in more high level trial cases and providing backup to staff attorneys as needed. Consistent with her job duties, the Office's Administrative Services Office could be delegated responsibility for collecting data and producing regular management reports.

Recommendations

The Public Defender should:

- 1.1 Redistribute responsibility for managing attorneys so that the Assistant Public Defender is responsible for felony attorneys, including Early Case Resolution Court (ECR), a total of 13 line attorney positions as well as the Chief Deputy Public Defender, the Senior Investigator and the ASO, and the Chief Deputy Public Defender is responsible for misdemeanor attorneys, juvenile attorneys, and law clerks, a total of 13.5 positions.
- 1.2 Relieve the Chief Deputy Public Defender of responsibility for representing clients in the treatment courts and replace him with a senior Deputy Public Defender. This will allow the Chief Deputy Public Defender to proactively manage attorney assignments, assist in planning Office operations and represent clients in more complex trials and in case of absence of a Deputy Public Defender.
- 1.3 Provide the senior Deputy Public Defender in the Juvenile Division a differential to compensate him or her for serving as lead attorney. Specific duties should include case assignment and monitoring courtroom attorney coverage.
- 1.4 Assign the Office's Administrative Services Officer responsibility for developing and implementing systematic collection and analysis of management information, and training Office employees in their content and implementation.
- 1.5 Develop policy and procedure manuals for felony and juvenile cases and for the Office as a whole. Post the manuals on the shared drive so that they can be easily accessed by staff, and provide training as needed on the content.
- 1.6 Develop an Office-specific orientation and training program for all staff. The program

should include training to prepare misdemeanor attorneys to assume responsibility for felony assignments, and monthly training for all staff.

- 1.7 Set meaningful qualitative and quantitative job-specific standards, training and performance goals for staff and hold staff accountable to the performance standards and measures during annual performance evaluations. Include individual performance standards in the Policies and Procedures Manual.

Costs and Benefits

Reorganizing the reporting structure for the managing attorneys to equalize the number of reporting attorneys will incur no costs. The cost of providing a senior attorney in the juvenile division with a differential of 5% to compensate him or her for lead duties is estimated at \$6,830 annually.¹⁰ Developing and implementing systematic management analysis tools will require some of the Administrative Services Officer's and other management staff time.

Taken together, these recommendations will allow managing attorneys to perform necessary management duties such as a) assessing staffing needs, b) conducting staff meetings, c) providing training, d) conducting performance evaluations, e) developing and notifying staff of new and modified policies and f) serving in court when attorneys are absent due to trials in other departments or staff absences. Key benefits include efficiency and uniformity in operations; standardized management information to monitor work processes, track trends, and anticipate resources required to perform essential functions; employees prepared to work in a wider range of courts; specific standards against which managers and staff can confidently measure performance; and improved employee morale. An estimated cost avoidance of \$54,222 will be incurred as a result of staffing treatment courts with a senior Deputy Public Defender only when needed rather than at all times with the Chief Deputy Public Defender.

¹⁰ Assumes highest Deputy Public Defender IV salary step plus 5%.

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- Budgeted staffing in the Public Defender's Office has declined overall by 13 percent over the last three fiscal years, with the majority of reductions absorbed by attorney staff. Reported caseload has also declined during that period. Some modifications have been made to adjust caseload to the lower staff levels, primarily the Public Defender's Office's withdrawal from one misdemeanor court room and replacement by private Alternate Defender staffing.
- Credible assessments of staffing needs relative to caseload cannot be made at present due to the absence of reliable, verifiable caseload data. Case types are not clearly defined and counted, and, the Office's data does not reconcile with information in the County's Integrated Justice System, in the County budget or reported by the State. Differences in these figures result in significantly different conclusions about needed Office attorney staffing levels.
- Recognizing these limitations, the Office's available data indicates that per attorney case assignments are high for misdemeanor attorneys compared to both national professional standards and peer public defender office practices, while felony attorney case assignments are lower than national standards and within range of peer offices. Juvenile attorney caseload appears higher than national standards though the Office's juvenile caseload data is also problematic.
- The caseload imbalance between felony and misdemeanor attorneys is caused to some extent by the Public Defender's Office practice of assigning two attorneys to each courtroom other than Early Case Resolution court (ECR) regardless of the number or seriousness of cases in those courtrooms. This practice also hinders staff attorneys' ability to efficiently handle their cases since Court policy is to assign trials to any available courtroom regardless of where the cases are first assigned.
- Available caseload data indicates that additional staff is warranted for misdemeanor cases. This could be accomplished through a reallocation of some felony attorneys to misdemeanor cases and, possibly, the addition of new staff attorney positions. However, decisions on these increases should be deferred until the Office can track and report several months' worth of reliable, verifiable caseload data. Further, by assigning felony cases not settled in ECR to staff attorneys based on an equitably weighted caseload distribution, staff could be more efficiently utilized.

Recent Decline in Public Defender Staffing

The Sonoma County Fiscal Year (FY) 2011-12 approved budget includes 47 permanent positions and three extra help positions for the Public Defender's Office, as shown in Exhibit 2.1. This

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total is seven positions fewer than the Public Defender's Office's total staffing in FY 2009-10, representing a 13 percent decrease over the three-year period.

As shown in Exhibit 2.1, attorney positions represented five of the seven total departmental reductions during the three year period, resulting in an staff attorney reduction of 15.6 percent.

| Exhibit 2.1 | | | | | |
|--|-------------|-------------|-------------|----------------------|--------------------------|
| Public Defender's Office Final Budgeted Staffing* | | | | | |
| FY 2009-10 – FY 2011-12 | | | | | |
| | FY10 | FY11 | FY12 | 3 Year Change | 3 Year Change (%) |
| Public Defender | 1 | 1 | 1 | 0 | 0.0% |
| Assistant Public Defender | 1 | 1 | 1 | 0 | 0.0% |
| Chief Deputy Public Defender | 3 | 3 | 1 | -2 | -66.7% |
| Deputy Public Defender IV | 14 | 15 | 16 | 2 | 14.3% |
| Deputy Public Defender III | 13 | 10 | 8 | -5 | -38.5% |
| Attorneys Subtotal | 32 | 30 | 27 | -5 | -15.6% |
| Sr Pub Defender Investigator | 1 | 1 | 1 | 0 | 0.0% |
| Pub Def Investigator II Adv Po | 1 | 1 | 1 | 0 | 0.0% |
| Pub Def Investigator II | 6 | 6 | 5 | -1 | -16.7% |
| Pub Def Investigator I | 1 | 1 | 1 | 0 | 0.0% |
| Investigators Subtotal | 9 | 9 | 8 | -1 | -11.1% |
| Admin Services Officer I | 1 | 1 | 1 | 0 | 0.0% |
| Legal Staff Supervisor | 1 | 1 | 1 | 0 | 0.0% |
| Legal Secretary II | 6 | 6 | 6 | 0 | 0.0% |
| Legal Processor II | 4 | 4 | 4 | 0 | 0.0% |
| Office Assistant II | 1 | 0 | 0 | -1 | -100.0% |
| Administrative Support Subtotal | 13 | 12 | 12 | -1 | -7.7% |
| Total Permanent Positions | 54 | 51 | 47 | -7 | -13.0% |
| Extra Help (Law Clerks) | 3 | 3 | 3 | 0 | 0.0% |

Source: Sonoma County Final Budgets, Fiscal Years 2009-10, 2010-11, 2011-12.

*Note: The actual number of staff attorneys exceeded the budgeted amount in FYs 2010-11 and 2011-12 due to the Office enhancing its staff with Extra Help positions funded by salary and other savings realized during those years.

Concurrent with the attorney staff reduction from FY 2010-11 to FY 2011-12, the Public Defender's Office declared inability to provide sufficient coverage in all misdemeanor courtrooms. As discussed in more detail in Section 3, Misdemeanor Alternate Defender Staffing, the County subsequently amended its agreement with its Conflict Administrator, who manages the provision of private attorneys for the Court in cases where the Public Defenders' Office has a conflict of interest, to establish ongoing private Alternate Defender staffing in one misdemeanor courtroom. Investigator staff and administrative support staff each lost one

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authorized position during the three year period. The remainder of this section focuses on attorney staffing and caseload.

Though Office caseload data has limitations, it shows that misdemeanor caseload per attorney is high compared to national standards and peer offices while felony caseload per attorney is similar to peer offices though below national standards

Based on caseload data compiled and interpreted by the Public Defender's Office, Exhibit 2.2 summarizes the average number of new cases assigned to misdemeanor and felony attorneys in FY 2010-11. It should be noted that the caseload data used has limitations, as described further below. Specifically, Office management reclassified 511 cases previously reported as misdemeanors after reviewing a draft version of this report. Assuming the reclassification is correct, felony attorneys on average had 138 new case assignments during the year, while misdemeanor attorneys had on average 932 new case assignments during the year. It is not clear from Office records how many of these 511 cases start as felonies and are reclassified and processed as misdemeanors and how many remain felonies. Were the 511 domestic violence cases counted as misdemeanors, the average number of felony cases per attorney per year would be reduced to 104.

| Exhibit 2.2 Public Defender's Office Felony and Misdemeanor Attorney Case Assignments FY 2010-11 | | | |
|---|-----------------------------|------------------|-----------------------------------|
| | New Cases Opened | Attorneys | New Cases Per Attorney |
| Felony | 2,051 | 14.85 | 138 |
| Misdemeanor | 9,132 | 9.8 | 932 |

Source: Sonoma County Office of the Public Defender.

Caseload Data Accuracy cannot be Validated

The validity of the Office's caseload data could not be verified during this management review. Cases are counted manually by Office staff, without any quality control checks, and do not have clear or consistently used definitions of case types. For example, Office staff was uncertain if the 511 cases recorded as domestic violence cases in FY 2010-11 were felonies or misdemeanors. Though finally concluding the 511 represented cases filed as felonies (though possibly reduced to misdemeanors after filing), the Office could not report the number of domestic violence misdemeanor cases for which they provided representation in the same year. In another example, Office statistics reported 435 new juvenile cases in FY 2010-11 but,

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upon review by Office staff, this number was revised upward to 1,307 cases, or three times as many as originally reported, due to differences in how juvenile cases are recorded.

Another problem with the Office's caseload data is that it does not reconcile with data reported in the County's Integrated Justice System (IJS) or the County's budget document. Numerous reports were generated by the County's Information Systems Department using data from the Integrated Justice System (IJS) during this management review but the caseload totals were discrepant from those kept by the Office. This appears to reflect problems or inconsistencies with both the Office's and the Superior Court's methods of recording caseload data.

Exhibit 2.3 presents caseload discrepancies between these sources for Fiscal Year (FY) 2010-11.

| Exhibit 2.3 | | | | | |
|--|------------------------|---------------|---------------|-------------------------|---------------------------|
| Discrepancies in Public Defender's Case Filing Data | | | | | |
| between Different County Sources | | | | | |
| FY 2010-11 | | | | | |
| Case Type | IJS¹ | Office | Budget | Maximum Variance | Maximum % Variance |
| Felonies | 1,850 ¹ | 2,051 | 1,671 | 901 | 23% |
| Misdemeanors | 9,875 | 9,132 | 10,162 | 1,030 | 11% |

Sources: Public Defender's Office, Integrated Justice System, Sonoma County Recommended FY 2012-13 Budget

¹ IJS count is on the basis of defendants.

These significant variances in reported caseload result in very different conclusions about the potential need for several positions when compared to caseload standards and practices in other public defender offices. The 901 felony case variance, for example, represents either an Office staffing deficit or excess of approximately six attorney positions, applying the national standard of 150 cases per attorney per year to 901 cases ($901/150=6$).

Comparison to Other Counties

As described in the Introduction of this report, this management review team conducted a survey of Public Defender's Offices in six California counties determined to be comparable to Sonoma County based on population, demographics and other considerations. Telephone interviews were conducted and caseload and staffing information was collected directly from each Public Defender's Office.

In compiling the staffing information presented in Exhibits 2.4 and 2.5, every effort was made to ensure consistency and accuracy of information while also accounting for the particular circumstances present in each jurisdiction. Each of the offices shown for comparison purposes operate under different structures, offer different combinations of services, and contend with unique circumstances related to prevailing District Attorney and Court practices. However, through our interview process and requested verification of data provided from each office, we

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are confident that caseload and staffing data presented for the six counties is comparable to that of the Sonoma County Public Defender's Office.

Misdemeanor Case Assignments

Compared to the six counties selected for review, Sonoma County's Public Defender's Office had the second highest number of new misdemeanor cases per attorney in FY 2010-11, as shown in Exhibit 2.4. At 932 new misdemeanors cases per attorney, Sonoma was 249 cases, or 36 percent, higher than the median of the other six counties. This heavy caseload is consistent with conditions reported by Sonoma County misdemeanor staff attorneys interviewed during the course of this management review, who conveyed that they are overwhelmed with the volume of clients they are required to represent. This comparison though is based on the Office's reported caseload data, with its limitations discussed above.

| Exhibit 2.4 | | | |
|--|------------------------------|-----------------------|------------------------------------|
| Comparison of Peer Public Defender's Offices | | | |
| Attorney Staffing and New Case Assignments FY 2010-11 | | | |
| Misdemeanor | | | |
| | New Misdemeanor Cases Opened | Misdemeanor Attorneys | New Misdemeanor Cases per Attorney |
| Santa Barbara | 9,713 | 9.0 | 1,079 |
| Monterey | 5,571 | 6.0 | 929 |
| Stanislaus* | 4,001 | 5.0 | 800 |
| Solano** | 4,525 | 8.0 | 566 |
| San Joaquin | 1,340 | 3.0 | 447 |
| Napa | 1,256 | 3.0 | 419 |
| <i>Median</i> | | | 683 |
| Sonoma | 9,132 | 9.8 | 932 |

Source: Public Defender's Offices in each survey county self-reported data.

*Stanislaus attorneys work a mix of felony and misdemeanor cases. This figure is based on an estimate of the use of attorney time.

**Solano County figures represent Calendar Year 2011.

Felony Case Assignments

Using the Office's caseload data and, again, assuming that the 511 domestic violence cases that the Office has identified are appropriately counted as felonies, the number of new felony cases per attorney was near the midpoint of all the counties selected for comparison in FY 2010-11, as shown in Exhibit 2.5. At 138 new felony cases per attorney, Sonoma was just above the median of 133 felony cases per attorney in the other six counties. However, this does not reflect the sentiment expressed by Sonoma County felony attorneys interviewed during the

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course of this management review. During focus groups, felony attorneys described heavy caseloads, constant court scheduling conflicts, particularly for felony trial attorneys, and the clear sense that they are stretching to meet the demands of client work. In particular, felony trial attorneys stated that the Court's scheduling process combined with their need to attend proceedings in a "home" courtroom, posed substantial challenges to their ability to efficiently and effectively manage their caseloads.

The general policy of the Public Defender's Office is to provide "vertical representation" to clients whose cases proceed beyond Early Case Resolution court (ECR) by having one attorney assigned to all aspects of each client's case. Consistent with this approach, the Public Defender's Office assigns two attorneys to each department, or courtroom, with the idea that they will be able to handle all matters for all cases assigned to that department. Dedicated Public Defender staff in a courtroom is useful for high volume courtrooms such as the felony Early Case Resolution court (ECR) and Misdemeanor arraignments where the calendars move quickly and one attorney can take the next case on the calendar while another staff attorney is conducting interviews or negotiating a settlement on another case. The attorney assignment practice does not work as well for felony trial attorneys and courtrooms since all stages of every trial case do not necessarily occur in the same courtroom.

Although the Court has a published hearing schedule and formally uses a direct calendaring process, the felony judges meet each week and, if needed, divide up cases to ensure they are equitably distributed between courtrooms. Some cases remain in their original department, others are reassigned to courtrooms with gaps in their schedules, in the interest of efficiently using their bench officers and courtrooms. As a result, felony case vertical representation results in the Office's staff attorneys needing to make appearances in multiple courtrooms; trying cases in various courtrooms and handling preliminary hearings, settlement conferences, and other matters in their home courtroom.

During the course of this management review, two felony attorneys were each assigned to major trials in courtrooms other than their assigned courtroom, leaving multi-week gaps in their original courtrooms. The efficiency that is lost by the movement of felony attorneys between courtrooms, the assignment of two attorneys to each felony trial courtroom, and subsequent efforts to find substitute coverage may partially explain the discrepancy between the felony caseload figures and the felony attorneys' reported difficulty in meeting demands on their time.

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| Exhibit 2.5 | | | |
|--|----------------------------|---------------------|----------------------------------|
| Comparison of Peer Public Defender's Offices | | | |
| Attorney Staffing and New Felony Case Assignments | | | |
| FY 2010-11 | | | |
| | New Felony Cases Opened | Felony Attorneys | New Felony Cases per Attorney |
| Stanislaus* | 3,995 | 14.0 | 285 |
| Monterey | 2,619 | 14.0 | 187 |
| Santa Barbara | 2,361 | 17.0 | 139 |
| San Joaquin | 3,134 | 24.5 | 128 |
| Solano** | 2,295 | 18.0 | 128 |
| Napa | 985 | 8.0 | 123 |
| <i>Median</i> | | | <i>133</i> |
| Sonoma | 2,051 | 14.85 | 138 |

Source: Public Defender's Offices in each survey county self-reported data.

*Stanislaus attorneys work a mix of felony and misdemeanor cases. This figure is based on an estimate of the use of attorney time.

**Solano County figures represent Calendar Year 2011.

Juvenile Case Assignments

Significant caseload data problems were also found for the Office's juvenile caseload. The Public Defender's Office's reports 1,307 new juvenile cases for FY 2010-11. This is inconsistent with their internal tracking documentation which showed 435 new juvenile cases for that year and 1,894 re-opened cases for a total of 2,329 cases, figures that were also presented as the Office's juvenile caseload in the County's FY 2012-13 recommended budget¹. This inconsistency may be explained by differences in the way juvenile cases are counted, in that any new filings for a juvenile who already has a case are counted as re-opened, rather than new cases. This is unlike adult caseload counts, in which multiple cases for the same defendant are counted as new cases and re-opened cases consist mostly of probation violations. The Office's method of counting juvenile probation violations among re-opened cases vs. new filings for an existing juvenile client needs to be clarified so that an accurate count of cases filed for new defendants, new cases filed for defendants with other cases, and probation violations are clearly distinguished.

There are four staff attorneys assigned to juvenile cases and, depending on which annual caseload number is used, they were each responsible for between 109-582 cases in FY 2010-11. The 109 cases each assumes 435 total new juvenile cases per year, as originally reported by the Office. 582 cases per attorney assumes 2,329 cases per year, as reported in the County budget, and comprised of 435 new and 1,894 re-opened cases per year. The Office's revised reported

¹ The Public Defender's Office is the source of caseload data presented in the County's budget.

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juvenile caseload of 1,307 cases per year would result in 327 cases per attorney. The national standard for juvenile cases is 200 each², so the accuracy of the caseload count is critical for determining the appropriateness of the Office's staffing levels for juvenile cases and the current level of variability in reported caseload does not allow for a reasonable determination of staffing need.

The 1,307 juvenile cases reported by the Office were derived from the number of juvenile petitions recorded by the District Attorney. However, they are inconsistent with caseload statistics reported by the County to the State Administrative Office of the Courts (AOC)³. Those statistics indicate that in FY 2009-10 (the most recent year for which information is available) Sonoma County as a whole had a total of 1,147 juvenile filings including 916 original and 231 subsequent filings⁴. However, these figures reflect all juvenile defendants, including those that were represented by conflict counsel and private attorneys. The Public Defender's Office juvenile caseload count thus exceeds the Countywide total reported by the AOC. The Office reports that the Administrative Office of the Courts data is not accurate.

According to the caseload statistics maintained by the County's Conflict Administrator, the Conflict Administrator received 537 new cases in FY 2009-10. Subtracting these 537 cases from the AOC total leaves approximately 610 cases remaining for representation by the Public Defender's Office, assuming only a small number of juvenile defendants acquired private representation. This would yield an average of 152 new assignments per juvenile attorney, or approximately 25 percent less than the national standard. As with adult caseload data, the discrepancies and lack of clarity about juvenile caseload data needs resolution.

Overall Disparity in Case Assignments

Regardless of caseload data limitations, the Public Defender's Office's misdemeanor caseload appear aberrant compared to the median of peer counties and national standards for public defender caseloads. According to these guidelines⁵, misdemeanor caseloads should not exceed 400 cases per year, felony attorney caseloads should not exceed 150 cases per year, and juvenile attorneys should not exceed 200 cases per year. By this measure, Sonoma County's misdemeanor staff attorneys are representing more than twice as many clients as is recommended, whichever existing caseload numbers are used, while the felony staff attorneys are representing fewer clients than the standard would dictate, and juvenile staff attorneys are representing more clients than the standard.

It should be noted that it is common for public defender offices to be at variance with these national standards. For example, misdemeanor caseloads per attorney in the six jurisdictions

² American Council of Chief Defenders *Statement on Caseloads and Workloads*, August 24, 2007.

³ 2011 Court Statistics Report: Statewide Caseload Trends 2000-2001 through 2009-2010, Judicial Council of California, Administrative Office of the Courts, 2011.

⁴ Ibid, Appendix E, Table 11a. The AOC states that a subsequent petition "adds allegations against a minor child who is already subject to the court's jurisdiction."

⁵ American Council of Chief Defenders *Statement on Caseloads and Workloads*, August 24, 2007.

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surveyed for this management review are all higher than the 400 cases/attorney standard. Felony caseloads per attorney are higher than the 150 standard in two of the six counties surveyed, though lower in the other four counties. These standards represent averages from which variances continuously occur as the number of case filings changes.

Determining Appropriate Staffing Based on Standards

In order to address the imbalance in attorney caseloads, the Public Defender's Office and the County should consider reallocating existing attorney staff. While the exact number of reallocated attorneys should be determined by the Public Defender based on reliable caseload statistics and considering court scheduling processes, the reallocation should generally distribute more attorneys to the misdemeanor cases, drawing from the current felony attorney staff and, possibly, juvenile attorney staff, depending on identification of reliable caseload numbers. The key factor in assigning staff is what caseload standards should be used for key case categories. The Office and County should come to agreement on such standards for each major classification of cases.

Felony Staffing Adjustment Alternatives

If the national standard of 150 cases per felony attorney per year were applied to 2,051 new felony cases reported as opened by the Sonoma County Public Defender's Office in FY 2010-11, the Office would require approximately 13.7 felony attorneys, or 1.2 full-time position equivalent (FTE) less than the current 14.85 assigned. If the median of 133 new cases in peer counties were instead applied, the Office would require approximately 15.4 felony attorneys assuming the Office's reported felony caseload, or .6 more than the 14.85 attorney position equivalents currently assigned. These figures are shown in Exhibit 2.6 below.

Misdemeanor Staffing Adjustment Alternatives

If the standard of 400 cases per misdemeanor attorney per year were applied to the 9,132 number of new misdemeanor cases reported as opened in the Sonoma County Public Defender's Office in FY 2010-11, the Office would require approximately 22.8 misdemeanor attorneys, or an increase of approximately 13 positions. However, misdemeanor assignments exceed the 400 standard in all of the survey jurisdictions, with the median number of new misdemeanor cases handled per attorney equaling 683. If the peer county median of 683 new cases per misdemeanor attorney were applied, the Office would require 13.4 misdemeanor attorneys, or approximately 3.6 more than the 9.8 currently allocated. This analysis is summarized in Exhibit 2.6 below.

Juvenile Staffing Adjustment

If the national standard of 200 cases per juvenile attorney per year were applied to the 1,307 cases reported as new cases by the Office in FY 2010-11, the Office would require approximately 6.5 juvenile attorneys, or 2.5 more than present staffing. However, as discussed

2. Public Defender's Office Staffing and Caseload

above, the Public Defender's Office's caseload statistics for juvenile attorneys need to be clarified before any decisions are made regarding changes in juvenile staffing levels. The significant discrepancies in the available juvenile caseload figures make it impossible to recommend a different juvenile attorney staffing level at this time.

Hybrid Approach to Determine Attorney Staffing

While the County could choose to adopt national caseload standards or caseloads found in other comparable public defender offices, two other options should be considered. One option is to apply a hybrid of national standards and peer county caseloads to Sonoma County. A second option is for the County to develop its own standards based on actual staff time allocations, by type of case, incurred by current staff. This is not recommended at this time, however, as it would require that staff keep detailed records of their time by case for several weeks or months to develop a database of average attorney time per case, by type of case.

Exhibit 2.6 presents the staffing impact of applying national standards, peer county medians and a hybrid of the two on the Public Defender's Office felony and misdemeanor staffing. Juvenile case staffing is not included in this analysis due to the uncertainty of the Office's caseload data regarding juveniles.

The rationale behind using a hybrid approach includes consideration of the County's fiscal situation and the fact that three of the surveyed peer public defender offices report higher felony caseloads per attorney than Sonoma County⁶, indicating that Sonoma County could apply the national standard and still be within an acceptable range of other counties. For misdemeanors, however, all of the six surveyed public defender offices were found to have higher misdemeanor caseloads than the national standard of 400, with a median caseload of 683 misdemeanor cases per attorney. On that basis, we conclude that it is not reasonable for Sonoma County to meet the national standard for misdemeanors, but it would be an improvement to at least achieve the median misdemeanor caseload found in other counties.

Applying the national caseload standard of 150 cases per attorney for felonies and 683 cases per attorney for misdemeanors would result in a net need for 2.5 additional misdemeanor staff attorneys after reallocating the equivalent of 1.15 current felony attorneys to misdemeanor cases. This assumes that one existing full-time felony attorney would be reassigned to misdemeanor cases and that other felony attorneys would take on some misdemeanor trial cases, as needed.

Given the lack of reliable, credible caseload data for the Public Defender's Office, decisions about transferring or adding attorney positions should not be made at this time. Rather, the Public Defender's Office should first reach an agreement with the County Administrator's Office about target caseload standards for the Office. Then, Office staff should develop methods for collecting credible, verifiable, clearly defined caseload data that reconciles with IJS records.

⁶ Two peer counties, Stanislaus and Monterey, exceed the national standard of 150 felony cases per attorney per year.

2. Public Defender's Office Staffing and Caseload

After such numbers have been collected for a period of six months, they should be presented to the County Administrator for review and determination of whether additional positions are justified.

| Exhibit 2.6 | | | | | |
|---|----------------------------------|------------------------------|---|--------------------------------------|--|
| Misdemeanor and Felony Attorneys Needed | | | | | |
| in Sonoma County based on Three Alternative Approaches | | | | | |
| | A | B | C | D | E |
| | New Cases Opened FY11 | Standard/ Average | Number of Attorneys Needed (A/B) | Number of Attorneys FY 11 | Additional Positions Needed (C-D) |
| National Standards | | | | | |
| Misdemeanor | 9,132 | 400 | 22.8 | 9.8 | 13.0 |
| Felony | 2,051 | 150 | <u>13.7</u> | <u>14.85</u> | <u>(1.2)</u> |
| Total | | | 36.5 | 24.7 | 11.9 |
| Peer County Practices | | | | | |
| Misdemeanor | 9,132 | 683 | 13.4 | 9.8 | 3.6 |
| Felony | 2,051 | 133 | <u>15.4</u> | <u>14.85</u> | <u>0.6</u> |
| Total | | | 28.8 | 24.7 | 4.2 |
| Hybrid Approach ¹ | | | | | |
| Misdemeanor | 9,132 | 683 | 13.4 | 9.8 | 3.6 |
| Felony | 2,051 | 150 | <u>13.7</u> | <u>14.85</u> | <u>(1.2)</u> |
| Net Total | | | 27.0 | 24.7 | 2.5 |

Sources: American Council of Chief Defenders standards; Caseload data provided by survey Public Defender's Offices; Sonoma County Office of the Public Defender.

¹ Hybrid assumes use of the national standard (150 cases per attorney) for felonies and the peer county median for misdemeanors (683 cases per attorney).

*The Public Defender's Office enhanced its authorized attorney staffing in FYs 2010-11 and 2011-12 with Extra Help positions, paid for with savings from reductions in budgeted salary and other Public Defender's Office costs. The analysis above includes attorney positions filled by Extra Help staff.

It should be noted that the potential additional staff need is calculated based on caseload and attorney staffing in FY 2010-11, the most recent full year for which data is available. While the number of attorneys was reduced by two positions in FY 2011-12 and replaced by the contract Alternate Defenders who have provided representation in one misdemeanor courtroom in most of FY 2011-12, the FY 2010-11 attorney staffing level would be restored if recommendations contained in Section 3 of this management review report are implemented. Therefore, the staffing analysis is based on FY 2010-11 caseload and staffing. Since year-to-date FY 2011-12 caseload statistics are lower than the two most recent fiscal years and full year projections point to overall lower caseloads, the management review team believes that the analysis summarized in Exhibit 2.6 allows for ample attorney staffing, consistent with peer county practices.

2. Public Defender's Office Staffing and Caseload

In order to effectively achieve this reallocation of attorney staff among felony, misdemeanor and juvenile cases and to reduce court scheduling conflicts for felony cases, the Public Defender's Office will need to change the way it assigns attorney staff. Working within the context of the Superior Court's prevailing practice of scheduling trials in courtrooms other than where a case is originally assigned, a more efficient process for the Public Defender's Office would be to decouple attorneys from specific courtroom assignments except for those assigned to ECR and for misdemeanor arraignments. . This could represent a departure from the Office's commitment to "vertical" representation, but with its incorporation of the Early Case Resolution courtroom (ECR), the Office is already operating under a "semi-vertical" model.

In addition, the Public Defender's Office would need to ensure that any reallocated felony attorneys are properly trained to represent clients in the misdemeanor courtrooms. Since most attorneys begin their attorney careers representing misdemeanor clients, the amount of new training should be minimal.

The possible addition of 2.5 new permanent attorney positions, as presented in Exhibit 2.6, assuming the Office's reported caseload is proven accurate and verified after several months of new caseload data collection, represents a potential new cost to the County of approximately \$302,008 per year.⁷

Use of Extra Help Positions

The Public Defender's Office has been regularly supplementing their permanent attorney positions over the last two fiscal years with positions hired as Extra Help. For example, while this management review was underway, one such position was in place for misdemeanor cases. All positions working for the Office at the time this management review was conducted were included in this staffing analysis, without distinguishing between permanent and extra help status. Any new positions that should be filled, once a reliable caseload count is established and verified, should be filled consistent with County policy regarding the use of Extra Help staff. This could mean converting one or more positions filled by Extra Help employees to permanent full-time positions.

Based on the Public Defender's Office's FY 2010-11 reported caseload, staffing and number of authorized positions in FY 2012-13, the Office could end up converting approximately 1.5 attorney positions from Extra Help to permanent status. The primary cost differential for such a conversion would be the net change resulting from increases in salary and benefits costs associated with new permanent employees, potentially partially offset by an increase in salary savings (since salary savings was a source of funding for Extra Help positions in the last two fiscal years).

⁷ Based on a starting salary and benefits of \$120,803 for a Deputy Public Defender | x 2.5 positions = \$302,008.

Reliable Caseload Data is Needed

To address the problems with current caseload data discussed above, the Office should begin monthly collection and reporting of the following data, to be either downloaded from or reconciled with data recorded in IJS.

Number of Misdemeanor Case Openings and Closings

For all closed cases in the reporting period, the following should be reported:

- Separate counts of cases now counted as collaborative court cases (DUI, Domestic Violence, Drug Court, etc.) filed as misdemeanors.
- Number of probation violations of misdemeanor cases.
- Number of misdemeanor cases assigned to trial attorneys, including those that go to full trial.
- Number of misdemeanor cases for which conflicts of interest declared.
- Elapsed time to case disposition (measured in 30, 60, 90 and 120 day increments).

Number of Felony Case Openings and Closings

For all closed cases in the reporting period, the following should be reported:

- Number of serious felony cases (homicide, sex cases, etc.).
- Number of cases that resolve in ECR.
- Number of cases that do not resolve in ECR and are assigned to trial attorneys, including the number that go to full trial.
- Multi-defendant felony cases.
- Separate counts of cases now counted as collaborative court cases (DUI, Domestic Violence, Drug Court, etc.) filed as felonies.
- Probation violations of felony cases.
- Number of felony cases for which conflict of interest declared should be separately counted
- Elapsed time to case disposition (measured in 30, 60, 90 and 120 day increments).

Number of Juvenile Case Openings and Closings⁸

For all closed cases in the reporting period, the following should be reported:

- Number of probation violations of juvenile cases.

⁸ Cases should be counted according to a clear definitions of new cases, including those for existing clients being counted as new when new charges are brought against that individual

2. Public Defender's Office Staffing and Caseload

- Number of juvenile cases for which conflict of interest declared.
- Elapsed time to case disposition (measured in 30, 60, 90 and 120 day increments).

Number of Civil Case Openings and Filings

For all closed cases in the reporting period

- Number of conservatorship, probate and contempt cases should be separately identified.
- Elapsed time to case disposition (measured in 30, 60, 90 and 120 day increments).

If data is not downloaded directly from IJS, the Office's total count should reconcile with a total case count recorded in IJS by the Court. The data above should be used to determine caseload and cases per attorney by applying the different categories of cases to the number of assigned staff. Rather than just gross felonies per attorney, for example, serious felonies per attorney, number of felony trials per attorney and number of felonies assigned to collaborative courts should all be separately identified.

Conclusions

While all of the staff attorneys in the Public Defender's Office have demanding caseloads and challenging schedules, additional staff may be warranted for misdemeanor cases, whichever currently available caseload count is used, when compared to national standards and those of peer offices in other counties. Sonoma County's misdemeanor attorneys are representing more than twice as many clients as is recommended in national standards and more than found in five of six surveyed public defender offices in other California counties. However, felony attorneys are representing fewer clients than the national standard calls for and are only slightly above the median amount reported by peer offices. It appears that a more equitable distribution of workload could be achieved within the Office by reassigning some felony attorneys to misdemeanor cases. This would more closely align the Office with national standards and peer office public defender practices. This reallocation may require a change in the Office's practice of assigning two attorneys per courtroom for all but the ECR and misdemeanor arraignment courtrooms or a change in Court calendaring practices so all trial cases remain in their originating courtroom instead of being assigned to other courtrooms.

These conclusions are based on caseload data that was found not fully reliable or verifiable. Before the Office makes any changes in staff allocations or before the County considers adding staff to the Office, methods need to be established by the Office to collect and track clearly defined caseload data to ensure that staffing decisions are made based on credible data that can be reconciled with other sources such as data recorded in IJS. Improvements are also needed in IJS methods of recording court activity to ensure accurate caseload counts.

Reliable caseload data is also needed for juvenile cases since they are counted using different methods than adult cases. There are various caseload totals available from the Office and reported to the State. Depending on which data is used, the Office may have more or fewer juvenile attorneys than needed when compared to national standards.

Recommendations

The Public Defender should:

- 2.1. Establish protocols for recording and classifying caseload using clearly defined terms and methods that provides accurate measures of staff activity and productivity, as detailed in this management review report.
- 2.2. Work with Information Systems Department staff to ensure that case counting methods employed by the Public Defender's Office can be reconciled with those in IJS.
- 2.3. Present caseload standards to the County Administrator's Office for approval of targets to use for subsequent analysis of staffing needs.
- 2.4. Provide a monthly Office caseload report to the County Administrator's Office and, after six months of such reports, reconsider Office staffing needs based on a combination of national and/or peer county caseload practices identified in this management report.
- 2.5. Reallocate attorney staffing to more equitably distribute caseloads among felony, misdemeanor, and juvenile attorneys, consistent with national standards and peer county practices. The exact number of reallocated attorneys should be determined by the Public Defender based on the most current caseload statistics and court scheduling processes, but with the goal of reducing the number of misdemeanor cases per attorney.
- 2.6. To the extent new permanent attorney positions are determined to be justified after the Office and County have collected and verified several months' worth of reliable caseload data, fill such positions consistent with County policy regarding using permanent positions in lieu of Extra Help positions if ongoing permanent staff is needed.
- 2.7. Collaborate with the Superior Court on the development and consideration of alternatives to current Court calendaring practices, including: a) hearing all trials in their originating courtrooms to allow for vertical Public Defender's Office representation with minimal schedule conflicts; and/or, b) having Public Defender's Office management assign felony trial cases to staff based on achieving an equitable caseload distribution rather than each attorney being assigned all felony trial cases from their home courtroom.

Costs and Benefits

By implementing these recommendations, the Public Defender's Office could greatly improve the availability of accurate data for management use and would facilitate achievement of a more equitable workload distribution among the felony, misdemeanor and juvenile attorneys. The analysis conducted for this management review showed that 2.5 new positions may be warranted if the Public Defender's Office's currently reported caseload proves to be accurate and verifiable. In such a scenario, the County would incur new annual salary and benefits costs of approximately \$302,008 for 2.5 new Deputy Public Defender I positions. These costs could increase each year as the positions advance to higher steps in their compensation schedule (though such increases could be at least partially offset by staff turnover, with terminating positions replaced by entry level positions at lower cost). To the extent that the caseload data demonstrates that any staff attorney positions now filled by Extra Help are needed on a permanent basis, and would thus be replaced by permanent positions consistent with County policy, the County could incur incremental costs for benefits and any salary differentials for such positions.

3. Misdemeanor Alternate Defender Staffing

- Beginning in September of 2011, the Public Defender's Office discontinued providing staff to one misdemeanor courtroom (Department 6) due to insufficient staff. At that time, the County's agreement with the Conflict Administrator, a private attorney who coordinates the provision of private attorneys for cases where the Public Defender's Office has a conflict of interest, was amended to establish that sub-contractor private attorneys under his supervision would provide full-time Alternate Defense in Department 6. The annual cost of the Alternate Defense attorneys for Fiscal Year 2011-12 is projected to be \$463,680, based on actual cost for the first six months of the arrangement.
- However, the annual cost of two Deputy Public Defenders at the entry level would be \$241,605, including salaries and benefits, or \$222,075 less than the current estimated annual cost of \$463,680 for utilizing private Alternate Defender attorneys. Even if the Public Defender's Office were to use two Deputy Public Defender IVs, the highest level in the series, at top salary step for this court department, the costs would be approximately \$45,678 less than the estimated annual \$463,680 cost of using private Alternate Defender attorneys.
- The County should terminate the Addendum with the Conflict Administrator to provide Alternate Defense in Department 6 and hire two Deputy Public Defenders to provide representation in Department 6. In addition to the \$222,075 in annual savings that would be achieved by implementing this recommendation, the Public Defender's Office would benefit by having two additional attorneys that could be deployed more flexibly than the Addendum allows the private attorneys to be deployed.

Current Authorized Attorney Staff Determined to be Insufficient for Complete Misdemeanor Representation

In response to its inability to provide sufficient coverage of all misdemeanor court rooms with existing attorney staff, the Public Defender's Office has over time utilized private attorneys to provide representation for misdemeanor clients. Known as Alternate Defense, this service was in the past provided through the County's existing agreement with the Conflict Administrator, a private attorney who coordinates a group of several other private attorneys to provide representation to defendants with whom the Public Defender's Office has a conflict of interest.

In 2011, the reduction of three attorney positions from Public Defender's Office's budget and resulting use of Alternate Defender attorneys was determined to be substantial enough to warrant a more formal agreement with the Conflict Administrator. The County and the Conflict Administrator established an addendum to amend the original agreement to delineate the

3. Misdemeanor Alternate Defender Staffing

Conflict Counsel group as the full-time Alternate Defender in Department Two, a misdemeanor courtroom, beginning on September 23, 2011¹.

The Addendum provides a pricing and payment framework per case, does not include a maximum annual payment amount, and stipulates that either party may terminate the Addendum with 30-days written notice.

Cost of Alternate Defenders Exceeds Cost of Deputy Public Defenders

Cost of Alternate Defenders

As shown in Exhibit 3.1, the total amount charged for Alternate Defender services from the commencement of the Addendum on September 23, 2011 through the February 2012, the most recent invoice period, was \$204,500. Excluding September, which was a partial month, the average monthly charge was \$38,640. Based on this average, the projected full year cost of the Alternate Defenders is \$463,680.

| Exhibit 3.1 | |
|--|-----------------------|
| Actual Cost of Alternate Defenders, September 2011 to February 2012 | |
| Service Month | Invoice Amount |
| Sep. 2011 | \$11,300 |
| Oct. 2011 | 33,600 |
| Nov. 2011 | 40,300 |
| Dec. 2012 | 26,300 |
| Jan. 2012 | 50,500 |
| Feb. 2012 | 42,500 |
| Total Sep. 2011 – Feb. 2012 Cost | 204,500 |
| Average Per Month Cost² | 38,640 |
| Projected Full Year Cost | \$463,680 |

Source: Sonoma County Counsel's Office.

¹ Although the Addendum states that Alternate Defender services provided by the Conflict Administrator would begin September 23, 2011, and the services and invoicing in fact began then, the signatures on the Addendum are dated November 11, 2011.

² According to the language of the contract Addendum, Alternate Defender work under the contract Addendum commenced on September 23, 2011, which is reflected in the lower than average invoice amount for that month. September 2011 was not included in the calculation of the monthly average.

Cost of in-House Staff Attorneys

Instead of assigning Alternate Defenders to Department 6, the County could choose to have the Public Defender’s Office once again provide attorney staff to Department 6 by hiring and assigning two County employees in the Deputy Public Defenders series. Exhibit 3.2 shows the minimum and maximum estimated cost of employing two Deputy Public Defenders in the Public Defender’s Office³. Based on the lowest step salary range and a benefit rate of 53 percent of salary, the total cost of the two Deputy Public Defender I’s would be \$241,605 per year. In subsequent years, as level I attorneys are promoted into higher level classifications, the cost of the positions will rise. The maximum cost, as shown in Exhibit 3.2, of two Deputy Public Defender IV’s at the highest salary step for the classification, would be \$418,002. Any additional costs of these two employees for materials and supplies associated with two more employees in the Office are assumed to be minimal and have not been calculated.

| Exhibit 3.2 | | | | | | |
|---|---------------------------|--------------|-----------------------------|-----------------------------|-------------|-------------------|
| Cost of Deputy Public Defenders | | | | | | |
| Minimum and Maximum Attorney Level | | | | | | |
| Level | Title | Class | Salary | Benefits⁴ | FTEs | Total Cost |
| Minimum | Deputy Public Defender I | 4051 | \$78,956 (Lowest Step) | \$41,847 | 2 | \$241,605 |
| Maximum | Deputy Public Defender IV | 4054 | \$136,602 (Highest Step) | \$72,399 | 2 | \$418,002 |

Source: Sonoma County Human Resources and County Administrator’s Office.

As shown in Exhibit 3.3, the \$463,680 annual cost of the current arrangement with the Alternate Defenders exceeds the estimated \$241,605 annual cost of employing two Deputy Public Defender I’s by \$222,075 per year. In subsequent years, as the cost of Deputy Public Defenders rises in conjunction with promotion into higher classifications and step levels, the cost savings would decline. However, even in the unlikely event that the Public Defender’s Office were to assign two Deputy Public Defender IV at their top salary step to this misdemeanor courtroom, the County employee model remains more cost effective than the Alternate Defender model. In terms of current year salary levels, the excess cost of the Alternate Defenders compared to two Deputy Public Defender IV’s is \$45,678, as shown below in Exhibit 3.3.

³ In Section 2 of this report includes recommendations to discontinue assigning staff attorneys to specific courtrooms for all but felony ECR and misdemeanor arraignments to allow for more equitable distribution of caseload. Implementation of that recommendation would not be changed by adding these two positions as their caseload is approximately equal to the 982 misdemeanor cases per attorney average for existing Public Defender’s Office staff.

⁴ Based on information provided the Sonoma County Administrator’s Office, a benefit rate of 53 percent of salary was used to calculate the cost of benefits.

| Exhibit 3.3 | | | | | |
|--|---------------------------|-------|----------------------|-----------------------------|------------------------------------|
| Cost Comparison of Alternate Defenders vs. Deputy Public Defenders Minimum and Maximum Attorney Level | | | | | |
| Level | Title | Class | Total Cost of 2 FTEs | Cost of Alternate Defenders | Excess Cost of Alternate Defenders |
| Minimum | Deputy Public Defender I | 4051 | \$241,605 | \$463,680 | \$222,075 |
| Maximum | Deputy Public Defender IV | 4054 | \$418,002 | \$463,680 | \$45,678 |

Source: Sonoma County Counsel’s Office, Human Resources, and County Administrator’s Office.

The County Should Terminate the Addendum and Hire Two Deputy Public Defenders

The Addendum to the Conflict Administrator Agreement states that either party may terminate the Addendum by giving 30-days written notice to the other party. Since the County could save an estimated \$222,075 per year by hiring County employees to provide attorney services in the Public Defender’s Office, the County should terminate the Addendum and hire two Deputy Public Defenders.

In addition to the cost savings that could be achieved by utilizing County staff instead of private attorneys, the Public Defender’s Office would also benefit by having the ability to assign the two attorneys more flexibly than the Addendum allows the private attorneys to be assigned. As discussed in Section 2 of this report, there are opportunities for increased efficiency by assigning attorney staff more flexibly. Further, two additional attorneys would provide additional resources for training, mentorship, and other office responsibilities within the Public Defender’s Office. Especially with the leadership transition currently underway and recent efforts to improve training, two additional attorney resources could contribute significantly in these areas. Non-compensation costs associated with the addition of two new attorneys would be minimal and include the cost of materials and supplies for the attorneys and the one-time cost of recruitment.

The Board of Supervisors should authorize the addition of two Deputy Public Defender I’s to the Public Defender’s Office budget and direct the Human Resources Department to commence a recruitment process for and seek to fill the positions as soon as possible. In a manner that

would allow a smooth transition and minimize disruption to existing misdemeanor case work, the County Counsel's Office should provide written notice to the Conflict Administrator initiating the termination of the Addendum.

Conclusions

The demand for misdemeanor defendant representation warrants additional attorney staffing beyond the staffing authorized in the Public Defender's Office. The County's current arrangement to secure these additional attorney services through Alternate Defenders provided by the Conflict Administrator is more costly than if the County were to hire two Deputy Public Defenders. The County should terminate the Addendum to the Conflict Administrator Agreement and hire two Deputy Public Defenders to meet the demand for attorney services. In addition to the cost savings, the Public Defender's Office would benefit by having more flexibility in staffing and more resources for other office responsibilities such as training and mentorship.

Recommendations

The Board of Supervisors should:

- 3.1 Authorize the addition of two Deputy Public Defender I's to the Office of the Public Defender and direct the Human Resources Department to fill the positions as soon as possible.
- 3.2 Direct the County Administrator's Office to terminate the Addendum to the agreement between the County and the Conflict Administrator by providing at least 30 days written notice to the Conflict Administrator. The transition should be carried out in a manner that minimizes the disruption to existing misdemeanor case work.

Costs and Benefits

By implementing these recommendations, the County could save \$222,075 per year as compared to the cost of continuing the current arrangement with private Alternate Defenders. In addition, the Public Defender's Office would benefit by having two additional attorneys that could be deployed more flexibly than the Addendum allows the private attorneys to be deployed. Minimal one-time administrative costs of recruiting the two Deputy Public Defenders would be partially offset by the reduced cost incurred by County Counsel's Office personnel who process invoices and payment for the private Alternate Defenders. The Public Defender's Office may also incur minimal additional cost for materials and supplies for the two attorneys.

4. Development of and Adherence to Policies

- Operations in the Sonoma County Public Defender's Office are complex and strategic and legal decisions have to be made throughout the life of a case. Many of these decisions require discretion that cannot be dictated by written policy. Other areas of operations, however, represent administrative decisions for which formal, written policies would allow consistent and transparent decision-making and better ensure compliance with Office policies. These include deciding when to declare a conflict of interest on a case, how to determine whether a defendant is financially eligible for public defender services, investigation and expert witness request protocols, and whether requesting a continuance because of work demands rather than the merits of the case are justified.
- The Public Defender's Office has only informal, general standards for critical areas of its operations. The Chief Deputy Public Defender prepared a policy and training manual for attorneys defending misdemeanor cases. A review of the manual found it includes a department-wide policy on declaring a conflict of interest but is lacking in other administrative policies. Its primary content is strategic information about misdemeanor criminal defense, preparing for court hearings or trials, and working with juries. A similar manual for felony and juvenile attorneys does not exist.
- Office management states that there are well-understood, oral policies concerning investigation requests, expert witness requests and determining a defendant's financial status. A review of a random sample of case files for cases disposed of in 2011 indicates that these policies are either not being adhered to or documentation is missing that would confirm they are being followed.
- The Public Defender's Office should create/revise formalized, written standards for declaring a conflict of interest, requesting a continuance, requesting investigations, using expert witnesses, minimizing unnecessary changes in counsel, and determining a defendant's financial status. All decisions made under these policies should be well-documented to allow a review of actions taken to be monitored by management for compliance with policies.

Benefit of Written Policies

Operations in the Sonoma County Public Defender's Office are complex and many strategic and legal decisions have to be made throughout the life of a case. Many of these decisions require discretion that cannot be dictated by written policy. Other areas of operations, however, represent administrative decisions for which policies would allow staff to make decisions in a consistent and transparent manner. The absence of formal policies in the Sonoma County Public Defender's Office leaves staff with insufficient direction.

The absence of written policies and procedures also reduces transparency, which can lead to the appearance of inconsistency or bias and prevent the Office and funding authorities from evaluating how operations could be made more efficient. Policies should be reviewed on a regular basis such as annually to ascertain if they are being adhered to and are still meeting the Office's needs. A finding that a policy is routinely ignored may signal a change is needed in the policy itself, or that staff training is required.

Policies in the Sonoma County Public Defender's Office

The Chief Deputy Public Defender prepared a policy and training manual for staff attorneys assigned to misdemeanor cases. A review of the manual found it includes an Office-wide policy on declaring a conflict of interest but no other administrative policies specific to the Office. Its primary content is strategic information about misdemeanor criminal defense, preparing for court hearings or trials, and working with juries. A similar manual for felony and juvenile attorneys does not exist.

Two California public defender's offices¹ have promulgated written policies, some of which may serve as models for the Sonoma County Public Defender's Office. The survey of Public Defender offices in six other counties conducted for this management review produced additional information about practices which may provide useful suggestions for Sonoma County. Providing written direction in the following areas represents a best practice in public defender offices:

- Conflict of interest declarations
- Investigation requests
- Use of expert witnesses
- Ensuring representation provided in manner to reduce unnecessary changes in counsel
- Requesting and documenting continuances
- File notations
- Determining defendant's financial status

Actual Office practices tested through case file review

Besides the Office's written policy guiding declaration of conflicts of interest, Office management reports that many of its administrative policies are communicated to staff verbally, including those related to finding defendants financially eligible for public defender services, making investigation requests, and requesting expert witnesses. In order to evaluate whether these policies were being adhered to, we examined a random sample of Public Defender's Office case files for cases closed in calendar year 2011 to determine:

¹ Ventura County Public Defender's Office (2008), Solano County Public Defender's Office (2011).

- if the Office’s conflict of interest policy is being followed, including whether declarations are being made as early as possible,,
- if protocols governing case processing and investigative and other support services are being followed, and
- if reasons for continuances are adequately documented.

The sample consisted of 46 case files: 27 felony files, ten misdemeanor files and nine juvenile files.

Conflict of interest declarations

The Sonoma County Public Defender’s Office produced “Policy and Procedural Guidelines for Declaring Conflicts of Interest” in 2006. The policy addresses guidelines for when a conflict of interest must be declared and appropriate practices to be followed. It requires approval by a supervising attorney for all conflicts of interest other than that for cases with multiple defendants and provides that the conflict of interest determination should be made at the earliest possible time so that the case can be transferred to a private attorney without undue delay.

A shortcoming in the practice of declaring conflicts is the lack of documentation in case files as to when and why the conflict was determined and who approved it. A review of 46 randomly selected case files included eight where the Public Defender’s Office declared a conflict of interest at or after Early Case Resolution court (ECR),² but only one had an indication that the decision was approved by an Office supervisor and none had a general reason for the conflict. The time from the first appearance in court until the conflict of interest was declared ranged from one day to 333 days, with three cases taking 90 or more days. While these late conflict determinations may have been reasonable, there is no supporting documentation to determine why the declaration of conflict happened at that stage.

Each conflict of interest declaration, other than those made at the very beginning of the case before the Public Defender’s Office is even appointed (e.g., multi-defendant cases), should be supported by a form documenting when the conflict was determined, the general nature of the conflict, and who approved the conflict declaration. The Sonoma County conflict of interest policy for misdemeanor attorneys states that the Public Defender’s Office “will not reveal the nature of a conflict when to do so could have an adverse effect on a client or would reveal a confidential communication of a client.” However, it is appropriate to state the nature of a conflict in the confidential case file.

The Solano and Ventura County Public Defender’s Offices both maintain written Conflict of Interest Policies. Their stated practice, and the practice reported by other surveyed counties (although not documented in writing in the other counties), is to document the conflict of interest in the paper file and/or their case management system. Several public defenders’

² When conflict is declared at a first appearance, no file is created in the Public Defender’s Office; hence, such cases were not included in the sample.

offices (Solano, Ventura, Stanislaus, Napa, San Joaquin and Santa Barbara) also require their staff attorneys to note the reason for the conflict of interest in the case file.

The Ventura County Public Defender's Office has created a form to document conflict of interest declarations which can be used as a starting point for development of a similar form by the Sonoma County Public Defender's Office. The form should include the court case number, Public Defender case number, defendant name, name of the person creating the conflict, that person's status relating to this case (e.g., witness), the reason this has caused a conflict, the date the conflict was identified, the attorney completing the form, the signature of a supervising attorney, and the date signed. The form should be placed in the case file.

Case Continuances

Continuances are an important performance measure for Public Defender Office management to consider and monitor. While often requested for good cause, excessive continuances may be evidence of an overworked and/or unprepared attorney. Because of inconsistent data entry by Court clerks (see Section 6), the vast majority of continuances are recorded in IJS as being at the request of the Court when, in many cases, they have in fact been requested by either the Public Defender or District Attorney's office. Thus, at present the Office cannot rely on IJS to monitor continuance requests by its attorneys.

Excessive continuances may be a cause of slower-than-desired disposition rates. Data from the Administrative Office of the Courts (AOC) for fiscal year 2009-10 (the most recent available) indicates that the Sonoma County Superior Court disposed of 68% of felony cases in 90 or fewer days, compared with the statewide average of 73% in that time period, and 86% of misdemeanors in less than 120 days, compared with the statewide average of 83%.³ Thus, the felony time to disposition is slightly lower than the statewide average. Sonoma County's disposition rate and the number of and reasons for continuances should be monitored to determine if there is a link between the County's relative slower case processing time and number of case continuances.

In our review of a sample of case files, the management review team found that of 37 adult cases, 18 had a total of 55 continuances, or an average of 3 continuances per case. Only fourteen of the 55 continuances reviewed, or 25 percent of the total, had reasons stated in the case file.⁴ The lack of disclosures of the reasons for continuances in the majority of case files prevents Office management from ascertaining if the continuances were beyond the attorneys' control, requested for strategic reasons, or due to unprepared attorneys. In focus groups conducted for this management review, staff attorneys reported that they are often required to request continuances because they are representing defendants whose cases are being heard simultaneously in different courtrooms. At the same time, attorneys also indicated that it is sometimes in the client's best interest to continue a case. By more closely monitoring the

³ Statistical reports prepared for the AOC in fiscal year 2011-12 to date show the disposition rate for felony cases remains at 68% in less than 90 days, while that for misdemeanors is 85% in less than 120 days.

⁴ These included defendant's illness, defendant's refusal to leave jail for court, lack of discovery, ongoing negotiations with prosecution, need for judicial research, and lack of a trial courtroom.

reasons for continuance requests, management can more effectively communicate to the Court problems case scheduling practices are creating or work with staff and other criminal justice system agencies, as appropriate, to ensure that case continuances do not have to be used to achieve preferred case outcomes.

The Solano County Public Defender's Office Policy and Procedure Manual includes a section on controlling continuances. According to the policy, continuances are to be supported by good cause, and occur only if there is a likely possibility that the continuance would result in a case settlement, to obtain needed discovery, or to conduct necessary further investigation. A written policy statement similar to that of Solano County would benefit the Sonoma County Public Defender's Office.

The Sonoma County Public Defender's Office should develop a written policy of what constitutes an acceptable reason for a continuance. The policy might include requiring supervisory approval for a continuance longer than a stated number of days or for a number of continuances per case exceeding an established standard. Each continuance should be recorded in the case file on the Case Activity Sheet indicating who requested it and the reason for the continuance. Public Defender's Office management should periodically review Office-wide reasons for continuances to ensure adherence to the stated policy and that excessive continuances are not being requested, as this could be a reflection of a larger systemic problem.

Investigation Requests

Investigators in the Public Defender's Office provide valuable assistance to the staff attorneys by interviewing witnesses and collecting documentation, among other duties, in the interest of making the best case for the Office's clients. To initiate an investigation, attorneys manually complete and submit an investigation request document to the Senior Investigator, who assigns the investigation to an Investigator. Investigators are asked to inform the requesting attorney that they have been assigned the case, rather than this information coming from the Senior Investigator. In juvenile cases in particular, this can lead to a delay in the attorney and Investigator communicating about the case.

While the request form includes a free-form field for entry of tasks to be completed, there is no Office policy guiding how investigation requests are to be structured. In a focus group conducted for this management review, Investigators reported that many of the current practices regarding investigation requests complicate their work and require them to unnecessarily conduct hurried investigations. Investigations are rarely requested for felony cases when they are in Early Case Resolution court (ECR), even when attorneys suspect the case will not settle. At a minimum, attorneys could prepare investigation requests before the preliminary hearing stage of the case when they are aware of what might be significant in the case and could alert the Investigators of what is to come. Some senior attorneys do prepare their investigation requests at this stage, but there is no Office policy requiring that they do.

Investigators believe that some of the tasks they are asked to complete by attorneys are inappropriate, such as interviewing clients and preparing subpoenas. However, some of these

tasks are conducted by Investigators in the public defender offices in other counties surveyed; the policy should clarify which tasks are and are not appropriate to request of the Office's Investigators.

The Office's investigation requests lack uniformity. Investigators report that some attorneys make a "blanket request," meaning the investigator should "do everything." This lack of specificity can result in missed investigation tasks or work that was unneeded. Attorneys also sometimes fail to indicate that an investigation request is a "rush" and the investigation request form does not have a place to indicate a short timeframe. In addition, Investigators may not know if or when a case is closed, and may continue to work on the investigation unnecessarily. Supplemental requests are discussed directly between the attorney and the Investigator rather than submitted in writing.

In a review of 37 randomly selected case files, five had investigation requests but no written reports, two had investigation reports but no written requests, and one had both. Two of the written investigation reports were undated. There were at least two investigation reports that were not fully documented, and in five cases, there was no indication that the requested information was received.

In contrast, the Solano County Public Defender's Office's Policy and Procedure Manual details what is expected from attorneys making investigation requests. The policy details the information the attorney must provide to the investigator, by what date the information is needed, or if the investigator should submit reports as they become available; and requires the attorney to immediately notify the investigator if circumstances change the information required or the date it is due. Requests are submitted to that Public Defender's Office Senior Investigator, who makes the assignment to an investigator and returns a copy of the request, with the investigator identified, to the attorney. Supplemental requests for investigation are also made in writing and submitted to the Senior Investigator in the Solano County Public Defender's Office. This reportedly does not occur in Sonoma County;

The Ventura County Public Defender's Office's Policies and Procedures Manual also addresses utilization of investigative services. An attorney is to complete an Investigative Request Form at least 10 days before the information is required, except in unusual circumstances, and submit it, with a copy of relevant discovery, to the Senior Investigator, who makes the assignment, writes the name of the investigator on the form and returns a copy to the attorney.

The Sonoma County Public Defender's Office should develop a formal policy regarding investigation activities. Requests by attorneys for assistance from Investigators should be stated in writing in a standardized format. Each task required should be stated, rather than a "blanket request" for the usual tasks. A form with typical investigation tasks could be developed that includes, for example, the names of those to be interviewed with a description of the questions to be asked; the names and locations of needed records; and the specifics of required photographs. The request form should include whether or not a written report is required and should include a template for such reports so the requesting attorney can see the elements of a written report. Supplemental requests and investigator reports should also be in writing, as

appropriate. When reports are not made in writing, the attorney should indicate in the case file when the information was received.

The Sonoma County Public Defender's Office should also develop time standards for typical investigative tasks. While there will understandably be variations in the time it takes to accomplish a specific task, a time standard makes clear the expectation of the time required for each task type and allows the Office and individual Investigators to manage their time effectively. Similar to a case weighting system as discussed in Section 5, a weighting system could be established for investigations to distinguish routine and complex investigations and to help ration workload among the Investigator staff.

Use of expert witnesses

Staff attorneys in the Public Defender's Office use contract experts and professionals to assist in preparing and defending their cases. In Fiscal Year 2010-11, the Office expended \$30,215 for expert witnesses and \$16,321 for professional and specialized services.

Currently there is no up-to-date comprehensive list in use for the Public Defender's Office as a whole for commonly used services. Attorneys select the expert witnesses but may ask Investigators for a recommendation. A spreadsheet listing experts by area of expertise was developed by the Office but it is not generally used by attorneys and is not up-to-date.

Before hiring an expert, informal Office policy reportedly requires the staff attorneys to contact the expert for estimated costs, receive written preapproval for the expenditure from a supervisor, and notify the expert in writing of the services required and the cost allowed. However, none of the files reviewed had any documentation of this nature regarding the hiring and use of an expert.

The Solano County Public Defender's Office's Policy and Procedures Manual includes a policy requiring that lead attorneys maintain a list of experts in a variety of fields and share it with all staff. The Ventura County Public Defender's Office's policy on expert witnesses also requires that attorneys complete an Expert Request Form and obtain written permission from a supervisor before hiring the expert. When the work is complete, attorneys are asked to complete an Expert Evaluation Form, and curriculum vitae for that expert to add to the Office's Expert Witness databank, if not already included.

The Sonoma County Public Defender's Office should develop and maintain a current list of expert witnesses in commonly-needed disciplines, such as narcotics and alcohol testing, use of force, identifications, fingerprinting, DNA analysis, pathology, and various mental health fields. A standard list would save staff time in finding appropriate experts and allow the Office to select experts in whom they have confidence based on prior experience and the recommendations of others in the Office.

Before hiring an expert witness, either to perform services or testify in court, the attorney should contact the expert and obtain a cost estimate, complete a standardized Expert Witness Request form and submit it for approval to a supervising attorney. The request and approval

should be documented and placed in the file and include the specific request made to the expert, the estimate and final cost, and the signature of the approving supervisor.

Minimizing unnecessary changes in counsel

The Sonoma County Public Defender's Office works diligently to provide vertical representation to its clients so that the same attorney represents the client throughout their entire court case to the greatest extent possible.⁵

The review of 26 felony case files found that the Public Defender's Office has done well at maintaining vertical representation in felony cases, despite the Court's practice of setting cases for trial at irregular times and in departments other than that where the case was originally assigned. In felony cases reviewed, clients were served by between one and four attorneys, with the majority represented by one or two attorneys. Eleven cases had one attorney throughout the case; ten cases had two attorneys; three cases had three attorneys; and two cases had four attorneys.

In five cases with more than one attorney, a different attorney represented the client at a violation of probation (VOP) hearing. This is reasonable since a VOP may occur long after the initial case is closed, while cases that are active for more than a year may require multiple attorneys because of changes in staff or staff assignments. One of the cases with three attorneys and both cases with four attorneys presented unusual circumstances.⁶ In only three non-extraordinary cases (less than 8% of felony cases reviewed) did an attorney different than that representing the client at ECR appear at a substantive event involving the original case (e.g., settlement conference, preliminary hearing).

Strict vertical representation is less likely in misdemeanor cases, but is not as important as in felonies because misdemeanor cases are of shorter duration. The review of eight misdemeanor files found that none of them had only a single attorney representing the defendant; clients were served by between two and five attorneys. One case had two attorneys, five cases had three attorneys, one case had four attorneys and one case had five attorneys.⁷

In summary, the Public Defender's Office is less likely to maintain vertical representation in misdemeanor cases, felony cases with violations of probation, or extraordinarily long cases. In these last two situations the inability to retain the same attorney on the case is understandable given the nature of the case.

The Office should develop a written policy stating its commitment to vertical representation in felony cases and identifying acceptable exceptions. The policy should state the department's goals with regard to vertical representation and the situations that require or allow exceptions.

⁵ Public defender offices in some jurisdictions maintain teams of specialized attorneys who only handle parts of each case (e.g., preparing for and attending preliminary hearings only).

⁶ Two were for very serious crimes resulting in life prison terms. One had more than 20 court appearances. Another started with appointment of the Public Defender's Office, but the Office was relieved by a private attorney (not due to a conflict of interest) and then reappointed nearly five months later.

⁷ The case with five attorneys was highly complex with 16 court appearances and multiple competency hearings; two motions to relieve the Public Defender's Office as attorney of record; and a violation of probation.

A substitution of attorney should be noted on the Court Activity Sheet in the case file with the reason for the change.

File notations

The Public Defender’s Office case files should contain all information necessary to reconstruct the case should the responsible attorney not be available or to enable management reviews as part of staff attorney performance evaluations. Each file must be documented and organized in a manner that accurately reflects the work done, the strategic decisions made, consultations with the client, and important actions taken in the case, including reasons for which those actions were taken. The depth and detail of appropriate file documentation may vary according to unique factors associated with representation of the clients including case complexity and the length of time the Public Defender’s Office has represented the client.

The review of a sample of case files showed a lack of detail in the completion of many of the Case Activity Sheets. In order to trace the appearance history of a case it was necessary to review both the Case Activity Sheet and the Court register of actions, as the Case Activity Sheet was often incomplete. Entries were sometimes illegible and were not initialed. Continuances were usually indicated by a new court date with no reasons given. In some large files, the Case Activity Sheet was missing pages. Some sheets had so little detail it is unlikely all conversations with the client were noted.

A few Case Activity Sheets had very legible, detailed notes about offers made, negotiations conducted, client input, reasons for continuance, and the final result of the case. This allows a newly appointed attorney to effectively take over representation on short notice or a manager to get a good picture of a staff attorney’s performance.

The Solano and Ventura County Public Defender’s Offices’ Policy and Procedure Manuals require that attorneys maintain accurate, legible, detailed, and current file notations. The notations memorialize the date and specifics of case activities. The types of activity to be recorded as stated in the policy are very detailed. They include: notations concerning court appearances; receipt of discovery; investigation requests, client jail visits and other client conversations; witness interviews and those of other persons relevant to the case; legal research conducted; examination of the crime scene and other evidence; motions; dispositional offers made; and attorney impressions. The Sonoma County Public Defender’s Office should establish a policy requiring the responsible attorney or secretary to note on the Case Activity Sheet the dates and content of any activity, including those listed above. All entries should be initialed by the person making the entry so that questions about the content can be referred to the person responsible for the notation.

Defendant’s financial status

As discussed more thoroughly in Section 7 on Financial Screening and Fees, the Public Defender’s Office is responsible for making the initial determination of a defendant’s eligibility for services. The Public Defender’s Office should establish a formal, written policy of what

constitutes indigence, how the decision is to be made to provide Public Defender services, and when to request that the judge order payment of defense counsel fees. The Application for Financial Evaluation should be revised as detailed in Section 7 completed in all cases in which defendants are out of custody, and placed in the case file. As described in Section 7, the policy regarding registration fee payment should also be formalized.

Conclusions

The Public Defender's Office has only informal, general standards for critical areas of its administrative operations for which formal, written policies would allow consistent and transparent decision-making and better ensure compliance with Office policies. The Public Defender's Office should create and/or revise formalized, written standards for declaring a conflict of interest, requesting a continuance, requesting investigations, using expert witnesses, minimizing unnecessary changes in counsel, and determining a defendant's financial status. All decisions made under these policies should be well-documented to allow a review of actions taken to be monitored by management for compliance with policies.

Recommendations

The Public Defender should:

- 4.1. Revise the procedure on declaring a conflict of interest to require all staff attorneys document their conflict of interest declarations, to include a record of case information, the reason for the conflict, the date the conflict was discovered, the date conflict was declared and supervisory approval.
- 4.2. Develop and implement a formal Office –wide written policy regarding requesting and documenting continuances, addressing when continuances are appropriate, and direct all staff attorneys to record the reason for continuances on Case Activity Sheets.
- 4.3. Develop and implement a formal Office-wide written policy regarding investigatory activities, to include the process for making the request, appropriate timing, and when a written investigation report is required.
- 4.4. Modify the existing investigation request form to include all relevant case information, a checkbox-style format with standard investigation requests, an indicator of whether a written report is needed or not and a sample of a standardized investigation report format
- 4.5. Develop and implement a formal Office-wide written policy on the use and payment of expert witnesses, to include the process for determining the need for an expert and for requesting approval to hire one.
- 4.6. Direct staff to create and maintain an up-to-date list of experts in commonly-needed disciplines, including their name and contact information, area of expertise, and hourly rates, if available.

- 4.7. Create an Expert Witness Request form that includes case information, the reason the expert is needed, the expected cost and actual cost of the expert, and the signature of the supervisor approving the request.
- 4.8. Develop and implement a formal Office-wide written policy to ensure client representation is provided in a manner that reduces unnecessary changes in counsel, including a statement of the goal and philosophy for vertical representation, how attorneys are to manage their schedules to maintain that representation, and when it is appropriate to substitute attorneys.
- 4.9. Develop and implement a formal written Office-wide policy about proper case file notations. Include the information that should be included on the Case Activity Sheet (date, action, explanation or reason for the action, if appropriate, and initials) and state that the entries should be legible and complete so that they are useful to anyone reviewing the file.
- 4.10. Periodically monitor staff activity to ensure adherence to the policies including periodic reviews of case files to ascertain if attorneys and clerical staff are accurately and completely recording reasons for conflicts, financial declaration approval, continuance, requests for investigation and expert witnesses; that supervisory approval is noted when appropriate; and that notations on the Case Activity Sheet are complete, legible, and initialed, so that questions about the content can be referred to the person responsible for the notation.
- 4.11. Annually review the policies to verify they are still appropriate, and make changes as required to ensure they continue to be viable.
- 4.12. Provide staff training as needed to ensure compliance with the policies.

Costs and Benefits

Implementing these recommendations will incur minimal costs. Management staff time will be required to develop, document, promulgate and monitor compliance with formal policies. The benefits of implementation will be consistent and transparent application of policies when making administrative decisions and provision of needed management information through documentation of these policies.

5. Management Practices and Performance Measurement

- While the primary goal of the Public Defender's Office is to provide quality representation to its clients, the efficient management of Office caseload and individual case activity is equally important to ensure that clients are receiving the best possible service with the resources available. Given the number of cases represented by the Public Defender's Office each year, it is not possible or cost-effective for any manager to attempt to keep track of all cases and activities. A process of formally collecting and monitoring performance measures in key areas would ensure Office management and other County stakeholders that Office operations are efficient and effective.
- Performance data that should be collected and regularly reviewed by Office management includes: total caseload, by type of case; number of cases per attorney; number of investigations per Investigator; average elapsed case processing time; average elapsed time per investigation; number and timing of case continuance requests per case; and, the number and timing of conflict case declarations. Such data would provide Office management with key information needed to assess overall Office and individual staff member performance. Besides the Office's managers' own observations of staff, formally collecting feedback from Sonoma County judicial officers about the quality of representation being provided would provide useful information to Office management about individual staff performance and overall Office operations.
- Current performance data available shows that Sonoma County's case processing time is slower than six comparison counties, that approximately 31 percent of felony conflict of interest declarations are occurring after preliminary hearings, and that felony cases were continued an average of 10.3 times each in FY 2010-11. Though the figures include continuances requested by the District Attorney and imposed by the Court, in addition to Public Defender requests, it indicates that cases are likely taking longer than desirable and management intervention is needed to ensure that cases are being disposed of as quickly as possible.

The Public Defender's Office's managing attorneys monitor staff attorneys in the courtroom and provide advice to them on legal issues pertaining to their cases. However, the Office does not have formal performance measurement systems in place to ensure that cases are being processed efficiently and consistent with the Office's informal or established policies. While the current approach is not without its benefits, the collection and review of key performance information would assist management in systematically monitoring operations, making improvements where necessary and obtaining resources needed to enhance operations. Such information would also be useful in identifying issues affecting performance or case processing that requires addressing by other criminal justice agencies with which the Public Defender's Office regularly interacts.

Examples of performance measures and corresponding data sources that could be used by the Public Defender's Office as management tools are described in this section. It should be noted that, in the course this management review, some of the data sources were found to have data integrity problems that will need to be corrected before they can be used for performance monitoring purposes.

Caseload and Cases per Attorney are not Adequately Tracked

Total caseload and number of cases per attorney are core measures of Office workload and staff productivity that should be regularly collected and reviewed by Office management to ensure that workload is being equitably distributed, staff assignments are appropriate and that all members of the staff are contributing equally and getting new opportunities for growth. While total caseload is an important measure for the Office overall, it is more important to have an accurate measure of the distribution of cases, by type, to ensure that caseload is equitably distributed after accounting for case weights, or variations in staff time and effort required for different types of cases.

Presently, as discussed in Section 2, the Office tracks its caseload manually, separately counting opened and closed cases by the following categories: felonies; misdemeanors; juvenile cases; collaborative court cases (Drug, Mental Health and Domestic Violence courts); DUI court; and conservatorship cases. The numbers of court appearances are also tracked, by case type.

The number of opened and closed felony cases are classified as either a New or Re-opened Early Case Resolution (ECR) cases, for cases which are heard in ECR court in an attempt to settle the case early in the process without a trial, or as New or Reopened criminal/serious felony trial cases for cases that are of a more serious nature and therefore bypass ECR and go straight to a trial court department and attorney. While these are useful statistics to compile and review, particularly for assessing overall workload trends and staff productivity, the numbers as currently tabulated are not completely reliable and should be improved to serve as more useful performance measures.

As discussed in Section 2, a problem with the Office's caseload statistics, as presently recorded, is that some of the case categories lack clarity and cases appear to be double-counted or not counted at all in some instances. For calendar year 2011, for example, Office statistics show 864 new or reopened felony cases opened but 2,386 cases reported as closed in the same category for the same year.

The Office's felony case count distinguishes between new cases that start in ECR court as compared to those that go straight to a trial court department. While this accounts for some serious felonies, which should be counted separately since they consume a disproportionate amount of staff time compared to other felonies, the statistics do not count cases that start in ECR, do not get resolved there, and go to trial. Without this, it is not possible to accurately track the number of felony *trial* cases¹ per attorney per year, a key productivity measure for the

¹ This includes cases that may settle before an actual trial begins.

5. Management Practices and Performance Measurement

approximately 10 staff attorneys assigned to felony trials. Clear, non-duplicative case classifications are needed in the caseload statistics to be useful for management purposes.

A distinction is also needed between certain types of misdemeanor cases. For example, DUI misdemeanor cases in the DUI/DV court are often resolved at first appearance rather than requiring multiple appearances. Cases that resolve quickly do not require attorney time outside of the courtroom for interviews, investigations or planning defense strategies. In addition, trials do not take place in this courtroom; to the extent they occur, they are held in other courtrooms instead. Thus, DUI cases in this court department require lesser effort per case than other misdemeanors but are presently counted just like any other misdemeanor. In FY 2010-11, there were 9,052 new misdemeanor cases filed; 591 of which were DUI/DV cases². This amounts to a smaller workload relative to other misdemeanor departments. A case weighting system would help rationalize the distribution of these and other cases per attorney.

Collaborative court cases are counted separately but may be duplicating felony or misdemeanor case counts, since many of these cases start in those court departments. Juvenile cases are undercounted because they are counted by defendant only, regardless of how many repeat cases an individual defendant has. Finally, as mentioned above, the reported number of cases counted as closed greatly outnumbers the number of cases counted as opened, which is not immediately explainable.

In reviewing these statistics in conjunction with this management review, Office staff has recognized problems with at least the juvenile statistics and has begun making changes to their collection and reporting methods for those counts. The other limitations of the statistics will require further correction by the Public Defender's Office.

In addition to some of the deficiencies in current Office caseload statistics, they are being counted manually, resulting in an inefficient use of staff time and are prone to errors that can easily occur with manual tabulations. The Office could potentially use its own desktop computers and case logs to electronically count caseload. The County's IJS system also tracks total caseload based on cases filed with the Superior Court and can identify those for which the Public Defender provided representation. Unfortunately, the number of cases identified by IJS as cases for which the Public Defender's Office had a conflict of interest does not match the caseload numbers reported by the County's Conflict Defenders.

Ideally, IJS should be used to track cases in lieu of Public Defender's Office staff manually or electronically tracking cases. However, since caseload statistics reported by IJS do not match the Office's , the Public Defender's Office needs to first work with the Information Systems Department and the Court to establish a set of protocols for how cases are counted and how circumstances such as transferring a case to the Conflict Defenders mid-case should be recorded. The advantage of using IJS as the source of the Office's caseload statistics is that other performance measurement statistics, some of which are described below, could also be

² Public Defender's Office statistics

tracked and reported from the same data source, with a single control total to reconcile with and ensure the accuracy and correct interpretations of the information.

Elapsed Case Processing Time is not being Regularly Monitored

A key measure of efficiency for the Public Defender's Office as well as all other County criminal justice system agencies is how quickly cases are processed. While there are many factors that can affect case processing time, including matters beyond the control of the Public Defender's Office, it is important for the Office to monitor overall case processing patterns to ensure that Office staff is not contributing to avoidable delays. Case processing time statistics should also be regularly reviewed by all County criminal justice system agencies as a group to determine if there are systemic causes of some delays that could be solved through changes in current processes and procedures.

The State Administrative Office of the Courts (AOC) tracks case processing time for courts in all counties in California and reports them annually. AOC statistics for FY 2009-10 (the most recent available), show that Sonoma County is processing many of its cases more slowly than in five comparison counties and the State overall.

As can be seen in Exhibit 5.1, felony case processing in Sonoma County is taking longer than comparison counties and the State overall when measured in 30, 45 and 90 day increments, though the County matches the comparison counties when a 12 month timeframe is used. Similarly, more misdemeanor cases are disposed of in 30 days or less in the other counties and Statewide than in Sonoma County, though the County's performance is approximately equal to the other counties and Statewide total for misdemeanor cases processed in both 90 and 120 days.

While case processing delays can be caused by many factors and criminal justice system agencies other than the Public Defender's Office may play a significant role in delays, it is still important for the Office to regularly track these statistics and related other measures to ensure that the Office is not causing unnecessary delays. These statistics should also be regularly reviewed and discussed by all criminal justice system agencies at regular interagency forums to identify any actions that should be taken by individual agencies or the agencies collectively to minimize case delays.

| Exhibit 5.1 Case Processing Time, FY 2009-10 | | | | | | | |
|---|--|---|------------|------------|--|------------|------------|
| | Felonies Disposed of in Less Than 12 Months | Felonies Disposed of in Less Than _ Days | | | Misdemeanors Disposed of in Less Than _ Days | | |
| | | 30 | 45 | 90 | 30 | 90 | 120 |
| Statewide | 88% | 46% | 57% | 73% | 62% | 78% | 83% |
| Monterey | 83% | 26% | 41% | 67% | 59% | 81% | 85% |
| Napa | 95% | 40% | 56% | 77% | 57% | 77% | 83% |
| San Joaquin | 84% | 54% | 63% | 77% | 78% | 87% | 90% |
| Santa Barbara | 90% | 33% | 41% | 65% | 88% | 95% | 97% |
| Stanislaus | 68% | 55% | 64% | 76% | 59% | 79% | 84% |
| Median, other counties | 84% | 37% | 49% | 72% | 59% | 80% | 85% |
| Sonoma | 84% | 32% | 43% | 68% | 51% | 78% | 86% |

Source: Administrative Office of the Courts annual report.

Case Continuances are Frequently Requested and should be Monitored

Case continuances can be requested by Public Defender’s Office staff, District Attorney’s Office staff or imposed by the Court itself. The number of continuances requested by Public Defender’s Office staff attorneys is an important performance measure for the Office’s management to track. A high number of continuances requested by the Office can be an indicator of individual attorney time management issues, a burdensome caseload, or court scheduling practices causing chronic scheduling conflicts for the Public Defender’s Office staff. Data on continuances is not currently tracked or reviewed by Office management though they report that they know enough about the caseload informally to know when certain cases are taking longer than they should.

Case continuances are recorded by Court staff in the County’s Integrated Justice System (IJS) and can be summarized and regularly reported. At the request of this management review team, the County Information Systems Department produced reports on continuances by type of case and requesting party. The requesting party results were determined to be unreliable due to inconsistent data entry practices about who requested the continuances and were therefore not used for this report. As a result, it is not possible at this time to determine how many of the total case continuance requests were made by the Public Defender’s Office, the District Attorney’s Office or were imposed by the Court. However, the number of total continuances, by case type, is considered reliable and is presented in Exhibit 5.2.

As shown in Exhibit 5.2, there were a total of 24,047 continuances for 2,337 total felony cases in FY 2010-11 (all cases opened in the Court, regardless of who provided legal representation), or an average of 10.3 continuances per case. Exhibit 5.2 also shows that there were 42,681 continuances for 15,244 total misdemeanor cases, or an average of 2.8 continuances per case. Though not shown in Exhibit 5.2, IJS can also report continuances by court department. This

would enable Public Defender’s Office management to more easily track continuance patterns by staff attorney and Court department.

| Exhibit 5.2: Number of Continuances Requested by All Parties per Case, by Type of Case | | | |
|---|-------------------------------|------------------------|---|
| | Number of Continuances | Number of Cases | Average Number Continuances per Case |
| Felonies | 24,047 | 2,337 | 10.3 |
| Misdemeanors | 42,681 | 15,244 | 2.8 |
| Total | 66,728 | 17,581 | 3.8 |

Source: IJS

The data in Exhibit 5.2 shows a high number of continuances per case, particularly for felony cases. This alone provides a reason for the County’s criminal justice system agencies to collectively analyze current processes and attempt to determine what actions can be taken to reduce this number. But since the data cannot be reliably broken down by requesting agency at this time, it is less useful for individual agency management as they cannot readily determine if their staff members are making a reasonable number of continuance requests or not. Though IJS includes a field to enter the party requesting continuances, this data is not being entered correctly by Court staff. This is a problem that should be able to be easily remedied through Court clerk training, at which point management of the Public Defender’s Office could begin regularly receiving and monitoring continuance data, by requesting agency, to ensure that internal Office procedures and staffing allocations are not resulting in an undue number of continuances. The data should also be regularly reviewed by all County criminal justice system agencies, with the goal of modifying processes as needed to minimize the number of case delays resulting from avoidable continuances.

Conflicts of Interest

Case law and California State Penal Code Section 987.2 govern the appointment of counsel for indigent defendants. The Rules of Professional Conduct (Rule 3-310) and case law govern the circumstances under which the Public Defender or other attorney for an indigent defendant may be compelled to declare a conflict of interest on a case, at which time it must be reassigned by the courts to alternate counsel.

Conflicts of interest are declared in cases in which: there are multiple defendants and more than one of the defendants would be represented by the Public Defender’s Office; representation of the defendant would cause the Public Defender’s Office to take a position adverse to a former client; representation would result in concurrent representation of the defendant, a victim or other material prosecution witness; and, other related circumstances.

5. Management Practices and Performance Measurement

The number and point in a case when conflicts of interests are declared are important performance measures and should be tracked and regularly reported to Public Defender's Office management and the County Counsel's Office. This information, which can be collected from IJS, should include the stage of the case at which the conflict was declared, the Court department and the staff attorney who declared the conflict. These cases should be separately tracked but factored in to the Office's total caseload as the Office does perform some work on these cases and, depending on when the conflict of interest is identified and declared, they can consume as much time as some regular cases. An additional reason for management to review this information is to track when conflicts of interest are being declared. Since defendants in these cases will have to be represented by the County's contract conflict attorneys anyway, and the Public Defender's staff has a substantial caseload without them, the earlier conflicts of interest can be declared and the cases transferred, the more efficient the process.

A review of IJS FY 2010-11 data shows that most conflicts of interest are declared before preliminary hearings. Of those that were declared for felony cases that year, IJS reports that 1,498, out of 2,432 declarations³ or nearly 62 percent of all felony case conflict of interest declarations reported, were declared at Early Case Resolution court (ECR). Since ECR represents the first court event for most felony cases, this is the point at which the majority of conflicts of interest should be declared. IJS data shows that the remaining 934 conflict of interest declarations, or approximately 38 percent of all declarations, occurred after ECR court and before trial. While some of these represent cases that bypassed ECR and went straight to a trial court department, as occurs in more serious felony cases, and some represent cases where there are unavoidable surprise discoveries of conflicts of interest that could not have been known at earlier stages of the case, there were still a relatively high 754 felony conflict of interest declarations that occurred after preliminary hearing and before trial, indicating that Public Defender's Office staff attorneys conducted a significant amount of work on these cases before they were transferred to private contract attorneys.

Office management should establish processes to ensure that as many conflicts of interest as possible are identified as early as possible in the case process. Establishing an automated process for reviewing witness names against previous Office client names would be one approach to explore with the County's Information Systems Department. Regular IJS reports tracking when conflict of interest declarations are being made will assist Office management in determining if improvements are being achieved in reducing the number of felony conflict of interest declarations occurring after ECR.

Regular IJS reporting of the number of Public Defender's Office conflict of interest declarations should also be provided to the County Counsel's Office which is responsible for tracking caseload assigned to the County's private contract Conflict Defenders. At present, there is no regularly produced County report showing how many conflict of interest cases are being assigned to the contract attorneys even though payment to the contractor is based on an

³ IJS counts declarations by defendant, not case, so the number of conflicts declared can exceed the total number of cases filed due to multi-defendant cases.

assumed number of cases per year. The contractor does keep track of the cases they receive and reports them to the County but these cases are reported in classifications that cannot be readily reconciled with IJS caseload data. As an internal control mechanism, the County needs its own count of the number of cases assigned to the Conflict Defenders.

Number of Motions Filed per Case should be Monitored

IJS contains records that can be summarized and regularly reported concerning the number of motions filed on a case, by type of motion and by court department. Summary reports with this information would be useful for Public Defender's Office management to assess patterns, identify outliers and determine whether some staff attorneys may be regularly filing too many, too few or inappropriate motions. Since motions filed can potentially delay case processing unnecessarily or lead to better outcomes for the Office's clients, it is important that they be filed appropriately. Rather than having to evaluate the appropriateness of motions filed on a case-by-case basis only, the Office's managers could incorporate Office-wide summary and individual staff attorney data on motions filed for use in their performance evaluations of individual staff attorneys as well as determining when training is needed in this area for the Office as a whole.

Quality of Representation Assessments should be Formally Collected

Besides various measures of the Public Defender's Office's efficiency discussed above, it is equally important that the quality of representation provided by the Office be regularly assessed. While this is a more difficult area to assess since there is little quantitative data readily available that effectively measures quality of legal services, Office management could establish a process to formally obtain feedback from bench officers of the County's Superior Court. In addition to Office managers' own observations of staff attorneys in court, feedback from the bench officers would provide a formalized, structured way to measure the quality of services being provided by the staff attorneys' from those familiar with the law who regularly observe the staff attorneys in practice. An annual written or oral survey of the bench offices could be conducted to collect these assessments and used in the staff performance evaluations.

A similar process could be established to obtain feedback on the Office's Investigators from their primary customers: the Office's staff attorneys. Feedback provided to the Investigators from the attorneys at present is informal, if it is provided at all. While this form of feedback may be useful on an individual basis, there is no guarantee that it will occur or that the feedback will be a balanced assessment of strengths and weaknesses. A formal annual written or oral survey of staff attorneys with pre-determined criteria would provide useful information to incorporate into annual Investigator performance evaluations.

Conclusions

Performance data is not being regularly collected and reviewed by management of the Public Defender's Office and used to evaluate overall the efficiency and effectiveness of Office operations and individual staff performance. The current performance monitoring approach is informal and, for the most part, conducted on an individual and case-by-case basis.

Data is available from various sources including internal records, the County's Integrated Justice System, the State Administrative Office of the Courts, and other sources that could be used to measure and monitor key areas of the Office's operations including: total caseload, by type of case; number of cases per attorney and per Investigator; case processing time; number of case continuances requested by Office staff; number of conflicts of interest declarations; number of motions filed per case; and assessments of quality of representation provided. If Office management were to collect and review this type of data on a regular basis, they would be more able to identify systemic criminal justice system and Office-wide problems and areas where improvements are needed to ensure the Office is operating efficiently and providing high quality legal representation to its clients.

Recommendations

The Public Defender should:

- 5.1 Direct Office staff to work with the County's Information Systems Department and Superior Court staff to develop data entry protocols and controls to enable an accurate and comprehensive reporting of Public Defender's Office caseload, by type of case, to be regularly produced from the Integrated Justice System (IJS).
- 5.2 Begin regularly reviewing case processing summary data and case processing practices to ensure that the Public Defender's Office is not causing undue delays in case processing cycle time.
- 5.3 Direct staff to work with the County's Information Systems Department and Superior Court staff to develop data entry protocols and controls to enable regular production of performance measurement reports presenting data on the number of continuances requested, by agency and staff member, for review and to develop corrective action if the data shows that the Office is requesting an undue number of continuances.
- 5.4 Direct staff to work with the County's Information Systems Department and Superior Court staff to develop data entry protocols and controls to enable regular production of performance measurement reports presenting data on the number of conflict of interest declarations, including the point in the case at which the declaration was made and the number of cases redirected to Conflict Defenders and establishing the goal of minimizing the number of conflicts of interest declared at later stages of the case and possible development of new conflict detection processes.

- 5.5 Direct staff to work with the County's Information Systems Department and Superior Court staff to develop data entry protocols for regularly producing performance measurement reports containing information on the number of motions filed by Office staff, to be broken out by case and attorney.

The County Administrator should:

- 5.6 Request that criminal justice agency staff regularly assemble for the purpose of reviewing new performance measurement data to be produced from IJS and to identify and collectively remedy systemic problems that are causing undue delays in case processing
- 5.7 Direct County Counsel to review and reconcile the number of cases for which the Public Defender's Office has a conflict of interest, as reported by IJS, with caseload numbers reported by the County's contract Conflict Defenders.

Costs and Benefits

The costs of implementing the above recommendations will primarily be in staff time, rather than any new direct costs. It will require staff time from not only the Public Defender's Office, but also the Information Systems Department, the Superior Court and other criminal justice system agencies to develop data entry protocols and controls and to regularly review and analyze the recommended performance measurement data. The benefits of investing time for these purposes will include improved case processing efficiency, more comprehensive assessments of agency performance and, for the Public Defender's Office, assurances that staff are adhering to policies and processing their cases efficiently and in the best interests of their clients.

6. Uses of Information Systems

- Though capable of providing a wide range of management information, Sonoma County's Integrated Justice System (IJS) is not being used by the Public Defender's Office for this purpose. Designed as a data management system for all of the County's criminal justice agencies, the system contains valuable data and records that could be summarized in reports and used by the Public Defender's Office to monitor Office workload, performance and efficiency. No reports are being regularly produced for the Public Defender's Office for management purposes.
- Among the reports that were produced from IJS at the request of this management review team were: annual compilations of number of cases, by type; number of multi-defendant cases; number of conflict of interest declarations, number of case continuances; and, the number and type of motions filed. The accuracy of some of the IJS data cannot be confirmed at this time due, in part, to inaccurate or inconsistent data entry practices by the Court and Public Defender's Office staff. Such data entry issues need to be resolved if either IJS or a future system is to be more fully used to produce management reports.
- The Office makes minimal use of its own available office automation. Statistical information pertaining primarily to the number of cases filed and disposed and court appearances is collected and compiled manually but not used as a monitoring tool by management. Case information is logged in Excel software but summary reports are not run against the data. Key measures of case processing efficiency and workload are not, but could be, collected and analyzed from these records. Form templates have been created on the Office's desktop computers but are being printed and completed manually. Greater use could be made of macros that draw information from IJS.
- Currently all record sharing within the Public Defender's Office and with other departments is manual. Documents must be physically transported to and from the Public Defender's office, requiring courier staff and time, or handed off from one staff person to another, which can result in misplaced documents.
- While improved data collection in Excel, greater use of macros and a stand-alone electronic document management system would improve management information and streamline operations, a case management system suited to the Public Defender's specific needs is a preferred long-term solution. Office staff would need to consistently enter information in the system if it is to be used effectively. Validation routines would also need to be embedded in a new system to ensure that inconsistent data, such as the entry of "private counsel" in concert with the name of an attorney in the Public Defender's Office, cannot occur.

Sonoma County's criminal justice agencies, including the Superior Court, District Attorney, Sheriff, Probation, Public Defender (County and contract Conflict and Alternate Defenders) and

all law enforcement agencies, use the Integrated Justice System (IJS) as their case management system. Implemented in 1984, IJS includes adult and juvenile criminal and civil case records and a warrant generation system. Criminal infractions and traffic cases are not entered in the system.

The ongoing costs of IJS are shared by seven Sonoma County Departments: Superior Court, District Attorney, Probation, Public Defender, Sheriff, Child Support Services and Health Services. In Fiscal Year (FY) 2012-13, the Public Defender's Office is scheduled to pay eight percent of the system's annual operating costs, comprised of \$50,171 for technical operations such as hardware support, licensing, data base analysis and system administration and \$121,692 for programming, including application maintenance, development and support.

IJS was not developed to provide Public Defender-specific management information. While most Sonoma County criminal justice agencies have a separate module within IJS (e.g., arrest information for law enforcement agencies; custody information for the jail; and court case information for the Superior Court), the Public Defender's Office does not have its own module.

County Information Services Department (ISD) staff report that the County is neither planning to migrate from IJS nor invest significant resources in upgrading the system. ISD reports that enhancements will instead focus on creating "point solutions" (systems used by different agencies) to share data.¹ Requests for proposals to identify point solutions available in the marketplace are reportedly being used by the County to identify cost effective alternatives to IJS to address County business needs. Requests for new agency-specific functionalities within IJS are reportedly not a County priority because of the expense of programming in IJS though ISD reports it will prioritize and implement such requests as funding allows.

Criminal courtrooms have wireless access and attorneys with laptops are able to access email, the Internet and IJS while in court.² Some attorneys lack laptops and must wait until a break in court proceedings and return to their office to conduct research on IJS or call support staff to find information about prior convictions or possible conflicts of interest. However, all Public Defender's Office staff attorneys are expected to have laptops by the end of FY 2012-13. This is expected to streamline attorney work.

Public Defender's Office Use of IJS is Limited

The Public Defender's Office chiefly uses IJS to access information. At the request of clients or staff attorneys, support staff retrieves information about case discovery, future court dates, charges, sentencing terms, bench or arrest warrants, prior convictions or cases, and custody status. Attorneys look for information on victims and witnesses to determine if they have a conflict of interest on a case. The Office's support staff print several documents from IJS,

¹ Examples of point solutions already in use in Sonoma County include the law enforcement agency consortium's Incident Tracking system (I/LEAD), and eCourt by Sustain, slated to be implemented by the Superior Court early in the next fiscal year for managing traffic cases and court collection activities.

² Those with iPads or other tablets can retrieve their email and access the Internet, but not access IJS.

including case file labels, minute orders, court calendars and court dockets. The primary piece of information entered into IJS by Public Defender's Office staff is the Public Defender case number, or "PUB number,"³ which serves as the main identifier used by the Public Defender's Office.⁴

As discussed in Section 5, the Public Defender's Office does not fully use functions available in IJS. In particular, until recently the name of the appointed felony attorney was entered inconsistently and that of the assigned misdemeanor attorney was never entered. Public Defender's Office management reports that it has since directed staff to consistently enter felony attorney names but not misdemeanor attorney names because cases frequently move between attorneys and courtrooms and tend to have a short lifespan. However, without the attorney name, it is not possible to run a report in IJS identifying which attorneys are responsible for which cases or the size of each attorney's caseload, a critical piece of management information.

Management Information Available Using IJS

As discussed more fully in Section 5, the Public Defender's Office does not devote significant resources to measuring Office performance and productivity. This limits management's ability to establish quantitative standards against which to benchmark its activities or to justify budgetary needs based on workload.

IJS contains a large amount of data that could provide valuable management reporting to the Public Defender's Office but the Office is not using the system for this purpose. The Office receives a number of standard IJS reports⁵ but these are reportedly used for budgetary purposes and not by Office management for analysis of the Office's performance. In addition, at least four IJS reports originally developed for the Public Defender's Office are no longer being requested or used by the Office:

- Cases with 186.22 [gang activity] Charges or Enhancements, a useful indicator of case complexity.
- Public Defender Court Appearances.
- Public Defender Completed Cases by [defendant] Name.
- Public Defender Completed Cases by [PUB] Number.

These last three reports could be used in lieu of statistics currently collected manually by the Office.

³ In Juvenile cases, the court makes all data entries, including the "J" number, the court number assigned to the juvenile for all cases.

⁴ Staff can also find parties using a name and date of birth or by cross-reference to the District Attorney's reference number (DAR number).

⁵ These reports include: PUB Felony and Misdemeanor Cases Added, Criminal Trials Started and Completed, and Public Defender Jury and Court Trials Held.

IJS statistics regularly provided to the Superior Court may also be useful for Public Defender purposes. The Register of Actions, populated by data input by the Court, has dates of all activities and case aging information and is the basis of a number of mandated statistical reports prepared for the California Administrative Office of the Courts (AOC). These reports are also actively used by the Court to evaluate case management performance. At the request of the Court's Early Case Resolution Court (ECR) judge, the Court also produces a weekly report on the number of arraignments, dispositions and the clearance rate of cases heard in ECR.⁶ These reports are available for use by the Public Defender's Office and could be a useful tool for assessing Office productivity.

During this management review, ISD prepared a variety of reports from IJS measuring Public Defender's Office activity. Though the accuracy of some of these reports is questionable at present, once any data integrity issues are resolved, reports could be produced for the Public Defender's Office presenting: number of cases, by case type, attorney and Court department; number of multi-defendant cases; number of continuances, by requestor and court department; number of conflict of interest declarations, by stage of case and Court department; and number of motions filed by type.

Other data elements in IJS against which reports could be run include:

- Dates of violation, arraignment, preliminary hearing, settlement conference, trial, sentencing and any review hearings, which would allow analysis of the number of times a case is set for hearing and the time between hearings;
- Charges, severity, and special circumstances, permitting evaluation of case complexity over time;
- Defendant's custody status, useful for determining time needed for jail visits, estimating the costs of delays in disposing of cases, and the proportion of defendants that should pay the Public Defender registration fee;⁷
- Types of case dispositions, sentencing details and state prison commitments for assessment of the efficacy of Office defense; and
- Violations of probation, allowing the Office to accurately distinguish new and reopened cases, eliminating the need to keep manual records of this information.

If the Public Defender's Office consistently entered appointed attorney names for each case record in IJS, reports could be run by the system that would allow management to better monitor and balance attorney caseload and productivity. ISD staff report it would be possible to provide the Office with some additional reports and small IJS upgrades without charging additional fees. Creating reports using existing data fields would require minimal ISD staff programming resources. The Office's management team should meet regularly to consider data

⁶ The ECR report was developed by consultant David Bennett working with the Superior Court and is in Excel. The report is shared with managers in the Public Defender's Office.

⁷ See Section 7, Financial Screening and Fees

needs and, as discussed in Section 1, assign responsibility to the Office's ASO to develop and follow up on requested reports.

System Shortcomings

Some of IJS's shortcomings as a management system for the Office include:

- IJS tracks formal probation but representatives of various County criminal justice agencies reported that court (informal) probation is not captured. ISD reports that this data is, in fact, captured in IJS but apparently not all County staff are aware of this. Accessing this data is significant to the Public Defender's Office because if the court is monitoring those on informal probation, they are likely to require additional court appearances requiring Public Defender attorney presence.
- When a new attorney is assigned to a case, the record of any previous attorney representation is overwritten. Without attorney history, the case record is incomplete and the data cannot be used to track attorney caseload beyond the immediate assignment.⁸ In August, 2010, the Office requested improved tracking of attorney assignments to assist in balancing workload, and to automatically assign attorneys to certain cases. These features have not been added to IJS.

Moreover, some of the data entered by Court staff is unreliable, reducing the system's utility. Two significant examples relate to data for:

- Continuances. Issues relate both to who requested a continuance and whether some review hearings are being inaccurately classified as continuances. For fiscal year 2010-11 IJS reported 99.5% of continuances as being requested by the court, when it is likely that many of these continuances were actually requested by attorneys from either the Public Defender's or District Attorney's Offices, and/or private attorneys and approved by the Court. In addition, subsequent hearings are sometimes entered as continuances when in fact they are a next step in the adjudication process, such as settlement conferences which follow ECR appearances and regular weekly or monthly reviews in juvenile cases. The Juvenile Court Supervising Judge confirms that cases counted as open were in fact disposed but then scheduled for review; IJS statistics thus understates the rate of juvenile case dispositions.
- Attorney representation. The number of cases represented by the Office and the conflict and alternate defenders is not always accurate. In many instances, court clerks enter codes indicating that the County's conflict or alternate defenders represented a defendant when in fact the Public Defender's Office provided representation, resulting in an inaccurate count of Public Defender and conflict defenders' workload.

⁸ The court's minute order screen records each attorney who appears but a countable report of appearing attorneys is not created. The unused report "Public Defender Court Appearances" provides a total count of appearances, rather than detail about appearances by individual attorneys.

The Superior Court Administrator reports that the Court is currently reviewing the accuracy of IJS reports generated from court-entered data. When quality controls are established to ensure that this data is entered correctly, the Office will have more valuable tools for analyzing its operations.

The Office should utilize existing criminal justice forums or create a new forum to discuss data accuracy issues with the Superior Court and other criminal justice agencies, who also enter and use IJS data. The Office should report at least twice a year to the County Administrator's Office on data issues identified and progress made in rectifying them.

As discussed in more detail Section 5, due to the unavailability or unreliability of some IJS data and reports, the Public Defender support staff track some Office statistics manually. Similarly, the District Attorney reports management information problems and has hired a Data Analyst to create reports and analyze statistics from IJS. In Section 1, we recommend enhanced use of the Public Defender's Office's ASO position to perform comparable services.

The Office's Own Information Systems are Underutilized

Public Defender's Office staff use standard computer software, but not as fully as they might. Improved use of existing software would enhance the Office's ability to monitor staff activity and performance. This would be particularly valuable as a solution during the period of time when IJS use and capabilities are improved. A felony case log⁹ is maintained by the Office's felony secretary in Excel, showing each active case by PUB number, defendant name, attorney, date of assignment, next court date and department, type of event scheduled, and comments. There are no comparable logs for misdemeanor or juvenile cases.

According to the Office's clerical support staff, the felony logs are primarily used to help locate case files and to make sure discovery materials are directed to the proper attorney. As cases are closed they are deleted from the log; there is no history maintained that would allow for aggregating and analyzing caseload information or characteristics. Retaining closed case information on separate worksheets or files would allow management to easily calculate the caseload of each attorney for a given period of time, the time between key case events and the age of a case.

The Chief Investigator also maintains an Excel spreadsheet containing all cases assigned to each Investigator, when requests were received from attorneys and to whom the assignment was made. The Chief Investigator reports he only occasionally runs reports summarizing or analyzing these records. Individual Investigators complete an investigation summary sheet for each case, and even though the form has a field to indicate hours spent on the case, this data is usually not entered nor is it used by management for analyzing investigator workload or to develop performance standards.

⁹ Serious felonies (SFT) are tracked in their own log.

The Office has not developed templates that could be automatically populated by IJS to facilitate and standardize production of common documents such as motions and letters. Instead, the Office's legal secretaries and law clerks prepare motions and letters using previous versions as models but there are no standard motion templates on the Office's computers.

Court Activity Sheets and investigation case logs are completed manually by staff attorneys and investigators, respectively, though electronic templates for these documents are maintained in the Office's computer systems and the documents could be completed electronically. The Office should explore interfacing these documents with IJS to populate certain electronic logs and forms with case and defendant information.

Investigator tools

Investigators do not have individual access to electronic databases such as LexisNexis or fee-based search engines to locate individuals. The Office has a single license for LexisNexis but it can only be accessed on one computer in the office, making it inefficient for staff investigators to carry out electronic searches. Without access to these tools, investigators report they often end up searching for needed witnesses and other relevant persons by using phone books and calling other contacts. The time spent searching for individuals could be more effectively used. .

Investigators in several of the surveyed counties report using Accurant by LexisNexis and ZabaSearch, both search engines for public information. The County should consider purchasing this type of service with individual licenses for staff investigators but should carefully evaluate specific programs as even costly programs can provide outdated or incorrect information, especially for common names.

Investigators also do not have Caller ID on their telephones. Caller ID would allow investigators to more easily return calls from witnesses and others.

Records Management

Currently all record-sharing within the Office and between the Office and other departments is manual. Sonoma County is implementing OnBase, an electronic document management system (EDMS) allowing departments to share and save documents in digital format in departments that have budgeted for it. Implementing OnBase in the Public Defender's Office would allow it to receive and store, among other records, discovery documents from law enforcement agencies and the District Attorney. Closed case files could be scanned, eliminating the need to store cases off-site and the delay associated with retrieving those files from their off-site location when they are needed again.

ISD, which is responsible for off-site storage, does not presently identify the specific cost of off-site records storage but includes it in its overhead. However, ISD reports it is likely to delineate those costs in the near future and charge departments specifically for their usage of off-site storage. Using an EDMS rather than storing case files would allow the Public Defender to avoid those charges. Ideally, an EDMS would be integrated with IJS and any new case management

system so its use is seamless and scanned documents can be tied to case activity, but a stand-alone EDMS can still be useful and may be cost-effective.

Of the six counties of the public defender's offices surveyed for this management review, all are scanning or plan to begin scanning closed case documents; some plan to also scan active cases. They are using a variety of systems, including the records management modules of their case management systems or their county's EDMS. Solano and San Joaquin counties use stand-alone products.

Proposed Case Management System

ISD has prepared a business case for procuring a case management system on behalf of the Sonoma County District Attorney.^{10 11} The Public Defender's Office is considering sharing in the costs and participating in the system provided the system provides an appropriate level of functionality for the Public Defender's Office, there are appropriate security and confidentiality protocols, and the Office has sufficient funding. Many of the District Attorney's business case arguments for a new system are appropriate for the Public Defender's Office as well. Those include integration with I/Leads to allow for the automated transfer of information from police reports; entry of case notes in a searchable format; an electronic record of plea bargain history and results for each case; trial results by courtroom/judge/attorney/type of case; automatic generation of documents such as subpoenas; lists of actions required of various office staff members, with the ability to monitor compliance and send reminders; and secure, wireless access.

A case management system (CMS) would enable the Office's managers to provide more effective oversight of staff attorneys and systematically monitor case progress. With a CMS, managers could also implement an automated differentiated case management, assigning various weights to different types of cases to evenly distribute workload. Managers could review all cases on-line, ensure proper steps are followed and determine if cases are being resolved appropriately. A CMS would track numbers and types of cases assigned per attorney, numbers of and reasons for continuances and conflict of interest declarations, and dates of a variety of tasks or events, such as when an investigation request was made and when it was delivered. An effective CMS would eliminate the use of case logs using the Office's spreadsheet software. Additional Office-specific requirements could include the ability to track the time spent on a case by both attorneys and investigators; a record of financial transactions, such as payment of registration fees; and validation routines and edits to prevent data entry errors.

Any Office CMS would need to be integrated with IJS to allow it to be populated with defendant and case information. The Office would need to commit to adding additional data to the

¹⁰ Business Case for a District Attorney Case Management System, Version 2.2, 3/24/2010

¹¹ Office management had identified Gideon, a system developed in-house in Marin County, as a preferred system. However, ISD staff report that the systems architecture used by Gideon would make it a poor choice to integrate with IJS. As a stand-alone system, Gideon would require a large amount of data entry by the Public Defender's Office.

system, including the attorney and investigator appointed to the case, case notes, reasons for continuances, and reasons for conflict declarations. Improvements in data entry protocols would also be required (e.g., validation routines that do not allow inconsistent answers such as the entry of “private counsel” in concert with the name of an attorney in the Public Defender’s Office or trial dates that precede ECR court dates).

Each of the surveyed counties has a case management system with specific public defender modules. . Two counties use Defender Data, a system designed exclusively for indigent defense systems. Other counties have public defender-specific modules in their county’s criminal justice system. The surveyed counties create management reports in their case management systems, although San Joaquin County also collects some statistics manually and Napa County reports that it has implemented a new CMS so recently (March, 2012) that data is not yet available.

While making better use of IJS and electronic systems and software already in place at the Public Defender’s Office would represent a significant advance over present methods, a case management system could possibly represent even further advances. However, before committing to the cost and additional work related to keeping a case management system accurate and current, the Public Defender’s Office should prepare a business case for acquiring such a system, including the savings that would be achieved from the system, through the reduction in administrative positions and/or more efficient use of staff time. The District Attorney’s Office has gone through this exercise to justify their acquisition of a case management system.

Conclusions

Case processing in the Public Defender’s Office is hampered by a lack of automated systems tailored to its specific needs. The Office could make better use of the systems and software it already has, gathering management information from existing logs, consistently entering assigned attorney information and working with ISD to make minor modifications to IJS. While a case management system purchased with their data requirements in mind may solve a number of data problems, preparation of a business case for the CMS will ensure a new system is used to its fullest capacity.

Recommendations

The Sonoma County Administrator should:

- 6.1 Utilize existing criminal justice forums or create a new forum of criminal justice agencies to discuss data accuracy and consistency issues with the Superior Court and other criminal justice agencies. The group should report twice a year to the County Administrator’s Office on data issues identified and progress made in rectifying them.

The Sonoma County Public Defender should:

- 6.2 Improve quality controls over data entered by Office staff in IJS, particularly for appointed felony and misdemeanor attorney names.
- 6.3 As part of the work of the data accuracy forum recommended above, work with the County's Information Systems Department to determine what modifications to IJS are needed. Programming to consider includes implementing the attorney caseload balancing requested in 2010, establishing caseload weighting, and using IJS to populate Word documents with case information.
- 6.4 Use the Office's existing software to create management reports to assist in measuring and monitoring workload until such a time that IJS or another system meets all the Office's needs, including a history of felony attorney assignments.
- 6.5 Identify and present to the CAO the costs and benefits of procuring fee-based online search engine licenses for individual staff investigators to improve their efficiency in locating witnesses and other persons of interest.
- 6.6 Prepare a business case for the CAO identifying the costs and benefits of the Public Defender's Office acquiring a shared or stand-alone case management system, including the savings that would be achieved from the system through the reduction in administrative positions and/or more efficient use of staff time.
- 6.7 Determine the costs and benefits of purchasing the County's preferred electronic document management system, OnBase, for the Public Defender's Office and present to the County Administrator for review and approval.

Costs and Benefits

Many of the recommendations would require some commitment of management time and effort, in particular for the ASO, but few other costs. Benefits would include creation of enhanced, more accurate and less staff-intensive management information which in turn will allow analysis of several key case processing and staffing factors.

The cost of any needed ISD programming itself would depend on the decisions made by the Office and ISD about the relative benefits of requested changes. If implemented, the benefits of the new modifications would be improved ability to track and balance attorney assignments and a reduction in the time required to create Word documents for specific cases.

The cost of individual fee-based search engine licenses to locate persons of interest would vary based on the specific contract with the chosen company but would result in less time to locate witnesses or other persons by investigators. LexisNexis licenses for individual staff investigators should cost under \$5,000, for example.

The cost of implementing the electronic documents system, OnBase, as an integrated system with the Public Defender's new CMS, will need to be estimated by ISD. The benefits of an EDMS include reduced time for transmitting documents between departments; elimination of lost

documents; and a reduced need for paper document storage. Although the cost of off-site storage is unknown at this time, the Office will be able to avoid future ISD charges for these services once ISD begins to charge for them, as planned.

Finally, while preparing a business case for a case management system will require a commitment of time from Public Defender management and ISD, it would result in a thorough, objective review of the costs and benefits of purchasing a CMS.

7. Financial Screening and Fees

- The manner in which the Sonoma County Public Defender's Office collects client financial information is not sufficiently rigorous. There is no evidence that staff routinely request financial documentation or critically review financial applications. A random sample of ten misdemeanor files revealed that financial evaluation forms were present in only seven cases and in none was there indication that Public Defender's Office staff had reviewed or approved the application. Juvenile parties are assumed to be eligible for services and are not screened.¹
- Pursuant to State law, the Sonoma County Board of Supervisors authorized a \$50 registration fee to be assessed against all defendants or, for juvenile defendants, their parents or guardians.^{2,3} However, neither the Public Defender's Office nor the Court compares payments against the number of defendants who should have paid the fee. Juvenile parties' parents/guardians are not being directed to pay the registration fees.
- In Fiscal Year (FY) 2010-11, the Public Defender's Office collected \$33,635⁴ in revenue from registration fees. At \$50 per defendant, this represents payment by approximately 673 defendants out of a total of approximately 11,000 adult defendants represented by the Office.
- The Sonoma County Public Defender's Office established an attorney fee schedule in December 1999 that has not since been updated. A sample of adult case files indicates that fee payments ordered do not adhere to the fee schedule. In juvenile cases, parents or guardians are ordered to pay a flat \$100 in attorney fees, which is inconsistent with the juvenile fee schedule. The alternate/conflict defender reports that his office does not collect fees or follow-up on whether defendants pay the registration fee.
- In FY 2010-11, the Court ordered \$91,462 in attorney fees to be paid by defendants, though only 41 percent, or \$37,788, was collected.⁵ Taken together, registration and attorney fees collected totaled \$71,423, or 0.8 percent of the Office's \$9,060,504 in reported actual expenditures for that year. Data from several other counties indicate a median collection rate from these two revenue sources of approximately three percent of total expenditures. Applying that collection rate to Sonoma County, \$271,815 would have been collected in FY 2010-11.

¹ The California Supreme Court has ruled that in-custody defendants are considered automatically eligible for indigent defense services.

² The Sonoma Public Defender's Office also does not charge the registration fee for in-custody defendants.

³ The registration fee was raised from \$25 to \$50 by Board of Supervisors' resolution on April 20, 2010.

⁴ This is the equivalent of registration fees paid by approximately 673 defendants. Fifteen percent was retained by the Superior Court for its collection efforts.

⁵ Of this amount, \$16,853 went to the Probation Department pursuant to an agreement with the Public Defender.

Eligibility and Ability to Pay

The United States and California State Constitutions, State law and case law mandate that all individuals be provided legal representation when arrested for a crime and in some civil proceedings, regardless of ability to pay. The Sonoma County Public Defender's Office is responsible for determining if defendants qualify as indigent and are therefore eligible for public defender services. State law establishing the link between public defender services and client financial status provides for the following:

“Upon request of the defendant or upon order of the court, the public defender shall defend, without expense to the defendant, except as provided by Section 987.8 of the Penal Code, any person who is **not financially able to employ counsel** and who is charged with the commission of any contempt or offense triable in the superior courts at all stages of the proceedings, including the preliminary examination.”⁶ (**Emphasis added.**)

State law allows public defenders to “require a defendant or person requesting services of the public defender to file a financial statement under penalty of perjury.”⁷ The manner in which each public defender's office does so is left to the discretion of the local jurisdiction. The Sonoma County Public Defender's Office has developed an “Application for Financial Evaluation” to collect defendant financial information. However, as discussed below, this form is not consistently utilized.

The California Supreme Court case *In re Smiley* established parameters for a standard test for eligibility. The Court ruled that a standard test should include “careful inquiry” of defendants' assets, debts, and minimum subsistence requirements, as follows:

- *A review of defendant assets.* This includes salary and all other income and any property.⁸
- *An analysis of all defendant expenses related to minimal subsistence.* Food, shelter, medical care, child support payments or other court-ordered payments are given precedence over legal fees. Most other debts are considered secondary to the payment of defense counsel.

⁶ California Government Code Section 27706 (a).

⁷ California Government Code Section 27707.

⁸ Assets include a home or stocks or bonds, vehicles, jewelry or vehicles, if there are alternative means of transportation. Any Federal, State or local income tax refunds, inheritance income, insurance policies with a loan value that the defendant can borrow against, are also considered assets. The income and property of a spouse should also be considered when determining eligibility unless the spouse is a complaining witness in the pending case. Excluded under the standards are funds from workers' compensation.

- *Other considerations such as the nature and seriousness of the charges of the case.* Determination should be adjusted based on the seriousness of the case since a misdemeanor case is going to be less complex, and less costly for private counsel.
- *Other criteria are to have no impact on the screening and the eligibility of the defendant.* These include merits of the case or whether the defendant posted bail. If a defendant is in custody, under the application of the standard test, the defendant is considered eligible for indigent defense services.

A key aspect of these standards is that a person with some assets can still qualify for public defender services, depending on the relationship of assets to expenses. The Smiley case also clarifies that it cannot be assumed that whatever assets an applicant has have to be used to secure a private attorney.⁹

Current Financial Screening Practices

Standard of Indigency

The Sonoma County Public Defender's Office has no written or formally-defined policy for granting legal representation by its office. General guidelines, as reported by Public Defender's Office management, are that persons with less than \$2,500 per month in gross family income qualify for public defender services. Management reports that if income exceeds that amount, the person reviewing the application considers the number of dependents, basic expenses, and assets, but there is no clear policy or indication on the form how that is to be done. Defendants with real property are asked about the condition of their loans and the value of their homes to determine potential equity but it is unclear how the information is taken into consideration.¹⁰ The Sonoma County Public Defender's Office could model its criteria for eligibility on that of the Superior Court, which by Rule of Court¹¹ has a standardized method of determining who is automatically eligible to file a civil case without paying filing fees. The rule states that any person who receives government assistance, such as Medi-Cal, food stamps or Social Security's Supplemental Security Income (SSI), or any person whose family income is less than a stated amount is automatically eligible for a fee waiver. Fees can also be waived after a review of income and expenses, similar to what is currently done in the Public Defender's office.

Method of Determining Eligibility

The methods used by the Sonoma County Public Defender's Office to collect client financial information depend on the type of case.¹² The Public Defender's Office requires out-of-custody

⁹ *In re Smiley* (1967) 66 Cal.2d 606.

¹⁰ The financial evaluation application has a line labeled "real property" but does not indicate what should be entered there and does not ask for information about the loan.

¹¹ California Rule of Court 3.51, Government Code 68632, form FW-001 Request to Waive Court Fees.

¹² The California Supreme Court has found that in-custody defendants are considered automatically eligible for indigent defense services.

misdemeanor defendants to submit an “Application for Financial Evaluation” at the first appointment with the Office. No supporting documentation is required. The form is reviewed by a Legal Processor; when the Legal Processor is uncertain about eligibility, the decision is referred to the Supervising Legal Secretary, the Administrative Services Officer, the Chief Deputy and/or the Assistant Public Defender. In a sample of ten randomly selected misdemeanor cases scheduled for trial in 2011, applications were found in only seven of the case files.

For felony defendants, an assessment of financial eligibility is made by the Assistant Public Defender in Early Case Resolution court (ECR) based on a conversation with the defendant. Defendants are only asked to prepare an Application for Financial Evaluation at their initial court appearance in instances where the Assistant Public Defender concludes that a felony defendant may not qualify for Public Defender services.

In juvenile cases, Public Defender’s Office management reports that no financial assessment is completed as the presumption is that juveniles do not have sufficient means to pay for representation. However, Welfare and Institutions Code 903.1 provides that the person liable for support of the minor (e.g. parent, guardian or spouse) shall be liable for the cost of legal services rendered to the minor.

Defendants are rarely found to exceed the income/asset standard. If a misdemeanor defendant is found to exceed the limit, he/she is instructed to return to the courtroom and inform the judge; in felony cases the Assistant Public Defender informs the judge. Occasionally a defendant has enough income/assets that he/she is told that, at the close of the case, the court may order at least part of the fees be paid.

Public Defender’s Office management reports that they believe few defendants using the Public Defender’s Office have enough assets to make a financial evaluation worthwhile.¹³ Nonetheless, applications should be completed by all out-of-custody defendants and reviewed for accuracy and completeness, and efforts made to verify as much as possible that only those defendants in need are provided free legal assistance. The person reviewing the form should indicate why the defendant did (or did not) meet established eligibility criteria and date and sign the form.

Assessment and Payment of Registration Fees

Subject to authorization by the board of supervisors in each county, Penal Code 987.5 states that “every defendant shall be assessed a registration fee not to exceed fifty dollars (\$50) when represented by appointed counsel.” Welfare and Institutions Code 903.15 has a similar clause for minors. However, no fee is required of a defendant who is not financially able to pay.

¹³ The Public Defender’s Office reports that a review of 12 financial applications on May 2, 2012 showed a range of income from \$0.00 to \$2,500 per month, with a median of \$834. Some defendants had expenses greater than their incomes and were living with and receiving assistance from friends or family.

According to Public Defender's Office management, an in-custody defendant is assumed to be unable to pay the fee.

Office staff reports that when defendants first appear at the Public Defender's Office, they are directed to pay the registration fee at the Court Fiscal Services Office. Defendants are instructed to make payment that day, if possible; or if they are not able to pay that day, to pay as soon as possible but no later than the close of the case.

Neither the Public Defender nor the court tracks the names or number of defendants directed to pay the fee or which defendants actually do so. In adult cases, each month the Court sends payments to the Public Defender, retaining 15 percent as an administrative fee, with no detail about which defendants paid or how many payments were received. There are thus no mechanisms to ensure payment by the defendant, such as asking the judge to order the defendant to pay the fee at disposition. The Court Executive Officer reports that in FY 2010-11, the Court collected \$33,635 in registration fees¹⁴. This is equal to payment from about 673 defendants compared to a total of approximately 11,000 adult defendants represented. The number of out-of-custody defendants is unknown, but a reasonable proxy is to consider all misdemeanor defendants as eligible to pay the fee and to exclude felony defendants as they are more likely to be in custody. The Public Defender represented defendants in approximately 9,500 misdemeanor cases.

Assessment and Payment of Attorney Fees

State law¹⁵ allows the court to assess the ability of a defendant or in the case of juveniles, his or her parents or guardians, to pay a portion of the cost of appointed legal counsel, even if found eligible for public defender services. The Assistant Public Defender reports that the Public Defender is to ask the judge to order fees. Even though the Public Defender does not have the parent/guardians complete an Application for Financial Evaluation in juvenile cases, at the close of the case the judge commonly orders the juvenile party's parent or guardian to pay \$100 as reimbursement of defense counsel expenses and directs the parent to the Probation Department to arrange for payment.

The Sonoma County Public Defender's Office established a fee schedule in December, 1999, that details fees for misdemeanors and felonies for defendants able to pay some fees, depending on the stage at which the case was settled, with additional charges for lab tests and expert witnesses. The schedule has not been updated since 1999. A review of ten randomly selected misdemeanor files that proceeded to trial indicates that two defendants were ordered to pay \$200 each, an amount that does not match any fees listed in the fee schedule and which would represent only 40 minutes of trial time.¹⁶ Thus, it does not appear that the fee schedule

¹⁴ The Public Defender received \$28,589, reflecting the 15% retained by the court for administrative costs.

¹⁵ Penal Code 987.8 and Welfare and Institutions Code 903.1.

¹⁶ The fee schedule amount for a misdemeanor settled before trial is \$150; time in trial is to be charged at an additional \$75 per hour. A charge of \$200 represents the initial \$150 plus \$50, or 2/3 of an hour in trial.

is being adhered to. In Fiscal Year 2010-11 the Court ordered \$91,462¹⁷ in Public Defender attorney's fees to be paid by Public Defender-represented defendants, or approximately 1% of actual Office expenditures for that year.

The County's Auditor-Controller/Treasurer-Tax Collector's Central Collections Unit collects attorney fees. The payment ordered is added to the defendant's Probation account, if applicable, and entered into CUBS (Columbia Ultimate Business Systems) software. The Central Collections Unit is proactive in collecting payments, sending reminder letters to defendants, and for those accounts that are not being paid, a series of four letters, then returning the account to the Probation Department for other activity as the department deems appropriate. By law, payments received are disbursed by priority level, with Public Defender attorney fees being in Level 4, the lowest priority level. The Public Defender's Office collected \$37,788 in revenue from attorney fees, approximately 41 percent of the amount ordered.

While the County's collections efforts may be sufficient, it appears that attorney fees are not being ordered in cases where the defendant has the ability to pay at least some of the cost. Taken together, actual registration and attorney fee collections of \$71,423 (\$33,635 in registration fees and \$37,788 in attorney fees) equates to approximately one percent of the Office's reported actual FY 2010-11 expenditures of \$9,060,504. Data reported in 2009 from several other counties that charge these fees report a median collection rate from these same two revenue sources of in excess of three percent of budgeted expenditures.¹⁸ Had three percent of expenditures been collected, \$271,815 in revenues would have been received.

The Santa Barbara County Public Defender's Office reports it has become more proactive about collecting attorney fees in the last year. Clients are given the option of paying \$175 for felony representation and \$125 for a misdemeanor case, or having a court hearing. Most choose to make the payment, and collections have reportedly risen 90 percent in the last year. Were this approach taken by Sonoma County and 25 percent of Sonoma County's misdemeanor defendants in 2010-11 paid this amount, Sonoma County could have been expected to collect \$296,875 in attorney fees. The Sonoma County Public Defender's Office should begin discussions with the Superior Court Judges to enhance and improve the fee collection process through this or other approaches.

Conflict/Alternate Defender Fee Collection

The County's private attorneys that provide representation in cases where the Public Defender's Office has a conflict of interest and for one misdemeanor courtroom are required by the July 1, 2010 Conflict Administrator Agreement to "use [their] best efforts to tell defendants to go to Court Collections and pay the registration fee" and "at the end of case, to remind the

¹⁷ Auditor-Controller/Treasurer-Tax Collector Central Collections reports

¹⁸ Management Evaluation of the Public Defender's Office, Ventura County, prepared by Harvey M. Rose Associates, LLC, January 2009.

Court of its ability to impose fees...”¹⁹ The Conflicts Administrator who oversees these private attorneys reports that neither his office or the private attorneys ask the defendants to pay fees or ask the judges in their cases to order fees. Nonetheless, the Superior Court Executive Officer reports judges ordered payment in a number of such cases and \$2,700 in court-appointed attorney registration fees was collected in FY 2010-11, equivalent to payments from 54 defendants, compared with 895 misdemeanor defendants represented by the contractor in FY 10-11. Had 447, or half of these defendants, paid a registration fee, \$22,350 would have been collected. Thus, only 12 percent of potential registration fees were collected in these cases.

Conclusions

The Sonoma County Public Defender’s Office assumes its clientele does not have the ability to pay attorney fees and does not rigorously investigate whether this is true or routinely ask judges to assess attorney fees. The Office also makes no attempt to ascertain if adult defendants instructed to pay the registration fee do so, and does not direct the parents or guardians of juvenile defendants to pay registration fees. Although required to do so by contract, the private attorneys under the County Conflicts and Alternate Defender contracts do not direct defendants to pay registration fees or request that judges order payment of attorney fees. Reasonable efforts to request attorney fees and follow-up on payment of registration fees would result in increased revenue collections.

Recommendations

The Public Defender’s Office should:

- 7.1. Establish a formal financial evaluation policy and process and standard criteria for granting legal representation which incorporate principles of “careful inquiry” with possible eligibility criteria including a maximum monthly income or receipt of any government assistance, a given ratio of income to expenses, and incarceration in jail, prison or a mental health facility.
- 7.2. Codify defendant financial indicators that trigger further review by a supervisor or manager, such as income above an established threshold amount, monthly expenses that exceed income, ownership of real property, or ownership of multiple vehicles or luxury items (for example, recreational vehicles). The policy should include the criteria for eligibility; detail who may review the application and decide about the ability to pay; indicate what triggers review by a supervisor or manager; require that the reviewer state the reason for granting or denying the application and sign and record the review date.
- 7.3. Revise the Application for Financial Evaluation form to include all information needed (e.g. value of assets, status of mortgage, income tax documentation, total amount of

¹⁹ Conflict Administrator Agreement, clause 12, Language Required in Subcontracts.

monthly household expenses) and a checkbox list of reasons for granting or denying the application.

- 7.4. Record electronically which defendants are referred to the Court's fiscal office to pay registration fees prior to providing services. Establish a policy of requiring juvenile parents/guardians to pay registration fees and, given the ability to pay, attorney fees, pursuant to State law. At the close of the case, ask the Judge to remind defendants of the requirement that they pay the registration fee if they did not do so prior to receiving legal services.
- 7.5. Update the 1999 attorney fee schedule by estimating the time attorneys generally spend on major phases of cases.
- 7.6. Initiate discussion with the Presiding Judge of the Superior Court about how to best serve both the client and the County by ordering appropriate attorney fees.
- 7.7. Record who is ordered by the Court to pay attorney fees and how much is ordered; compare with collections transmitted to the Office's budget by the Central Collections Unit.

The Sonoma County Counsel's Office should:

- 7.8. Request that the Court provide a monthly report of indicating which defendants sent to pay the registration fee did so.
- 7.9. Monitor and report to the County Administrator the Conflict Administrator's efforts to instruct defendants to pay registration and attorney fees and request that bench officers assess fee payments for defendants represented by contract attorneys.

Costs and Benefits

Minimal costs would be incurred with implementation of many of the recommendations, including: a) formalizing the policy and procedure for determining a defendant's ability to pay attorney fees and revising the form accordingly b) requiring parents/guardians of juvenile defendants and defendants represented by contract/alternate defenders to pay registration fees, and c) determining with the Superior Court how to best to assess attorney fees at the conclusion of a case.

Recording which defendants are asked to pay fees and comparing them to actual payments is estimated to require less than one day a month of clerical time. Updating the attorney fee schedule will require management to estimate the average time required to defend a client.

Improving collections to the rate of comparison counties can be expected to result in an increase from \$71,423 in annual registration and attorney fees to \$271,815 per year, for an increase of more than \$214,000 per year. Other benefits include a realistic assessment of the cost of defense, leading to improved budget planning.

Response to the Management Review
Of the Sonoma County Law Office of the Public Defender
As Prepared by Harvey M. Rose Associates, LLC

Response Prepared by:
Kathleen Pozzi
Interim Public Defender
September 26, 2012

This response shall be divided into seven (7) sections as outlined in The Report and will attempt to avoid areas of duplicity. The Harvey Rose Report shall be addressed as “The Report”. The Law Office of the Public Defender shall be referred to as “The Office”. This response is to the recommendations as outlined after each of the seven sections.

Section I Management Structure and Spans of Control

1.1 There has been a redistribution of responsibility to the Chief Deputy Public Defender, as recommended. He is directly responsible for misdemeanor attorneys, juvenile attorneys and law clerks. The Interim Public Defender (Previous Assistant Public Defender) remains responsible for the direct supervision of all managers, and felony attorneys.

Planning and office-wide support systems are in place for attorneys with a system and procedure designed by management for court coverage pursuant to accepted Policy and Procedures as is outlined in The Office Policy and Procedure Manual and generally accepted practices in all Public Defenders offices throughout the state.

Managing attorneys have a specific sense of caseload which is systematically collected, validated and used for equality in distribution, case processing time and benchmarks of operation.

The Chief Deputy Public Defender proactively manages misdemeanor staff attorney assignments, participates and assesses office operations, represents clients in jury trials when needed, provides training to all staff, handles or delegates court coverage in the event of unforeseen absences, time off, vacations, etc., and represents clients in the treatment courts. This is mandatory and required pursuant to constitutional mandates. To replace the Chief Deputy Public Defender of his court assignments, as recommended, would require hiring an additional attorney at a substantial annual cost. Other comparable counties that have these specialty treatment courts have one full time attorney handling these court assignments exclusively without additional management responsibilities.

1.2

It is not possible to have a “stand-by” attorney as is recommended by The Report. Furthermore, it is not possible to divert this court assignment to other attorney staff due to their own heavy caseload. It is essential to the model of treatment courts (based on best practices) to have a regular assigned and present attorney in the Drug Court and the DUI Compliance Courts. A “team approach” with a consistent and trained treatment team, Judge, District Attorney, Public Defender, and Probation Officer is necessary in reaching the ultimate goal of reducing recidivism. The decision of having the Chief Deputy Public Defender cover these courts was based on the fact that the Presiding Judge of the Superior Court is the judge who calls these calendars and it is important to have an office manager close to the Presiding Judge on a regular basis to keep updated on court decisions and court business.

The Assistant Public Defender appeared in ECR daily and was able to monitor every felony case assigned to The Office, monitor individual felony case assignments, and determine financial eligibility. After many years of budget cuts, a deliberate decision was made to cut management positions in order to save line-staff positions. This decision allowed the office to maintain services to

as many clients as possible. This decision required management to work double duty. By having the Assistant Public Defender and Chief Deputy Public Defender handle full case loads, in addition to the many management duties that they each effectively perform, is a substantial **annual savings** to the County. This is **not a cost** as is suggested by The Report.

- 1.3 The Office Juvenile lead attorney is acting within his job description. There is no request for a differential in salary.
- 1.4 Under the previous Public Defender, the Administrative Service Officer (ASO) was not delegated **substantial** management analytical support or developmental duties. This has been historical in The Office. The current ASO has tremendous experience with the Courts and ISD in developing programs and procedures for statistical data collection and substantial analytical experience with program development. Higher levels of analytical duties have been delegated to the ASO and put into place under the Interim Public Defender, with the limitations of program availability. The ASO is directly responsible for the general operation of The Office, supervising ten support staff personnel, human resource obligations, budget, technical services, collecting and analyzing data and reporting findings on a regular basis to the Interim Public Defender. The ASO is responsible for obtaining multiple reports from ISD and reconciling them with Office data and reporting to the Interim Public Defender. Unlike other Public Defender Offices surveyed, the Public Defender does not have an administrative secretary. This is one more duty placed on the current ASO. In her single capacity, no more duties are requested by the Interim Public Defender, nor can they be imposed upon the ASO. She is seen as a valuable resource and asset to The Office.
- 1.5 **All staff** are provided with a Policy and Procedure Manual upon employment. A written office specific Policy and Procedure Manual has recently been developed, distributed, and signed by all staff. A specific juvenile policy and procedure manual has also been implemented.
- 1.6 In the past five (5) years there have been more than 60 MCLE (Mandatory Continuing Legal Education) sessions in The Office. Furthermore, all attorneys are required to attend the Basic Trial Skills and Advance Trial Skills Institutes provided by the California Public Defender's Association (CPDA). The Homicide and Death Penalty College are required of all attorney's who wish to matriculate to felony defense. The Office purchased and maintains a library of more than 70 CPDA seminars on DVD. Each seminar provides a minimum of 6 hours of MCLE credits. The seminars cover very specific training topics, such as, Cross-examination, Capital Defense Practice, Defending Gang cases, Sex Crimes, Trial Skills, Scientific Evidence, etc.

Brown bag weekly trial forums are available for all lawyers and investigators and held within The Office law library. These meetings are organized by colleagues and encouraged by management.

All staff are required to undergo an orientation upon employment specific to the division within The Office.
- 1.7 Performance evaluations are conducted routinely/annually for all support staff and misdemeanor attorneys. The Interim Public Defender is in the process of requiring annual written performance evaluations for all staff, as recommended.

Section 2 Public Defender's Office Staffing and Caseload

- 2.1 Office specific protocols for recording and classifying caseload using clearly defined terms and methods that provide accurate measures of staff activity and productivity, have been developed by the Interim Public Defender with the assistance of The Office ASO with support from ISD.

Differences and discrepancies in the number of cases originally reported, were not based on error, but were based on The Office misjudgment of the information being requested. For example, The Office represented 435 *new* juveniles that had *never previously* been in the criminal justice system. However, The Office represented juveniles on 1307 new filings/petitions. In other words there were 1307 new petitions filed for which The Office was appointed, which includes juveniles previously in the system as well as new juveniles to the criminal justice system.

There are many explainable reasons why Exhibit 2.3 shows discrepancies in numbers from three different sources; IJS, The Office, and The Budget. The Office numbers are based on actual real numbers (hand counted daily). IJS's numbers vary by a total of 542 cases more than The Office reported hand count. Furthermore, The Budget for this same year showed 1671 felony cases and 10,162 misdemeanor cases, with a total of a 68 case discrepancy between IJS and the Budget. Overall, this is a small discrepancy that can be based on many factors and is a small number when dealing with over 12,000 total new cases to include Civil, LPS, Developmental Disabilities, and Probate Conservatorship. These are not counted by The Office as felony or Misdemeanors because they are of a unique class of cases. The unique cases total to more than 300 which reflects the greatest discrepancy between IJS's total and the total number counted by The Office. When factoring in the unique cases, the total numbers of cases tallied by all three sources are extremely close. There are many other reasons for this minor discrepancy that can be explained upon request. The ASO is working with the courts to rectify errors made by the courts in reporting data. For example, the courts reflect a **new** Public Defender appointment (new felony case) when a warrant has been outstanding for some time. The Office **does not** count this as a **new** case. Without a detailed case management system which is used and assessed exactly the same by the courts and The Office, the numbers will never be exact, but will always be close. The Office ASO is working diligently with the courts to gain uniformity in the way cases are reported in IJS and subsequently to ISD. The Office will continue to work closely with the courts to maintain this uniformity.

- 2.2 The Interim Public Defender and The Office ASO work weekly with ISD staff and the courts to ensure that case counting methods reconcile, as stated above.
- 2.3 Caseload standards can be submitted to the CAO's for approval of targets to use for subsequent staffing needs.

The Office concurs that target caseload standards for The Office should be developed. These standards should not be inconsistent with national standards or above the median of similarly situated counties. Without substantial additional resources and staffing, it is not possible to be consistent with these accepted standards. The Office has historically represented a high volume of clients. Competent, tenacious, organized, and dedicated Office staff are able to handle high volumes of cases without sacrificing services. Geographical location of The Office from the courts and the jail allow for more efficient and expedient services to clients.

- 2.4 A monthly Office caseload report can be submitted to the CAO's for reconsideration of staffing needs consistent with The Report.
- 2.5 Sonoma County misdemeanor attorneys represent 36% more clients than the median of the comparable counties. Sonoma County misdemeanor attorneys represent more than twice as many clients per attorney per year than is the national standard.

Sonoma County felony attorneys represent just above the median of the comparable counties. Sonoma County felony attorneys represent slightly less than the national standard of cases per attorney per year. This **does not**, however, take into consideration, LPS, Probate, Civil Contempt, Mental Health (FACT), or Developmental Disability clients, for which felony attorneys represent in addition to their felony assignments. When factoring in specialty courts, felony attorneys represent more clients per year than the median of comparable counties and more than the national standard. It should also be noted that the national standard of the number of cases per attorney annually, is the **maximum** number of cases allowed.

Caseload data and discrepancies for juvenile data collection are discussed above. The data collected from The District Attorney's Office closely resembles that of The Office in total numbers of petitions filed and The Office appointed. Sonoma County juvenile attorneys are handling one third more cases than the national average.

In applying national standards, The Report reflects that The Office would need at least 15 more attorneys to meet standards. See The Report Exhibit 2.5. Furthermore, this exhibit and recommendation does not reflect the recommendation relieving the Assistant Public Defender and Chief Deputy Public Defender of their full case assignment (in felony cases), and the five (5) specialty courts, stated above. The Office **is not** requesting 15 additional attorneys.

Refined efforts and methods to collect credible, verifiable, and clearly defined caseload data are in effect. The Office agrees that reliable caseload data is needed and a necessary management tool. Internal mechanisms are in place to achieve this end in all areas that are recommended. Management receives and reviews attorney activity and productivity and monitors equitable distribution of caseload. IJS tracks caseload by attorney name, in addition to internal statistical data compiled by the ASO. This allows The Office management to assess equality in case distribution and processing time.

- 2.6 Future analytical reports will determine future staffing needs with the use of permanent positions in lieu of Extra Help positions not inconsistent with The Report.
- 2.7 It is not possible to adhere to this recommendation as is established by Best Practices. Best Practices in criminal defense favors vertical representation. To implement the recommendation of The Report would be to have every felony trial attorney present in each of the 5 courtrooms at the same time. This is not to the benefit of the client, the District Attorney's Office, the Courts, or to The Office. No Criminal Justice Department would suggest conducting business in this fashion.

Section 3 Misdemeanor Alternative Defender Staffing

- 3.1 The Office 2012-2013 budget reflects two additional misdemeanor staff attorneys to resume coverage in Misdemeanor Department 6, (previous department declared unavailable) thereby alleviating the representation by the Alternate Defender. This results in a savings of approximately \$222,000 annually to the county.
- 3.2 The CAO has terminated the Addendum as described and it was carried out with minimal disruption to existing misdemeanor case work.

Section 4 Development of and Adherence to Policies

- 4.1 The Interim Public Defender adheres to, promotes, and is encouraged by written policies and office procedures. A revised written procedure on declaring conflicts has been implemented to include all of the recommended areas. A strict written policy and procedure for declaring conflicts of interest has been in place in The Office for at least the last twenty-five (25) years. All conflict of Interest declarations must be approved by a supervisor. Modifications have been made to the policy as recommended.
- 4.2 The Interim Public Defender has developed a written formalized Policy and Procedure Manual covering all areas suggested by The Report and includes multiple areas of policy and procedure previously in effect. The written policy covers all The Report recommended areas.
- 4.3 A written formal Office wide policy has been instituted regarding investigation activities, processes, and timing.
- 4.4 The existing Investigation Request Form has been modified as recommended.
- 4.5 A written office wide policy has been implemented regarding request for extraordinary fees. The existing Request for Extraordinary Fees form covers all areas recommended by The Report.
- 4.6 Experts, rates, and CV's, are updated in an open drive for all attorneys and investigators.
- 4.7 An Expert Witness Request form has historically been used for **all** extraordinary fee requests, as is outlined in The Report and will continue to be mandated.
- 4.8 The written Office -wide Policy and Procedure Manual covers all areas that are recommended.
- 4.9 The written Office-wide Policy and Procedure Manual covers all areas that are recommended.
- 4.10 The Interim Public Defender and the Chief Deputy Public Defender frequently monitor staff activity to ensure adherence to generally accepted practice of criminal defenses and compliance with written Office Policy and Procedures.
- 4.11 The Interim Public Defender intends to periodically (minimum of bi-annual) review the existing Office Policy and Procedure Manual to verify viability. Multiple new policies and procedures have been added since the inception of the written Manual. All staff are updated accordingly.
- 4.12 All Office staff have been trained to ensure compliance of policy and procedures.

Section 5 Management Practices and Performance Measurements

- 5.1** The Interim Public Defender and The Office ASO work with the County's ISD and Superior Court staff continuously to develop data entry protocols and controls to ensure accurate and comprehensive Office caseload, by type of cases, distribution of cases, attorneys assigned etc.

As stated in sections 1 and 2, caseload and specific cases are assigned equally by crime classification to each felony ECR attorney and subsequently to each felony trial attorney. Each felony is logged in IJS to a specific attorney to completion pursuant to the policy of vertical defense. This occurs after the case leaves ECR. All cases are assigned by alphabetical split and equally distributed to one of two assigned attorneys per criminal department. A separate classification of crimes referred to in The Office as Special Felony Team (SFT) cases are logged separately and equally distributed to felony trial attorneys. Office classified SFT cases are life cases, murder, child molestation, three strike cases, attempted murder, rape, robbery involving a firearm, kidnap, arson, and other serious, complicated and difficult cases determined by the Assistant Public Defender (currently the Interim Public Defender). The former Assistant Public Defender monitors all felony cases and has an excel log available establishing specific case assignments. SFT cases are specially assigned and an up to date excel log with attorney assigned is always at her disposal and viewed weekly. Each felony attorney maintains an equal caseload and an equal number of SFT cases. Clear, non-duplicative case classifications in the caseload statistics are useful for management purposes.

Misdemeanor cases are distributed alphabetically by courtroom to one of two assigned attorneys. Misdemeanor attorneys are able to handle a very high caseload because The Office is very efficient in the representation of defendants charged with misdemeanors. This is primarily based on training and custom within The Office and The Office being located at the courthouse. Close proximity allows for clients easy and fast access to The Office services.

- 5.2** Case process summary data and case process practices are computed monthly and reviewed by the Interim Public Defender. Criminal justice partners (Judges, D.A.'s, and P.D.'s) meet regularly to discuss unnecessary delays and ways to alleviate and expedite court hearings.

- 5.3** The Interim Public Defender and The Office ASO work consistently with ISD and the Superior Court staff to develop data entry protocols and controls for the production of performance measurements reports. The Office ASO has requested that the Superior Court accurately report the requesting party for all continuances. It should be noted that each felony case that matriculates to another hearing is considered a continuance, thereby requiring multiple appearances in the normal court of doing business. ISD is not able to ascertain **who** is requesting the continuances. Judges, District Attorney's, and private attorneys also must be considered. It is the policy of The Office to not seek unnecessary continuances. The Office is working with the Superior Court to capture this data in IJS to enable ISD to produce accurate reports.

It is also speculated by the Interim Public Defender that The Reports data from that AOC and collected for fiscal year 2009-2010 (Exhibit 5.1), shows Sonoma County at a slightly slower disposition rate due to 1210 Court (Proposition 36) being implemented pursuant to State law. More recently, Early Case Resolution Court (ECR) has greatly accelerated disposition time. Furthermore, the closure of 1210 courts alleviates multiple court appearances over a lengthy time period for court reviews and necessary multiple continuances. More recent statistics are sure to show that Sonoma County has a quicker disposition rate than other California counties. The ECR Judge provides the Interim Public Defender, weekly disposition reports. These reports reflect the number of cases arraigned for the week and the percentage of dispositions. ECR Court is disposing of an average of 85% of all felony cases arraigned.

- 5.4** The Interim Public Defender and The Office ASO are working with ISD and the Superior Court staff to develop data entry protocols for the production representing data on the number of conflict declarations, the stage of the declaration, and who is declaring the conflict (Private Attorney, Public Defender, Conflict Attorney).
- 5.5** This information is not being requested by the Interim Public Defender. Some motions are minor and some are very complicated. One type of oral or written motion is made daily in one sense or another. Complicated motions are tracked by the Interim Public Defender internally (i.e. Motions to Suppress Evidence, Speedy Trial Motions, Statutory Motions to Dismiss, 995 Motions, etc.). Oral or written motions are not a performance measure, unless not made when they should be made. There has never been an issue of frivolous motions being filed or the necessity of motions not being filed.
- 5.6** The Interim Public Defender and The Office ASO meet regularly with ISD for the purpose of reviewing new performance measurement data to be produced from IJS to help guide the Interim Public Defender and remedy any systemic problems that may otherwise cause undue delays in case processing. Efforts to develop data protocols for accurate reporting are ongoing and fluid by all departments. ISD has been extremely helpful, available and instrumental in development of requested and Report recommended areas.

Section 6 Uses of Information Systems

- 6.1** The Interim Public Defender and ISD meet regularly on data issues and development of processes to identify issues and to rectify them.
- 6.2** As recommended, Office staff is linking cases with attorney names for felony cases. Reports have been developed and implemented in this area.
- 6.3** The Interim Public Defender and The Office ASO meet regularly with ISD to determine needed IJS modifications to the areas recommended by The Report. ISD has been extremely welcoming and helpful in this area. Systems are now in place to The Report recommended areas, where possible, and reports are being generated to The Office.
- 6.4** The Office is currently in negotiations with ISD to make enhancements to IJS to allow The Office the ability to gather additional data, as is recommended by the Report. Furthermore, ISD has provided The Office a comprehensive monthly report showing current Office cases, future court dates, case status, assignments, filing dates, age of case, etc. This statistical data has been extremely useful to Office management to fulfill many of The Reports recommended areas of concern.
- 6.5** The Office currently uses a fee-based online search engine as is outlined in The Report.
- 6.6** The Interim Public Defender embraces the recommendation for a case management system that would enable The Office managers to provide more effective oversight of staff attorneys and systematically monitor case progress. The Interim Public Defender also agrees with the conclusion of The Report that case processing in The Office is hampered by a lack of automated systems tailored to its specific needs. The ASO will continue working with ISD to develop data entry fields and data protocol possible by ISD. The Public Defender, District Attorney and County Counsel are currently meeting with ISD to develop an RFP for a share case management system.

6.7 The Office would embrace and welcome an electronic document management system,

Section 7 Financial Screening and Fees

- 7.1 The Office written policy for granting legal representation contains general guidelines for qualification for services. The general policy for the standard of indigency is reported correctly within The Report. The Court has the ultimate decision of appointment of The Office for services. The Court uses the same criteria as The Office. A clearly defined Policy and Procedure contained within The Office Policy and Procedure Manual, alerts attorneys to request fees for representation from the courts, when applicable. Furthermore, as to the eligibility for services, going back to the Criminal Justice Master Plan, pre-trial services were requested that would screen defendants for eligibility for Public defender representation.
- 7.2 The Office Policy and Procedure Manual as well as staff training, states the process for general qualification of Public Defender services. Any question regarding qualification and appointment, **must** be reviewed and approved by a supervisor. The Office Application for Financial Evaluation Form is clearly documented for approval or denial of services, when issues regarding eligibility arise. The recommendation of The Report is being complied with.
- 7.3 The Office Application for Financial Application is extensive and includes all areas recommended except for request for receipt of tax documents.
- 7.4 The Office ASO is currently meeting with the Courts and ISD to develop a system to identify clients (by name) that have paid the requisite registration fee and have that payment recorded into IJS. Pursuant to a Board Resolution dated 10-22-96, Welfare and Institutions Code section 903.15, fees to be imposed upon parents/guardians of juveniles, is to be suspended and "...shall begin as soon as a cash security process is established at that facility." No such security process has ever been established and therefore, there is no method developed to collect the recommended registration fees for juveniles, even if imposed. The Office is willing to work with the Courts and/or The Probation Department in an attempt to establish a protocol to obtain orders from the Juvenile Court for fees pursuant to W & I 903.15 and direct parents/guardians to pay at the main court house. An alternative would be to request Probation to collect these fees.
- 7.5 The attorney fee schedule has been amended. In March 2012, The Interim Public defender updated the general fee schedule. She met with the entire criminal bench encouraging them to impose fees pursuant to the schedule or in an amount reasonable pursuant to the ability to pay and the estimated time spent on the case. Superior Court Judges have embraced this request and have routinely been ordering fees in felony and misdemeanor cases.
- 7.6 The Interim Public Defender meets with the criminal justice bench no less than two times per year to discuss implementation of attorney fees.
- 7.7 One of the key issues with the collection of Public Defender attorney fees ordered by the courts is the downsizing of the collection staff within the Auditor's Office. The Office ASO has requested and receives a monthly list of clients for whom fees have been ordered and subsequently paid. Currently these fees are paid through probation or the Auditor/Controller. There are currently no credit collection penalties for failure to pay ordered fees. There is no assigned agency for credit collection. The Interim Public Defender is actively working with the Superior Court Judges in an effort to continue to order reasonable fees. The Office ASO is actively working with the Auditor/Controller to develop the possible collection methods that may be used to better enhance the collection process.

CONCLUSION:

The Interim Public Defender would like to personally thank the Harvey Rose Group for their time and patience during this audit process. She would also like to thank the CAO, her staff and ISD for their continual support in clarifying and implementing many of the recommendations.

For the most part, each of the recommendations suggested by the Report for the seven areas, was in the process of implementation, was subsequently implemented, or is now in the process of being implemented or researched.

PUBLIC DEFENDER MANAGEMENT REVIEW

November 20, 2012

PRIOR BOARD ACTIONS

- Annually conduct Management Reviews
 - Animal Regulations
 - Transportation & Public Works
 - Information Systems
 - Clerk-Recorder-Assessor
 - Regional Parks
- Request for Qualifications released in December 2011 and Proposals received on January 17, 2012
- Agreement with Harvey Rose Associates, LLC approved on February 28, 2012

HARVEY ROSE ASSOCIATES, LLC

- PROJECT TEAM
- QUALIFICATIONS
- EXPERIENCE
- EXPERTISE

Management Review Objectives

- Evaluate the current structure and operations of the Public Defender's Office.
- Compare management and operations with similar California counties.
- Develop recommendations to improve operations, systems and caseload management for Office and criminal justice system as a whole.

Methods

- Staff interviews/focus groups: Office's managers & staff; Conflict Defenders; County criminal justice department representatives.
- Review of Office written and informal policies.
- Caseload/staffing analysis using data from Office, County Integrated Justice System (IJS), and State Administrative Office of the Courts.
- Case file review.
- Other counties surveyed: Monterey; Napa; San Joaquin; Santa Barbara; Solano; Stanislaus.

General observations

- Attorneys, investigators and support staff hard working, dedicated, generally work well together.
- Criminal justice system work environment fast-paced, challenging.
- Office management dedicated, have provided years of service.
- A number of new management initiatives and improvements underway during management review.
- All criminal justice system agencies committed to collaboration.

Summary points

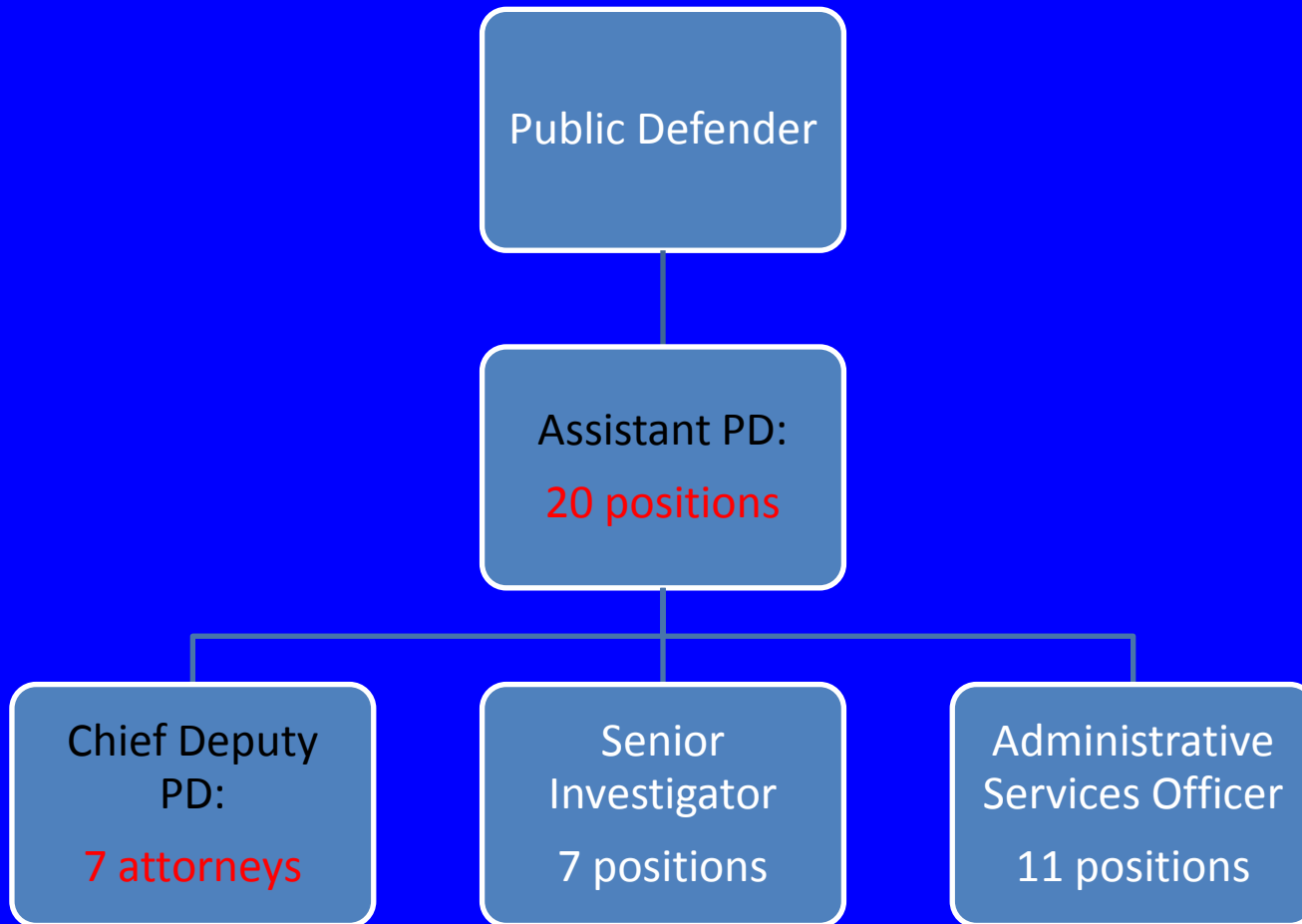
- PD Office lacks systems and methods for collecting accurate, verifiable caseload data.
 - Current caseload data: misdemeanor case attorneys higher than compared to national standards & other counties.
 - Felony case attorney below national caseload standards; comparable to other counties.
 - No reallocations or additions to staffing should take place until several months' of reliable caseload data has been collected and verified.
- Performance measures not in place for management to systematically monitor case processing efficiency and timing.
- Office should make better use of Countywide and internal information systems.

Summary points (cont'd)

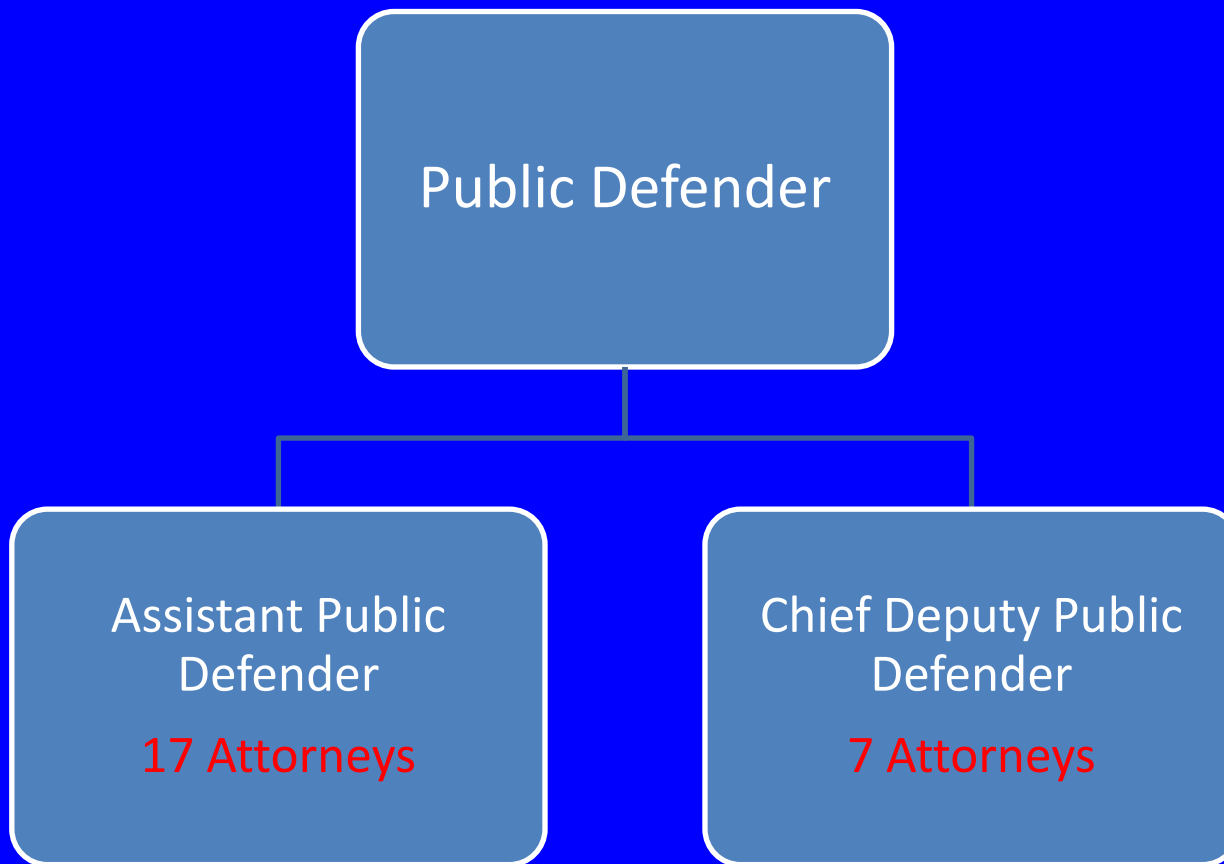
- Number of managers sufficient but uneven spans of control.
- Formal written policies and procedures needed.
- Indigent defense costs could be decreased by \$222,075/year by replacing private attorneys in one misdemeanor courtroom with County staff attorneys.
- Office could increase revenues by estimated \$214,000/year with improved financial screening policies and procedures.

Manager and Supervisor Direct Reports

Office of Public Defender (Section 1)



Attorney Staff Spans of Control Office of Public Defender



Management Structure & Spans of Control (Section 1)

No change needed in overall number of managers/supervisors: 7.8 attorneys and investigators per manager/supervisor in Office compared to 7:1 in other counties.

Recommendations:

- *Equalize* uneven direct report spans of control for two managing attorneys.
- *Reassign* Chief Deputy Public Defender from treatment courts to higher level trials and management activities.
- *Improve* Office performance data and reports; assign responsibility for collecting, analyzing and reporting data to Office's Administrative Services Officer.
- *Enhance* staff training and performance evaluation standards.

Management Structure & Spans of Control (Section 1 cont'd)

- Managing attorneys in court, provide individual guidance to staff, little time for Office wide management.
 - Recommend: *Relieve* Chief Deputy PD from treatment courts; more time to management.
 - Recommend: *Develop* policies & procedures manuals.
- Staff training and performances evaluations not being routinely conducted.
 - Recommend: *Enhance* training and performance evaluation standards.

Discrepancies in Reported Caseload (Section 2)

| Case Type | Originally Reported by Office | Revised Reported by Office | Reported in Budget | Reported by IJS ¹ | Max. Variance | Max. % Variance |
|--------------|-------------------------------|----------------------------|--------------------|------------------------------|---------------|-----------------|
| Felonies | 1,540 | 2,051 | 1,671 | 1,850 ¹ | 511 | 33% |
| Misdemeanors | 9,832 | 9,132 | 10,162 | 9,875 | 1,030 | 11% |

¹ Based on defendants.

Accurate, verifiable caseload data needed to determine appropriate staffing (Section 2 cont'd.)

Recommendations:

- *Develop protocols* for recording/classifying accurate caseload; work with ISD to improve case recording.
- *Produce and report* verified monthly caseload to CAO.
- If present caseload numbers hold up, *reallocate* attorneys for more equitable staff allocation, possible staff additions.
- *Explore* with Court discontinuing practice of assigning 2 trial attorneys per courtroom and/or having PD management assign cases based on equitable distribution.

Annual Staff Productivity vs. National Standards and other PD Offices (Section 2 cont'd.)

| | Felony | Misdemeanor |
|----------------------------|--------|-------------|
| Sonoma: New Cases/Attorney | 138 | 932 |
| National Standards | 150 ✓ | 400 |
| Other Counties | 133 | 683 ✓ |
| Position Impact | | |

➤ *Recommendation:* hybrid approach, apply both national and peer county standards.

If Office's reported caseload is verified as accurate (Section 2 cont'd.)

Recommend:

- *Apply national standard for felony attorneys: 150 cases/attorney per year (-1.15 positions).*
- *Apply peer county standards for misdemeanors: 683 cases/attorney/year (+3.6 positions).*
 - *Net change = + 2.5 positions.*

Misdemeanor Alternate Defender Staffing (Section 3)

Contract Conflict Defenders permanently staffing a misdemeanor courtroom costing more than using County Public Defender staff.

Recommendations:

- *Authorize two Deputy Public Defender I's to replace contract attorneys for Department 6.*
 - *Savings estimated at \$222,075/year.*

Note: Implemented by County in FY 2012-13 budget

Adherence to Office Policies (Section 4)

Most Office policies informal, unwritten.

Case file review shows inconsistent adherence to both written and informal policies.

Recommendations:

- *Prepare* formal written policies on:
 - case continuances
 - investigatory activities
 - use and payment of expert witnesses
 - case file notations
 - vertical representation
- *Require* documentation of conflicts of interest.
- *Provide* staff training on policies; management periodically *review* case files to ensure adherence.

Management Practices and Performance Measurement (Section 5)

Office managers needs information to monitor and improve performance.

Recommendations:

- *Work with Court and ISD to develop data entry protocols for:*
 - accurate caseload;
 - case processing timelines;
 - number of continuances, by agency and staff;
 - number of conflict of interest declarations;
 - number of motions filed per case.
- All criminal justice agencies *review* system performance measures; identify areas for improvement.

Use of Information Systems (Section 6)

Information systems not being used to extent possible to assist in management of Office and for criminal justice system-wide oversight.

Recommendations:

- All criminal justice system agencies *work* collaboratively to improve data accuracy & identify needed modifications to IJS.
- PD Office *make better use* of existing systems to create management reports.
- PD Office *prepare* business case with costs and benefits for case management system.

Financial Screening and Fees (Section 7)

| Revenue source | Potential | Actual | Difference |
|-------------------|---|----------|------------|
| Registration Fees | If 50% adult defendants pay \$50 fee \$275,000 | \$33,635 | \$241,365 |
| Attorney Fees | \$ ordered by Court \$91,462 | \$37,788 | \$53,674 |
| Total | \$366,462 | \$71,423 | \$295,039 |

- Based on experience in other jurisdictions, collecting 3% of PD Office expenditures = \$271,815 in FY 2010-11.

Financial Screening and Fees (Section 7 cont'd.)

No evidence that PD Office consistently collecting and rigorously reviewing client financial information.

Recommendations:

- *PD Office: establish* formal financial evaluation policy (maximum monthly income, ratio of income to expenses, etc.); establish indicators warranting further evaluation of eligibility.
- *Reconcile* names of defendants sent to Court to pay registration fee with actually paid.
- *Update* 1999 attorney fee schedule.
- *Monitor* Conflict Administrator's efforts for defendants to pay registrations fees.

Questions and comments

Presentation to Sonoma County
Board of Supervisors:

Management Review
Public Defender's Office

October 23, 2012



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 22 10:00 A.M.
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors of Sonoma County

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): Department of Health Services

Staff Name and Phone Number:

Rita Scardaci, 565-4700

Supervisory District(s):

Countywide

Title: Partnership HealthPlan of California Update

Recommended Actions:

Receive Update from Partnership HealthPlan of California

Executive Summary:

In September 2009, the Board of Supervisors authorized the County to join Partnership HealthPlan of California (PHC), a managed health care system that arranges for the provision of health care services for Medi-Cal enrollees. This arrangement resulted in the transfer of 48,000 Medi-Cal enrollees from fee-for-service Medi-Cal to a regional Medi-Cal managed health care plan. In addition to Sonoma County, PHC operates the managed health care system for Medi-Cal enrollees in Marin, Mendocino, Napa, Solano, and Yolo counties. PHC currently has 52,600 enrollees in Sonoma County, 788 Healthy Families enrollees, and 31 Healthy Kids enrollees. Total enrollment for PHC exceeds 150,000 and will grow under the Affordable Care Act.

Under a managed care system, each beneficiary selects or is assigned a primary care physician to provide medical care and coordinate services. PHC staff provides assistance with access to care, questions about benefits, and resolution of claims or billing issues. PHC also provides increased clinical support to beneficiaries and providers through specific care management programs, while managing costs and improving health outcomes.

PHC is engaged in a number of major projects in Northern California. Many of these projects will benefit Sonoma County and local Medi-Cal beneficiaries. PHC major projects for 2012 and 2013 include the following:

- *Healthy Families transition into Medi-Cal.* On January 1, 2013, the state will begin transitioning children covered by the Healthy Families Program (HFP) into Medi-Cal. For PHC this will mean 35,000 new Medi-Cal members. The state plans to accomplish this transition in four phases. In Sonoma County, the first phase will impact about 500 PHC Healthy Families Program members, who will simply become PHC Medi-Cal members. The second phase on April 1, 2013 involves 5,000 Kaiser members who will transition to PHC. The third phase begins on August 1, 2013 when 6,325 children will move from the Anthem Blue Cross HFP to PHC Medi-Cal. The fourth phase impacts only fee-for-service Medi-Cal counties.
- *Affordable Care Act (ACA).* Under the ACA, many more people will become eligible for Medi-Cal effective

January 1, 2014. PHC estimates that this will mean approximately 30% growth in our Medi-Cal membership equaling approximately 15,000 new members. In addition, the Department estimates that CMSP's Path2Health enrollees which represents approximately 85 percent of its total membership, will transition to Medi-Cal and the health benefits exchanges under the expansion provisions of the ACA.

- *Lake County Expansion.* The expansion of services into Lake County was approved by the state and by the Lake County Board of Supervisors in 2006. In the intervening years, Sonoma, Marin, and Mendocino counties have joined PHC. PHC is currently working with Lake County stakeholders, having held the first Planning Committee meeting in Clearlake on September 14. There are approximately 18,000 Medi-Cal recipients in Lake County and the "go live" date is set for June 1, 2013.
- *Rural County Expansion.* The State Budget for FY 12-13 calls for expanding Medi-Cal Managed Care to California's rural counties. Prior to adoption of the budget legislation, several rural communities in the far northern part of the state were working with PHC on plans to bring a County Organized Health System (COHS) to their area. Once the Governor's proposal became law, these communities increased their efforts to adopt a COHS with the PHC health plan, rather be part of the statewide request for proposals process involving commercial plans. Advocacy efforts with the state have been maintained through a letter writing campaign, working with legislators, and by participating in the state's stakeholder process. PHC will submit an application to serve a seven county region including Del Norte, Humboldt, Siskiyou, Modoc, Shasta, Trinity, and Lassen counties. There are approximately 98,000 Medi-Cal enrollees in the rural counties that will transition to PHC if the expansion is approved.
- *New PHC Facility.* To accommodate an expanding membership, PHC will need additional staff and more space. They are planning to relocate to a larger facility in Fairfield over the Thanksgiving weekend. The PHC Regional Office in Santa Rosa will not be affected by the relocation. PHC is also moving forward with tele-work options for certain staff positions such as claims and member services.
- *Inter-Governmental Transfer (IGT).* Sonoma County partnered with PHC to bring federal matching dollars through a Medi-Cal Managed Care IGT to improve behavioral health services, substance use disorder services, care coordination, system development, and access to specialty care for Medi-Cal beneficiaries and other underserved populations.

Prior Board Actions:

On February 21, 2012 the Board accepted a Sonoma County Health Care System update including a report providing an overview of the early health care reform efforts in Sonoma County and an update on the County Medical Services Plan and Partnership HealthPlan.

Strategic Plan Alignment: Goal 1: Safe, Healthy, and Caring Community

The goals of Partnership HealthPlan of California are well aligned with Sonoma County Strategic Plan goals. PHC aims to improve access, quality, and cost effectiveness of health care through their managed care system. PHC links each member with a primary care provider and has been successful in reducing inappropriate emergency room usage, providing appropriate levels of inpatient care, developing innovative case management programs, and providing more services locally.

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-------------|--------------------------|-------------|
| Budgeted Amount | \$ 0 | County General Fund | \$ 0 |
| Add Appropriations Req'd. | \$ 0 | State/Federal | \$ 0 |
| | \$ | Fees/Other | \$ 0 |
| | \$ | Use of Fund Balance | \$ 0 |
| | \$ | Contingencies | \$ 0 |
| | \$ | | \$ |
| Total Expenditure | \$ 0 | Total Sources | \$ 0 |

Narrative Explanation of Fiscal Impacts (If Required):

None.

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|---|---|------------------------------|------------------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

None.

Attachments:

None.

Related Items "On File" with the Clerk of the Board:

None.



County of Sonoma Agenda Item Summary Report

Agenda Item Number:
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors of Sonoma County

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): Human Services

Staff Name and Phone Number:

Karen Fies, 565-8501

Supervisory District(s):

All

Title: Child Care Planning Council of Sonoma County

Recommended Actions:

- 1) Appoint Carrie Anabo, Cheryl Scholar, and Debb Reece, to the Child Care Planning Council of Sonoma County, for a term ending December 31, 2013.
- 2) Reappoint Carli Ortiz, Kathleen Kelley, Terry Ziegler, Teri Clark, Teri Porter, Debbie Blanton, Chiara Bacigalupa, Elisabeth Chicoine, Marianne Schwarz-Kesling, Melita Love, Melanie Dodson, Amy Howder-Thompson, Bobby Ewell, Ofelia Ochoa-Morris, to the Child Care Planning Council of Sonoma County for two-year terms beginning January 1, 2013.
- 3) Authorize the Director of Human Services to sign the required Certification Statement Regarding Composition of Local Planning Council Membership.
- 4) Accept an Annual Report from the Child Care Planning Council of Sonoma County on the status of child care planning activities in Sonoma County.

Executive Summary:

Role of the Board of Supervisors with the Child Care Planning Council of Sonoma County

The Board of Supervisors originally established the Sonoma County Child Care Planning Council on October 20, 1992, to meet the requirements mandated by the passage of AB 2141, which created local child care and development planning councils to identify local priorities for child care and state preschool expansion funds, among other tasks.

Subsequently, with the passage of AB 1542 in 1997, which established the CalWORKs program, the Board was required to designate a local child care planning council to establish priorities for state-funded child care and development services and develop a comprehensive countywide plan for child care. On September 29, 1998, the Board of Supervisors designated the initial Sonoma County Child Care Planning Council, established under AB 2141, as the local council required under the AB 1542 legislation.

The mission of the Child Care Planning Council of Sonoma County is to convene and inspire the community through

collaboration, leadership, and advocacy to promote and plan for quality child care and development services for the benefit of all children (birth to 18), their families, and Sonoma County.

Membership

The Board of Supervisors is requested to appoint Carrie Anabo for a Community Representative Seat, to fill the remainder of a term in a seat with a term that began January 1, 2011 and ends December 31, 2013; Cheryl Scholar for a Public Agency Representative Seat, to fill the remainder of a term in a seat with a term that began January 1, 2011 and ends December 31, 2013; and Debb Reece to the Child Care Planning Council of Sonoma County, in a Child Care Consumer Seat to fill the remainder of a term in a seat with a term that began January 1, 2011 and ends December 31, 2013. (Note: Debb Reece lives and uses child care in Sonoma County, although she works for the Santa Clara District Attorney's office.)

The Board of Supervisors is requested to reappoint 14 members (Carli Ortiz and Kathleen Kelley in Child Care Consumer Seats; Terry Ziegler, Teri Clark and Teri Porter in Child Care Provider Seats; Debbie Blanton, Chiara Bacigalupa and Elisabeth Chicoine in Public Agency Representatives Seats; Marianne Schwarz-Kesling, Melita Love, Melanie Dodson, Amy Howder-Thompsons and Bobby Ewell in Community Representative Seats; and Ofelia Ochoa-Morris in a Discretionary Appointee Seat) to the Child Care Planning Council of Sonoma County for 2-year terms beginning January 1, 2013 and ending December 31, 2014.

The Council is charged with the duty to recommend members that meet the legislated membership requirements. Under the law, the Board of Supervisors and the County Superintendent of Schools are to jointly appoint members to the local child care planning council in 5 categories of membership: 1) Consumers, 2) Child Care Providers, 3) Public Agency representatives, 4) Community Representatives, and 5) Discretionary appointees of the Board and the Superintendent.

The Child Care Planning Council bylaws allow up to 35 members. As required, the Child Care Planning Council makes every effort to assure that the ethnic, racial and geographic composition is reflective of the county. Current membership is 25 members. Members are appointed for two-year terms ending on December 31st; half of the members' terms expire each year.

The Council currently has 11 openings for additional members; these openings are posted on the CCPC website and the County Boards and Commissions website. Additionally, community recruitment efforts are made on an ongoing basis via press releases, flyers and individual outreach.

The Child Care Planning Council has voted to recommend the appointment of Debb Reece, Deputy District Attorney for the Santa Clara County District Attorney's Office, for a seat as a Child Care Consumer Representative for a term ending December 31, 2013 (Debb works outside of Sonoma County but resides in Sebastopol and uses a Sonoma County child care provider) and reappointment of all above-named members for an additional 2-year term. These recommendations have been made to and approved by the County Superintendent of Schools.

Annual Report

The Child Care Planning Council of Sonoma County is state-mandated to do countywide child care needs assessments, develop comprehensive countywide child care plans, develop local priorities for child care subsidy funding, and convene stakeholders for local input into child care planning, services, issues and concerns. In addition, the Child Care Planning Council of Sonoma County is responsible for administering the AB 212 retention program for teachers in state-funded

programs, and for facilitating the transfer of funds between contractors to maximize services to children.

The past fiscal year was another year of state-wide reductions to child care funding, and of general service level declines due to the recession. Preliminary estimates indicate that hundreds of Sonoma County children have lost child care subsidy, several early education classes have closed, and at least 20 early childhood workers have lost employment. Statewide, \$130M was cut from child care, eliminating 26,500 slots this year. Child care contracts were cut by 5-20%. Early care and education programs had already lost a staggering \$1.4 billion since 2008, (a 42% cut) resulting in the loss of spaces for over 100,000 children.

In the past year, the Council engaged the participation of 30 Council members and various community members and Council Advisors in the following activities and accomplishments:

- Developed geographic priorities for California child care funding
- Disseminated "Building for the Future: Our Children, Our Community – A Countywide Plan for Child Care and Development Services – Sonoma County 2010-2015
- Administered programs providing training and retention activities for the child care and development workforce, and quality development for early care and education sites, resulting in increased educational levels and program quality.
- Facilitated collaboration of state-funded programs, including developing shared training and coordinating maximal usage of allocated funding through inter-agency and inter-county partnerships.
- Participated on the Child Care Facilities Development Collaborative, utilizing the Sonoma County Child Care Facilities Development Handbook (published by CCPC), including meetings with representatives of the City of Santa Rosa to explore ways to address local barriers to child care expansion.
- Coordinated a county-wide celebration of the Week of the Young Child, including community activities in 6 communities.
- Advocated to: 1) preserve and increase existing sources of revenue and diversify funding for child care and development programs, 2) reduce barriers and increase opportunities for capacity expansion, 3) monitor state-wide system re-design efforts and support a local targeted response to emerging issues, and 4) collaborate with other stakeholders to maximize community efforts to mobilize the public and policy-makers to improve children's lives.
- Provided resources, support and linkages regarding best practices for Early Violence Prevention to Sonoma County child care and early education providers (0-5 and school-age)
- Began work on an updated early care and education Economic Impact Report and facility geo-mapping.
- Facilitated Partnership for Children, a local children's movement utilizing a social marketing campaign to increase how Sonoma County values its children
- Participated in multiple community collaborative efforts to further the improvement of children's lives

Recommendations for Board action:

- Approve the appointment of Debb Reece to a Child Care Consumer Seat on the Child Care Planning Council of Sonoma County to fill the remainder of a term in a seat with a term that began January 1, 2011 and ends December 31, 2013; Carrie Anabo for a Community Representative Seat, to fill the remainder of a term in a seat with a term that began January 1, 2011 and ends December 31, 2013; and Cheryl Scholar for a Public Agency Representative Seat, to fill the remainder of a term in a seat with a term that began January 1, 2011 and ends December 31, 2013.
- Approve the reappointment of 14 members to the Child Care Planning Council of Sonoma County for two-year terms beginning on January 1, 2013.
- Authorize the Director of the Human Services Department to sign the required Certification Statement Regarding

Composition of LPC Membership.

These actions will fill required membership, and enable compliance with state reporting requirements.

Prior Board Actions:

April 13, 2010 - April 10, 2012 – Passed resolutions recognizing Week of the Young Child
 April 13, 2010 and October 25, 2011: Approved the Child Care Planning Council of Sonoma County Advocacy Priorities.
 March 21, 2000 - June 22, 2010: Approved the Sonoma County Child Care Planning Council's Funding Priorities by Zip Code.
 September 21, 1999 – October 25, 2011: Appointed/reappointed members of the Sonoma County Child Care Planning Council and approved by-laws which established term of membership.
 September 29, 1998: Designated the Sonoma County Child Care Planning Council as the local child care planning council required under AB 1542 (CalWORKs).
 October 20, 1992: Established the Sonoma County Child Care Planning Council as a standing committee representing the Board of Supervisors by Resolution No. 92-1583.

Strategic Plan Alignment: Goal 1: Safe, Healthy, and Caring Community

The mission of the Child Care Planning Council of Sonoma County is to convene and inspire the community through collaboration, leadership and advocacy to promote and plan for quality child care and development for the benefit of all children (birth to 18), their families and Sonoma County.

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount | \$ | Select an item. | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ | Total Sources | \$ |

Narrative Explanation of Fiscal Impacts (If Required):

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|--|--------------------------------------|-----------------------|-----------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

2011-2012 Annual Accomplishments Report

Related Items "On File" with the Clerk of the Board:

Certification Statement Regarding Composition of LPC Membership form

2011-2012 Council Members



- Chiara Bacigalupa** – Sonoma State University
Melissa Black – Community Member, Rio Nio
Debbie Blanton – Sonoma County Office of Education/Special Education Preschool
Joanne Brion (Advisor) - Brion & Associates
Elisabeth Chicoine – Sonoma County Public Health Department
Teri Clark – North Bay Children’s Center
Missy Danneberg – Extended Child Care Coalition
Melanie Dodson – Community Child Care Council of Sonoma County
John Eberly – Santa Rosa Junior College
Bobby Ewell – Santa Rosa Recreation and Parks
Rebecca Hachmyer – Community Member, Petaluma
Maddy Hirshfield (Advisor) - Assemblyman Wesley Chesbro’s Office
Amy Howder-Thompson – League of Women Voters
Gabe Kearney – Petaluma City Council, Mayors and Councilmembers Association
Kathleen Kelley – Early Learning Institute
Teri Lane – North Bay Children’s Center
Tamara Larimore – Sonoma County Human Services Department
Jynx Lopez – STARS Preschools
Melita Love – Community Member, Healdsburg
Lara Magnusdottir (Advisor) - Community Child Care Council of Sonoma County
Michael Mendoza – Cloverdale Rancheria
Emmie Morgan (Advisor) - Congresswoman Lynn Woolsey’s Office
Michelle Nardone – PACE Alternative Payment Program
Ofelia Ochoa-Morris – Community Action Partnership Sonoma County/Head Start
Carli Ortiz – Linkenheimer, LLP
Teri Porter – YWCA’s A Special Place
Donna Roper – River to Coast Children’s Services
Katie Sanchez – Bennett Valley Union School District Board
Marianne Schwarz-Kesling – Santa Rosa Junior College CalWORKS
Ed Sheffield (Advisor) - Assemblymember Noreen Evans’ Office
Lorie Siebler – Parent Voices
Heather Sweet – Petaluma COTS
Dagny Thomas – Community Representative, Santa Rosa
Sandra Torres (Advisor) – Torres Family Child Care Home
Pam Turner (Advisor) - Sonoma County Office of Education/CA Preschool Instructional Network
Cathy Vaughn – Montessori School of Sonoma/PACE

MEETING INFORMATION

The Child Care Planning Council of Sonoma County’s general meetings are conducted on the first Friday of each month from 8:45 to 11:00am. Meetings are typically held at the County Office of Education, 5340 Skylane Blvd., Santa Rosa. The public is welcome and encouraged to attend and actively participate with general and committee meetings. Please contact the Child Care Planning Council of Sonoma County office at (707) 524-2792 to verify meeting date, time and location.



Annual Report of Accomplishments 2011-2012

Child Care Planning Council of Sonoma County
SCOE/5340 Skylane Boulevard
Santa Rosa, CA 95403
Coordinator: Carol Simmons
(707) 524-2792; csimmons@scoe.org
www.scoe.org/ccpc



The **Child Care Planning Council of Sonoma County** is funded with a local planning council grant through the California Department of Education, Child Development Division.

CHILD CARE PLANNING COUNCIL OF SONOMA COUNTY

Mission Statement

The mission of the Child Care Planning Council of Sonoma County is to convene and inspire the community through collaboration, leadership and advocacy to promote and plan for quality child care and development for the benefit of all children (birth to 18), their families and Sonoma County.

Local Planning

Local child care planning has been present in Sonoma County since 1991, when state legislation required California counties to create Local Child Care Planning Councils that are appointed jointly by the County Board of Supervisors and the County Superintendent of Schools. The Child Care Planning Council of Sonoma County, with up to 35 members, is charged with the identification of local child care priorities and the development of policies to meet high priority needs within the county.

Responsibilities

1. Conduct a countywide assessment of child care needs at least once every five years.
2. Prepare a comprehensive countywide child care plan designed to mobilize public and private resources to address identified needs.
3. Conduct an annual review of state-funded child care programs, and develop priorities based on current supply and demand for services.
4. Collaborate with all interested parties to foster partnerships designed to meet local needs.
5. Facilitate community-based efforts to coordinate part-day programs including State Preschool and Head Start with other child care and development services to provide full-day, full-year services.

2011-2012 Accomplishments

Collaboration and Community Development

Comprehensive Child Care Plan

- Developed, printed and disseminated "Executive Summary of Building for the Future: Our Children, Our Community. A Countywide Plan for Child Care and Development Services, Sonoma County 2010-2015."

Needs Assessment

- Partial update to the Sonoma County Child Care Needs Assessment 2009, including Sonoma County and Santa Rosa data.

Zip Code Priorities

- Developed annual geographic priorities for Sonoma County to inform the State's decisions on allocations of any available expansion funding, based on analysis of current local supply and demand data
- Presented at a Public Hearing, approved by the County Superintendent of Schools and the County Board of Supervisors, submitted to the Child Development Division, and distributed to Council listserv and to all agencies operating CDD-funded programs in the county

Advocacy

- 2011-2013 Priority focus areas are: preserve and increase existing sources of revenue and diversify funding for child care and development programs, reduce barriers and increase opportunities for capacity expansion, monitor state-wide system re-design efforts and support a local targeted response to emerging issues, and collaborate with other stakeholders to maximize community efforts to mobilize the public and policy-makers to improve children's lives.
- Utilized Advocacy Network and partnerships

- Created and disseminated Sonoma County Impact Document regarding Governor's January Budget Proposal.

- Communicated in writing and in person with local and State elected officials regarding child care and development issues
- Facilitated Week of the Young Child activities included obtaining resolutions recognizing WOYC from local governmental bodies
- Child Care Facilities Development Collaborative met with City of Santa Rosa staff regarding fees for child care facilities

Community Involvement

- Council members and staff participated with numerous organizations addressing issues related to children and families:
Aiming High Steering Committee
Cal-Safe Collaborative
California Child Care Coordinators Association
California Child Development Administrators Association
Child Care Facilities Development Collaborative
COE Program Administrators of Child Development Programs
Cradle to Career Initiative
Early Childhood Professional Development Collaborative
First 5 Sonoma County Commission Meetings
First 5 Sonoma County Child Care Committee
First 5 So. Co. Professional Community Advisory Committee
Maternal, Child and Adolescent Health Advisory Board
Nurse Family Partnership Advisory Board
Partnership for Children
Provider Evening of Honor Planning Group
SRJC, Child Development Advisory Committee
Sonoma County Afterschool Network
Sonoma State University—ECE Advisory Committee
Transitional Kindergarten Network
Upstream Investments Initiative

Collaborations

- Provided sponsorship for Sonoma County "Evening of Honor" for Early Care and Education Professionals
- Facilitated expansion of Partnership for Children
- Facilitated county-wide CDD funding collaboration
- Facilitated Sonoma County CDD-Contractors Collaborative
- Ongoing collaborations with First 5 Sonoma County, Santa Rosa Junior College, local Child Care Resource and Referral agencies, local child care programs, Sonoma County Human Services Department, Sonoma County Public Health Department, local child care providers and Community Based Organizations

Communications/ Reporting

- Ongoing distribution of information relevant to early care and education via the Council's listserv (weekly CCPC E-News), Facebook, and at the Council monthly meetings
- Enhanced Council website
- Comprehensive Child Care Plan and Executive Summary were distributed at various community venues, including classes, meetings and presentations
- Provided technical assistance regarding access, funding, subsidy, referrals, inclusion, child protective services, licensing, demographics and data, parenting and environment assessments
- Provided written reporting to the California Department of Education - Child Development Division, to First 5 Sonoma County and First 5 California

Strategic Planning

Utilized internal 3-year Strategic Plan to guide scope and focus of Council activities. Developed draft 2012-2015 Strategic Plan.

Child Care Quality Improvement

Sonoma CARES Plus

- Fostered Professional Development of Child Care and Development Workforce
- With funding from First 5 and CDD AB212, this focused training and retention program supported progress toward attainment of academic degrees for 113 individuals working in early care and education; 34% of participants were Spanish-speaking.
- A total of 8 participants attained academic degrees during this program period.
- Provided site-based conference attendance reimbursement for 13 staff working in CDD-funded classrooms.

Gateway to Quality

- First 5 funded project provides external quality measurements of Child Care and Development settings utilizing Environment Rating Scales, and assesses the quality scoring impact of Mini-grant applications
- Assessed 46 Sonoma County child care settings, reaching approximately 1062 children.
- Provided ongoing ERS training and support to Quality Assessors/Validators and community members
- Over the 4 years of the program, quality scores increased from an average of 2.27 to an average of 5.94 on the Environment Rating Scale items.

Early Violence Prevention (EVP)

- Re-distributed Leadership Recruitment materials
- Updated and re-disseminated EVP Resources list for teachers/providers
- Promoted use of EVP Curriculum Kits Lending Library



Our Mission

To convene and inspire the community through collaboration, leadership, and advocacy to promote and plan for quality child care and development services for the benefit of all children (birth to 18), their families, and Sonoma County.

Impact of Recession and State Budget Cuts on Sonoma County Early Care and Education

Past 4 years ⇒ 32.4% reduction in state funding

- Loss of infrastructure
- Closure of programs
- Elimination of child care slots – 23%
- Fewer families served & higher cost to families
- Child care workforce reduction



Impact of Recession and State Budget Cuts on Sonoma County Early Care and Education Continued...

2012 - 2013 ⇒ Additional cuts to Sonoma County

- \$870,000 more funding lost
- 216 more child care slots eliminated
- 4 state-funded centers closed
- New family fees for state-funded preschool



A Local Solution



Sonoma County Fund for Preschool Scholarships

Community Foundation of Sonoma County

(Fund #753B)

<http://www.sonomacf.org/>

Recent Accomplishments

- Child Care Plan Executive Summary
- Child Care Needs Assessment Update
- Training and Retention for Workforce
- Funding Priority Areas
- Maximized Local Funding
- Quality Development
- Community Collaborations
- Transitional Kindergarten
- Advocacy



Regular Item #24

Contract Amendment for Actuary Review of Pension Related Changes

Please Note:

The recommended action for this item will be slightly revised and will be reflected on an Agenda Addendum. Item to be provided separate from Board packet.



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 25
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): Supervisor Brown

Staff Name and Phone Number:

Supervisor Brown, 565-2241

Supervisory District(s):

First

Title: Fee Waiver

Recommended Actions:

Waive fees in the amount of \$2,600 to Save Our Sports/Altimira and Adele Harrison Middle School for use of the Sonoma Valley Veteran's Memorial Building for a crab feed fundraiser. (First District)

Executive Summary:

Prior Board Actions:

none

Strategic Plan Alignment: Goal 4: Civic Services and Engagement

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount | \$ | Select an item. | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ | Total Sources | \$ |

Narrative Explanation of Fiscal Impacts (If Required):

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|---|---|------------------------------|------------------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

Fee Waiver Request Form, Note from applicant and Fee Statement from Regional Parks.

Related Items “On File” with the Clerk of the Board:

none

SUBMIT TO:
 Board of Supervisors
 575 Administration Dr, Ste 100A
 Santa Rosa, CA 95403

COUNTY OF SONOMA

For Board of Supervisors Use Only

Fee Waiver/Board Sponsorship Request Form

1. Contact information for individual requesting fee waiver/sponsorship:

Name: Chickie Vella
First Middle Last

Mailing Address: 845 Austin Ave. Sonoma CA 95476
Number, Street, Apt/Suite City State Zip

Phone: (707) 938 - 8148 Email: chickie@vellacheese.com
Area Code, Number

2. Name of Community Based Organization, Non-Profit, or Government Agency for which fee waiver/sponsorship is requested:

Name: Save Our Sports / Altimira & Adele Harrison Middle Schools

Mailing Address: P.O. Box 752 Sonoma CA 95476
Number, Street, Apt/Suite City State Zip

Phone: () - Email: _____
Area Code, Number

3. Please indicate by check mark the supervisory district in which the organization or agency submitting this request is located, where the project/activity/event will be held, and the district office to whom you would like to submit this request:

| Board Member and District | Valerie Brown District 1 | David Rabbitt District 2 | Shirlee Zane District 3 | Mike McGuire District 4 | Efren Carrillo District 5 |
|--|-------------------------------------|-----------------------------|----------------------------|----------------------------|------------------------------|
| Entity or organization location (select all that apply) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Project/activity/event location (select all that apply) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| District office to receive request (select only one) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

4. Type of Community Based Organization, Non-profit, or Government Agency for which the fee waiver/sponsorship is requested:

City Special District Other Local Government
 School Non-profit or CBO

Other (please specify): _____

5. Please provide a description of the project/activity/event for which a fee waiver/sponsorship is being requested on a separate sheet of paper. Please include the number of individuals who will participate or be served, etc.

6. Please indicate if this is a one-time or annual event: One Time Annual

7. Type and amount of fee waiver/sponsorship requested. Please list all County fees you are requesting be waived/sponsored in conjunction with this project/activity/event. Please attach a copy of an estimate or receipt from the County Department or Veteran's Building Operator documenting the amount of each fee you are requesting be waived/sponsored.

| Department Assessing Fee | Type of Fee | Amount of Fee |
|-----------------------------|-------------------------------------|---------------|
| Sonoma County Vets Memorial | Room Charges/Set-up & Cleaning Fees | \$2,100.00 |
| Sonoma County Vets Memorial | Dumpster Fees | \$165.00 |
| Sonoma County Vets Memorial | Alcoholic Beverage Serving Fee | \$200.00 |
| Sonoma County Vets Memorial | Event Insurance Fees | \$135.00 |

8. If your Community Based Organization, Non-Profit, or Governmental Agency has received a fee waiver/sponsorship for a similar project/activity/event in the past, please list below:

| Date of Fee Waiver | Department Assessing Fee | Type of Fee | Amount of Fee |
|--------------------|--------------------------|-------------|---------------|
| / / | | | |
| / / | | | |
| / / | | | |
| / / | | | |

9. Does the organization or agency for which the fee waiver/sponsorship is requested receive funding from any of the following sources? If so, please specify:

- Property Tax
 Sales Tax
 Special Assessment

 User Fees

Other (please specify): _____

10. If you checked any of the boxes in number 9 above, please provide an explanation and supporting documentation regarding the inability of the organization or agency to pay the fees which you are requesting be waived/sponsored. Please attach to this form and submit with your request.

11. Will the organization or agency be charging an entry fee or be requesting a donation for the project/activity/event for which you are requesting a fee waiver/sponsorship? If so, please provide an explanation detailing why the fees to be waived/sponsored cannot be recovered through the entry fee. Please attach to this form and submit with your request.

Chickie Vella

Authorized Signature

11 / 2 / 2012

Date

Save Our Sports Committee Member

Title

11/02/2012

To the Sonoma County Board of Supervisors,

We reside in Sonoma and the funds for the two middle schools, Altimira and Adele Harrison, were completely cut at the end of the 2011-2012 school year. Through some quick, last minute fund raising and the generous help of Sonoma's residents and businesses, we were able to save all of the sports in the 2012-2013 school year. We still need \$52,000 to fund all sports at both middle schools next year, a sizeable amount.

March 9th, 2013 will be our first of what we hope becomes an annual event. We are charging \$45 a ticket along with a No-Host bar and a raffle but, with a maximum of 400 tickets to sell, it will be difficult to reach our goal with this single event.

Since we are starting from square one, with a lot of enthusiasm, but no seed money, every little bit will help. This is why we are asking the Board of Supervisors to waive the \$2,600 fee for the use of the Sonoma Veterans Memorial Building.

Thank you so much for your time and consideration,

Chickie Vella and Stacey Ellis-Schoeningh



2300 County Center Dr.
Suite 120A
Santa Rosa CA 95403
(707) 565-2041 - Tel / (707) 579-8247 - fax

OCT 22nd
5:00 AOWLS
PRICE ON SHRIMP

TENTATIVE

| | | |
|------------------|---------------------|-----------------------------|
| Customer | Reservation: | 10516 |
| Chickie Vella | Event Name: | Save Our Sports / Crab Feed |
| 845 Austin Ave | Status: | Tentative |
| Sonoma, CA 94576 | Phone: | 707-938-8148 |
| | Other: | work 707-938-3232 |
| | Event Type: | Public |

Bookings / Details Quantity Price Amount

CHEWING GUM, GLITTER, CONFETTI, CANDLES, AND SHOES ON THE WALL(S) ARE NOT PERMITTED IN OUR FACILITIES AT ANY TIME.

HOURS RESERVED MUST INCLUDE DECORATION, SET-UP AND CLEAN-UP.

CHANGES TO THIS RESERVATION MAY BE MADE UP TO 30 DAYS PRIOR TO THE EVENT DATE

ADDITIONAL CHARGES WILL BE INCURRED IF YOUR EVENT RUNS BEYOND CONTRACTED HOURS.

A \$50.00 FEE WILL BE CHARGED IF CONTRACT REQUIREMENTS ARE NOT MET 30 DAYS PRIOR TO EVENT DATE OR IF CHANGES OF ANY KIND ARE REQUESTED LESS THAN 30 DAYS BEFORE EVENT DATE

FAILURE TO PAY DEPOSIT ON TIME WILL RESULT IN CANCELLATION OF YOUR RESERVATION - THE REINSTATEMENT FEE IS \$50.00

Saturday, March 09, 2013

5:30 PM - 12:00 AM Save Our Sports / Crab Feed (Tentative) Sonoma Auditorium

Dining for 300

| | | | |
|-------------------------------------|---|--------|--------|
| Room Charge: (6.5 hours @ 75.00/hr) | 1 | 487.50 | 487.50 |
|-------------------------------------|---|--------|--------|

Setup Notes:

Estimated Attendance - 300

Actual Hours of Event - 6:30pm - 11:00pm

Building Staff to set up tables and chairs for 300 people - Dining

Music - No

Alcohol to be served for five(5) hours ONLY - Bartender with AN OFF PREMISE LICENSE IS REQUIRED - Contract with Name and telephone number to be provided

NO PRIVATE SECURITY GUARDS ARE REQUIRED - Sonoma Police NOT Required

CUSTOMER MUST CONTACT THE BUILDING STAFF AT 707-938-4105 A MINIMUM OF SIX (6) WEEKS BEFORE THE EVENT TO SCHEDULE A WALK THROUGH AND DISCUSS THE SET UP

Room Set-up Fee:

| | | | |
|--------------------------------|---|--------|--------|
| Son. Room Set-up Fee (201-500) | 1 | 300.00 | 300.00 |
|--------------------------------|---|--------|--------|

Ref. Cleaning/Damage:

| | | | |
|-----------------------------|---|--------|--------|
| Sonoma Ref. Cleaning/Damage | 1 | 500.00 | 500.00 |
|-----------------------------|---|--------|--------|

Dumpster Fee:

| | | | |
|---------------------|---|--------|--------|
| Sonoma Dumpster Fee | 1 | 165.00 | 165.00 |
|---------------------|---|--------|--------|

Crab Feed. Building Staff to call in order of garbage container.

Serving Alcoholic Beverages:

| | | | |
|------------------------------------|---|--------|--------|
| Son. Serving Alcoholic Bev. (250+) | 1 | 200.00 | 200.00 |
|------------------------------------|---|--------|--------|

| Bookings / Details | Quantity | Price | Amount |
|---|----------|--------|--------|
| Event Insurance: | | | |
| Sonoma Class 2 Insurance (101 - 500) | 1 | | |
| <i>TBD After fee to be determined after the January 2013.</i> | | | |
| Event Insurance Processing Fee: | | | |
| Sonoma | 1 | 50.00 | 50.00 |
| Event Alcohol Insurance: | | | |
| Sonoma | 1 | 60.00 | 60.00 |
| Processing Fee: | | | |
| Sonoma Processing Fee | 1 | 25.00 | 25.00 |
| 5:30 PM - 12:00 AM Save Our Sports / Crab Feed (Tentative) Sonoma Dining Room | | | |
| Dining for 300 | | | |
| Room Charge: (6.5 hours @ 55.00/hr) | 1 | 357.50 | 357.50 |
| 5:30 PM - 12:00 AM Save Our Sports / Crab Feed (Tentative) Sonoma Kitchen | | | |
| Dining for 300 | | | |
| Room Charge: (6.5 hours @ 30.00/hr) | 1 | 195.00 | 195.00 |
| 5:30 PM - 12:00 AM Save Our Sports / Crab Feed (Tentative) Sonoma Lounge | | | |
| Dining for 300 | | | |
| Room Charge: (6.5 hours @ 40.00/hr) | 1 | 260.00 | 260.00 |

ATTENTION
\$50 late fee for deposit,
contract and/or changes not
completed on time.

| | |
|-------------|----------|
| Subtotal | 2,600.00 |
| Grand Total | 2,600.00 |

GRAND TOTAL MAY NOT REFLECT ALL POSSIBLE CHARGES.

THE SIGNED/DATED TENTATIVE RESERVATION AND DEPOSIT MUST BE RETURNED WITHIN 2 WEEKS OF THE DATE ON THE COVER LETTER OR THIS REQUESTED RESERVATION WILL BE CANCELLED WITHOUT FURTHER NOTICE.

PLEASE REVIEW THIS TENTATIVE RESERVATION. If any of the information is incorrect, or if you have questions or concerns, please call us at 707-565-2041. Otherwise, to hold your reservation, SIGN, DATE AND RETURN ONE COPY OF THIS FORM along with a check made payable to "County of Sonoma" for the amount shown below.

Thank you for scheduling your event with us. We look forward to working with you.

AMOUNT DUE NOW: \$225.00

Deposit of \$ 225.00

is due by MAY 22, 2012
or the date will be released.

ALL REQUIREMENTS

must be completed by FEB 8, 2013

or the event will be cancelled.

~~X~~
Sign: _____
~~X~~
Date: _____

Cancellation:
If the event is cancelled 90 days or more from the date held, 50% of the deposit shall be retained by the County (Regional Parks Department).
If the event is cancelled between 30-90 days of the date held, the entire deposit shall be retained.
If the event is cancelled 15-30 days of the date held 50% of the Rental Fee will be retained.
If the event is cancelled within 15 days of the event 100% of the Rental Fee will be retained.

CLEANING/DAMAGE DEPOSITS:
The entire cleaning/damage deposit will be forfeited if ANY of the following occur:



County of Sonoma Fee Waiver Policy

Authority: Board of Supervisors
Approval Date: June 2, 2009
Effective Date: July 1, 2009

1. Purpose

The purpose of this policy is to establish guidelines to be used to evaluate requests for fee waivers and to implement a structure and process through which consistent information for fee waiver requests will be collected and evaluated.

2. Background

Sonoma County is facing unprecedented fiscal challenges. As a result of the economic downturn, job and income losses, declining home values, and reduced consumption, the County's major sources of revenue property tax and sales tax have declined substantially. The situation is exacerbated by an increase in demand for county services. In light of this new fiscal reality, the county is reviewing all resource allocation decisions. Fee waivers, are an expense to the County General Fund. Fees are established to pay for the cost of a service provided by a county department. When a fee waiver is granted, the County General Fund pays the department in an amount equal to the fee waived.

3. Policy

The Board of Supervisors may, at their sole discretion, approve or disapprove fee waiver requests. Effective July 1, 2009, the following general guidelines will be used to assist in the determination of whether a requested fee waiver is eligible or ineligible.

| Eligible for fee waivers | Ineligible for fee waivers |
|---|--|
| Community based organizations (CBO) or non-profits providing a direct service that is similar to or complimentary to a key county policy goal or direct service that the county is typically responsible for providing; e.g. emergency or economic assistance or basic sustenance needs (emergency food, shelter, etc.) | Flood elevation program fees |
| | Other county department fees |
| | Other governmental agencies – unless they can demonstrate an inability to pay the county fee |
| Governmental agencies that do not receive tax funding and can demonstrate an inability to pay the county fee | Fund raising events - where attendees pay a fee for admission to the event or in the case of festivals where vendors pay to participate in the event |

4. Phased in Reduction for CBOs and Non-Profits

CBOs and non-profits that have received a fee waiver in the 12 months prior to the effective date of this policy, for an activity/event that may no longer be eligible under this policy, will be considered for a phased reduction in fees as follows:

- Year 1 – Up to two-thirds of the fee amount previously waived, may be waived
- Year 2 – Up to one-third of the fee amount previously waived, may be waived
- Year 3 – Fee waiver ineligible

The phased-in reduction does not apply to CBOs and non-profits who received fee waivers for a fund raising activity/event, where the CBO or non-profit has the ability to set entry or participation fees at a level necessary to cover costs, including the cost of any associated fees.

5. Fee Waiver Request Form

Fee waiver requests submitted on or after June 2, 2009, must be accompanied by a Fee Waiver Request Form (Attachment A). Copies of this form may be obtained from the County of Sonoma, Clerk of the Board of Supervisors, located at 575 Administration Drive, Room 100A, Santa Rosa, CA, 95403, or at the following website: <http://www.sonoma-county.org/board/index.htm>.

Fee Waiver Request Forms must be complete, signed, and accompanied by supporting documentation to demonstrate eligibility for the requested fee waiver. Demonstrated eligibility does not assure approval of a fee waiver request.

Completed Fee Waiver Request Forms shall be submitted to the Clerk of the Board of Supervisors at the address above. The Clerk will forward requests to the Board Member specified by the applicant.



County of Sonoma
Agenda Item
Summary Report

Agenda Item Number: 32 2:10 P.M.
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Directors, Sonoma County Agricultural Preservation and Open Space District

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): Sonoma County Agricultural Preservation and Open Space District (District)

Staff Name and Phone Number:

Supervisorial District(s):

Karen Gaffney, 565-7344

all

Title: The Economic Value of Conservation: Sonoma, Santa Clara and Santa Cruz Counties

Recommended Actions:

Authorize the General Manager of the Sonoma County Agricultural Preservation and Open Space District to enter into three agreements in support of the \$750,000 Gordon and Betty Moore Foundation Grant awarded to the District for economic valuation of conservation. Two of the agreements are for expenditures (Earth Economics for \$576,700 and Alnus Ecological for \$35,000) and one agreement is for additional income to the District (\$187,000 from Santa Clara County Open Space Authority). The terms of these agreements shall extend from November 20, 2012 to December 31, 2015.

Executive Summary:

BACKGROUND

There is a national trend toward evaluating the economic benefits associated with conservation, in an attempt to quantify the fiscal and jobs impacts of these investments; however very little work on this topic has been accomplished in the Bay Area. Natural resource areas and working lands provide a variety of economically valuable services and benefits to our communities, including clean, reliable drinking water; protection from natural hazards such as floods and coastal storm surge; carbon sequestration and climate change resiliency; long-term food security; pollination services; recreation and tourism; public health benefits, and many others. The economic value of protecting and conserving these natural areas and working landscapes, however, is rarely quantified or considered when funding, development, and/or policy decisions are made affecting these lands. One approach gaining traction is to more clearly demonstrate to local residents, businesses, and policymakers the wide range of services and benefits that working landscapes and natural areas provide in economic terms. These benefits can be quantified and monetized, providing economic values for specific conservation action, as well as the ripple effect of jobs and markets derived from those conservation actions in our community. Investments in the conservation of working lands and natural areas (known as "green infrastructure") have been demonstrated in many areas to be more cost effective than typical "grey

infrastructure” investments. An example might be the protection of a watershed, resulting in the natural filtration of water and the avoidance of costly treatment or filtration systems, while at the same time generating the economic benefits associated with agricultural productivity, healthy fisheries, carbon sequestration and recreational tourism. Additionally, quantification and monetization of economic benefits of conservation will ensure that the District - and Sonoma County generally - is more competitive in pursuing innovative funding and grants.

The District approached the Gordon and Betty Moore Foundation for grant funding to perform economic analyses of conservation along with two regional partners – the Santa Clara County Open Space Authority and the Resource Conservation District of Santa Cruz County. In November 2011, the Board of the District approved a \$750,000 grant agreement between the District and the Gordon and Betty Moore Foundation to support an initiative entitled “The Economic Value of Conservation in Sonoma, Santa Clara and Santa Cruz Counties”. This initiative will document and analyze the economic benefits associated with the protection of natural areas and working landscapes in these three Bay Area counties. The initiative will focus on the ways in which conservation investments – easements, fee title purchase, stewardship activities and voluntary actions by private landowners – provide long term economic benefits to local communities. The District and its partners – including the Sonoma County Water Agency and Sonoma County Regional Parks – will lead this effort in Sonoma County, and will work with Santa Clara and Santa Cruz counties to implement it regionally. The District has been requested by the Moore Foundation to act as regional lead grant administrator. In addition to the Moore Foundation grant, the Santa Clara County Open Space Authority is contributing \$187,000 to support the District in the role of regional administrator. We expect that this regional initiative will provide data that will inform local decision making and will result in state and national legislation and funding that supports additional investments in conservation, benefitting both Sonoma County and the region.

REQUESTED ACTION

The District is requesting authorization for the General Manager to enter into three agreements in support of the \$750,000 Gordon and Betty Moore Foundation Grant awarded to the District for economic evaluation of conservation. Two of the agreements are for expenditures (Earth Economics for \$576,700 and Alnus Ecological for \$35,000) and one agreement is for additional income to the District (\$187,000 from Santa Clara County Open Space Authority). The terms of these agreements shall extend from November 13, 2012 to December 31, 2015. The purpose of the contracts are as follows:

Earth Economics: document and analyze conservation investments to date in Sonoma, Santa Clara and Santa Cruz Counties from an economic perspective, develop scenarios that provide economic data to decision makers to evaluate the financial benefits of conservation actions and the return on investment associated with these investments. Participate in regional and county-specific meetings with decision makers, partner agencies, stakeholders and the project team to determine the key economic factors for evaluation. Develop reports outlining findings and recommendations. Participate in presentations and development of peer reviewed papers outlining the findings of the initiative.

Alnus Ecological: contract with UC Berkeley and University of Vermont professors to perform an analysis of changes in investment decision making before and after the initiative. Local decision makers – including the District Board of Directors – will be interviewed 2-3 times during the initiative to gauge changes in decision making approaches based on the economic data developed and project outcomes. This work is at the request of the Gordon and Betty Moore Foundation, as they wish to measure the impact of their grant investment and determine if the data developed from the initiative will result in changes in decision making.

Santa Clara County Open Space Authority: contract will provide \$187,000 in revenue to the District to cover costs associated with the Earth Economics and Alnus Ecological contracts.

PROCUREMENT PROCESS

The Earth Economics and Alnus Ecological contracts are proposed for sole sourcing for the following reasons:

- Economic analysis of conservation (eg, ecosystem services analysis) is an extremely esoteric field with only a handful of expert practitioners nationwide. Earth Economics is a non-profit organization (not a private consulting firm) that is nationally and internationally recognized for its unique and groundbreaking work on the economic value of conservation, brings matching funds from other funders to the project, and has a unique skill set to accomplish the economic analyses related to the diverse themes of parks and open space, municipal water supply, carbon and biodiversity. Consulting companies typically do not have the flexibility to apply past and current project results broadly to advance the field of ecological economics. Earth Economics is the only organization that is simultaneously conducting ecosystem service valuation, implementing natural capital accounting, updating benefit-cost and return on investment analysis and designing and implementing funding mechanisms for conservation and restoration. They work at multiple scales in the United States from project to policy to identify and introduce opportunities to account correctly for natural assets, and have extensive experience and relationships working for counties, cities and federal, state and local agencies.
- The funder and the regional project team request that Earth Economics be retained as the consultant.
- The broad range and multi-objective nature of services contemplated by the scope of work are not provided by any other entity in the United States, such that an R.F.P. would likely only lead to one responsive proposal. Given the regional nature of the initiative and the multiple partners, the District and its partners and funders determined that it would be more efficient and effective to have all of this work performed under one contract by one consultant with multiple specialties instead of a multiplicity of more specialized consultants under multiple contracts. There is only one entity in Sonoma County with substantial experience in conservation economics, and this entity works almost exclusively out of the United States.
- Alnus Ecological retains professors from University of California at Berkeley and the University of Vermont who have academic experience conducting interviews, polls and evaluations intended to determine changes in attitude and decision making based on new economic information related to conservation. This work is unique and rare and the project team convened by Alnus Ecological offers services not found elsewhere that are expressly suited to this project.

These contracts include multiple milestones to allow the District to monitor progress and take corrective action if needed. Expenditures will be entirely covered by grant funds from the Gordon and Betty Moore Foundation and income will be derived from a contract with the Santa Clara County Open Space Authority, which has received other grant funds to support the regional collaboration.

PARTNERSHIPS

The District is working closely with Sonoma County Regional Parks and Sonoma County Water Agency, and has had preliminary conversations with and expects to collaborate closely with the following agencies and groups: University of California Cooperative Extension, the Regional Climate Protection Authority, the Economic Development Board, Sonoma County Department of Health Services, the three Sonoma County Resource Conservation Districts, conservation and environmental N.G.O.s, agricultural groups, business groups, cities and other county departments. Sotoyome R.C.D. – in partnership with the City of Santa Rosa – was awarded a grant to explore an innovative program evaluating water quality markets to benefit rural landowners and enhance water quality. The District will collaborate closely with the R.C.D. to share information and coordinate efforts. The District is partnering regionally with R.C.D. of Santa Cruz County and the Santa Clara County Open Space Authority, as well as regional conservation and agricultural partners such as the California Rangeland Trust, the Bay Area Open Space Council, the Nature Conservancy, Trust for Public Land, private foundations, and other agricultural preservation and open space groups. Finally, the District and its partners are collaborating statewide and nationally with multiple state and federal agencies.

OUTREACH AND EDUCATION

The Economic Valuation of Conservation Initiative has a strong emphasis on data sharing, education and outreach, and will develop a number of publications outlining the economic benefits of conserving agricultural lands and natural areas – both locally in Sonoma County and regionally. In addition to publications, the Moore Foundation grant will support local, state and national presentations and workshops regarding the economic returns associated with conservation investments.

EXPECTED FUTURE FUNDING

Additional future grant funds are pending for this project. In addition to strong support from the Gordon and Betty Moore Foundation, the District has received widespread interest and support for the initiative from agency heads such as James Gore of the Natural Resources Conservation Service (NRCS), Mark Nechodom of Department of Conservation, the Department of Water Resources and Air Resources Board. The California State Coastal Conservancy will consider additional funding for the initiative at their December 2012 meeting and several other philanthropic organizations have expressed interest in funding the initiative. The District expects that this initiative may support the acquisition of additional funding for the District and the County via federal and state legislation, grants, local funding measures and innovative financing mechanisms.

Prior Board Actions:

On December 13, 2011 the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District authorized the General Manager of the District to enter into a grant agreement with the Gordon and Betty Moore Foundation in the amount of \$750,000 (income) and an agreement with the Santa Cruz County RCD in the amount of \$194,000 (expenditure).

Strategic Plan Alignment: Goal 2: Economic and Environmental Stewardship

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-------------------|----------------------|-------------------|
| Budgeted Amount | \$ 611,700 | County General Fund | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ 187,000 |
| | \$ | Use of Fund Balance | \$ 424,700 |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ 611,700 | Total Sources | \$ 611,700 |

Narrative Explanation of Fiscal Impacts (If Required): The District has budgeted for this expense in its FY 2012-13 budget for the conservation valuation program. The funding source is the Gordon and Betty Moore Foundation and the Santa Clara Open Space Authority.

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|--|--------------------------------------|-----------------------|-----------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

Attachments:**On File With Clerk:**

1. Agreement between the S.C.A.P.O.S.D and Earth Economics
2. Agreement between the S.C.A.P.O.S.D and Alnus Ecological
3. Agreement between the S.C.A.P.O.S.D and the Santa Clara County Open Space Authority



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 33 2:10 P.M.
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Agricultural Preservation and Open Space District Board of Directors

Board Agenda Date: November 20, 2012

Vote Requirement: Majority

Department or Agency Name(s): Agricultural Preservation and Open Space District

Staff Name and Phone Number:

Sheri Emerson, Stewardship Program Manager,
565-7358

Supervisorial District(s):

All

Title: Fee Lands Strategy: Options for District-Owned Properties

Recommended Actions:

Approval of the District Fee Lands Strategy as recommended by the District General Manager. Actions specific to a particular property would be brought back to the Board for consideration at a later date.

Executive Summary:

Since 1990, the District has protected over 86,000 acres of critical ecosystems and habitats, agricultural lands, urban separators, greenbelts and scenic viewsheds – providing a wide array of ecosystem services, and contributing substantially to the quality of life and economic vitality of Sonoma County (Figure 1). Though most of this land has been protected through acquisition of conservation easements, many critical properties were protected through outright purchase of fee title (“fee lands”), with the intent that the identified conservation values would be protected into perpetuity through the recording of a District-held conservation easement upon transfer of the fee interest to another entity.

The District’s current fee land portfolio includes approximately 7,500 acres (Figure 2). These lands include mountaintops and ridgelines with spectacular views of the Sonoma coast and interior valleys, mixed evergreen forests, grasslands, riparian corridors critical to Coho salmon and steelhead trout populations, vernal pools and other wetlands that support California tiger salamander and special-status plant species, small farms and historic cattle ranches, culturally important plant populations, and open space properties that create a greenbelt around urban areas. Several properties were purchased with the intention of transfer to park entities to enhance recreational opportunities in the County. Most fee properties support some level of agricultural use, and the public is able to access almost all of the properties through the District’s Outings program and Agricultural and Environmental Education program.

Fee lands stewardship is more expensive per acre than easement stewardship, requiring substantial funding for necessary land management and maintenance tasks, and presenting liability issues that are part of responsible land ownership. Meanwhile, over the past several years the District has experienced a decline in sales tax revenue. The District is retaining ownership of many properties for longer periods because the agencies initially

slated to accept transfer of the majority of the acreage within the District's fee land portfolio (state and local park systems) are under severe financial pressure and thus less able to accept and manage new properties. Approximately 6,000 acres of the District's current fee land portfolio was acquired with the intent of transferring ownership to California State Parks or Sonoma County Regional Parks. The remaining 1,500 acres was acquired to protect natural resources, maintain a greenbelt between more urbanized areas, to encourage continued agricultural production, or as additions to municipal parkland holdings.

Most of the District's fee properties have been dedicated for 'park or open space purposes' pursuant to the California Public Resources Code Section 5540. The conveyance options for dedicated lands is limited to:

- Transfer to public entities that agree (in a recorded instrument) to undertake the obligation to continue the use of the property for park or open space purposes in perpetuity,
- Exchange of property with a public or private entity (subject to an annual acreage maximum and other requirements), or
- Sale to a public or private entity with the consent of the majority of the voters of the District or a joint resolution of the State Legislature adopted after a two-thirds vote of the Board of Directors. All sales of District land are subject to State law surplus property procedures, which require the District to offer properties for sale to specific public entities before proceeding with a sale to any single public or private buyer.

The District may also choose to continue to own fee lands and provide the necessary management of the protected natural resources. Use of each fee land would vary, and may include leasing for agricultural uses or providing interim public access. Minor improvements may be constructed on the property to facilitate the agricultural or public use. The District's Expenditure Plan, however, limits total expenditures for operations and maintenance and initial access (including for lands held by the District and those held by others) to no more than 10% of the total sales tax revenue over the life of Measure F.

On April 25, 2011, the District's Board of Directors directed District staff to prepare a Fee Lands Strategy to guide the stewardship and conveyance of lands currently held in fee by the District. Completion of the Strategy is a key element of the 2012-2015 District Work Plan, adopted by the Board on March 27, 2012. The draft document incorporates input from the District Advisory Committee, Fiscal Oversight Commission, stakeholders, and the general public. The Strategy document itself includes the following:

- Documentation of the District's current fee lands portfolio
- For each fee property, identification of the District's original intent for the acquisition and key conservation values to be protected
- Description of interim land management practices and identification of areas where further information is needed to ensure responsible land management
- Identification of options for conveyance of property to appropriate responsible entities
- Identification of the process for determining a preferred conveyance option for each property
- Identification of opportunities for encouraging public engagement in protected lands
- Consideration of limited staff and funding resources

District staff inventoried the District's fee land portfolio, gathering information about each property, including but not limited to identified conservation values, acquisition details, grant funding, existing restrictions, existing land conditions, current use, management practices, and intended transfer entity. Properties were categorized into two tiers: Tier One includes the properties (3,408 acres total) that are currently planned for conveyance to a specific receiving entity (Table 1), and Tier Two (5,297 acres total) includes the properties that require

additional evaluation, based on a set of developed criteria, as well as technical review and a public input process before determining a preferred disposition option (Table 2).

The Fee Lands Strategy is anticipated to be implemented in phases. Several properties (the Tier One properties) are intended for transfer or conveyance during the 2012-2015 District Work Plan period. For the remaining properties (the Tier Two properties) additional analysis of conveyance options will begin in 2015, or sooner depending on funding and staffing resources. Each property-specific transaction will be brought back to the Board of Directors for independent approval.

Prior Board Actions:

On March 27, 2012, the Board approved the District’s 2012-2015 Workplan, which includes the development of a Fee Lands Strategy. On April 25, 2011, the Board provided direction to District staff to prepare a Fee Lands Strategy. On August 7, 2007, the Board adopted a District Operations and Maintenance Policy.

Strategic Plan Alignment: Goal 2: Economic and Environmental Stewardship

Approval of the District Fee Lands Strategy will result in continued and enhanced land management of properties within the District’s current fee land portfolio, conveyance of Tier One properties to identified entities that will provide continued protection of natural resources, maintain land in agricultural production, and provide additional recreational opportunities within Sonoma County, and to implement a specific process towards identification of appropriate conveyance options for Tier 2 properties. This strategic approach to fee lands management and disposition represents a more efficient use of limited District resources.

Fiscal Summary - FY 12-13

| Expenditures | | Funding Source(s) | |
|---------------------------|-----------|----------------------|-----------|
| Budgeted Amount | \$ | Select an item. | \$ |
| Add Appropriations Req'd. | \$ | State/Federal | \$ |
| | \$ | Fees/Other | \$ |
| | \$ | Use of Fund Balance | \$ |
| | \$ | Contingencies | \$ |
| | \$ | | \$ |
| Total Expenditure | \$ | Total Sources | \$ |

Narrative Explanation of Fiscal Impacts (If Required):

Associated costs of implementation of the Fee Strategy include approximately \$5.0 million in one-time costs (recreation-focused capital improvements, habitat enhancements, and related planning), as well as \$2.2 million in initial operation and maintenance payments (pursuant to the District’s Operations and Maintenance Policy); and \$1.7 million in annual management costs (ongoing land management and the cost of providing interim public access) for as many years as the District retains ownership (Table 3). Continued expenditures on these properties affect the ability of the District to effectively protect additional agricultural and open space lands. There is no fiscal impact of Board action to approve the Fee Strategy document. Project specific expenditures will be brought back to the Board for approval as part of the District’s annual budget process, and as District procurement practices require.

Staffing Impacts

| Position Title (Payroll Classification) | Monthly Salary Range (A – I Step) | Additions (Number) | Deletions (Number) |
|---|---|------------------------------|------------------------------|
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

- 1. Table 1. Tier One Properties
- 2. Table 2. Tier Two Properties
- 3. Table 3. Cost Estimates
- 4. Figure 1. Protected Lands in Sonoma County
- 5. Figure 2. Map of Fee Properties
- 6. Draft Fee Lands Strategy
- 7. Power Point Presentation

Related Items “On File” with the Clerk of the Board:

- 1. District Workplan 2012-2015
- 2. District Operations and Maintenance Policy

ATTACHMENT 1

| TABLE 1. TIER ONE PROPERTIES (PROPOSED TRANSFER ENTITY IDENTIFIED). | | | | | | | |
|---|-------------|---|------------------|-------------------------------------|-----------------------|-------------------------------|------------------------|
| | Acres | Status | Agricultural Use | Public Access | Open Space Dedication | Proposed Transfer Entity | Expected Transfer Date |
| TIER ONE PROPERTIES | 3408 | | | | | | |
| Recommended for Transfer to Regional Parks | 2968 | | | | | | |
| Laguna Trail | 0 | Trail construction complete, trail easement transferred to Regional Parks | N/A | Open | N/A | Regional Parks | 2011 |
| Lawson | 247 | Regional Parks has conducted assessments and other studies, managing as part of Hood Mountain | No | Volunteer workdays | Yes | Regional Parks | 2014 |
| Mark West properties | 801 | Phase 2 acquisitions pending | Yes | Outings | No | Regional Parks | 2014 |
| North Slope Sonoma Mountain properties | 537 | District conducting resource assessment, trail and related amenities under construction | Yes | Outings, Volunteer Patrol, Workdays | Partial | Regional Parks | 2013 |
| Sonoma Mountain Ranch/Walsh | 283 | Grazing plan in preparation | Proposed | Outings | Yes | likely Regional Parks | tbd |
| Taylor Mountain properties | 1100 | Transfer in early 2013 | Yes | Permit Program, Outings, Workdays | Partial | Regional Parks | 2013 |
| Recommended for Transfer to Others | 440 | | | | | | |
| Cramer/ Wright Preserve | 174 | Land management by Department of Fish and Game | No | Outings | Yes | California Dept Fish and Game | 2015 |
| Haroutunian North | 18 | Currently leased by farmer | Yes | Outings, Tours, Farm stand | No | private farmer | 2014 |
| Healdsburg Ridge properties | 150 | Trail construction complete, transfer in 2013 | No | Open | Yes | City of Healdsburg | 2013 |
| Montini | 98 | Trail construction and transfer by end of 2013 | Yes | Outings, Volunteer Patrol, Workdays | Yes | City of Sonoma | 2013 |

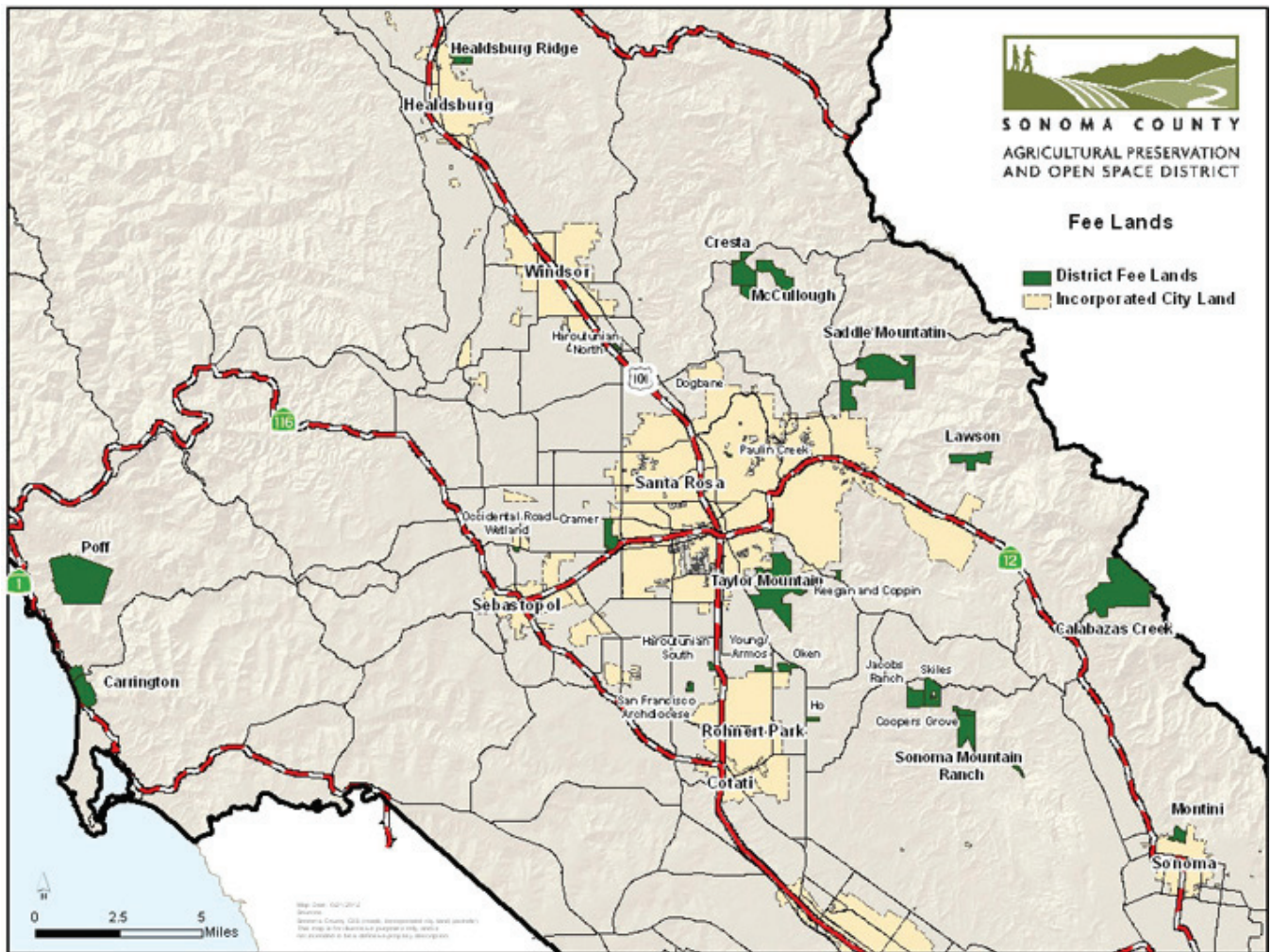
| TABLE 2. TIER TWO PROPERTIES (TRANSFER ENTITY NOT YET IDENTIFIED) | | | | | |
|--|--------------|--|-------------------------|-------------------------------------|------------------------------|
| | Acres | Status | Agricultural Use | Public Access | Open Space Dedication |
| TIER TWO PROPERTIES | 5297 | | | | |
| Acquired as addition to State Parks System (proposed park unit) | 2925 | | | | |
| Calabazas Creek Preserve (Sugarloaf) | 1290 | Management plan in preparation, grant secured for trail planning | No | Outings, Volunteer Patrol, Workdays | No |
| Carrington Ranch (Sonoma Coast) | 335 | Grazing plan in preparation, evaluation of historic structure | Proposed | Outings, Volunteer Patrol, Workdays | Yes |
| East Slope Sonoma Mountain (Jack London) | 40 | Trails plan in preparation, grant secured for trail planning | N/A | Outings | N/A |
| Keegan/Coppin (Annadel) | 24 | Leased for grazing | Yes | No | No |
| Poff (Sonoma Coast) | 1236 | Management plan pending, leased for grazing | Yes | Outings | Yes |
| Other (primarily greenbelt/ community separator acquisitions) | 1186 | | | | |
| Dogbane | 3 | Culturally-important plant population | No | Annual Harvest, Workdays | No |
| Haroutunian South | 21 | Closed to public-some ecological research | No | No | No |
| Ho | 30 | Leased for row crops | Yes | No | Yes |
| Occidental Road | 15 | Adjacent to Laguna, Regional Parks patrols | No | Outings | No |
| Oken | 76 | Leased for grazing | Yes | No | No |
| Paulin Creek | 8 | Vegetation maintenance, Regional Parks patrols | No | Outings, Volunteer Patrol, Workdays | Yes |
| Saddle Mountain | 960 | Resource assessments completed, management plan pending | No | Outings, Volunteer Patrol | Yes |
| San Francisco Archdiocese | 28 | Leased for grazing | Yes | No | No |
| Young/Armos | 45 | Leased for hay production | Yes | No | No |

| TABLE 3. COST ESTIMATES | | | | | |
|--|--------------|------------------------------|-----------------------|---|---|
| | | ANNUAL UNTIL CONVEYED | | ONE-TIME COSTS | |
| | Acres | Land Management | Interim Access | Capital Improvements, Habitat Enhancements, and Planning | Initial Operation and Maintenance Payment (3 year total) |
| Tier One Properties | | | | | |
| Recommended for transfer to Regional Parks | 2968 | \$593,575 | \$265,890 | \$3,137,381 | \$850,000 |
| Recommended for transfer to others | 440 | \$42,000 | \$7,936 | \$659,615 | \$215,000 |
| Subtotals for all Tier One Properties | 3408 | \$635,575 | \$273,826 | \$3,796,996 | \$1,065,000 |
| Tier Two Properties | | | | | |
| Acquired as addition to State Parks System | 2925 | \$514,500 | \$91,552 | \$800,000 | \$675,000 |
| Other (primarily greenbelt/ community separator acquisitions) | 1186 | \$160,900 | \$31,744 | \$400,000 | \$450,000 |
| Subtotals for all Tier Two Properties | 4111 | \$675,400 | \$123,296 | \$1,200,000 | \$1,125,000 |
| Grand totals for all properties in current portfolio | 7519 | \$1,310,975 | \$397,122 | \$4,996,996 | \$2,190,000 |

FIGURE 1: PROTECTED LANDS IN SONOMA COUNTY



FIGURE 2: MAP OF FEE PROPERTIES



SONOMA COUNTY AGRICULTURAL
PRESERVATION & OPEN SPACE DISTRICT

FEE LANDS STRATEGY

NOVEMBER 20, 2012

Options for District-Owned Properties



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ACKNOWLEDGEMENTS

The Sonoma County Agricultural Preservation and Open Space District acknowledges and thanks the following entities and groups for their contributions to the development of this Fee Lands Strategy:

- Board of Directors, Sonoma County Agricultural Preservation & Open Space District
 - Advisory Committee, Sonoma County Agricultural Preservation & Open Space District
 - Fiscal Oversight Commission, Sonoma County Agricultural Preservation & Open Space District
 - Numerous stakeholder groups, agencies, and individuals
 - Staff, Sonoma County Agricultural Preservation & Open Space District
-



EXECUTIVE SUMMARY

The acquisition and stewardship of ‘fee lands’ has been part of the District’s land conservation work over the past two decades. Many critical and at risk properties were protected through outright purchase. At the time of these acquisitions, the District intended that these fee lands would ultimately be transferred to a conservation or park entity. Identified conservation values are protected into perpetuity through the recording of a District-held conservation easement upon transfer of the fee interest to another entity. In recent years properties that were intended for transfer to recreation-focused entities, such as State Parks, have been retained by the District for longer periods of time than anticipated, due to current economic conditions.

Fee lands stewardship is significantly more expensive per acre than easement stewardship, requiring substantial funding for necessary land management and maintenance tasks, and presenting liability issues that are part of responsible land ownership. The District has developed this Fee Land Strategy to document its holdings and current land management practices, describe pending property transfers, and develop a process for evaluating options for conveyance of the remainder of the properties to appropriate responsible entities.



I. INTRODUCTION

CONTEXT

The Sonoma County Agricultural Preservation and Open Space District (District) was created in 1990 by the voters of Sonoma County to permanently protect the diverse agricultural, natural resource, and scenic open space lands of Sonoma County for future generations (Appendix A). The District is funded through a voter-approved sales tax. In 2006, the sales tax was reauthorized by the voters through approval of Measure F, known as the Sonoma County Open Space, Clean Water and Farmland Protection Measure. The 2006 Expenditure Plan (Appendix B) describes how the voter-approved sales tax revenue may be spent.

Through the protection (acquisition and stewardship) of land, the District ensures that Sonoma County's natural beauty, farming traditions, and clean air and water are safe-guarded for the future. More than 86,000 acres in Sonoma County have been protected by the District to date (Figure 1).

"Protecting land for agriculture, community separators, recreation, and wildlife habitat is becoming as important to our communities as other infrastructure such as roads, sewers, and storm drains. Countywide open space networks can protect agricultural lands and link urban communities, open spaces, trails, and wildlife habitat—a strategic approach to open space protection known as 'green infrastructure.'" — *Connecting Communities and the Land, A Long-Range Acquisition Plan* (2006)

The District's long-range land protection goals include:

- Maintain the county's rich rural character and the unique qualities of each city and areas throughout the county that help provide our sense of community.
- Support the economic vitality of working farms to preserve the agricultural heritage and diversity of the county.
- Protect the ridgetops, coastal bluffs, hillsides, and waterways that create the county's striking natural beauty.
- Provide connections between urban areas, parks, and natural areas throughout the county for both people and wildlife.
- Preserve diverse natural areas that provide habitat for wildlife.
- Protect the waterways and associated natural lands that maintain water quality and supply.
- Partner with local agencies and organizations to leverage funding for land protection, foster stewardship, and provide opportunities for recreational and educational experiences.

The District's enabling legislation and Expenditure Plan direct the District to protect land primarily through acquisition and stewardship of conservation easements (approximately 78,000 acres to date have been protected by the District using this land conservation tool). Since only a partial interest in a property is acquired, easements protect more land at a lower cost than outright fee purchases. Moreover, as easements allow the land to remain in private hands, they

FIGURE 1: PROTECTED LANDS IN SONOMA COUNTY



do not require the management investments or incur the liabilities associated with fee title ownership, and the properties continue to contribute to County tax revenues, supporting critical local services.

Sometimes, however, the District must purchase land in fee to ensure its protection. The District has purchased more than 14,000 acres in fee since its inception, approximately 6,500 acres of which have been transferred to other entities, with the District retaining a conservation easement that protects the identified conservation values in perpetuity. Much of this acreage was purchased with the stated intent of transferring to a recreational provider, including State or Regional Parks and, in some cases, local cities. To date, District acquisitions have increased the total

acres of Regional Parks by over fifty percent, and added the equivalent of another Annadel State Park to the acreage of California State Parks in Sonoma County. The District still holds fee-title to about 7,500 acres.

COST OF FEE LAND STEWARDSHIP

Fee land stewardship is more expensive per acre than easement stewardship, requiring substantial funding for necessary land management and maintenance tasks, and presenting liability issues that are part of responsible land ownership. Associated costs generally include one-time costs (recreation-focused capital improvements, habitat enhancements, and related planning, as well as initial operation and maintenance payments pursuant to the District's Operations and Maintenance

Policy) and annual costs (ongoing land management and the cost of providing interim public access) for as many years as the District retains ownership.

The District is retaining ownership of many properties for longer periods than anticipated because the agencies initially slated to own these properties (state and local park systems) are under severe financial pressure and thus less able to manage new properties. Therefore, the District is incurring substantial one-time and annual costs associated with continued fee ownership. Continued expenditures on fee properties affect the ability of the District to effectively protect additional agricultural and open space lands.

DISTRICT WORK PLAN

In March of 2012, the District's Board of Directors approved the 2012-2015 District Work Plan. The Work Plan includes several strategies that apply to the properties that the District has protected through fee title purchases.

- Provide opportunities for the public to engage in caring for District-protected lands

The community that envisioned and created the District rightfully feels a sense of pride and ownership in this organization and its work. The interim access, outings, and education programs provide opportunities for the community to engage with the land it has protected. The District is also expanding its volunteer and intern program. Volunteers participate in key District activities such as easement monitoring, land management activities including invasive species removal, restoration of habitat for fish and wildlife, volunteer patrol, community education and interpretation, and infrastructure maintenance — all essential to successful stewardship of protected lands.

- Identify priorities for fee lands management and transfers, and transfer identified priority properties

District fee lands will be prioritized and transferred to parks agencies and to other willing land management entities that have the capacity and mission to forever protect the conservation values of each property. In many cases the transaction will require a transfer agreement and an affirmative agreement (covenant) requiring operation of the property into the future as

open space. In all cases the District will retain conservation easements over transferred properties.

Transfers may be facilitated with payments for initial operations and maintenance. Funding for operations and maintenance, however, is expressly limited by the 2006 Expenditure Plan. In 2007, the District's Board of Directors adopted an Operations and Maintenance Policy to clarify the implementation of the Expenditure Plan relating to operations and maintenance expenditures. Under this Policy, entities receiving transfer of fee title of a recreational property may be reimbursed for up to three years of eligible operations and maintenance expenses (Appendix C).

- Focus on current commitments for recreational capital improvement expenditures

During recent years the District has devoted a large amount of staff time and funding to capital improvement projects for recreation, including trail and trailhead construction, and master planning, in an attempt to assist park operation entities with the initial costs associated with providing public access. Projects have included public use planning for Taylor Mountain, trail planning and construction along the Laguna de Santa Rosa, along the North Slope of Sonoma Mountain, at Healdsburg Ridge Open Space Preserve, and trail planning along the East Slope of Sonoma Mountain.

These investments, although they yield a tremendous return in terms of public awareness of and connection to protected lands, represent a substantial portion of the overall revenues of the District. Over the past several years the District has experienced a decline in sales tax revenue. Investing in large-scale capital improvements reduces the District's ability to protect other key properties, including agricultural, natural resource, scenic, and greenbelt lands. The District will honor its current commitments for recreational capital improvements. Moving forward, the District will continue to collaborate with its recreation-focused partners to promote passive, low-impact recreational uses on District-protected lands, yet will primarily focus its own limited resources on land conservation activities.

PURPOSE OF THE FEE LANDS STRATEGY

In April 2011, the District's Board of Directors directed District staff to prepare a Fee Lands Strategy to guide the stewardship and conveyance of lands held in fee by the District. The Strategy document includes the following:

- Documentation of the District's current fee lands portfolio
- For each fee property, identification of the District's original intent for the acquisition and key conservation values to be protected
- Description of interim land management practices and identification of areas where further information is needed to ensure responsible land management
- Identification of options for conveyance of property to appropriate responsible entities
- Identification of the process for determining a preferred conveyance option for each property
- Identification of opportunities for encouraging public engagement in protected lands
- Consideration of limited staff and funding resources

APPROACH

To develop this Fee Lands Strategy, District staff began by documenting the District's fee lands portfolio, gathering information about each property, including but not limited to identified conservation values, acquisition details, grant funding, existing restrictions, existing land conditions, current use, management practices, and intended transfer entity. Summary sheets for each property are included as Appendix D.

Properties were categorized into two tiers: Tier 1 includes the properties that are currently planned for conveyance to an identified receiving entity, and Tier 2 includes the properties that require additional evaluation, based on a set of developed criteria, as well as technical review and a public input process before determining a preferred disposition option. The draft document incorporates input from the District Advisory Committee, Fiscal Oversight Commission, stakeholders, and the general public.

The Fee Lands Strategy is anticipated to be implemented in phases. Several properties are intended for transfer or conveyance during the 2012-2015 District Work Plan period. For the remaining properties, additional analysis of conveyance options will begin in 2015, or sooner depending on funding and staffing resources. Each property-specific transaction will be brought back to the Board of Directors for independent consideration and approval. Interim land management activities will continue on all District properties as long as the District retains ownership.



II. FEE LAND PORTFOLIO

OVERVIEW OF DISTRICT FEE PROPERTIES

The District's current fee land portfolio includes approximately 7,500 acres of protected land in Sonoma County (Figure 2). These lands include mountaintops and ridgelines with spectacular views of the Sonoma coast and interior valleys, mixed evergreen forests, grasslands, riparian corridors critical to Coho salmon and steelhead trout populations, vernal pools and other wetlands that support California tiger salamander and special-status plant species, small farms and historic cattle ranches, culturally important plant populations, and open space properties that create a greenbelt around urban areas. Most fee properties support some type of agricultural use. Several properties were purchased with the intention of transfer to park entities to enhance recreational opportunities in the County. The public is able to access almost all of the properties through the District's Outings program and Agricultural and Environmental Education program.

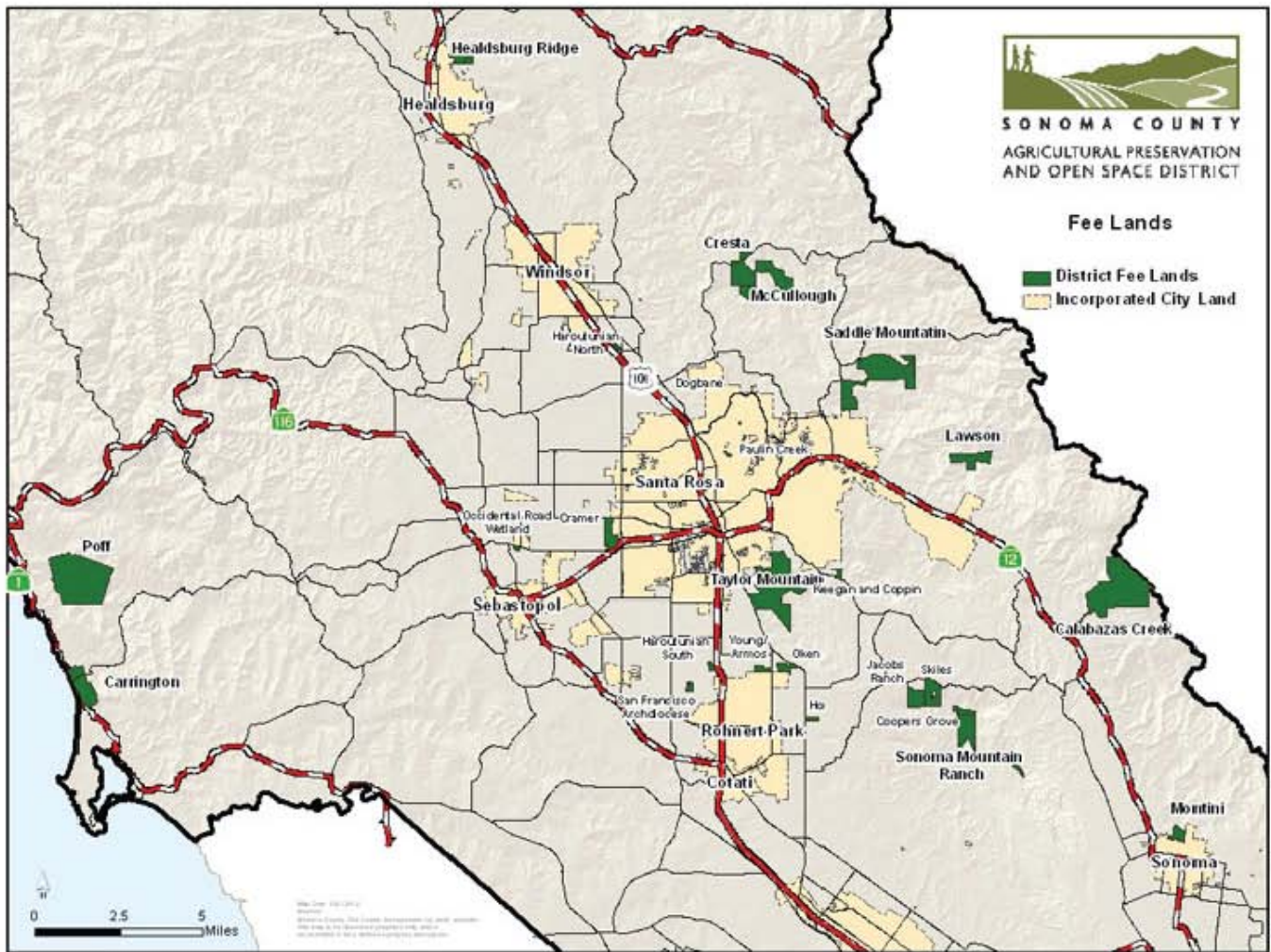
TIER 1 PROPERTIES

Approximately 3,400 acres of District fee properties are identified as Tier 1 properties that are currently slated for conveyance to another entity for long term ownership, operations and maintenance (Table 1). Typically, the process to transfer a Tier 1 property begins with the District conducting a resource assessment to identify conservation values of the property. Staff develops a conservation easement and project structure based on the findings of the resource assessment. Staff also may negotiate both a transfer agreement and an affirmative covenant with

the receiving entity. The affirmative covenant memorializes the receiving entity's perpetual obligation to maintain the land as open space. In some cases, limited payments for operations and maintenance of the transferred property may be part of the transfer agreement. A baseline document, which documents existing property conditions, is completed prior to closing. Finally, the conservation easement agreement, and any other agreements, are recorded at the time of transfer. Once fee title transfer is complete, District stewardship of the conservation easement begins and continues in perpetuity. This stewardship includes regular monitoring and communication with the landowner, processing permitted use requests, and following-up on landowner compliance with easement terms. Non-compliance may result in the District pursuing legal action to enforce the terms of the easement.

In some cases, prior to transfer, the District completes capital improvements such as construction of trails and related amenities to facilitate the transfer to another entity for long-term management. This cost may include both the planning for and implementation of the improvement. For example, a management plan has been completed for the Montini Open Space Preserve, and trail construction is planned prior to transfer of that property to the City of Sonoma. The Taylor Mountain Regional Park and Open Space Preserve Master Plan was recently completed, and the transfer of Taylor Mountain to Regional Parks is planned for early next year. Interim access improvements were previously constructed as part of the District-sponsored public access permit program for Taylor Mountain. Several miles

FIGURE 2: MAP OF FEE PROPERTIES



of multi-use trails and related improvements have been completed at the Laguna Trail, North Slope Sonoma Mountain, and Healdsburg Ridge properties.

Recommended entities to receive Tier 1 properties (with the District retaining a conservation easement) include the following, subject to applicable legal requirements:

Sonoma County Regional Parks: District is recommending that 2,600 acres be transferred to Regional Parks, including the Taylor Mountain properties, North Slope Sonoma Mountain properties, Mark West properties, Laguna Trail, and the Lawson addition to Hood Mountain Regional Park and Open Space Preserve.

City of Healdsburg: District is recommending that 150 acres be transferred to the City of Healdsburg as part of the Healdsburg Ridge Open Space Preserve.

City of Sonoma: District is recommending that 98 acres be transferred to the City of Sonoma as part of the Montini Open Space Preserve.

California Department of Fish and Game: District is recommending that the District's fee-title interest in the 174-acre Cramer property (Wright Preservation Bank) be transferred to the Department of Fish and Game.

Agricultural operator: District is recommending that the 18-acre Haroutunian North property be sold to an agricultural operator for continued farming.

TABLE 1. TIER ONE PROPERTIES (PROPOSED TRANSFER ENTITY IDENTIFIED).

| | Acres | Status | Agricultural Use | Public Access | Open Space Dedication | Proposed Transfer Entity | Expected Transfer Date |
|---|-------------|---|------------------|-------------------------------------|-----------------------|-------------------------------|------------------------|
| TIER ONE PROPERTIES | 3408 | | | | | | |
| Recommended for Transfer to Regional Parks | 2968 | | | | | | |
| Laguna Trail | 0 | Trail construction complete, trail easement transferred to Regional Parks | N/A | Open | N/A | Regional Parks | 2011 |
| Lawson | 247 | Regional Parks has conducted assessments and other studies, managing as part of Hood Mountain | No | Volunteer workdays | Yes | Regional Parks | 2014 |
| Mark West properties | 801 | Phase 2 acquisitions pending | Yes | Outings | No | Regional Parks | 2014 |
| North Slope Sonoma Mountain properties | 537 | District conducting resource assessment, trail and related amenities under construction | Yes | Outings, Volunteer Patrol, Workdays | Partial | Regional Parks | 2013 |
| Sonoma Mountain Ranch/Walsh | 283 | Grazing plan in preparation | Proposed | Outings | Yes | likely Regional Parks | tbd |
| Taylor Mountain properties | 1100 | Transfer in early 2013 | Yes | Permit Program, Outings, Workdays | Partial | Regional Parks | 2013 |
| Recommended for Transfer to Others | 440 | | | | | | |
| Cramer/ Wright Preserve | 174 | Land management by Department of Fish and Game | No | Outings | Yes | California Dept Fish and Game | 2015 |
| Haroutunian North | 18 | Currently leased by farmer | Yes | Outings, Tours, Farm stand | No | private farmer | 2014 |
| Healdsburg Ridge properties | 150 | Trail construction complete, transfer in 2013 | No | Open | Yes | City of Healdsburg | 2013 |
| Montini | 98 | Trail construction and transfer by end of 2013 | Yes | Outings, Volunteer Patrol, Workdays | Yes | City of Sonoma | 2013 |

TIER 2 PROPERTIES

Approximately 4,111 acres of District fee properties are identified as Tier 2 properties that are not slated for conveyance to a specific entity at this time (Table 2). Many of the Tier 2 properties (approximately 2,885 acres) were acquired by the District with the intent to transfer to California State Parks. In recent

years, however, State Parks has slowed the rate of new parkland additions, and has even closed some parks due to a lack of operations funding. For several existing State Parks in Sonoma County, local government, non-profit, and other organizations have stepped forward to manage these properties for an anticipated 1 to 5 year time period, which will allow

| TABLE 2. TIER TWO PROPERTIES (TRANSFER ENTITY NOT YET IDENTIFIED) | | | | | |
|--|--------------|--|-------------------------|-------------------------------------|------------------------------|
| | Acres | Status | Agricultural Use | Public Access | Open Space Dedication |
| TIER TWO PROPERTIES | 5297 | | | | |
| Acquired as addition to State Parks System (proposed park unit) | 2925 | | | | |
| Calabazas Creek Preserve (Sugarloaf) | 1290 | Management plan in preparation, grant secured for trail planning | No | Outings, Volunteer Patrol, Workdays | No |
| Carrington Ranch (Sonoma Coast) | 335 | Grazing plan in preparation, evaluation of historic structure | Proposed | Outings, Volunteer Patrol, Workdays | Yes |
| East Slope Sonoma Mountain (Jack London) | 40 | Trails plan in preparation, grant secured for trail planning | N/A | Outings | N/A |
| Keegan/Coppin (Annadel) | 24 | Leased for grazing | Yes | No | No |
| Poff (Sonoma Coast) | 1236 | Management plan pending, leased for grazing | Yes | Outings | Yes |
| Other (primarily greenbelt/ community separator acquisitions) | 1186 | | | | |
| Dogbane | 3 | Culturally-important plant population | No | Annual Harvest, Workdays | No |
| Haroutunian South | 21 | Closed to public-some ecological research | No | No | No |
| Ho | 30 | Leased for row crops | Yes | No | Yes |
| Occidental Road | 15 | Adjacent to Laguna, Regional Parks patrols | No | Outings | No |
| Oken | 76 | Leased for grazing | Yes | No | No |
| Paulin Creek | 8 | Vegetation maintenance, Regional Parks patrols | No | Outings, Volunteer Patrol, Workdays | Yes |
| Saddle Mountain | 960 | Resource assessments completed, management plan pending | No | Outings, Volunteer Patrol | Yes |
| San Francisco Archdiocese | 28 | Leased for grazing | Yes | No | No |
| Young/Armos | 45 | Leased for hay production | Yes | No | No |

the State Parks to stay open while the State Park system budget stabilizes and recovers. It remains to be seen how long this interim management period may last, but the District does not anticipate that State Parks will accept new lands for some years.

DISTRICT INTERIM LAND MANAGEMENT PRACTICES

As a land conservation organization, the District generally follows the Land Trust Alliance (LTA) Standard Practices. While the District is not a land trust per se and is not required to meet these standards for accreditation purposes, the District has

found these industry standards helpful in meeting our commitment to ensuring the permanent protection of District-protected lands. In particular, the District has found the LTA Standard Practices for Fee Land Stewardship are helpful in guiding the interim management of the District’s fee properties.

In addition, when the District acquires property through donation or bargain sale, it has obligations under Internal Revenue Service regulations to monitor the investment on behalf of taxpayers and to protect and enforce the conservation purposes of the donation.

PROTECTION AND MANAGEMENT OF FEE PROPERTIES

The District coordinates management activities on its fee lands to protect the integrity and conservation values of each property, in accordance with the original intent of the acquisition. Responsible land management includes tasks associated with the stewardship of natural resources, the protection of public safety, avoidance of liability and maintenance of property infrastructure. Technical studies are completed as necessary in support of resource planning and implementation of best management practices on the properties. Each property is inspected on a regular basis by Stewardship Program staff and trained volunteers to check current conditions and identify necessary maintenance or adaptive management tasks.

It is the District's practice to utilize a competitive process when procuring services, including any significant land stewardship tasks. The District seeks to work with the service provider that can provide the best service possible on a particular project for a competitive price. This may be a licensed contractor or other professional, a governmental agency, a non-governmental organization, or other service provider. Currently, the District contracts with a variety of entities to assist in the stewardship of fee properties.

Maintenance of Property Infrastructure

Upon acquisition of a property in fee, the District immediately ensures that the property is secured with a District lock and standard combination. Additionally, District staff will install signs that reflect the District's ownership and include contact information, and address any existing safety issues, such as trespassing, illicit use, and dumping. If necessary, District staff will confirm the boundaries of the property, and will arrange for fencing to be installed.

Property infrastructure maintenance includes tasks such as structure repair, fence repair, maintenance of water systems, road repair, erosion control, removal of trash and debris, prevention of encampments and other trespass-related activities.

The District also assesses roads and other infrastructure for potential to cause erosion and adversely affect streams, wetlands, and other lands within the watershed. When necessary, the District con-

sults with roads experts regarding any needed maintenance or improvements to ensure that existing roads are not sources of sediment delivery to the watershed and aquatic systems.

Protection of Natural and Cultural Resources

The District manages vegetation to support the health of protected ecosystems and reduce risk of wildfire. Typically, vegetation management includes annual mowing around structures, internal roads, access roads and parking areas, the property perimeter if appropriate, and invasive species removal. Mowing only occurs after District staff conducts a nesting bird survey in the area to be mowed to ensure no birds or nests are present. If nesting birds are present, mowing is postponed until the birds fledge and leave the nest. Several properties are grazed for vegetation management purposes.

Invasive species are identified and removed and/or managed on a property-specific basis. Control methods include, but are not limited to, spraying by a licensed applicator, hand-pulling, seasonally-timed mowing or grazing.

Typically, the District establishes buffers for active land uses around sensitive species and habitat, and any prehistoric or historic cultural resources. The District also enhances selected habitats, engaging partners and the public where possible, such as the riparian enhancement project on Cresta Ranch.

Addressing Trespassing and Illegal Uses

The District has developed protocols for addressing homeless encampments and cannabis grow operations on District lands.

When an encampment is discovered or reported to the District, District staff contacts the appropriate law enforcement agency to escort District staff to the site. District staff posts a notice telling the occupants of the encampment they have 48 hours to pack their belongings and remove themselves from the premises. After 48 hours law enforcement again accompanies District staff to the site to ensure that the camp occupants have left. District staff then immediately arranges for a maintenance contractor to assist with clearing out any debris left behind.

When volunteers or District staff suspects that a cannabis grow operation is present on the property, the District follows a very strict protocol. If evidence of a grow operation is reported or encountered, the property is closed to the public, and local law enforcement is contacted immediately. In some cases, staff, volunteers, and outings providers may be permitted to access other portions of the property during certain times of the year, if deemed safe by District; staff and volunteers will remove all debris from grow operations as soon as the grow area can be safely accessed. Prior to reopening the property to the public, staff will install signs indicating that the property is under surveillance.

COMPATIBLE LAND USES

The District carefully evaluates each property when considering allowable uses and activities. Land uses and activities which are compatible with and support the intent of the acquisition and the identified conservation values of a property are established where feasible.

Agriculture

Many properties under District ownership include some type of agricultural operation. The District leases out approximately half of its fee land acreage for grazing, vegetable farming, or hay production. Some properties are not appropriate for agricultural use given limited access, poor soil or forage quality, slope and aspect of the land itself, or constraints related to sensitive habitats and protected species.

Public Access

Public access to lands held in fee by the District may be provided through use of pre-existing or newly developed trails and other public facilities, participation in District-sponsored or other approved outings or education programs, or participation in a volunteer patrol program. Additionally, the District grants access to scientific or academic institutions interested in conducting research to inform natural resource protection (i.e. Sudden Oak Death). This research can assist the District in prioritizing management activities on its properties.

The District provides public access to almost all fee properties. The District has established an Interim Public Access Permit Program on Taylor Mountain, which issues permits to interested hikers, cyclists and equestrians. Almost 3,000 permits have been issued for access to Taylor Mountain. In addition, the District contracts with four service providers to provide approximately 70 outings each year on the majority of District-owned properties, as well as some easement properties. These outings range from nature hikes and bird walks to kayaking and family-themed tours of agricultural operations.

Property-specific volunteer patrol programs are in effect at Carrington Coast Ranch, Poff Ranch, the North Slope Sonoma Mountain properties, Saddle Mountain Open Space Preserve, Calabazas Creek Open Space Preserve, Montini Open Space Preserve, and Paulin Creek Open Space Preserve. There are approximately 200 trained volunteers that participate in these programs.

FUTURE LAND MANAGEMENT NEEDS

As a conveyance strategy is evaluated for each Tier 2 property, the District will prepare the appropriate documentation (resource assessments, planning documents, and environmental documents) as necessary to facilitate the process. However, in the interim, there is a more immediate need to look at the management of District-owned lands from a more comprehensive perspective, across all fee properties, so that limited staff and funding resources are deployed in a strategic and focused manner. District staff will focus on the following four issues in particular.

Invasive Species Management

The District currently conducts invasive species management activities on a property-specific basis. As part of its comprehensive identification and prioritization of management activities on its land, the District will continue to evaluate invasive species management needs, focusing on Tier 2 properties in particular, so that a more comprehensive, coordinated approach and prioritization of removal and management efforts can occur.

Fire Fuel Load Reduction

The District currently maintains fire breaks around the property boundary and all structures on fee properties where applicable. There is a need on some properties, however, to better understand fire fuel load issues, and there is an opportunity to implement innovative, ecologically sensitive approaches to fuel load reduction. The District will continue to consult with local fire agencies, as well as engaging consultants with expertise in the use of fire to support or encourage healthy ecosystems, while addressing fuel load reduction.

Erosion Issues

The District is in the process of evaluating several miles of roads on its lands for potential to deliver sediment to nearby streams. Many other miles have been evaluated for current and potential erosion issues. The District will evaluate the risk to watershed health due to erosion issues across all of its fee holdings to prioritize areas for implementation.

Sensitive Habitat and Species Enhancement

The District will prioritize the enhancement of sensitive habitats and species – such as wetlands, riparian areas, threatened or endangered plant and animal species. These enhancement projects will only be undertaken when there is a compelling reason (e.g., coho recovery objectives as articulated in a federal or state approved management plan) to invest resources to enhance habitats and species to further the conservation values of the property.

PUBLIC ENGAGEMENT

Along with outings and interim access programs, the District has established volunteer patrol programs on many of its properties. These patrols are coordinated by District staff, as well as local non-profits under contract and trained volunteers. Such programs provide opportunities for the community to engage in active land management.

The District will recruit for a Volunteer Coordinator who will further develop the volunteer patrols and will establish and manage a more robust volunteer program to encourage public engagement in stewardship of fee lands, such as workdays that focus on invasive species removal, restoration of habitat for fish

and wildlife, infrastructure maintenance, and docent-training for property tours. Additionally, volunteers will be offered opportunities to assist in office-oriented tasks or other District needs as they arise. In addition, the District is very interested in assisting with the development of future land conservation professionals, and will provide internship opportunities for students during breaks in the school year.

CONVEYANCE OPTIONS FOR TIER 2 PROPERTIES

There are multiple options for conveyance of Tier 2 properties. The District will carefully evaluate all conveyance options for each property so that the most appropriate land conservation tools are used and the intended purpose of each acquisition is fulfilled. Ultimately, fee ownership of a property could be held by a public agency, a private non-profit organization, or a private party.

The District's discretion to convey properties is limited by provisions of the California Government Code and the Public Resources Code, which restrict transfers of property that have been formally dedicated for park or open space purposes. Table 2 lists the Tier 2 properties and identifies which have been dedicated to open space. Conveyance of property is also subject to existing partner and grant funding restrictions, and Sonoma County General Plan conformity requirements.

In all cases, the District will retain a conservation easement that protects the identified conservation values in perpetuity. Additional land conservation tools that may be utilized include trail easements, affirmative covenants, and/or deed restrictions.

There are three primary conveyance options: transfer to a public entity for park or open space purposes, exchange, and sale. Restrictions related to a property's open space dedication status are identified for each option.

TRANSFER TO PUBLIC ENTITY FOR PARK OR OPEN SPACE PURPOSES

In this option, the District may transfer fee title to another public entity for park or open space purposes, while retaining a conservation easement.

Undedicated Land

Lands not yet dedicated to open space may be transferred to a public entity provided that the entity undertakes the obligation (in a recorded instrument) to continue to use the property for park or open space use in perpetuity, and adequate public value is received.

Dedicated Land

If the lands have already been dedicated to open space, the lands may be transferred to a public entity only if the entity undertakes the obligation (in a recorded instrument) to continue to use the property for park or open space use in perpetuity, the entity agrees not to convey the property without the consent of a majority of the voters of the District, and the transfer is approved with a 4/5th vote of the District's Board of Directors. (Public Resources Code section 5540.6)

After transfer, pursuant to the District's Operations and Management Policy, the District may reimburse eligible operation and maintenance expenses for recreational properties for a limited time.

EXCHANGE WITH PUBLIC OR PRIVATE ENTITY

In this option, the District may transfer fee title in exchange for interests in other property of equal or greater value. The exchange may be with a public or private entity.

Undedicated Land

If the property has not previously been dedicated to open space, there is no limit in size or location of the exchange.

Dedicated Land

The Public Resources Code places additional limitations on the exchange of lands that have been dedicated. Exchanges involving dedicated land are limited to 40 acres per year. Moreover, the land that is acquired must be adjacent to other property already owned by the District and must be necessary for park or open space purposes. (Public Resource Code section 5540. 5.)

SALE TO PUBLIC OR PRIVATE ENTITY

In this option, the District may sell the property for market-value compensation, while retaining a conservation easement. If deemed appropriate, the District may also require a trail easement and/or affirmative covenant requiring the property to be used for specified recreational, agricultural or open space purposes. The sale may be to a public entity or private conservation buyer. The District must receive no less than fair market value. The value received by the District may be comprised of a conservation easement, affirmative covenant, cash compensation or a combination thereof.

Undedicated Land

In addition to the above, all sales of District land are subject to State law surplus property procedures, which require the District to offer properties for sale to specific public entities before proceeding with a sale to any single public or private buyer.

Dedicated Land

In addition, if the property has previously been dedicated to open space, any sale of the land will require the consent of a majority of the voters of the District or a joint resolution of the State Legislature adopted after a two-thirds vote of the Board of Directors. After receipt of the consent of the voters or the State Legislature, the District may commence the surplus property procedures. (Note that this option for sale of the land for fair market value is an alternative to the transfer of land to a public entity for park or open space use pursuant to Public Resources Code section 5540.6, outlined above)

HOLD

While not a conveyance option per se, the District may choose to continue to own fee lands and provide the necessary management of the natural resources. Use of each fee land would vary, and may include leasing for agricultural uses or providing interim public access. Minor improvements may be constructed on the property to facilitate the agricultural or public use. The District's Expenditure Plan, however, limits total expenditures for operations and maintenance and initial access (including for lands held by the District

and those held by others) to no more than 10% of the total sales tax revenue over the life of Measure F.

Relative Costs

Some preliminary assumptions are made as to the cost associated with each conveyance option, relative to other options, above and beyond the initial acquisition costs and staff costs that would be associated with acquiring and managing fee-title of any property.

It has been the District's experience that the highest cost option over the short term includes providing recreation-related improvements and initial operations and maintenance payments as part of a transfer to a public entity for park and open space use.

In relation to the exchange option, the District would receive equivalent value of the land being exchanged, and so would recoup its original investment in the property. This scenario would essentially be cost-neutral.

In relation to the sale option, the District would receive not less than fair market value for the property, which may be comprised of the value of a conservation easement or affirmative covenant over the property, cash compensation or combination thereof. In this scenario, the District might actually generate revenue, which could be reinvested to protect additional land or to steward already-protected land.

The hold option would include land management costs only. For the current fee land portfolio, these costs vary widely depending on the nature of the property. Typically, expenditures are comparable to costs provided by other land conservation and park district organizations with similar land management responsibilities. The District does, however, rely on a dedicated group of trained volunteers that contribute a variety of services to help steward District properties, including supplemental management and monitoring on specific properties through volunteer patrol programs, assessment and repair of fencing and other structural features, natural resources enhancement, and related services. This contribution by volunteers significantly reduces the taxpayers' obligation for land management.

Over the long term, the hold scenario would incur the highest cost, due to the ongoing nature of land

management tasks. In 2031, Measure F funding will end, and so there may no longer be a reliable source of funds for this work. District staff is continually evaluating the amount of Stewardship Reserve funding necessary to cover post-2031 conservation easement stewardship responsibilities, which are perpetual in nature. If the District also holds fee-title properties beyond 2031, that same Stewardship Reserve fund must also cover fee land stewardship responsibilities.



III. STRATEGY

SHORT TERM ACTIONS (DURING THE 2012-2015 WORK PLAN PERIOD)

INTERIM LAND MANAGEMENT

The District will continue to manage all properties held within its fee lands portfolio until such time as the property is conveyed to an appropriate responsible entity. This will include maintenance of property infrastructure, protection of natural and cultural resources, and addressing any trespass or other illegal activities. Agricultural use of the land and interim public access will be encouraged and provided as appropriate.

CONVEY TIER 1 PROPERTIES

The District will convey Tier 1 properties to appropriate responsible entities for long term operation and maintenance while retaining a conservation easement that ensures the permanent protection of identified conservation values. Depending on the circumstances of the specific property, the District may provide related amenities such as completion of planning documents, capital improvements, and limited payments towards initial operation and maintenance funding. It is anticipated that all of the properties categorized as Tier 1 will be conveyed by June 30, 2015.

LONG TERM ACTIONS (AFTER JUNE OF 2015)

INTERIM LAND MANAGEMENT

The District will continue to manage all properties held within its fee lands portfolio until such time as the property is conveyed to an appropriate responsible

entity. This will include maintenance of property infrastructure, protection of natural and cultural resources, and addressing any trespass or other illegal activities. Agricultural use of the land and interim public access will be encouraged and provided as appropriate.

ANALYSIS OF CONVEYANCE OPTIONS FOR TIER 2 PROPERTIES

The District will analyze the most appropriate and feasible conveyance option for each Tier 2 property, according to the process described below. Each option, at minimum, would protect the identified conservation values of each property and be consistent with the original intent of the acquisition.

Step 1. Determine Conservation Values

Staff will first identify the conservation values of each property. This process will include analysis of the original property evaluation and site assessment conducted prior to the purchase, the property's natural characteristics in light of the District's current land protection priorities, and further on-the-ground resource assessments as needed. The result will be a defined set of conservation values that the District is seeking to protect. The conservation values will guide the terms of the future conservation easement and any affirmative covenants that will be retained upon transfer to another entity.

Step 2. Identify Appropriate Conservation Tools

For each property, staff will consider the suite of potential land conservation tools available to

protect the conservation values determined in Step 1 and identify which tools are most appropriate. For example, a property's conservation values may be best protected with a conservation easement and trail easement retained by the District. Certain land conservation tools are compatible with certain conveyance options. Therefore, the result of this step will be a list of conveyance options that employ the identified land conservation tools.

Step 3. Conduct Fiscal Analysis

Staff will analyze the conveyance options identified in Step 2 for each property in relation to the fiscal cost and benefit to the District. This process will include analysis of potential costs to the District for on-going land management, resource enhancement, capital improvements, and operations and maintenance related to public uses; any revenue potential related to the transfer, sale, or lease of the property; and the opportunities for the District to leverage financial resources through outside funding sources. The result is a refined list of potential outcomes for each property that minimizes costs and maximizes financial benefits to the District while protecting the identified conservation values.

Step 4. Determine Conveyance Option, Priority, and Timing

Staff will determine which conveyance option is the most feasible for each property, based on the steps described above. Staff will then prioritize the conveyance of the Tier 2 properties. The prioritization will consider availability of interested buyers, recipients, or partners; funding opportunities; market conditions for real estate sales; transactional costs; and staff resources. This will result in a priority list for conveyance of Tier 2 properties based on identified short and long term timelines.

Step 5. Gather Public Input

Staff will solicit public input on the recommended property-specific conveyance options through presentations at meetings of the Citizen's Advisory Committee, Fiscal Oversight Commission and Board of Directors. A public review draft of the list of recommendations and explanations will be made available on the District's website and in hard copy form at

the District office for public comment. This step will result in thoughtful reconsideration of proposed conveyance recommendations and priorities.

Step 6. Board of Directors Direction

Based upon staff recommendations and all public, Committee and Commission comments, the Board will establish priorities for conveyances.

Step 7. Convey Tier 2 Properties According to Identified Priority and Timeline

Staff will convey Tier 2 properties in the order prioritized and per the timeline established by the Board of Directors in Step 6.

ADVISORY PANEL

Before developing its recommendations, District staff will convene an advisory panel to assist with the process of identifying options for Tier 2 properties. The panel will include staff from agencies, non-governmental organizations, and members of the public. Of particular importance will be participation from those with local and regional knowledge and experience, and those with relevant technical expertise in various areas, including, but not limited to: land conservation, agriculture, natural resources, recreation, and real estate.



IV. IMPLEMENTATION AND NEXT STEPS

Associated costs of implementation of this Fee Lands Strategy are presented in Table 3. Costs are projected beginning in the District 2012-2015 Work Plan period, and ending through the life of Measure F. These costs include one-time costs (recreation-focused capital improvements, habitat enhancements, and related planning, as well as initial operation and maintenance payments anticipated pursuant to the District's Operations and Maintenance Policy) and annual management costs (ongoing land management and the cost of providing interim public access) for as many years as the District retains ownership. Continued expenditures on the properties held in fee affect the ability of the District to effectively protect additional agricultural and open space lands.

As the District implements this Fee Lands Strategy, certain actions will occur. All Tier 1 properties will be transferred in the next three years, followed by a detailed analysis of options for all Tier 2 properties. Based on the results of the analysis, Tier 2 properties will be conveyed to appropriate responsible entities over time.

In the meantime, the District will continue to manage its fee lands in a responsible and thoughtful manner, working alongside partnering agencies, non-governmental organizations, and members of the community to ensure short-term and perpetual protection of these lands and their conservation values. The District was created to permanently protect the diverse agricultural, natural resource, and scenic open space lands of Sonoma County for future generations, and we intend to fulfill that promise.

| TABLE 3. COST ESTIMATES | | | | | |
|--|--------------|------------------------------|-----------------------|---|---|
| | | ANNUAL UNTIL CONVEYED | | ONE-TIME COSTS | |
| | Acres | Land Management | Interim Access | Capital Improvements, Habitat Enhancements, and Planning | Initial Operation and Maintenance Payment (3 year total) |
| Tier One Properties | | | | | |
| Recommended for transfer to Regional Parks | 2968 | \$593,575 | \$265,890 | \$3,137,381 | \$850,000 |
| Recommended for transfer to others | 440 | \$42,000 | \$7,936 | \$659,615 | \$215,000 |
| Subtotals for all Tier One Properties | 3408 | \$635,575 | \$273,826 | \$3,796,996 | \$1,065,000 |
| Tier Two Properties | | | | | |
| Acquired as addition to State Parks System | 2925 | \$514,500 | \$91,552 | \$800,000 | \$675,000 |
| Other (primarily greenbelt/ community separator acquisitions) | 1186 | \$160,900 | \$31,744 | \$400,000 | \$450,000 |
| Subtotals for all Tier Two Properties | 4111 | \$675,400 | \$123,296 | \$1,200,000 | \$1,125,000 |
| Grand totals for all properties in current portfolio | 7519 | \$1,310,975 | \$397,122 | \$4,996,996 | \$2,190,000 |

APPENDIX A. ENABLING LEGISLATION

COUNTY OF SONOMA

OPEN SPACE DISTRICT FORMATION

MEASURE A

Shall the Sonoma County Agricultural Preservation and Open Space District be created and established?

FULL TEXT OF MEASURE A

RESOLUTION NO. 90-1532

Dated: August 14, 1990

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, CONCLUDING THE PUBLIC HEARING, CALLING A SPECIAL ELECTION ON THE FORMATION OF THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT AND THE ESTABLISHMENT OF AN ANNUAL APPROPRIATIONS LIMIT, ORDERING NOTICE OF ELECTION, ORDERING CONSOLIDATION OF THE SPECIAL ELECTION WITH THE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 1990, REFERRING THE MATTER TO THE LOCAL AGENCY FORMATION COMMISSION EXECUTIVE OFFICER PURSUANT TO PUBLIC RESOURCES CODE SECTION 5517.1, AND RESCINDING RESOLUTION NO 90-1419, DATED JULY 24, 1990.

WHEREAS, this Board did on July 10, 1990

adopt resolution no. 90-1286 noticing a public hearing on the question of the formation of the proposed Sonoma County Agricultural Preservation and Open Space District; and

WHEREAS, that public hearing has been correctly noticed and all persons present were allowed to hear and be heard; and

WHEREAS, following the conclusion of the public hearing this Board did adopt resolution no. 90-1419, dated July 24, 1990 which resolution incorrectly set forth the language of the ballot measure in a manner that does not meet the requirements of Public Resources Code section 5518;

NOW, THEREFORE, BE IT RESOLVED that this Board of Supervisors hereby finds, declares, determines and orders as follows:

1. That the foregoing recitations are true and correct.
2. That the public hearing is concluded.
3. The name of the district shall be the Sonoma County Agricultural Preservation and Open Space District.
4. The reason for forming the district is to further the state policy on the preservation of open space expressed in Government Code section 65562 and to implement the Agricultural and Open Space Elements of the 1989 Sonoma County General Plan.
5. That the District shall only purchase interests in real property from willing sellers.
6. That all lands within the boundaries of the district will be benefitted by being included within the district.
7. It is proposed that the district will be financed by gifts, grants, special taxes, general obligation bonds and other sources of revenue authorized by law or any combination thereof.
8. The boundaries of the district be coterminous with the boundaries of the County of Sonoma.
9. The annual appropriations limit of the district shall be \$20 million.
10. A special election on the following question is hereby called to be held on November 6, 1990:
»» Shall the Sonoma County Agricultural Preservation and Open Space District be created and established? YES NO
11. The special election is hereby ordered consolidated with the November 6, 1990 general election and the County Clerk is hereby authorized and directed to do all things required by law to conduct the election.
12. In accordance with Public Resources Code section 5517, the Clerk shall cause a certified copy of this resolution to be published once a

week for three successive weeks prior to the date of the election in the Press Democrat.

13. In accordance with Public Resources Code section 55171, the Clerk shall deliver a copy of this resolution, within five days of its adoption, by registered mail to the Executive Officer of the Sonoma County Local Agency Formation Commission for the preparation of an impartial analysis to be included with the sample ballot.

14. That the formation of the District is exempt from the requirements of the California Environmental Quality Act as a program or project which is submitted to a vote of the people [California Administrative Code 15378(b)(4)].

15. That resolution no. 90-1419, dated July 24, 1990, is hereby rescinded.

- SUPERVISORS:
- NICHOLAS absent
- HARBERSON aye
- SMITH absent
- CARPENTER aye
- ESPOSTI aye
- AYES 3 NOES 0
- ABSTAIN 0 ABSENT 2
- SO ORDERED.

COUNTY OF SONOMA

OPEN SPACE DISTRICT PRESERVATION

MEASURE C

Shall the people of Sonoma County approve an ordinance for agricultural land preservation and open space acquisition, imposing a 0.25 percent sales tax for a period not to exceed 20 years with an annual appropriations limit of \$40 million?

FULL TEXT OF MEASURE C

AGRICULTURAL LAND PRESERVATION AND
OPEN SPACE EXPENDITURE PLAN

EXHIBIT A

The purpose of this expenditure plan is to implement the 1989 Sonoma County General Plan by preserving agricultural land use and open space. This purpose will be accomplished primarily through the purchase of development rights from willing sellers in areas of the County which are designated in the General Plan Open Space Element but may include the purchase of fee interests for public recreation where the public use would not be inconsistent with the Open Space designation provided below.

Designated open space areas include community separators, scenic landscape units, scenic corridors, critical habitat areas and riparian corridors.

Community separators are generally located between cities, providing visual relief from continuous urbanization. These lands are frequently subject to development pressures, and therefore, have been identified as priority sites for acquisition to prevent urban sprawl, to retain the rural and open character of the County and to preserve agricultural uses.

Scenic landscape units and scenic corridors are areas of high visual quality.

Critical habitat areas and riparian corridors, such as wetlands, rare and endangered species locations, fresh and salt water marshes, oak savannahs, streams and watercourses, are environmentally sensitive areas requiring protection and careful management.

Other areas of biotic significance which may be adversely impacted by development and incompatible land use are the Petaluma River, Laguna de Santa Rosa, and San Pablo Bay margin.

Other open space projects including, but not limited to, urban open space projects within incorporated areas of Sonoma County. Funds for these projects will be available on a competitive matching grant basis, with preference given to acquisition and development projects which affect both incorporated and unincorporated lands and watercourses. Examples of such projects include restoration of the Petaluma River and Santa Rosa Creek.

This expenditure plan shall be administered by the Sonoma County Agricultural Preservation and Open Space District and the Authority shall enter into a contract with the District for that purpose.

FULL TEXT OF MEASURE F

ORDINANCE NO. 5677R OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA EXTENDING THE IMPOSITION OF A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

Section 1. TITLE. This Ordinance shall be known as the Sonoma County Open Space, Clean Water and Farmland Protection Measure. The County of Sonoma, hereinafter shall be called "County." This Ordinance shall be applicable in the incorporated and unincorporated territory of the County.

Section 2. EFFECTIVE DATE; OPERATIONAL DATES; ADMINISTRATION.

A. This Ordinance shall become effective upon its approval by a two-thirds majority of the electors voting on the measure.

B. This Ordinance shall become operative on April 1, 2011; provided, however, that the Sonoma County Agricultural Preservation & Open Space 2006 Expenditure Plan ("the 2006 Expenditure Plan"), attached hereto as Exhibit "A," shall become operative on the effective date of this Ordinance.

C. The existing contract between the Sonoma County Agricultural Preservation & Open Space District and the Sonoma County Open Space Authority shall remain in effect, subject to amendments, through March 31, 2011.

D. Prior to April 1, 2011, the District and the County shall enter into a contract for the administration of the 2006 Expenditure Plan. That contract shall become operative on the expiration of the current contract between the Authority and the District and shall provide for the administration of the 2006 Expenditure Plan by the District and the funding of the District's annual budgets by the County from funds available in the Open Space Special Tax Account.

Section 3. PURPOSE. This Ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To extend the imposition of a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section

7285.5 of Part 1.7 of Division 2 which authorizes the County to adopt this tax Ordinance which shall be operative if 2/3 of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt the extension of a retail transactions and use tax Ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code and to authorize the issuance of limited tax bonds to finance the purchases of open space lands that are consistent with this Ordinance.

C. To adopt the extension of a retail transactions and use tax Ordinance that imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt the extension of a retail transactions and use tax Ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this Ordinance.

E. To authorize the issuance of bonds and the undertaking of lease-purchase financing obligations to finance the acquisitions specified in Exhibit "A."

Section 4. EXPENDITURE PLAN; LIMITATION OF EXPENDITURES; FISCAL OVERSIGHT. Pursuant to the requirements of Government Code §50075.1, (1) the 2006 Expenditure Plan constitutes the statement of the specific purposes for which the revenue generated by this Ordinance may be expended, (2) the expenditure of the revenue generated by this Ordinance shall be restricted to the purposes stated in Exhibit "A," (3) the revenue generated by this Ordinance shall be deposited into the "Open Space Special Tax Account," and (4) the County Auditor shall prepare

and file with the Board of Supervisors reports meeting the requirements of Government Code §50075.3. The Sonoma County Open Space Authority shall provide specified fiscal oversight as provided in an agreement between the County and the District.

Section 5. CONTRACT WITH STATE. Prior to the Operative Date, the County shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax Ordinance; provided, that if the County shall not have contracted with the State Board of Equalization prior to the Operative Date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 6. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of one quarter of one per cent (0.25%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this Ordinance.

Section 7. PLACE OF SALE. For the purposes of this Ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

Section 8. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the County of tangible personal property purchased from any retailer on and after the operative date of this Ordinance for storage, use or other consumption in said territory at the rate of one quarter of one percent (0.25%) of the sales price of the property. The sales price shall include delivery charges when

such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 9. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this Ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this Ordinance as though fully set forth herein.

Section 10. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this County shall be substituted therefor. However, the substitution shall not be made when:

1. The word “State” is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this County or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word “County” shall be substituted for the word “State” in the phrase “retailer engaged in business in this State” in Section 6203 and in the definition of that phrase in Section 6203.

Section 11. PERMIT NOT REQUIRED. If a seller’s permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transaction’s permit shall not be required by this Ordinance.

Section 12. EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the County which is shipped to a point outside the County, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the County shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-County address and by a declaration under penalty of perjury,

signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-County and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this Ordinance, the storage, use or other consumption in this County of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax Ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such

property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.

7. "A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.

D. Any person subject to use tax under this Ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a County imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 13. AMENDMENTS. All amendments subsequent to the effective date of this Ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2

of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Ordinance.

Section 14. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the County, or against any officer of the State or the County, to prevent or enjoin the collection under this Ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 15. AUTHORIZATION TO ISSUE LIMITED TAX BONDS AND LEASE-PURCHASE FINANCING AUTHORITY. Pursuant to Government Code §§55800 et seq. the County is authorized to issue limited tax bonds payable from the tax imposed by this Ordinance. The County may, from time to time, enter into lease-purchase agreements with the County's Treasurer and the District for the purpose of assisting in the purchase of properties anticipated by Exhibit "A."

Section 16. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. Section

17. EFFECTIVE DATE. This Ordinance relates to the levying and collecting of a County transactions and use tax and shall take effect immediately upon approval of the electorate.

Section 18. TERMINATION DATE. The authority to levy the tax imposed by this Ordinance shall expire on March 31, 2031. PASSED AND ADOPTED by the Board of Supervisors of the County of Sonoma, State of California, on July 18, 2006, by the following vote:

SUPERVISORS:

Brown: ___ Kerns: ___ Smith: ___
Reilly: ___ Kelley: ___

Ayes: 5 Noes: ___ Abstain: ___ Absent: ___

SO ORDERED.

By: s/ Paul L. Kelley
Chairman, Board of Supervisors
County of Sonoma, State of California

ATTEST:

By: s/ Eeve T. Lewis
County Clerk and Ex-officio Clerk of the
Board of Supervisors of said County

EXHIBIT A

AGRICULTURAL PRESERVATION AND OPEN
SPACE 2006 EXPENDITURE PLAN

The purpose of this expenditure plan is to implement the Sonoma County General Plan and the general plans of the County's incorporated cities by preserving agricultural land use and open space. This purpose will be accomplished primarily through the purchase of development rights from willing sellers in areas of the County which are designated in the County and cities' General Plan open space elements and may include the purchase of fee interests for outdoor public recreation where the public use would not be inconsistent with the open space designations listed below.

The open space designations eligible for protection under this expenditure plan include community separators, greenbelts, scenic landscape units, scenic corridors, agriculturally productive lands, biotic habitat areas, riparian corridors and other areas of biotic significance, and other open space projects.

1. Community separators and greenbelts are lands that function as open space to separate cities and other communities and protect city and community identity by providing visual relief from continuous urbanization. These lands are frequently subject to development pressures, and therefore, have been identified as priority sites for acquisition to prevent urban sprawl, to retain the rural and open character of the county and to preserve agricultural uses.
2. Scenic landscape units and scenic corridors are areas of high scenic quality including natural landscapes and backdrops that provide visual relief from urban densities and maintain the open nature of the County.
3. Agriculturally productive lands include working farms and ranches and other lands used for the pro-

duction of food, fiber, and plant materials and the raising and maintaining of livestock and farm animals.

4. Biotic habitat areas, riparian corridors, and other areas of biotic significance include freshwater and tidal marshes, wetlands, special status species locations, woodlands and forests, wildlife habitat corridors and lands along creeks and streams critical to protecting fisheries and water quality. These sensitive natural areas require protection, restoration, and resource management, and include the Petaluma River, Laguna de Santa Rosa, Russian River, Sonoma Creek and San Pablo Baylands.

5. Other open space projects include, but are not limited to, urban open space and recreation projects within and near incorporated areas and other urbanized areas of Sonoma County. Funds for these projects shall be available to cities, the County and other entities through a matching grant program, with preference given to acquisition and development projects that link communities. Examples of these projects include creek restoration and enhancement, such as along the Petaluma River, Santa Rosa Creek, and Laguna de Santa Rosa, trails, athletic fields, and urban greenspace.

6. Operation and maintenance of land includes limited funding for initial public access, operation and maintenance of recreational lands purchased in accordance with this Plan. No more than 10 percent of total revenues generated over the life of the Measure shall be made available for operation and maintenance purposes.

APPENDIX B. DISTRICT EXPENDITURE PLAN

Agricultural Preservation and Open Space 2006 Expenditure Plan

The purpose of this expenditure plan is to implement the Sonoma County General Plan and the general plans of the County's incorporated cities by preserving agricultural land use and open space. This purpose will be accomplished primarily through the purchase of development rights from willing sellers in areas of the County which are designated in the County and cities' General Plan open space elements and may include the purchase of fee interests for outdoor public recreation where the public use would not be inconsistent with the open space designations listed below.

The open space designations eligible for protection under this expenditure plan include community separators, greenbelts, scenic landscape units, scenic corridors, agriculturally productive lands, biotic habitat areas, riparian corridors and other areas of biotic significance, and other open space projects.

1. Community separators and greenbelts are lands that function as open space to separate cities and other communities and protect city and community identity by providing visual relief from continuous urbanization. These lands are frequently subject to development pressures, and therefore, have been identified as priority sites for acquisition to prevent urban sprawl, to retain the rural and open character of the county and to preserve agricultural uses.
2. Scenic landscape units and scenic corridors are areas of high scenic quality including natural landscapes and backdrops that provide visual relief from urban densities and maintain the open nature of the County.
3. Agriculturally productive lands include working farms and ranches and other lands used for the production of food, fiber, and plant materials and the raising and maintaining of livestock and farm animals.
4. Biotic habitat areas, riparian corridors, and other areas of biotic significance include freshwater and tidal marshes, wetlands, special status species locations, woodlands and forests, wildlife habitat corridors and lands along creeks and streams critical to protecting fisheries and water quality. These sensitive natural areas require protection, restora-

tion, and resource management, and include the Petaluma River, Laguna de Santa Rosa, Russian River, Sonoma Creek and San Pablo Baylands.

5. Other open space projects include, but are not limited to, urban open space and recreation projects within and near incorporated areas and other urbanized areas of Sonoma County. Funds for these projects shall be available to cities, the County and other entities through a matching grant program, with preference given to acquisition and development projects that link communities. Examples of these projects include creek restoration and enhancement, such as along the Petaluma River, Santa Rosa Creek, and Laguna de Santa Rosa, trails, athletic fields, and urban greenspace.
6. Operation and maintenance of land includes limited funding for initial public access, operation and maintenance of recreational lands purchased in accordance with this Plan. No more than 10 percent of total revenues generated over the life of the Measure shall be made available for operation and maintenance purposes.

APPENDIX C: DISTRICT OPERATIONS AND MAINTENANCE POLICY

THE WITHIN INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

ATTEST: August 7, 2007
ROBERT DEIS, Clerk of the Board of Directors
of the Sonoma County Agricultural Preservation
and Open Space District

BY [Signature]
DEPUTY CLERK

#43

Resolution No: 07-0666

Dated: August 7, 2007

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SONOMA COUNTY
AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT
ESTABLISHING A POLICY FOR BUDGETING THE DISTRICT'S OPERATIONS
AND MAINTENANCE FUNDS

BE IT RESOLVED that this Board of Directors hereby finds, determines, declares
and orders as follows:

1. *Sales Tax Extension.* On November 7, 2006 the voters of the County of Sonoma
approved Measure F extending the sales tax for open space, currently being levied by the
Sonoma County Open Space Authority, from 2011 to 2031.

2. *Operations and Maintenance Funding.* Measure F also amended the Authority's
Expenditure Plan to allow expenditures by the District for operation and maintenance of
open space properties providing that the expenditures did not exceed ten percent of the sales
tax revenue received from November 8, 2006 through March 31, 2031.

3. *General Manager's Recommendation.* After consulting with the County's Auditor and
the County's Counsel, the General Manager has made certain recommendations to this
Board on a proposed policy for annually budgeting and accounting for maintenance and
operations appropriations expenditures. The proposed policy has been found by the
Sonoma County Open Space Authority to be consistent with the 2006 Expenditure Plan.
The General Manager's recommendation is contained in her letter dated July 2, 2007 and
attached hereto as Exhibit "A."

4. *Approval.* The General Manager's recommendation as set forth in Exhibit "A" is
approved and the General Manager is directed to periodically review the policy and
recommend any needed changes arising from changed circumstances.

Directors:

Kerns: _____ Smith: _____ Reilly: _____ Kelley: _____ Brown: _____

Ayes: 5 Noes: _____ Absent: _____ Abstain: _____

SO ORDERED



July 2, 2007

President Brown and Members of the Board of Directors
Sonoma County Agricultural Preservation and Open Space District
575 Administration Drive, 100A
Santa Rosa, CA 95403

Re: Operation and Maintenance Funds: Administrative and Budget Policy

Dear President Brown and Members of the Board of Directors:

On July 18, 2006, your Board voted unanimously to place Measure F on the November 7th ballot. As you know, voters overwhelmingly approved Measure F, which continues the quarter percent sales tax for the District's open space program for another 20 years through 2031. Measure F includes the 2006 Expenditure Plan that authorizes spending for "initial public access, operation and maintenance of recreational lands purchased in accordance with this Plan" so long as the expenditures do not exceed 10 percent of sales tax revenue generated over the life of Measure F. In approving Measure F, the voters also amended the Authority's 1990 Expenditure Plan renaming it the 2006 Expenditure Plan. The Authority will continue to determine if District acquisitions are consistent with the new Plan until 2011 when the Authority's tax expires and is replaced by the County's Measure F tax.

Following the passage of Measure F, I met with Auditor-Controller-Treasurer-Tax Collector Rod Dole and members of his staff, Chief Deputy County Counsel Sheryl Bratton, Special Counsel Jim Botz, and retired County Treasurer Tom Ford to discuss development of administrative guidelines and a budget policy for sales tax funding authorized by Measure F's 2006 Expenditure Plan. This discussion included operation and maintenance of District properties and accounting for expenditures to keep them within Measure F's 10 percent limit.

2006 Expenditure Plan: Operations and Maintenance

For purposes of administering the operations and maintenance provisions of the 2006 Expenditure Plan, operations and maintenance should include "reasonable and necessary costs incurred for initial maintenance of parks and open space properties and improvements and to provide services for initial public use."

747 Mendocino Avenue, Suite 100 • Santa Rosa, California 95401-4850
707.565.7360 • Fax 707.565.7359 • www.sonomaopenspace.org

Exhibit A

Guidelines for Appropriate Use of Operations and Maintenance Expenditures

Although it is foreseeable that title to and maintenance responsibility for some recreational fee properties will remain with the District, every effort should be made to transfer recreational properties, at the earliest convenient time, to an appropriate city, the State, the County, or a non-profit partner. A time limit on District contributions for initial public use, initial operations and maintenance of park and open space properties transferred to other entities should be limited to no more than three years, except under extraordinary circumstances.

A primary focus of the operations and maintenance component in the 2006 Expenditure Plan was to provide limited expenditures to assist in “jump starting” some level of initial public access and land maintenance on recreational properties purchased with the open space sales tax. The operations and maintenance funding provision of Measure F was not intended to replace park agencies’ ongoing obligations to maintain their park systems. It has been the District’s practice, when it transfers recreational properties to partner agencies and organizations, to enter into grant agreements that require that a management plan be completed and the park be opened for public use within 3-5 years from the close of escrow. The operations and maintenance funding under the 2006 Expenditure Plan can assist recreational agencies in facilitating early and appropriate public use of recreational properties, while a long-range management plan and associated environmental document for the project is completed.

Recreational partners that receive operations and maintenance funding would be required to submit periodic reports with sufficient detail, so that expenditures could be audited for compliance with Measure F and the District’s implementing policies. With regard to operations and maintenance funding determinations, it will be the District’s policy to treat all recreational partners equitably.

The 2006 Expenditure Plan includes a separate Matching Grant Program, which provides funding to cities, the County and other entities for urban open space and recreation projects within and near urbanized areas. Funding is made available for land acquisition, development, restoration, and enhancement, with preference given to projects that provide linkages or connections between communities. Cities, the County and State park agencies are responsible for operating and maintaining these projects as part of their park systems. Under the District’s Matching Grant Program Guidelines, projects are evaluated in part, on a grantee’s ability to fund operations and maintenance costs. In certain situations, a matching grant applicant, such as a non-profit organization, may demonstrate a unique need for funding for initial operations and maintenance. These requests would be evaluated on a case by case basis and if approved would also be subject to a three-year time restriction for initial operations and maintenance funding. Grant agreements between the District and grantee would require reimbursement requests to provide sufficient detail so that expenditures could be audited for compliance with Measure F and implementing District policies. Counsel advises that this is particularly important with respect to

matching grant agreements with the County in order to assure compliance with certain special tax limitation provisions in the California Constitution.

Annual Budgeting of Operations and Maintenance Expenditures

After consulting with legal and financial advisors and recognizing the difficulty of accurately predicting sales tax revenue for the next 24 years, the most prudent and straightforward budgeting policy for the operations and maintenance funds provided for in the 2006 Expenditure Plan would be to set aside 10 percent of annual sales tax revenue for operations and maintenance appropriated among two distinct operations and maintenance sub-objects in the District's annual budget: The first would be for annual operations and maintenance expenditures for specific recreational properties. The second would be for contributions to a designated reserve fund, anticipating the long-term needs for operations and maintenance of recreational lands. Because the District's long-term operations and maintenance spending needs and the revenue to be generated over the life of Measure F are difficult to accurately predict, annual appropriations could be adjusted based on need and revised projections of sales tax revenue growth. In this regard it is important to bear in mind that a budget policy for appropriating Measure F revenue for operations and maintenance does not irrevocably commit those funds. The Board of Directors will retain the flexibility to evaluate and make necessary adjustments as needed to annual operations and maintenance expenditures and the Operations and Maintenance Designated Reserve Fund.

Operations and Maintenance Budget for 2007-08

Because the new Expenditure Plan went into effect on November 8, 2006, I am recommending that 10 percent of the Authority's sales tax revenue accruing from November 8, 2006 through June 30, 2007, totaling approximately \$1,060,000 be appropriated in the FY 07/08 Budget to the Operations and Maintenance Designated Reserve Fund. In addition, I am proposing \$300,000 be appropriated in the FY 07/08 Preliminary Budget for specific Operations and Maintenance projects (sub-object 6169). The \$300,000 appropriation would be spent on initiating public use and initial land maintenance at the following six open space properties at an average annual cost of \$50,000.

- Healdsburg Ridge
- Paulin Creek
- Taylor Mountain
- Montini Ranch
- North Slope Sonoma Mountain Trail
- Santa Rosa Creek Greenway

(Note: The recommendation for FY 07/08 annual operations and maintenance expenditures is based on a survey of per acre costs for managing open space lands using other Bay Area park and open space agencies as benchmarks).

O & M Recommendations
July 2, 2007
Page 4

Operations and maintenance expenditures specific to each of these properties would be subject to a grant agreement between the District and the grantee and would require annual audits for compliance with Measure F. Lastly, I am recommending that at the end of FY 07/08, the remaining balance of the estimated 10 percent of 07/08 sales tax revenue be contributed to the Operations and Maintenance Designated Reserve Fund.

I am attaching the following documents: the 2006 Expenditure Plan; the Open Space Authority's June 7, 2007 resolution finding the Operations and Maintenance Policies recommended by the General Manager to be consistent with the 2006 Expenditure Plan and making certain recommendations to the District's Board of Directors; and the Authority's Resolution No. 2006-006 which made recommendations to the Board of Directors regarding the content of Measure F, including recommendations for operations and maintenance expenditures and the 2006 Expenditure Plan.

In closing, I am recommending that the Board consider the General Manager's recommendations in adopting a budget policy that: (1) ensures sufficient operations and maintenance expenditures are budgeted on an annual basis to address specific needs; (2) ensures a designated reserve fund is established and maintained for long-term operations; and (3) provides flexibility to adjust annual operations and maintenance appropriations, based on conservative sales tax revenue annual growth estimates and experience over time.

I have distributed the above-referenced policy to numerous public agency and non-profit partners for their review and comment and am proposing to bring the policy to the Board of Directors at its August 7th meeting.

Very truly yours,



Andrea Mackenzie
General Manager

c: Members of the Open Space Authority
Jim Botz, Special Counsel
Robert Deis, County Administrator

Attachments:

2006 Expenditure Plan
Open Space Authority Resolution (June 7, 2007) – Consistency with 2006 Expenditure Plan
Open Space Authority Resolution No. 2006-006 - Recommendations on the content of Measure F

AGRICULTURAL PRESERVATION AND OPEN SPACE 2006 EXPENDITURE PLAN

The purpose of this expenditure plan is to implement the Sonoma County General Plan and the general plans of the County's incorporated cities by preserving agricultural land use and open space. This purpose will be accomplished primarily through the purchase of development rights from willing sellers in areas of the County which are designated in the County and cities' General Plan open space elements and may include the purchase of fee interests for outdoor public recreation where the public use would not be inconsistent with the open space designations listed below.

The open space designations eligible for protection under this expenditure plan include community separators, greenbelts, scenic landscape units, scenic corridors, agriculturally productive lands, biotic habitat areas, riparian corridors and other areas of biotic significance, and other open space projects.

1. Community separators and greenbelts are lands that function as open space to separate cities and other communities and protect city and community identity by providing visual relief from continuous urbanization. These lands are frequently subject to development pressures, and therefore, have been identified as priority sites for acquisition to prevent urban sprawl, to retain the rural and open character of the county and to preserve agricultural uses.
2. Scenic landscape units and scenic corridors are areas of high scenic quality including natural landscapes and backdrops that provide visual relief from urban densities and maintain the open nature of the County.
3. Agriculturally productive lands include working farms and ranches and other lands used for the production of food, fiber, and plant materials and the raising and maintaining of livestock and farm animals.
4. Biotic habitat areas, riparian corridors, and other areas of biotic significance include freshwater and tidal marshes, wetlands, special status species locations, woodlands and forests, wildlife habitat corridors and lands along creeks and streams critical to protecting fisheries and water quality. These sensitive natural areas require protection, restoration, and resource management, and include the Petaluma River, Laguna de Santa Rosa, Russian River, Sonoma Creek and San Pablo Baylands.

5. Other open space projects include, but are not limited to, urban open space and recreation projects within and near incorporated areas and other urbanized areas of Sonoma County. Funds for these projects shall be available to cities, the County and other entities through a matching grant program, with preference given to acquisition and development projects that link communities. Examples of these projects include creek restoration and enhancement, such as along the Petaluma River, Santa Rosa Creek, and Laguna de Santa Rosa, trails, athletic fields, and urban greenspace.

6. Operation and maintenance of land includes limited funding for initial public access, operation and maintenance of recreational lands purchased in accordance with this Plan. No more than 10 percent of total revenues generated over the life of the Measure shall be made available for operation and maintenance purposes.

Resolution no. 2007-014

Dated: June 7, 2007

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SONOMA COUNTY OPEN SPACE AUTHORITY FINDING THAT THE OPERATIONS AND MAINTENANCE POLICIES RECOMMENDED BY THE GENERAL MANAGER OF THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT ARE CONSISTENT WITH THE 2006 EXPENDITURE PLAN AND MAKING COMMENTS AND RECOMMENDATIONS TO THE DISTRICT'S BOARD OF DIRECTORS.

BE IT RESOLVED that this Board of Directors hereby finds, determines, declares and orders as follows:

1. *General Manager's Recommendations.* This Board has received and considered the recommendations of the General Manager of the Sonoma County Agricultural Preservation and Open Space District contained in the Board's agenda materials and as revised at the June 7, 2007 meeting of the Open Space Authority.

2. *Expenditure Plan Consistency.* The General Manager's recommended policies for District appropriations and expenditures for initial public access, operations and maintenance of District properties acquired for public outdoor recreation are consistent with the 2006 Expenditure Plan.

3. *Additional Comments.* Although this Board has determined that the General Manager's recommendations are consistent with the 2006 Expenditure Plan, it makes the following comments for consideration by the District's Board of Directors:

a. Provisions for the District's long-term stewardship funding should be strengthened.

b. The District should work with the Open Space Authority to make annual recommendations regarding necessary adjustments to operations and maintenance expenditures and the designated reserve fund.

4. *CEQA Compliance.* The Board's actions, memorialized in this Resolution, are excluded from the California Environmental Quality Act pursuant to Guidelines §15378(b)(4) because they assist in "the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment."

DIRECTORS:

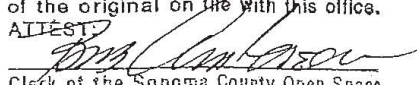
SANGIACOMO: aye ANDERSON: aye PRUNUSKE: aye

HAMMOND: aye KAPOLCHOK: aye

SO ORDERED.

The within instrument is a correct copy
of the original on file with this office.

ATTEST:


Clerk of the Sonoma County Open Space
Authority of the State of California, in and for
the County of Sonoma.

Resolution No. 2006-006

Dated: May 10, 2006

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SONOMA COUNTY
OPEN SPACE AUTHORITY MAKING RECOMMENDATIONS TO THE SONOMA
COUNTY BOARD OF SUPERVISORS AND TO THE BOARD OF DIRECTORS OF
THE SONOMA COUNTY AGRICULTURAL PRESERVATION & OPEN SPACE
DISTRICT REGARDING A MEASURE TO EXTEND THE AUTHORITY'S SALES
TAX FOR OPEN SPACE.**

WHEREAS, the General Manager of the Sonoma County Agricultural
Preservation & Open Space District ("the District") has advised this Board that she has
recommended to the Board of Supervisors of the County of Sonoma ("the County") and
to the Board of Directors of the District that a measure be placed on the November 7,
2006 General Election ballot to extend the Authority's sales tax for open space for an
additional twenty years without an increase in rate; and

WHEREAS, this Board has considered at length the General Manager's letter of
March 28, 2006 with respect to both changes in the Authority's voter approved
Expenditure Plan and the future role of the Authority should the voters approve an
extension of the tax and has adopted this resolution in order to memorialize its
recommendations to the District and to the County.

NOW THEREFORE BE IT RESOLVED that this Board of Directors makes the
following recommendations with regard to a ballot measure to extend the current sales tax
for open space:

The New Expenditure Plan

1. *Limited Changes.* Any change in the current Expenditure Plan should only be
made after judicious and careful deliberation and then only in response to clear and
significant open space needs of the community.

2. *Agricultural Designation.* The District and the Authority have always given the
preservation of agricultural lands a high priority, nonetheless it should be clearly
expressed in a new expenditure plan. Agricultural property should be added to the list of
open space designations.

3. *Recreational Property; Open Space Values.* The primacy now given by the current expenditure plan to open space values over recreational uses of property purchased by the District should be preserved.

4. *Development Costs of Recreational Property.* The current expenditure plan allows expenditures for development costs of the District's recreational properties and that should be continued in a new plan but the amount should be limited to the cost of initial facilities necessary for the earliest public use of the property pursuant to a matching grant agreement.

5. *Operation and Maintenance Costs of Recreational Property.* While the Authority recognizes the expectation that properties bought for public recreational uses should be opened at the earliest possible time, it is concerned that the use of revenue for those purposes could significantly decrease the District's ability to acquire key open space properties. Any provision in the new expenditure plan for operation and maintenance costs associated with the recreational use of District properties should be subject to the following limitations:

A. Expenditures should be capped at 3% of the District's annual revenue;

and

B. Expenditures should be limited in time to not more than 3 years.

In those extraordinary circumstances where additional operations and maintenance funding is necessary the foregoing limitations should only be overridden with the consent of the Authority.

6. *Bonding Authority.* The District currently has a lease-purchase arrangement with the County and the County Treasurer which has proven to be very beneficial when there are numerous purchase opportunities that exceed current revenues. The County Auditor has recommended the addition of bonding authority to give the District the opportunity to reduce interest costs. The ballot measure should include bonding authority to allow the District to borrow against future sales tax revenue.

7. *Appraisals.* No acquisition should close unless the Authority has determined that the purchase price does not exceed fair market value.

8. *Expenditure Plan Consistency.* No acquisition should close unless the Authority has determined that it is consistent with the Expenditure Plan.

The New Role of the Authority

1. *Continuity of Current Tasks.* To the extent allowed by law, the current role of the Authority should be preserved in any new contract among the County, the District and the Authority.

2. *New Tasks.* The following new tasks for the Authority should be provided in the contract:

A. *Special Tax Oversight.* Assure that no appropriations from special tax account are either directly or indirectly transferred to County General Fund. See Government Code §50075.1 attached.

B. *Oversight of Operation and Maintenance Costs for Recreational Use.* District General Manager provides a report to the Authority for review and comment of expenditures for initial capital improvements, maintenance and operation on transferred District properties, including grant agreements and reporting documents between District and third parties.

C. *Performance Measurement.* From time to time review District's acquisitions to assure that there is a fair balance of acquisitions among the open space categories specified in the Expenditure Plan taking into account the District's purchase opportunities. The criteria to be used to determine a fair balance would be the acreage acquired, cost and number of transactions in each category taking into consideration the purchase opportunities available.

D. *Auditor's Annual Report.* Review, comment and, when appropriate, endorse the Auditor's annual report. See Government Code §50075.3

A New Contract Among the County, the District and the Authority

1. *Stewardship Funds.* If the voters approve the extension of the sales tax for open space then all Authority fund balances, existing at the close of business on March 31, 2011, should be left in the Authority's budget and used by the Authority for stewardship purposes for existing District properties. Those purposes should include, but not be limited to, costs associated with the reduction of fire hazards and invasive plants harmful to neighboring agricultural and other properties.

2. *Operation and Maintenance Funds.* The funding of operation and maintenance expenditures should be through the Authority's budget to assist the Authority in performing its oversight task.

DIRECTORS:

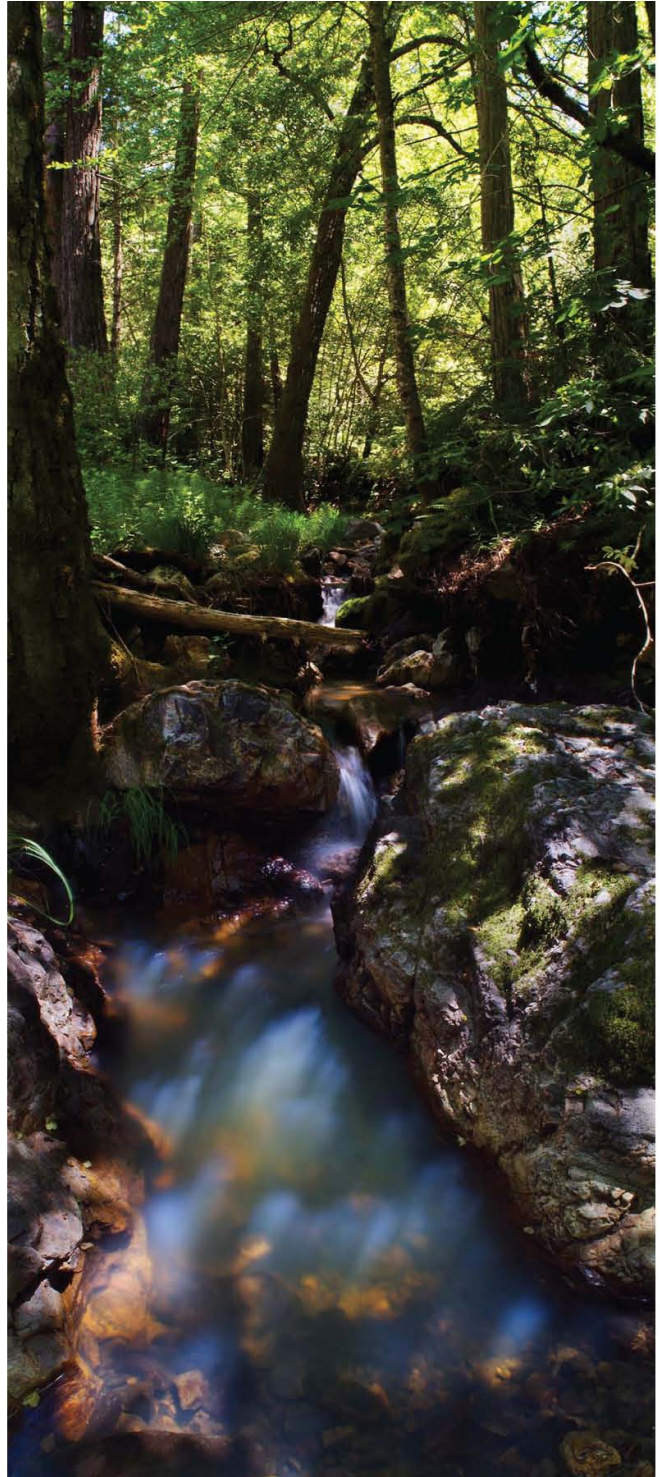
COOKE: Aye ALYS: Absent KAPOLCHOK: Aye

ANDERSON: Aye PRUNUSKE: Aye

4 Ayes 0 Noes 1 Absent 0 Abstain

APPENDIX D. FEE LAND PORTFOLIO

Calabazas Creek Open Space Preserve
Carrington Coast Ranch
Cramer (Wright Preservation Bank)
Dogbane Preserve
East Slope Sonoma Mountain Ridge Trail
Haroutunian North
Haroutunian South
Healdsburg Ridge Open Space Preserve
Ho
Keegan and Coppin
Laguna de Santa Rosa Trail Phase 1
Lawson
Mark West (Cresta and McCullough)
Montini Open Space Preserve
North Slope Sonoma Mountain
Occidental Road
Oken
Paulin Creek Preserve
Poff Ranch
Saddle Mountain Open Space Preserve
San Francisco Archdiocese
Sonoma Mountain Ranch (Walsh)
Taylor Mountain
Young-Armos



CALABAZAS CREEK OPEN SPACE PRESERVE

TIER 2

Property Facts

- 1290 acres
- Located near Glen Ellen
- Date acquired: 12/1/2004
- Acquisition price: \$9,115,000
- Funders: Previous landowners contributed a \$100,000 endowment to State Parks Foundation. FEMA emergency road repair grant of \$20,000.

This property was purchased under the Recreation category in the District's Acquisition Plan. The acquisition was intended to protect the wildlife habitat on the property, as well as offer public recreation. Calabazas Creek is critical habitat for federally-listed threatened Steelhead trout. The property was not dedicated to open space at the time of acquisition.

Calabazas Creek Open Space Preserve offers a wide variety of cultural features and a diversity of habitats, along with an unpaved road currently being used as a trail. There is the potential to connect to Sugarloaf Ridge State Park. Although the property was purchased with the intention to transfer to State Parks and is included in the General Plan for Sugarloaf Ridge State Park, there is currently no immediate schedule for transfer.

The District has established a dedicated Volunteer Patrol on the property, comprised primarily of neighbors and other residents of the Sonoma Valley. Trained volunteers hike the Preserve regularly and report suspicious and unusual activities and property conditions to the District. In addition, they provide valuable resource information, including the locations of interesting landforms and the presence of new invasive species. The Patrol serves as the District's "eyes and ears" on the property. In addition to patrolling the Preserve, volunteers have provided valuable services (in very close coordination with District staff) in the form of channel clearing, weed management, arboriculture services, and clean up of cannabis operations from steep and remote sites.

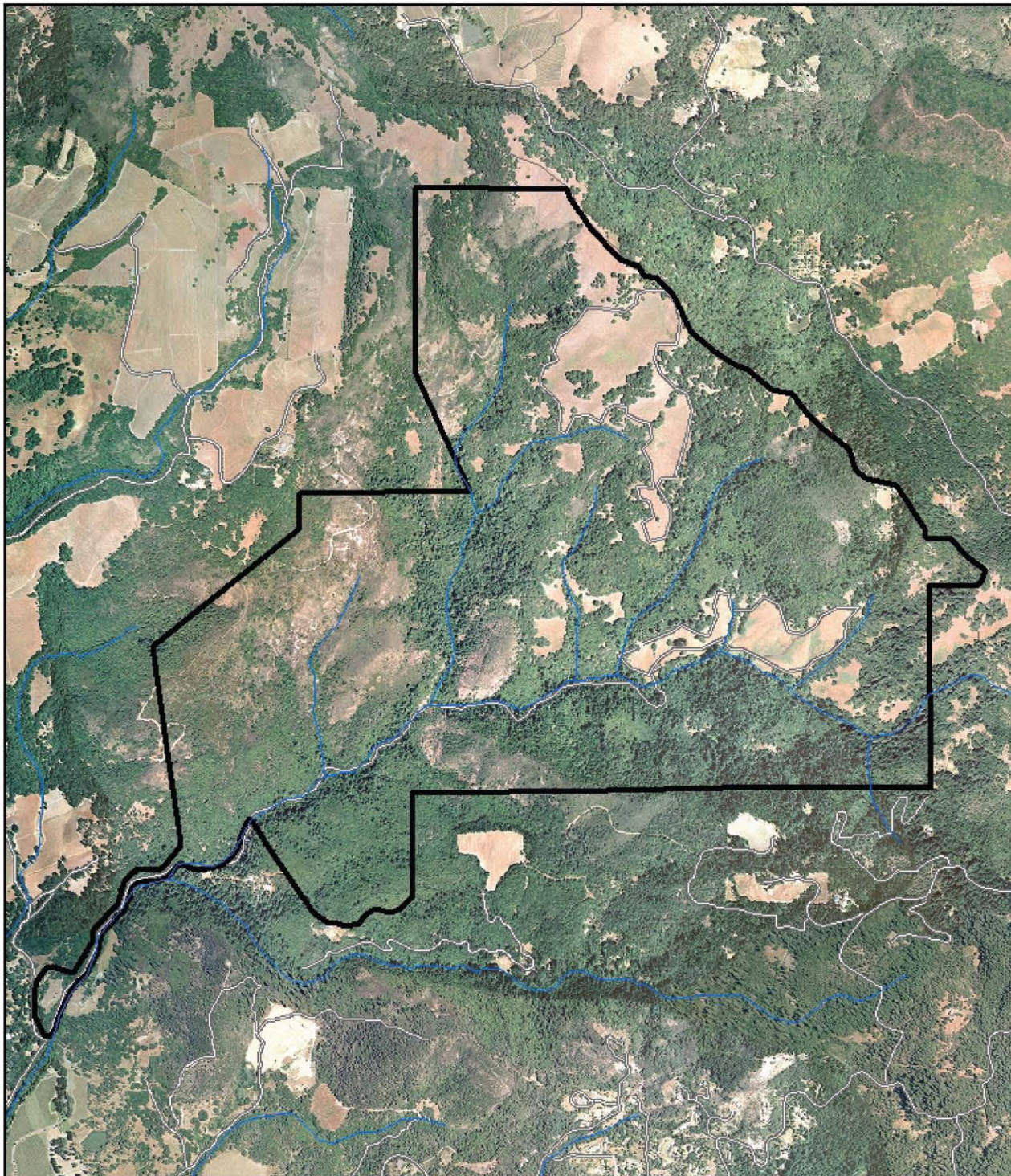


The property is open to the public through docent-led outings. These outings vary from guided nature and bird walks, to presentations about the rich cultural history of the property and are always well attended.

The District contracts for mowing, road repair, sign installation and debris removal on the property. Recently the District hired a consultant for yellow star thistle and eucalyptus management. In 2004 the District completed a baseline report. An erosion assessment was completed in 2005. After the 2006 storms the same consultant completed emergency road repair funded by a FEMA grant, and in 2010 a contractor completed road repair along Nunn's Canyon Road.

The District has actively been treating the Preserve's three most impactful and invasive species, yellow star thistle, French broom, and Himalayan blackberry. Invasive species management services are provided by volunteers and through contract.

As part of the planning process the District has partnered with the California Department of Parks and Recreation for the preliminary trail alignment. This proposed trail will complete a portion of the Bay Area Ridge Trail. The District has also received a \$100,000 planning grant from the Coastal Conservancy towards the planning of this Ridge Trail segment.



SONOMA COUNTY
 AGRICULTURAL PRESERVATION
 AND OPEN SPACE DISTRICT

Calabazas Creek Open Space Preserve

Map Date: 7/19/2012
 Photo Source: AIP/Job USA 2004
 This map is for illustrative purposes only and is not
 intended to be a definitive property description.



-  District Property
-  Streams
-  Streets



CARRINGTON COAST RANCH

TIER 2

Property Facts

- 335 acres
- Located on the Sonoma Coast, north of Bodega Bay
- Date acquired: 5/16/2003
- Acquisition price: \$4,800,000

This property was purchased under the Recreation category in the District's Acquisition Plan 2000. The acquisition was intended to provide public access and protect the natural resources and features of the property. The property was dedicated to open space at the time of acquisition.

Carrington Coast Ranch was acquired with the intention to transfer the land to California State Parks. In preparation of transferring the property, State Parks prepared an historical landscape evaluation (2006), and an Initial Study and Mitigated Negative Declaration (2008). Staff time and resources were also donated to the District by State Parks in helping secure a historical house on the property. Although purchased with the intention to transfer to State Parks, there is currently no immediate schedule for transfer, due to State budget constraints.

The District has established a Volunteer Patrol on the property, comprised of residents from throughout Sonoma County. These trained volunteers hike along the trail that leads to the Salmon Creek overlook, and report to the District any activity or property condition they have concerns or questions about. They are extremely valuable as the District's "eyes and ears" on the property. Additionally, the District contracts with local non-profits for outings and workdays on the property. These outings vary from nature hikes along the coastal overlook, to presentations on the history of the ranch. The workdays involve clearing the trail and removing old structures.

Improvements on the property include fencing along Highway 1 in 2006, and removal of a dilapidated mobile home in 2007. A baseline was completed



in 2004 for the property, and updated in 2008. Badger burrows have been found on the property.

Invasive plants present on the property include: poison hemlock, velvet grass, Himalayan blackberry, and ripgut brome, among others. The District contracts for maintenance, addressing any trespass or vandalism, protection and repair of structures, and vegetation management on this property. Vegetation management includes annual mowing around the historic house and barn, mowing all access roads and parking area, and weed whipping the trail to Salmon Creek overlook. Mowing occurs after District staff conducts a nesting bird survey on the property to ensure no birds or nests are present. If nesting birds are present, mowing is postponed until the birds fledge and leave the nest.



SONOMA COUNTY
 AGRICULTURAL PRESERVATION
 AND OPEN SPACE DISTRICT

Carrington Coast Ranch



Map Date: 7/19/2012
 Photo Source: DigitalGlobe 2009
 This map is for illustrative purposes only and is not
 intended to be a definitive property description.

District Property

Streams

Streets



CRAMER (WRIGHT PRESERVATION BANK)

TIER 1

Property Facts

- 173 acres
- Located in the Santa Rosa Plain
- Date acquired: 1/21/1998
- Acquisition price: \$1,650,000
- District co-owns with CA Department of Fish and Game

This property was purchased under the Natural Resource category in the District's Acquisition Plan. The acquisition was intended to protect wetlands and create a wetland mitigation bank. This property was dedicated to open space at the time of the acquisition.

Natural resources on the property include seasonal wetlands and valley oak habitat, which are important feeding and resting habitat for waterfowl and water associated birds. Sebastopol Meadowfoam, Burke's Goldfields, Sonoma Sunshine and California Tiger Salamander have been found on this property.

The California Department of Fish and Game is actively managing the property. District staff will occasionally perform land management activities.





SONOMA COUNTY
 AGRICULTURAL PRESERVATION
 AND OPEN SPACE DISTRICT

Cramer (Wright Preservation Bank)



Map Date: 7/19/2012
 Photo Source: DigitalGlobe 2009
 This map is for illustrative purposes only and is not
 intended to be a definitive property description.

-  District Property
-  Streams
-  Streets



DOGBANE PRESERVE

TIER 2

Property Facts

- 3.3 acres
- Located in Northern Santa Rosa
- Date acquired: 12/9/1997
- Acquisition price: Fee title donation

This property was accepted under the Greenbelt category in the District's Acquisition Plan, and was protected for the preservation of Dogbane and the periodic harvesting of Dogbane on the property. The property was not dedicated to open space at the time of acquisition.

Dogbane is an important cultural resource of the Native American community. This area is a small remnant of what was once a widespread population of Dogbane. For centuries, Native Americans have come from all over the state to harvest the plant for use in making cordage, nets, bags, and belts. Occasionally, they would use the cordage in baskets. The District has established an annual harvest and stewardship day, which includes cordage-making demonstrations and removal of blackberries. These harvest days offer an opportunity for the native community to educate the general public about the cultural significance of the Dogbane plant, and gives people the chance to participate in stewarding the property. This usually means removing the highly invasive Himalayan blackberry. These stewardship activities have made a big impact on portions of the property where the Dogbane can now thrive, free from the mat of blackberries.

Due to the altered hydrology on the surrounding properties, which resulted in a decrease in seasonal flooding on the property, the health of this population of Dogbane is compromised. Though there has been some increase in the population's numbers, it continues to struggle.

The District contracts for maintenance and vegetation management on this property. Vegetation management includes annual weed whipping of the perimeter (no widespread mowing in order to protect the Dogbane) and annual targeted mowing of the blackberry.







SONOMA COUNTY
 AGRICULTURAL PRESERVATION
 AND OPEN SPACE DISTRICT


Dogbane Preserve

0 50 100
 Feet

Map Date: 7/19/2012
 Photo Source: DigitalGlobe 2009
 This map is for illustrative purposes only and is not
 intended to be a definitive property description.

 District Property

 Streams

 Streets



EAST SLOPE SONOMA MOUNTAIN RIDGE TRAIL

TIER 2

Property Facts

- 1.3 miles of trail
- Located on the East Slope of Sonoma Mountain
- Property and trail easements acquired through purchase, settlement agreement, and donation.

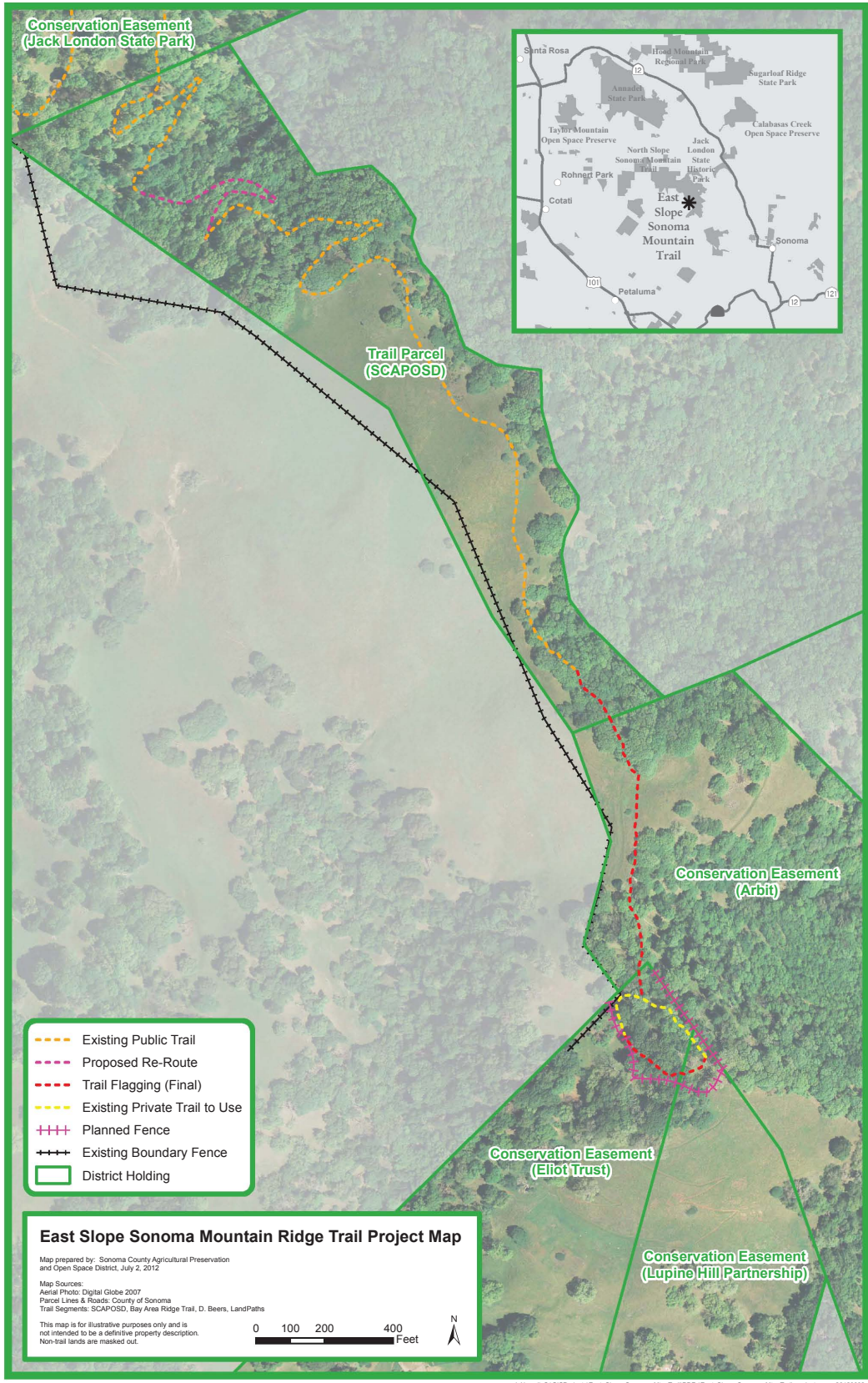
The District has been working with various project partners and private landowners for some time on the East Slope Sonoma Mountain Ridge Trail Project. This 1.3 mile trail for hikers, bicyclists, and equestrians will connect with existing Bay Area Ridge Trail segments in Jack London State Historic Park and ultimately to Petaluma Adobe State Park, the North Slope Sonoma Mountain Ridge Trail and other publicly held lands.

The trail alignment crosses three private properties (with trail easements held by the District) and one District-owned property. Elevations range from 1920 to 2180 feet, and on-site and nearby vegetation communities include oak woodland, mixed evergreen forest, redwood forest, bay forest, seasonal wetlands, annual and perennial grasslands.

The project has the potential to serve as a model in terms of an innovative planning process involving many project stakeholders, and a plan for project implementation and long-term operation and maintenance primarily through an engaged volunteer community with professional oversight.

The District has received a \$55,000 grant from the Coastal Conservancy towards project planning.





J:\Newell\GIS\Projects\East_Slope_Sonoma_Mtn_Trail\PDFs\East_Slope_Sonoma_Mtn_Trail_project_map_20120602

HAROUTUNIAN NORTH

TIER 1

Property Facts

- 18 acres
- Located in Northern Santa Rosa
- Date acquired: 2/27/1998
- Acquisition price: \$395,000

This property was purchased under the Greenbelt/ Agricultural category in the District's Acquisition Plan, and was acquired to maintain the open space character and continue agricultural uses of the area. The property was not dedicated to open space at the time of acquisition.

Since March of 2002 Tierra Vegetables has leased this property for farming. Tierra Vegetables has become a popular farm stand/ Community Supported Agriculture (CSA) within the community. The District offers educational outings, led by local non-profits, to observe this local farming operation. Additionally, Tierra Vegetables hosts numerous school outings, pumpkin carving contests, and a variety of family-friendly farm gatherings.

Improvements and studies of the property include: a boundary survey completed, a well drilled, and a hedgerow that was installed along the neighboring properties.

In 2011, the District was contacted by CalTrans as part of its Highway 101 widening project. This project will require CalTrans to take approximately 2 acres of the property to construct a northbound on-ramp to Highway 101. These 2 acres will require the removal of the existing well; as such, a new well was drilled and installed outside of the "take" area in June-July 2012. Additionally, the old well has been abandoned to County standards. The District has negotiated with CalTrans to pay for these costs as part of the parties' final settlement.





SONOMA COUNTY
 AGRICULTURAL PRESERVATION
 AND OPEN SPACE DISTRICT

Haroutunian North



Map Date: 7/19/2012
 Photo Source: Digital Globe 2009
 This map is for illustrative purposes only and is not
 intended to be a detailed property description.

-  District Property
-  Streams
-  Streets



HAROUTUNIAN SOUTH

TIER 2

Property Facts

- 21 acres
- Located in South Santa Rosa
- Date acquired: 5/27/1995
- Acquisition price: \$169,200

This property was purchased under the Greenbelt category in the District's Acquisition Plan, and was acquired for the protection of the greenbelt and endangered/rare plants. The property was not dedicated to open space at the time of acquisition.

Rare natural vernal pools still exist on this property. *Blennosperma bakeri* (Sonoma sunshine), *Limnanthes vinculans* (Sebastopol meadowfoam), and *Linderiella occidentalis* (California Linderiella/fairy shrimp) have all been found on the property. These sensitive species all thrive under natural conditions in wetlands. There is also evidence that California Tiger Salamander (CTS), endangered state and federally-protected amphibian that depends on vernal pools for reproduction, is present on the property.

Scientific research is conducted periodically, mostly by the Laguna de Santa Rosa Foundation, or graduate students, to monitor the populations of these plant and animal species as well as the vernal pools.

In 2002 the District contracted with a consultant to complete a wetland delineation survey.

Invasive plants present on the property include: Harding grass and teasel, among others. The District contracts for maintenance and vegetation management, including addressing trespass and fire suppression, on this property. Vegetation management includes annual mowing around the perimeter of the property. Mowing occurs after District staff conducts a nesting bird survey on the property to ensure no birds or nests are present. If nesting birds are present, mowing is postponed until the birds fledge and leave the nest.








SONOMA COUNTY
 AGRICULTURAL PRESERVATION
 AND OPEN SPACE DISTRICT

Haroutunian South

0 200 400
 Feet

Map Date: 7/19/2012
 Photo Source: Digital Globe 2009
 This map is for illustrative purposes only and is not
 intended to be a definitive property description.

-  District Property
-  Streams
-  Streets



HEALDSBURG RIDGE OPEN SPACE PRESERVE

TIER 1

Property Facts:

- 155 acres
- Located in Healdsburg
- Date acquired: 2/25/2003
- Acquisition price: \$7,740,000

This property was purchased under the Recreation category in the District's Acquisition Plan. The acquisition was intended to protect the wildlife habitat and provide public recreation benefits while maintaining the open space character and preserve the existing natural conditions. The property was dedicated as open space at the time of acquisition.

The District has conducted numerous studies and surveys on the property since acquisition. This includes botanical studies, wetlands delineation, seasonal bird surveys, road and trails assessment, and public outreach.

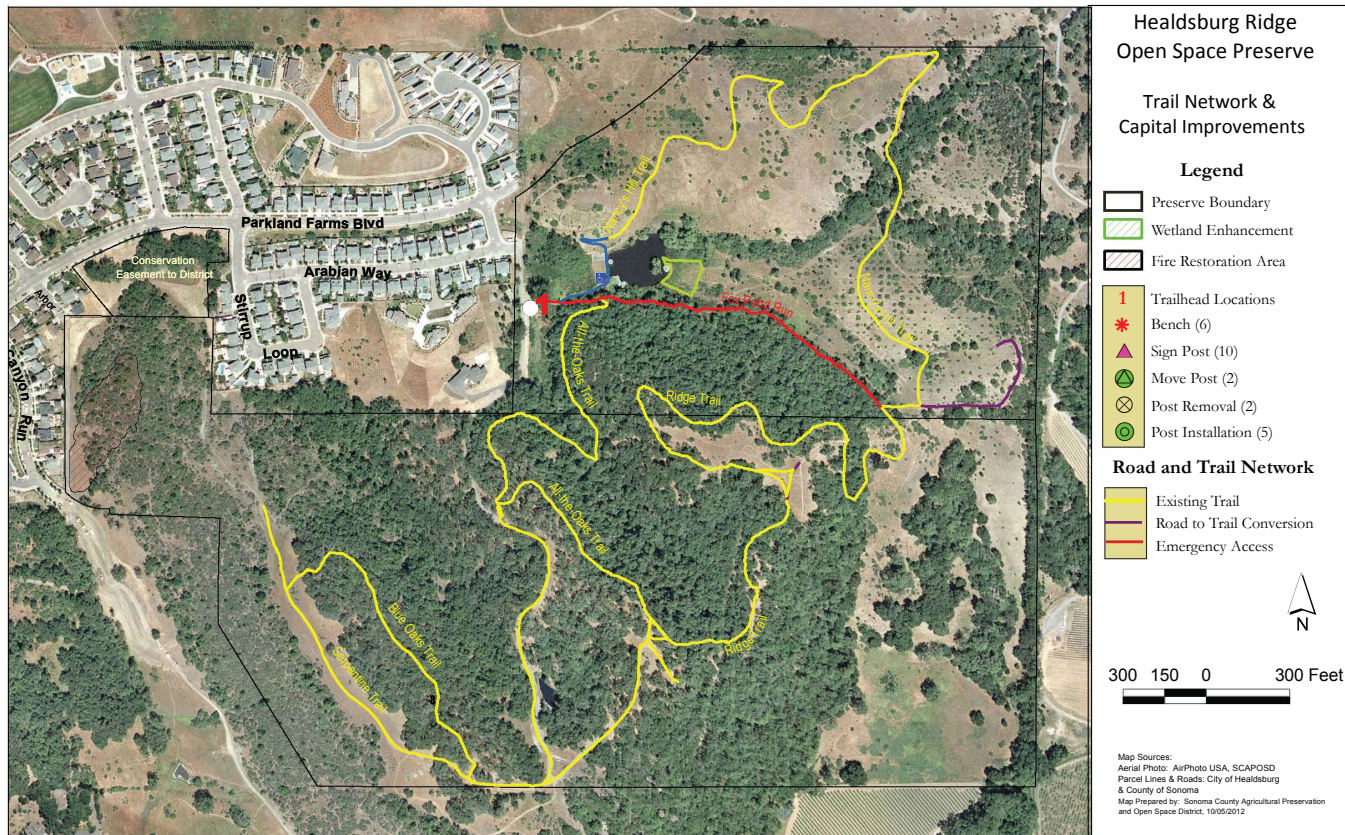
The District utilized a variety of land protection tools in order to ensure the protection of this unique resource. Beginning in 1987, the Sonoma Land Trust acquired a conservation easement across a 33-acre parcel in the southeastern portion of the Preserve. In 1994, the District purchased a conservation easement across a 22-acre parcel called the Fox Property on the northeastern portion of the Preserve around the pond. In 1995, the District secured a conservation easement across 33 acres on the south central portion of the Preserve bordering the Sonoma Land Trust conservation easement (called the Healdsburg Ridge Conservation Easement). In 2003, the District purchased fee title interest of the northeastern portion of the Preserve (called the Fox Pond property - 53 acres) and the southern portion and northwestern peninsula (called the Asborno-Nelson property - 98 acres). Finally, the District conveyed a 3 acre parcel on the southwestern corner of the Preserve to the City of Healdsburg and retained a conservation easement across a 2.97 acre parcel on the northwestern peninsula south of Parkland Farms Boulevard.

A consultant prepared a draft management plan in 2006 that reflected the current conditions upon acquisi-



tion and highlighted important improvements that needed to be made in order to offer public access to the property. The consultant also completed a draft initial study and mitigated negative declaration for the Healdsburg Ridge Open Space Preserve. District staff then revised the draft management plan and conducted additional studies and property assessments to better define the most appropriate trail network and capital improvements to maximize the benefits of public recreation and minimize the impacts on the natural resources. The District sought the input of emergency response teams (CALFIRE, County Fire, and City of Healdsburg Fire Departments) to determine the most essential access points and protection measures to buffer the residential areas from any potential wildfires.

In 2008, the District and the City of Healdsburg signed a management agreement that defines management responsibilities, proposed capital improvement plans, and an operations and maintenance plan to guide the management practices on the Healdsburg Ridge Open Space Preserve for the first five years. Under this agreement, the District would own the property and complete the capital improvements described in the initial Management Plan and the City of Healdsburg would maintain the land and manage all public relations and patrolling of the Preserve until the property is transferred to the City of Healdsburg in November 2013. The District will retain a conservation easement across the property and will monitor the implementation of the Management Plan and compliance with the easement conditions. In 2008, the Healdsburg Ridge Open Space Preserve was officially opened to the public for recreational use. From 2010 to 2012, the District has completed construction of the trail system and related improvements.



HO

TIER 2

Property Facts

- 30 acres
- Located near Rohnert Park
- Date acquired: 5/4/2001
- Acquisition price: \$560,000
- Funders: District

This property was purchased under the Greenbelt category in the District's Acquisition Plan. The acquisition was intended to allow agricultural use of the area and maintain the open space character. This property was dedicated to open space at the time of the acquisition.

In 2001, a wetland assessment study was completed on Ho, Young-Armos and Oken. It was determined the western third of the Ho property, approximately 10 acres, is a potential wetland area. The District has contracted with a service provider to fence the perimeter of the property and fence off the section of the property with wetlands. A neighboring agricultural operator has leased the eastern 20 acres for row crop farming for the last 10 years and currently is farming this property.

Since the majority of the property is in farming, the invasive plants that are present on the property are limited. The District contracts for maintenance and vegetation management on this property. Vegetation management includes annual mowing around the perimeter of the property. Mowing occurs after District staff conducts a nesting bird survey on the property to ensure no birds or nests are present. If nesting birds are present, mowing is postponed until the birds fledge and leave the nest.





SONOMA COUNTY
 AGRICULTURAL PRESERVATION
 AND OPEN SPACE DISTRICT

Ho



Map Date: 7/19/2012
 Source: DigitalGlobe 2009 (aerial)
 Sonoma County GIS (roads, parcels); SCWA (streams)
 This map is for illustrative purposes only and is not intended to be a definitive property description.

-  District Property
-  Street
-  Perennial Stream
-  Intermittent Stream

KEEGAN AND COPPIN

TIER 2

Property Facts

- 24 acres
- Located in Bennett Valley
- Date acquired: 12/11/1997
- Acquisition price: \$550,000
- Funders: District

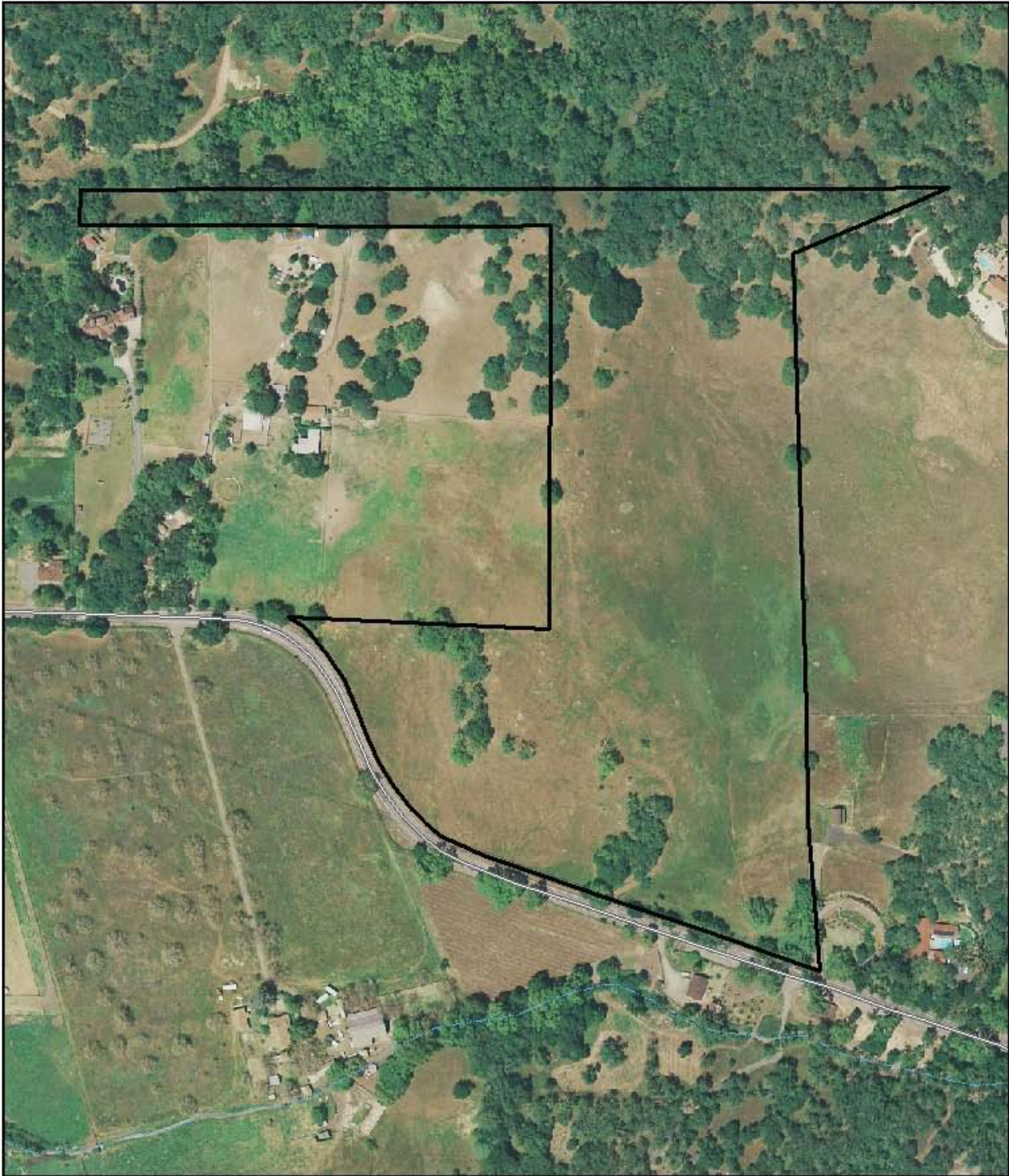
This property was purchased under the Greenbelt category in the District's Acquisition Plan. The acquisition was intended to allow agricultural use of the area and maintain the open space character. This property was not dedicated to open space at the time of the acquisition. Annadel State Park is adjacent to this property.

The District has worked with a Certified Rangeland Manager to assess the vegetation and determine the adequate stocking rate, and appropriate type of livestock to graze the property. Three horses graze the 24-acre property year round.

Invasive plants present on the property include: purple star thistle and gland weed. Because the property is grazed year round, there is no need for annual mowing around the perimeter of the property. However, there are occasional maintenance tasks that are needed, such as fencing repair.

The District contracted with a service provider to improve and, in some areas, replace the boundary fence for the property in October of 2007.







Keegan and Coppin

District Property
— Streams
 Streets

0



250 500
Feet

Map Date: 7/19/2012
 Photo Source: DigitalGlobe 2009
 This map is for illustrative purposes only and is not intended to be a definitive property description.



N

LAGUNA DE SANTA ROSA TRAIL PHASE 1

TIER 1

Property Facts

- 1.4 miles of a multi-use trail and 0.8 miles of a pedestrian-only trail
- Located on and adjacent to Kelly Farm, between Highway 12 and Occidental Road, on the east side of the Laguna de Santa Rosa
- Construction began: 2010
- Funders: District and \$500,000 from State Coastal Conservancy

This project is considered a Recreation and Education and a Greenbelts and Scenic Hillside project, as it provides recreational and educational opportunities within the greenbelt between the cities of Sebastopol and Santa Rosa.

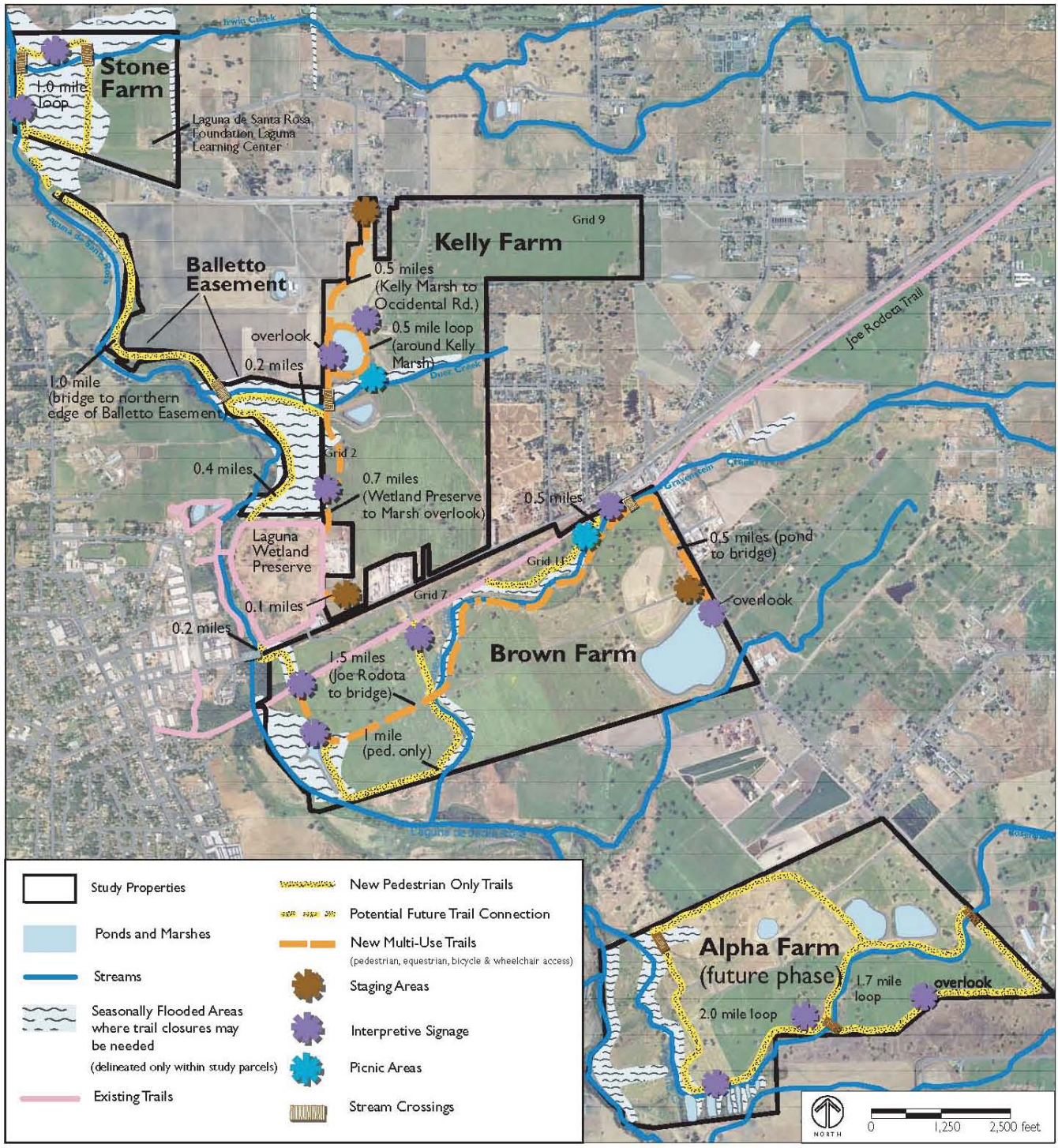
In 2001, a conservation easement was conveyed to the District over the Alpha, Brown, Kelly, and Stone Farms owned by the City of Santa Rosa in the Laguna de Santa Rosa. The City also conveyed an irrevocable trail offer and provides for the establishment of public access trails over the properties. The following year, the landowners of the Balletto property, adjacent to the City-owned Farms, made irrevocable offers to dedicate both a trail easement along the Laguna and approximately 65 acres of the property in fee title interest.

In 2006, the District developed the Laguna de Santa Rosa Protected Lands Trails Plan (Trails Plan) for the City and Balletto properties, which was adopted, along with a Mitigated Negative Declaration, by the Board of Directors on December 5, 2006. The goals of the Trails Plan are to balance recreation with the protection and preservation of sensitive natural and cultural resources, while creating public trails that allow users a variety of experiences in the Laguna de Santa Rosa, and the opportunity to appreciate its diverse ecological and scenic resources. The Trails Plan sets forth trail alignments, public access and interpretive facilities to accommodate various users, including hikers, bicyclists, and equestrians.



As part of the Trails Plan, a subset of the trails and associated improvements were selected to be the first phase of project implementation. This Phase 1 of the Trails Plan includes approximately 2.4 miles of trails over Kelly Farm and the Balletto property, an overlook from Kelly Marsh, and two staging areas - one off Highway 12 and one off Occidental Road. Future phases of implementation of the Trails Plan will occur when additional funding becomes available and the necessary planning takes place.

In August 2010, the County accepted the irrevocable offers for a trail easement on Kelly Farm and the trail easement and fee portion of the Balletto property. Construction of Phase 1 began in 2010, with Regional Parks managing the construction contract. The project is located within the potential range of the state and federally-protected California Tiger Salamander, resulting in a short construction window (mid August – mid October). The District and Regional Parks plan to open the trails by 2013. Regional Parks will operate and maintain the Phase 1 trails and staging areas.



LAWSON

TIER 1

Property Facts

- 247 acres
- Located in Kenwood
- Date acquired: 10/07/2005
- Acquisition price : \$1,160,000

This property was purchased under the Recreation category in the District's Acquisition Plan. The acquisition was intended to protect the wildlife habitat and provide public recreation benefits while maintaining the open space character. The property was dedicated as open space at the time of acquisition.

The property is adjacent to the Johnson Property, which was also purchased by the District, and subsequently transferred to Regional Parks as part of the Hood Mountain Regional Park and Open Space Preserve. Regional Parks currently manages Lawson as part of Hood Mountain.

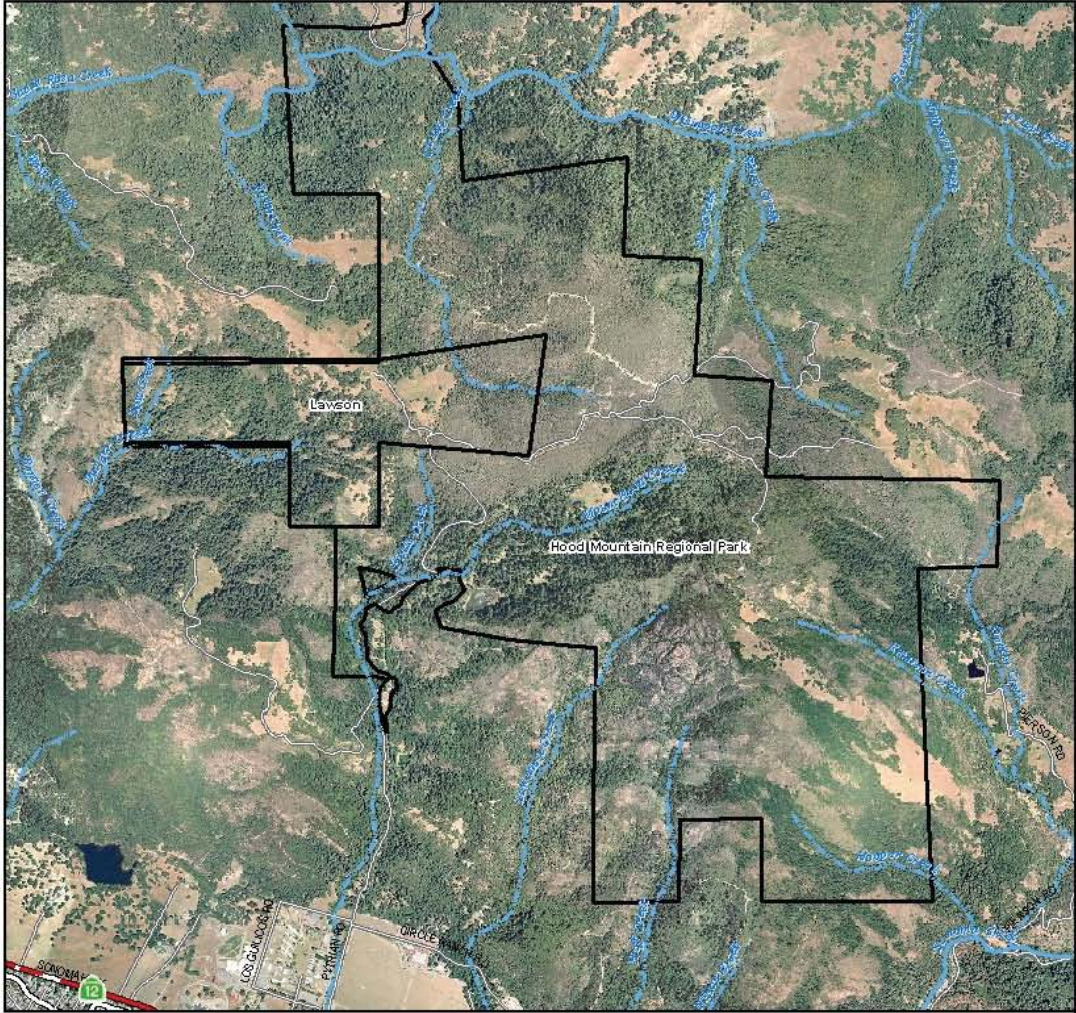
At the time of acquisition, the Lawson family pledged to donate \$100,000 to the District to assist in opening the property to the public. The District's Open Space Authority approved an additional \$100,000 to cover stewardship costs to match the Lawson family's donation.

Regional Parks has completed Phase 1 and 2 of a cultural resource study, as well as a biological and wetland resources study. Regional Parks has also completed numerous site clean-up tasks, including removing two dumps, removing fencing, securing the cabin from further vandalism, as well as coordinating 5 volunteer work days, during which hundreds of hours of volunteer labor were donated.

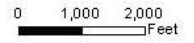
Regional Parks has moved forward on identifying trail alignments and coordinated additional efforts to protect cultural resources on the property. Three special-status plants have been identified on the property, as well as two sensitive habitat types. The biological resource study recommends that trails avoid these special-status plants, as well as allowing only very limited foot trails through the native bunch grasses.



Transfer of the property to Regional Parks is anticipated to occur by the end of 2013.



Lawson



- District Conservation Program
- Lawson
- Public and Protected Lands
- Hood Mountain Regional Park
 - Perennial Stream
 - - - Intermittent Stream
 - Roads (shapefile)

Map Date: 7/20/2012
 Data Source: District Conservation Program (2012) boundary
 Sonoma County GIS Center, as shown in previous maps
 This document is for informational purposes only. It is not intended to be a substitute for professional advice.

MARK WEST (CRESTA AND MCCULLOUGH)

TIER 1

Property Facts

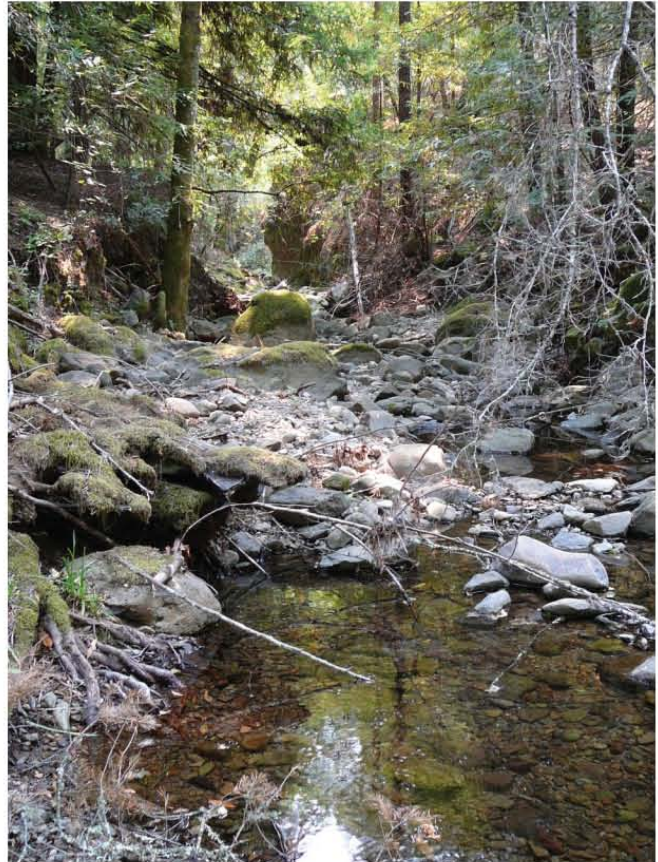
- 801 acres; includes Cresta (340 acres) and McCullough (461 acres)
- Located in Santa Rosa, Mark West watershed
- Date acquired:
Cresta: 10/1/2007
McCullough: 9/15/2009
- Acquisition price:
Cresta: \$3,060,000
McCullough: \$8,463,000

This property was purchased under the Recreation and Water, Wildlife and Natural Areas categories of the District's Acquisition Plan. The acquisition was intended to protect the scenic values and natural resources and wildlife on the property, as well as allow appropriate public access. The property was not dedicated to open space at the time of acquisition.

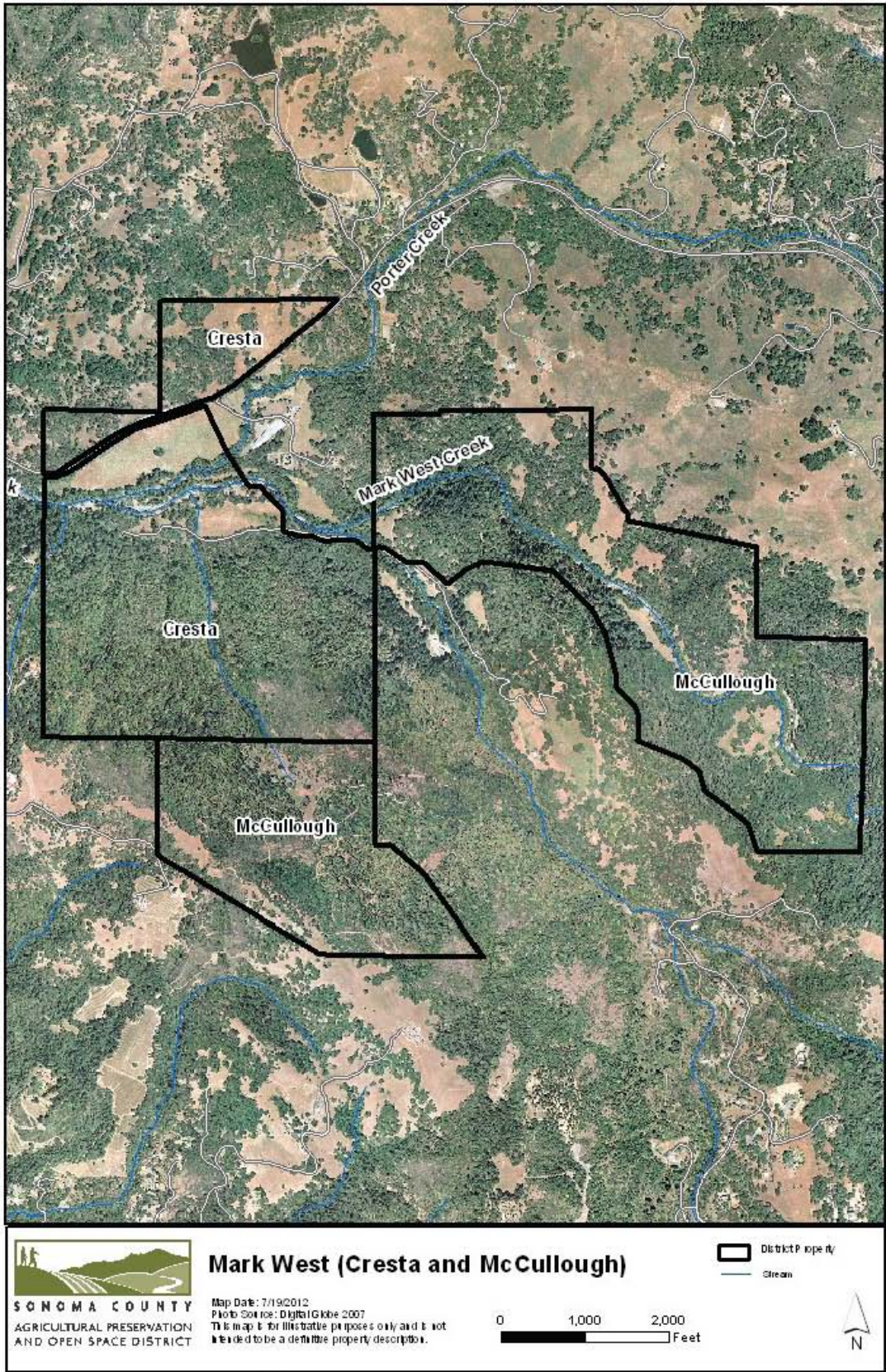
The portion of Mark West Creek that flows through the McCullough property supports both steelhead and Coho salmon, one of the few portions of the creek in Sonoma County that supports these fish.

Because access to both properties is either limited or otherwise problematic, the District has not established a Volunteer Patrol on these properties. The District does provide outings on the properties; usually involving a walk along the riparian habitat corridor on the McCullough property.

Mr. McCullough donated \$850,000 at the close of escrow to the Regional Parks Foundation in the form of a Charitable Pledge. The Pledge must be used for park planning, restoration, enhancement, development, maintenance, and/or operations for the Cresta and McCullough properties. Portions of the Cresta property are seasonally grazed and, hence, the property requires very little mowing or other maintenance. There are numerous roads and trails on the McCullough property, in varying conditions. The District is working with the Sotoyome Resource Conservation District (SRCD) to assess



10 miles of roads and trails on the property; SRCD received grant funding to conduct this work.





MONTINI OPEN SPACE PRESERVE

TIER 1

Property Facts

- 98 acres
- Located in Sonoma
- Date acquired: 12/5/2005
- Acquisition price: 13,900,000 including a 53-acre conservation easement over adjacent parcel
- Funders: District \$11,500,000, California Coastal Conservancy \$1,250,000, City of Sonoma \$1,150,000

This property was purchased under the Greenbelt category in the District's Acquisition Plan 2000. The acquisition was intended to preserve wildlife habitat and provide public access to the land in its natural conditions. The property was dedicated to open space at the time of acquisition.

Montini was originally acquired with the intention to transfer the land to State Parks as an addition to Sonoma State Historic Park, Vallejo Home Site. The property is currently scheduled to be transferred to the City of Sonoma in 2013.

The property is open to the public through docent-led outings. These outings vary from guided nature and bird walks, to presentations about the rich cultural history of the property. The District has also established a volunteer patrol. Patrollers hike the Preserve regularly and report suspicious and unusual activities and property conditions to the District. In addition, they provide valuable resource information, includ-

ing the locations of interesting landforms and the presence of new invasive species. Organization of workdays and management of some of the invasive plants on the property is provided via contract.

A management plan was approved in 2009. This plan included a number of studies including cultural, botanical, and wetland studies. Two plants, *Brodiaea californica* var. *leptandra* and *Leptosiphon acicularis*, although not listed as rare, threatened or endangered, are on the CNPS Watch List due to limited distribution, have been found on the preserve. These two plants are included on lists 1B.2 (rare, threatened, or endangered in CA and elsewhere) and 4.2 (limited distribution), respectively.

Yellow and purple star-thistle infestations continue to be addressed through removal efforts of the Volunteer Patrol and via contract.

The District has worked with consultants, non-governmental organizations, and other agencies to design and ultimately build a trail for recreation on the property. The District has contracted for CEQA assistance services, a traffic assessment, and a study for visual impacts, fence construction, trail design, construction oversight, and contract administration. The trail is expected to be completed in early 2013.



SONOMA COUNTY
 AGRICULTURAL PRESERVATION
 AND OPEN SPACE DISTRICT

Montini Open Space Preserve

0 300 600 Feet

Map Date: 7/19/2012
 Photo Source: AirPhoto USA 2004
 This map is for illustrative purposes only and is not
 intended to be a definitive property description.

-  District Property
-  Streams
-  Streets



NORTH SLOPE SONOMA MOUNTAIN

TIER 1

Property Facts

- 453 acres; includes four properties
 - Jacobs Ranch: 168 acres
 - Cooper's Grove: 226 acres
 - Wilroth: 11.3 acres
 - Skiles Ranch: 47 acres
- Located on the north side of Sonoma Mountain
- Date acquired: 8/13/2003 to 1/31/2005
- Acquisition price:
 - Jacobs: \$4,878,000
 - Cooper's: \$4,865,000
 - Wilroth: donation from the Roth family
 - Skiles: State Coastal Conservancy
 - \$200,000 grant funded purchase

These properties were purchased under three categories in the District's Acquisition Plan: Recreation; Water, Wildlife and Natural Areas; and Greenbelts. The intent of the acquisition of these properties was to preserve the wildlife habitat and natural resources of the properties, and to provide appropriate public outdoor recreation. Cooper's Grove is the home of the eastern most population of the Coast Redwood in Sonoma County. Jacobs Ranch and Cooper's Grove properties were not dedicated to open space at the time of acquisition. However, the Wilroth donation and Skiles Ranch fee portion were dedicated to open space at the time of acquisition.

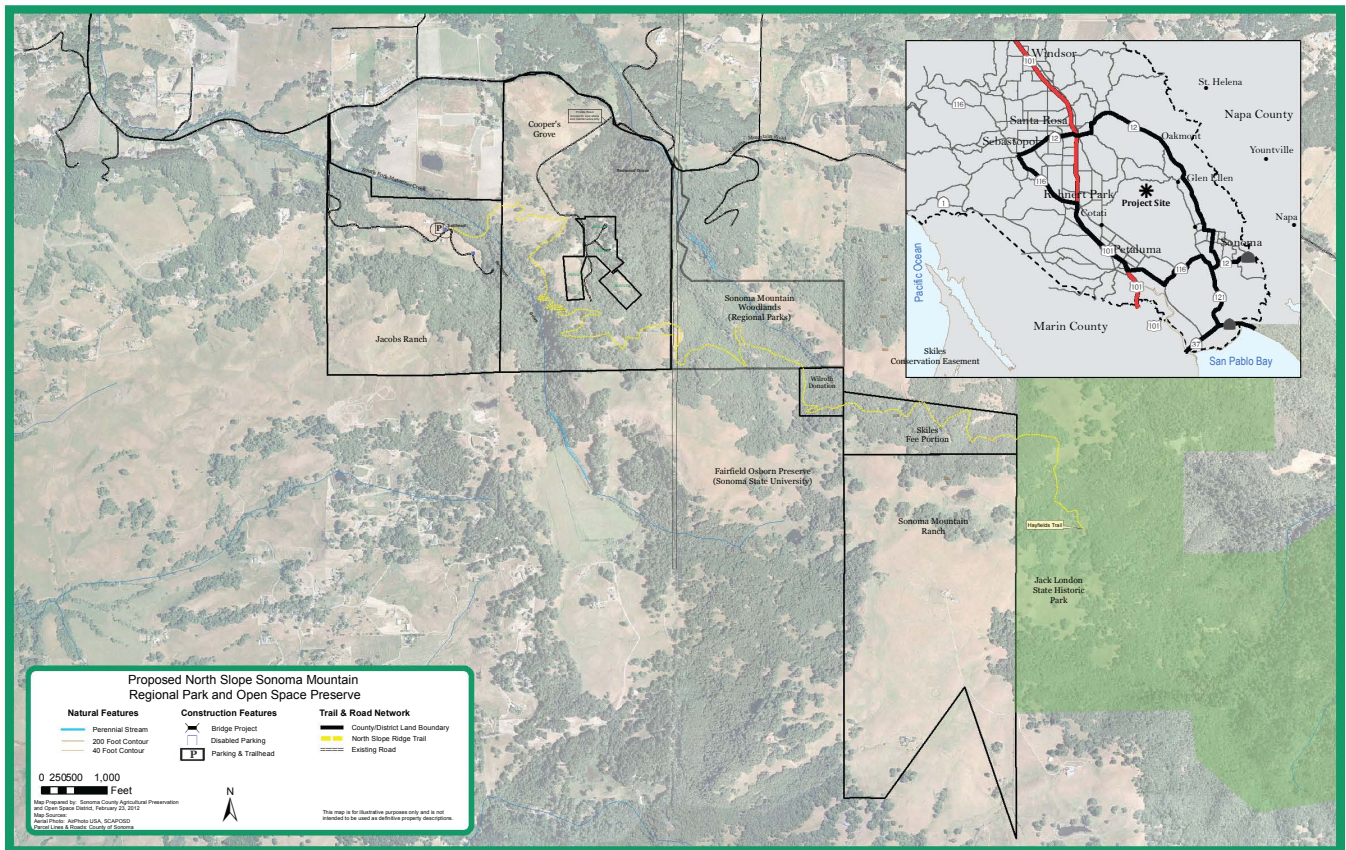
The North Slope Sonoma Mountain Ridge Trail corridor crosses through these four District owned properties, along with a Regional Parks owned property. This 4.5 mile trail traverses Sonoma Mountain from Jack London State Historic Park to Jacobs Ranch; the entire trail corridor is part of the Bay Area Ridge Trail. Trail construction is expected to be completed this in 2012. The District has constructed a parking lot for cars and horse trailers, as well as a restroom on Jacobs Ranch. Prior to opening the trail, the District intends to transfer fee title of these four properties to Regional Parks. These properties, along with the Regional Parks



property, will comprise the North Slope Sonoma Mountain Regional Park and Open Space Preserve.

The District has established a Volunteer Patrol on Jacobs Ranch and Cooper's Grove, comprised primarily of neighbors. These trained volunteers patrol along the roads and trails on the property, and report to the District any activity or property condition they have concerns or questions about. The District has also established a dedicated group of trail walkers, who are responsible for patrolling the North Slope Sonoma Mountain Ridge Trail, both during construction, and after construction is complete. Additionally, the District provides outings on the property. These outings vary from hikes to the "umbrella tree" at the top of Jacobs Ranch, to explorations of the amphibious life found on the properties.

The District has completed a baseline for Jacobs Ranch in 2004, a Property Description and Management Recommendations for Cooper's Grove in 2005, a Grazing Management Plan for Jacobs and Cooper's in 2005, contracts for outings and workdays on Jacobs



and Cooper's between 2003 and 2011, and a Resource Evaluation for the North Slope Trail corridor in 2012.

Jacobs Ranch has two residential structures, one of which houses a Regional Parks ranger and his family to provide an on-site security presence. There are three barns on the property and two concrete water tanks. The houses and barns are gravity fed water from a spring at the top of the property.

There is an active grazing lease for seasonal grazing on Jacobs Ranch and Cooper's Grove. Approximately 50 cows graze both properties from March to June.

The District contracts for mowing, invasive plant management and debris removal on the property. Additionally, the District has maintained and improved the water system. Improvements include separating the pipe lines for the two houses at Jacobs Ranch, and installing filtration systems at the water tanks, the two houses and at the equipment shed. UV light filtration was also installed at the houses and the equipment shed. One of the on-going maintenance

costs is testing the water for arsenic, bacteria, and nitrates as well as filter and UV light replacement.

In 2005, the District received a \$110,000 Ridge Trail planning grant from the State Coastal Conservancy. In June 2008, the District was awarded a construction grant of \$575,000 to implement the construction plan for the trail, trailhead and access road improvements. Trail construction funds were also provided by California State Parks and Recreation Department (\$75,000).

OCCIDENTAL ROAD

TIER 2

Property Facts

- 15 acres
- Located in West Santa Rosa
- Date acquired: 11/10/2008
- Acquisition price: Accepted fee title from County of Sonoma
- Funders: none

This property was accepted in fee title under the Recreation category in the District's Acquisition Plan. The acquisition was intended to promote restoration and public access in the Laguna de Santa Rosa. The property was not dedicated to open space at the time of acceptance of fee title.

The District has an agreement with the non-profit Laguna de Santa Rosa Foundation for monitoring and restoration work on the property, as part of their work on the Middle Reach of the Laguna. This work is funded by a grant from the State Coastal Conservancy. Additionally, the District contracts for security patrols of the property and removal of trash and debris.





SONOMA COUNTY
 AGRICULTURAL PRESERVATION
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Occidental Road



Map Date: 7/19/2012
 Photo Source: DigitalGlobe 2009
 This map is for illustrative purposes only and is not
 intended to be a definitive property description.

District Property

Streams

Streets



OKEN

TIER 2

Property Facts

- 76 acres
- Located near Rohnert Park
- Date acquired: 4/13/1998
- Acquisition price: \$890,000
- Funders: District

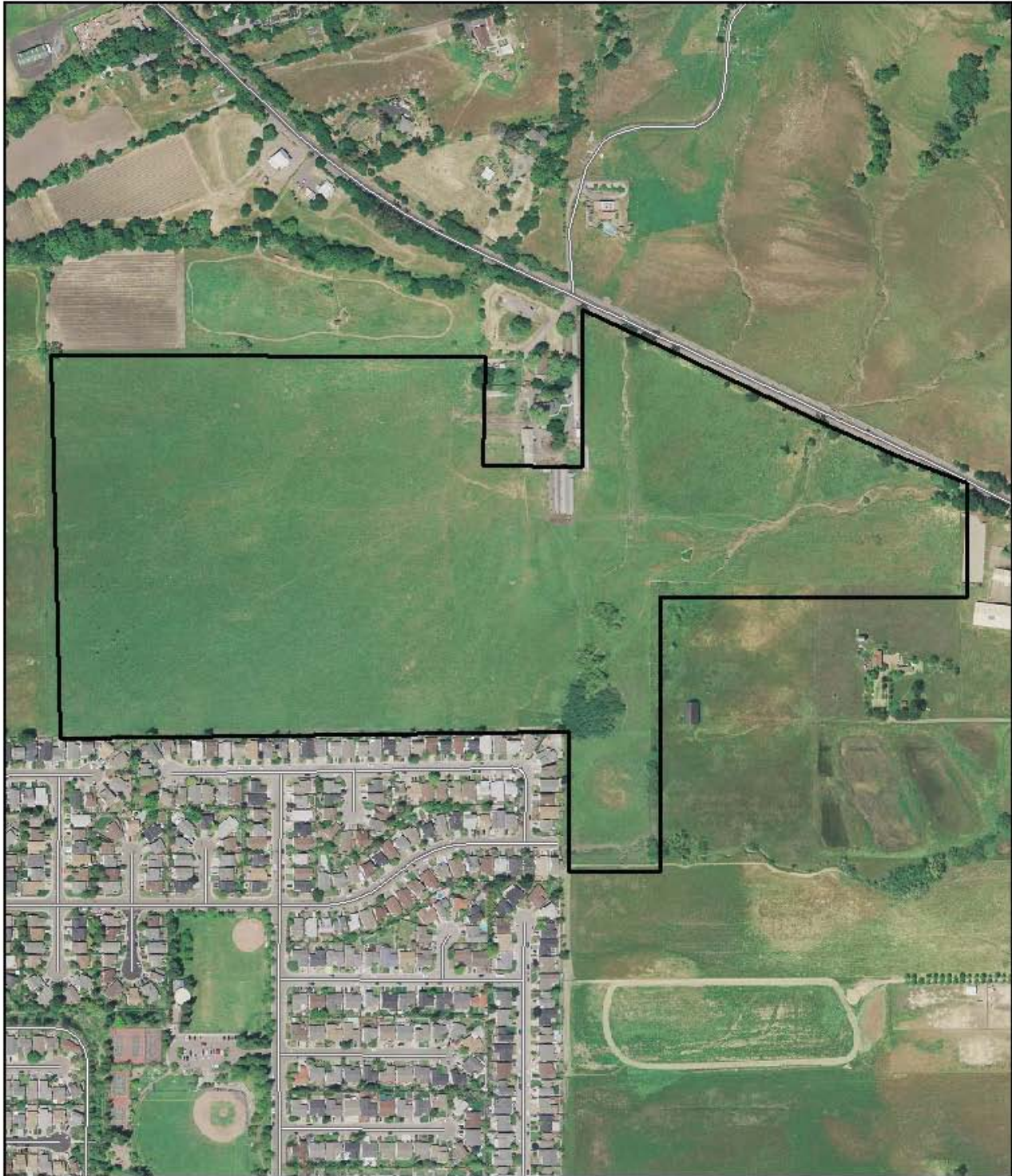
This property was purchased under the Greenbelt category in the District's Acquisition Plan. The acquisition was intended to allow agricultural use of the area and maintain the open space character. This property was not dedicated to open space at the time of the acquisition.

Oken is currently grazed and not open to the public. Wetlands and remnant riparian areas are present on the property. This property is within the potential habitat range of the state and federally-protected California Tiger Salamander.

Since the purchase of the Oken property in 1998 there have been a number of studies including: Wetland Assessment in June of 2001, Botanical Assessment and Survey in July 2001, Ecological Restoration Services in 2002, and a Wetland Mitigation Opportunities in August 2002.

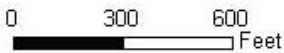
The District contracts for maintenance and vegetation management on this property. Vegetation management includes annual mowing along the Petaluma Hill Road frontage, and some perimeter mowing. Mowing occurs after District staff conducts a nesting bird survey on the property to ensure no birds or nests are present. If nesting birds are present, mowing is postponed until the birds fledge and leave the nest.





SONOMA COUNTY
 AGRICULTURAL PRESERVATION
 AND OPEN SPACE DISTRICT


Oken



Map Date: 7/19/2012
 Photo Source: DigitalGlobe 2009
 This map is for illustrative purposes only and is not intended to be a definitive property description.

 District Property

 Streams

 Streets



PAULIN CREEK PRESERVE

TIER 2

Property Facts

- 9 acres
- Located in Santa Rosa
- Date acquired: 7/31/2002
- Acquisition price: \$1,575,000
- Funders: District

This property was purchased under the Recreation category in the District's Acquisition Plan. The acquisition was intended to preserve the existing natural conditions and provide public outdoor recreation. This property was dedicated to open space at the time of the acquisition.

Adjacent to the 9 acres owned by the District are 10 acres owned by the County of Sonoma and 27 acres owned by the Sonoma County Water Agency. The entire 46-acre 'Preserve' is comprised of riparian woodland areas, a flood retention pond, oak woodlands and grasslands. Since this property lies within the City of Santa Rosa limits, the intention was that this property would be operated as a nature preserve and public park by the City of Santa Rosa Recreation and Parks Department. Although intended to transfer to the City of Santa Rosa, there is currently no immediate schedule for transfer.

The District has established a Volunteer Patrol on the property, comprised primarily of neighbors. Trained volunteers patrol the trail that winds through all 3 properties, and report to the District any activity or property condition they have concerns or questions about. They are extremely valuable as the District's "eyes and ears" on the property. Additionally, the District provides outings and workdays on the property. These outings vary from nature hikes to bird watching. The workdays involve clearing the trail and removing invasive plants.

In 2003 the District developed a baseline report. This report documents the property conditions, natural features, current use and improvements at that time. The District completed a Draft Management Plan for the 46-acres in 2004.

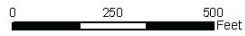


Invasive plants present on the property include: Scotch broom, and Himalayan blackberry, among others. The District contracts for maintenance and vegetation management on this property. Vegetation management includes annual mowing along the main trail as well as along Chanate Road. Mowing occurs after District staff conducts a nesting bird survey on the property to ensure no birds or nests are present. If nesting birds are present, mowing is postponed until the birds fledge and leave the nest.

Additionally, encampments are regularly and consistently found on this property. The District coordinates with law enforcement and maintenance contractors to remove debris from these encampments.



Paulin Creek Preserve



Date: 1-23-10
 Photo Source: AirPhotoUSA 2007
 This map is for illustrative purposes only and is not intended to be a definitive property description.

- Paulin Creek
- Trail
- Stream



POFF RANCH

TIER 2

Property Facts

- 1236 acres
- Located south of Jenner, Sonoma Coast
- Date acquired: 9/28/2007
- Acquisition price: \$5,600,000 District's contribution: \$4,850,000
- Funders: \$750,000 State Coastal Conservancy (SCC)

This property was acquired under the Recreation and Education categories in the District's Acquisition Plan. The acquisition was intended to protect the scenic woodlands, meadows and critical habitats on the property, as well as allow appropriate low-intensity public outdoor recreation. The property was dedicated to open space at the time of acquisition.

The District has established a Volunteer Patrol on the property. Trained volunteers patrol the roads and trails on the property, and report to the District any activity or property condition they have concerns or questions about. They are extremely valuable as the District's "eyes and ears" on the property. Additionally, the District provides outings on the property. These outings vary from hikes to viewpoints of the stunning Sonoma Coast, to bird walks, to presentations on the history of the property.

A requirement of the SCC grant was the development of a Management Plan for the property that would assess and document existing conditions on the property, and develop recommendations for natural resource protection and enhancement, as well as any appropriate public access. In 2008, the District entered into a contract for the development of the Management Plan. The draft plan assessed and documented the existing conditions on the property, and included recommendations for natural resource and cultural resource protection, and appropriate levels of public access. The District is currently finalizing the plan.

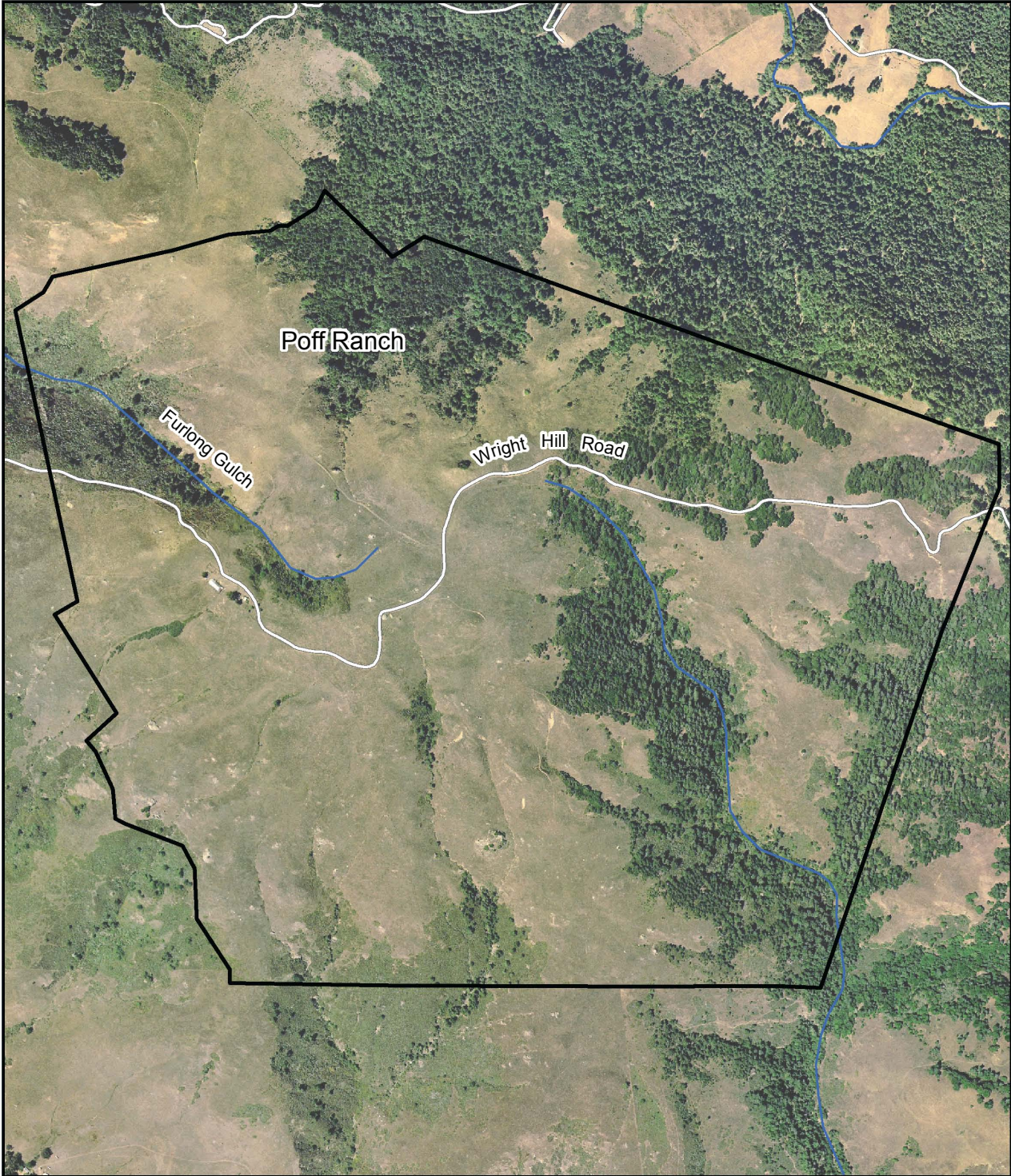
The Poff property includes a house and barn and small workshop. The house was built in the 1880s



and is listed as a significant historic building in the region. The property is leased for year-round grazing.

Invasive plants present on the property include: Italian thistle, bull thistle, jubata grass and Himalayan blackberry, among others. Because the property is grazed year round, there is no need for annual mowing along the roads or around the perimeter of the property. However, occasional maintenance tasks are performed, such as fencing and other infrastructure repair, house and barn repair, and road maintenance. The District contracts for necessary maintenance on this property.

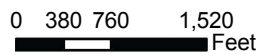
As part of the purchase agreement, the District was required to remediate an old sheep dip located behind the barn on the property. This included excavating a significant amount of contaminated soil, which will be hauled offsite for proper disposal.






SONOMA COUNTY
 AGRICULTURAL PRESERVATION
 AND OPEN SPACE DISTRICT

Poff Property

Map Date: 3/3/2007
 Photo Source: AirPhotoUSA 2004
 This map is for illustrative purposes only and is not
 intended to be a definitive property description.



-  District Property
-  Stream
-  Street



SADDLE MOUNTAIN OPEN SPACE PRESERVE

TIER 2

Property Facts

- 960 acres
- Located in Santa Rosa, Mark West watershed
- Date acquired: 1/13/2006
- Acquisition price: \$9,700,000 District's contribution \$8,700,000
- Funders: \$1,000,000 from State Coastal Conservancy (SCC)

This property was purchased under the Natural Resources category in the District's Acquisition Plan. The acquisition was intended to protect the natural resources on the property, as well as contribute to the protection of key properties within the Mark West watershed. The property was dedicated to open space at the time of acquisition.

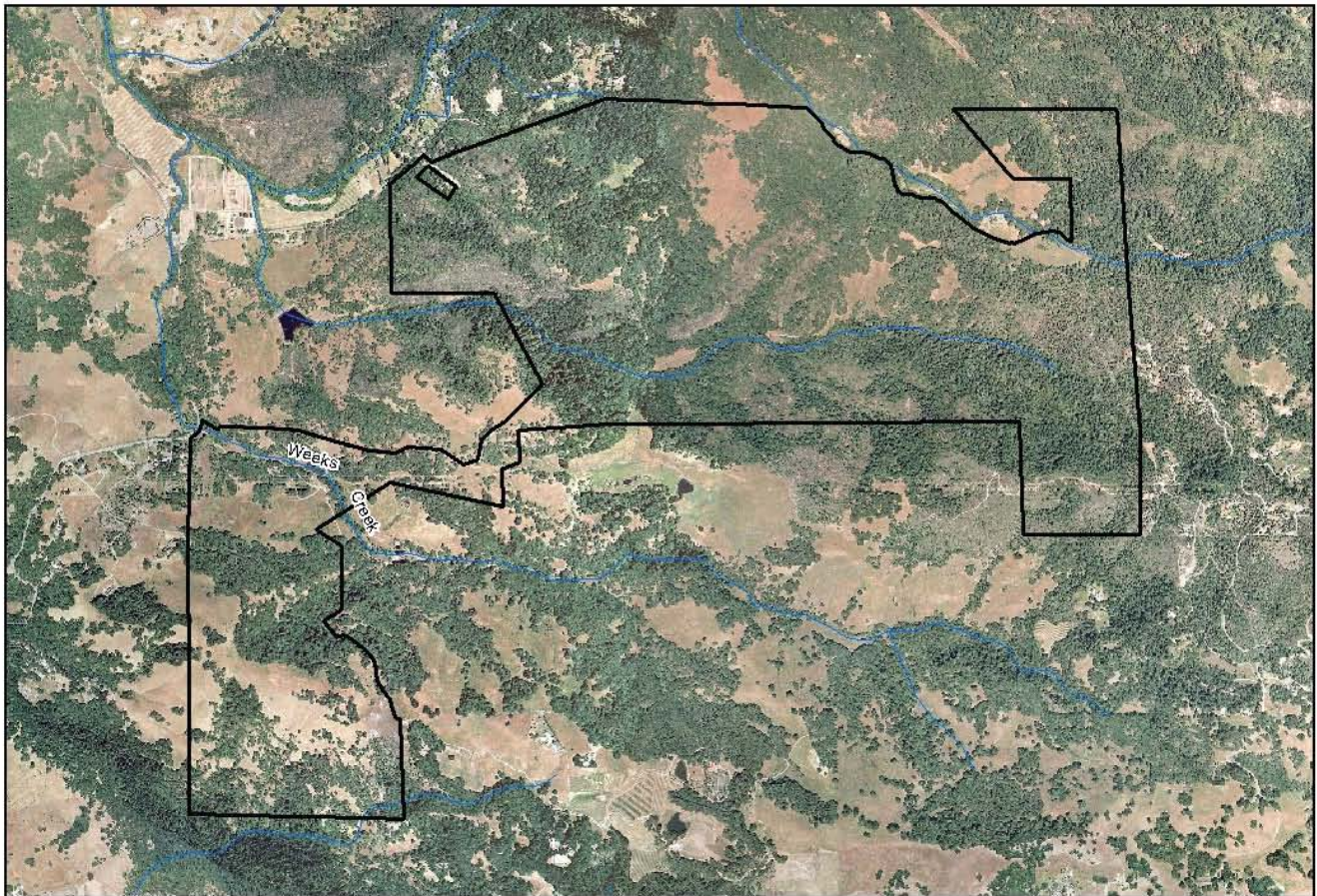
The District has established a Volunteer Patrol on the property, comprised primarily of neighbors. Trained volunteers patrol the roads and trails on the property, and report to the District any activity or property condition they have concerns or questions about. They are extremely valuable as the District's "eyes and ears" on the property. Additionally, the District provides outings on the property. These outings vary from hikes to the top of the saddle, to investigations into the water life on the creeks that run through the property.

A requirement of the SCC grant was the development of a Management Plan for the property that would assess and document existing conditions on the property, and develop recommendations for natural resource protection and enhancement, as well as any appropriate public access. The District entered into a contract in 2009 for development of the Management Plan. During this process, a federally listed endangered plant was found on the property. Both the location of the plant (along a main road/trail) and its robust population, require additional studies to be done, as well as discussions with the Federal Fish and Wildlife Service regarding protocols for protecting the plant while potentially allowing some level of public access.



Invasive plants present on the property include: medusahead, barbed goatgrass, Himalayan blackberry, and yellow star-thistle, among others. The District contracts for maintenance and vegetation management on this property. Vegetation management includes annual mowing along all internal roads. Mowing occurs after District staff conducts a nesting bird survey on the property to ensure no birds or nests are present. If nesting birds are present, mowing is postponed until the birds fledge and leave the nest.

As part of the purchase agreement, the District was required to complete some repairs to parts of the roads on the property. This work was completed in 2010.



Saddle Mountain Open Space Preserve

SONOMA COUNTY
AGRICULTURAL PRESERVES
AND OPEN SPACES DISTRICT



Map Date: 7/19/2012
 Sources: Digital Globe, April 2007 (aerial);
 Sonoma County GIS (roads, streams, parcels).
 This map is for illustrative purposes only and is not
 intended to be a definitive property description.

-  District Property
-  Stream
-  Street



SAN FRANCISCO ARCHDIOCESE

TIER 2

Property Facts

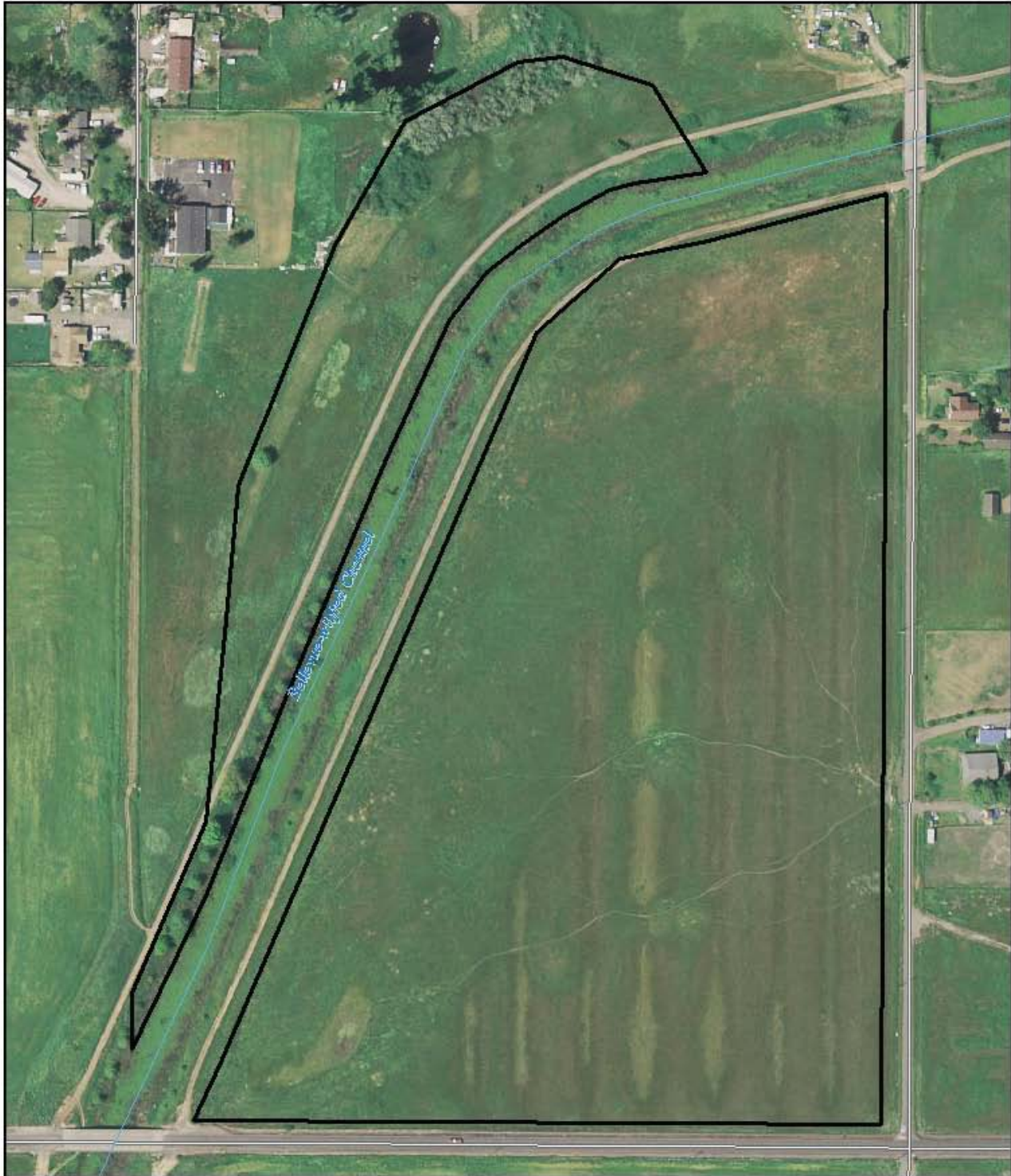
- 28 acres
- Located in South Santa Rosa
- Date acquired: 9/02/1994
- Acquisition price: \$133,000
- Funders: District

This property was purchased under the Greenbelt category in the District's Acquisition Plan. The acquisition was intended to maintain agricultural uses of the area, provide protection of the wetlands and allow potential restoration of the land to limited agricultural uses. This property was not dedicated to open space at the time of the acquisition.

The District worked with a certified rangeland manager to assess the vegetation and determine the adequate stocking rate, and appropriate type of livestock to graze the property.

Because the property is grazed year round, there is no need for annual mowing around the perimeter of the property. However, occasional maintenance tasks are performed, such as debris and trash removal. The District contracts for these maintenance activities.







San Francisco Archdiocese

0 200 400

Feet

Map Date: 7/19/2012
 Photo Source: DigitalGlobe 2009
 This map is for illustrative purposes only and is not
 intended to be a definitive property description.

District Property

Streams

Streets



N

SONOMA MOUNTAIN RANCH (WALSH)

TIER 1

Property Facts

- 283 acres
- Located east of Petaluma
- Date acquired: 12/30/2008
- Acquisition price: \$9,950,000; District's contribution: \$8,450,000
- Funders: \$1,500,000 State Coastal Conservancy (SCC)

This property was purchased under the Recreation and Education category of the District's Acquisition Plan. The acquisition was intended to preserve wildlife habitat, preserve and restore natural conditions, allow agricultural use, and allow for some level of low-intensity public recreation. The property was dedicated to open space at the time of acquisition.

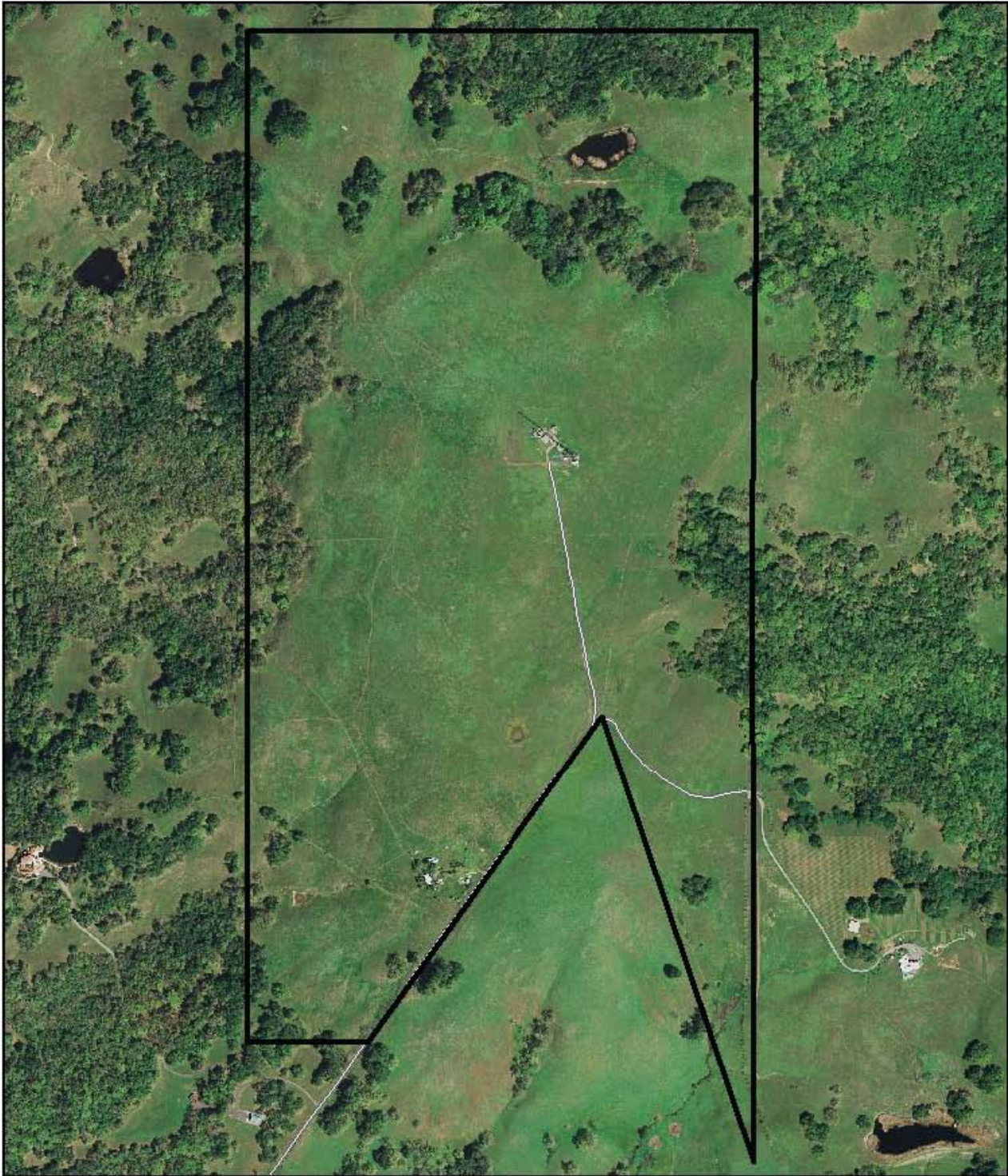
This property includes the very top of Sonoma Mountain, and affords fantastic views of the Petaluma basin below. This property is included in an Ecological Resource Evaluation being conducted on several properties owned by the District and Regional Parks along the North Slope of Sonoma Mountain. The District has contracted for the development of a Grazing Plan and a survey for California Red-Legged Frog (CRLF). A population of CRLF was subsequently discovered in the pond in the northern portion of the property.

A requirement of the SCC grant was the prohibition of all development on the property, except for purposes of agriculture, natural resource protection, public access, education, and continued operations of the telecommunication towers site.

Invasive plants present on the property include: medusahead, yellow star-thistle, purple star-thistle and ripgut brome, among others. The District contracts for maintenance and vegetation management on this property. Vegetation management includes annual mowing and /or weed whipping around the old structures, mowing along the access road, and mowing all internal roads. Mowing occurs after District staff conducts a nesting bird survey on the property to ensure no birds or nests are



present. If nesting birds are present, mowing is postponed until the birds fledge and leave the nest.




SONOMA COUNTY
AGRICULTURAL PRESERVATION
AND OPEN SPACE DISTRICT


Sonoma Mountain Ranch (Walsh)

0 500 1,000
Feet

Map Date: 7/19/2012
Photo Source: DigitalGlobe 2009
This map is for illustrative purposes only and is not
intended to be a definitive property description.

 District Property

 Streams

 Streets



TAYLOR MOUNTAIN

TIER 1

Property Facts

- 1,100 acres; includes five properties
 - Russell: 823 acres
 - Nunes: 120 acres
 - Matteri: 116 acres
 - Bath-Watt: 47 acres
 - Van Steyn: 5.3 acres
- Located in Santa Rosa
- Date acquired: 1996 to 2006
- Acquisition price: \$ 20,555,000
 - Russell: \$ 18,000,000
 - Nunes: \$ 975,000
 - Matteri: \$ 790,000
 - Bath-Watt: \$ 790,000
 - Van Steyn: donation
- Funders: District

This property was purchased under the Greenbelt category in the District's Acquisition Plan. The acquisition was intended to protect the natural resources on the property, maintain the open space character of the community separator, and to establish a park. The Russell property was dedicated to open space at the time of acquisition; the other properties were not.

The District has conducted numerous studies and surveys on the property since acquisition. These past studies and surveys include an interim access plan, botanical studies, and cultural resource studies. Currently, the District has a number of contracts related to management of and public access to the property. These contracts are for planning, construction management, operation and maintenance tasks, development of a Master Plan, Grazing Management Plan, additional outreach for the Master Plan, and coordinating and facilitating an Interim Public Access Permit Program. To date, 3,000 permits have been issued to hikers, bicyclists, and equestrians, as well as to teachers throughout Sonoma County, who bring their students to the property for environmental education. The District constructed an interim staging area off Kawana Terrace to allow access to the property for permit holders.

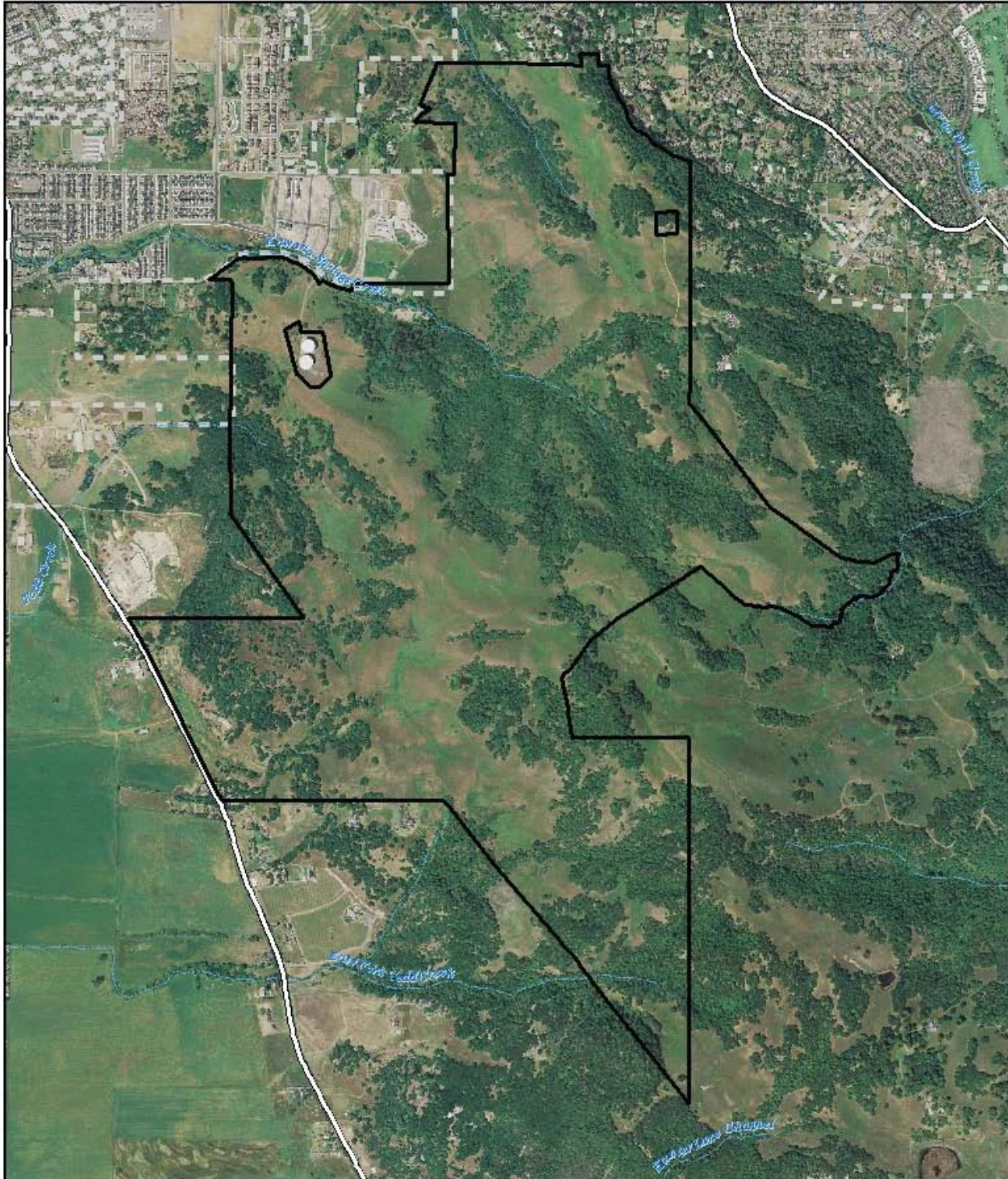



Five public meetings have been held to engage the public in helping develop the Master Plan, including providing input on the future activities and uses on Taylor Mountain. These meetings have been very well attended, and have resulted in broad public support for the Master Plan.

During the biological assessment portion of the Master Plan, a robust population of California Red-Legged Frog (CRLF) was found on the property. CRLF is a federally listed endangered species, so special consideration was taken when planning public access and particular protection is needed when developing that access.

The property is currently grazed year-round, with approximately 40-60 head of cattle.

Upon completion of the Master Plan, and approval and adoption of the Plan and Mitigated Negative Declaration by the District's Board of Directors, the District will transfer fee title to Regional Parks. This is anticipated to occur by early 2013.





SONOMA COUNTY
AGRICULTURAL PRESERVATION
AND OPEN SPACE DISTRICT

Taylor Mountain


Map Date: 7/19/2012
 Sources: Digital Globe 2009 (aerial);
 Sonoma County GIS (roads, parcels); SCWA (streams).
 This map is for illustrative purposes only and is
 not intended to be a definitive property description.


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
1,200


2,400


Feet


N

 District Property

 Major Roads

 Perennial Stream

 Intermittent Stream

YOUNG-ARMOS

TIER 2

Property Facts

- 45 acres
- Located near Rohnert Park
- Date acquired: 5/19/1997
- Acquisition price: \$370,000
- Funders: District

This property was purchased under the Greenbelt category in the District's Acquisition Plan. The acquisition was intended to allow continued agricultural use of the area and maintain the preserve the natural conditions. This property was not dedicated to open space at the time of the acquisition.

The District has worked with a certified rangeland manager to assess the vegetation and determine appropriate operation for the property. Young-Armos is currently leased for a hay operation and not open to the public.

In 2001 Wetland Assessment study was completed on Ho, Young-Armos and Oken. A botanical assessment and survey was also completed in 2001 on all three properties. Young-Armos has several wetland areas near the middle of the property where a single oak tree resides. This property is within the potential habitat range of the state and federally-protected California Tiger Salamander.

Because there is a haying operation on the property, there is no need for annual mowing around the perimeter of the property. However, occasional maintenance tasks are performed, such as debris removal.





SONOMA COUNTY
AGRICULTURAL PRESERVATION
AND OPEN SPACE DISTRICT

Young - Armos

0 400 800 Feet

Map Date: 7/19/2012
Photo Source: DigitalGlobe 2009
This map is for illustrative purposes only and is not
intended to be a definitive property description.

-  District Property
-  Streams
-  Streets





www.sonomaopenspace.org



District Fee Lands Strategy

Board of Directors

November 20, 2012 meeting

William Keene, General Manager

Sheri Emerson, Stewardship Program Manager





The District permanently protects the diverse agricultural, natural resource, and scenic open space lands of Sonoma County for future generations



Preservation Success in Sonoma County



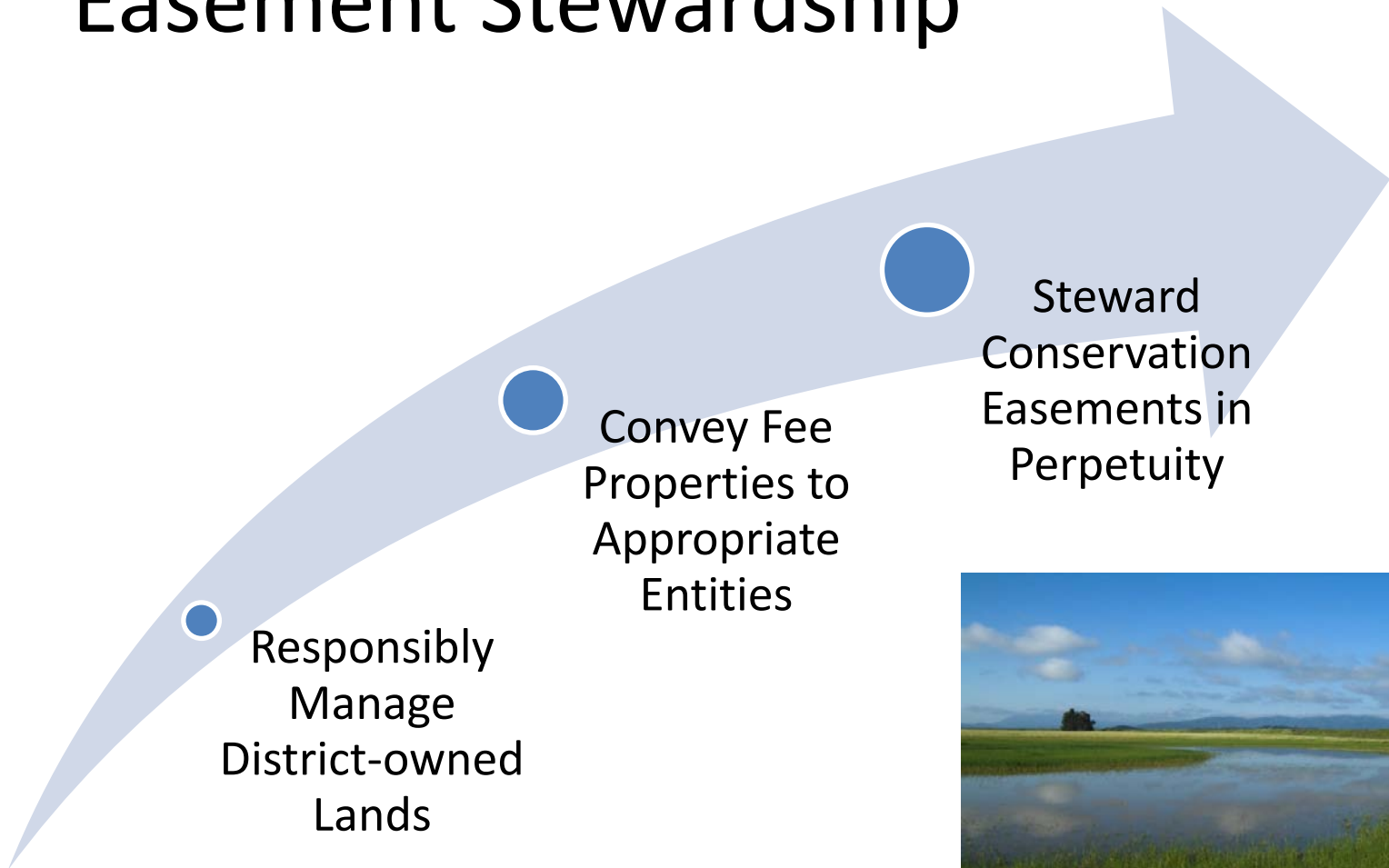
SONOMA COUNTY
AGRICULTURAL PRESERVATION
AND OPEN SPACE DISTRICT



District Project
Conservation Easements, Fee Title,
Transfers, Partner Projects

Other Parks and Open Space
State Parks, Regional Parks, Sonoma
Land Trust, Other Protected Lands

From Fee Land to Easement Stewardship





The Fee Lands Strategy...

- Documents the current fee lands portfolio
- Describes interim land management practices
- Identifies options for conveyance of property
- Identifies the process to identify best option
- Recognizes importance of public engagement
- Considers limited staff and funding resources



Fee Land Portfolio

- Current portfolio of 7,500 acres represents more than \$110,000,000 acquisition investment
- Ecologically diverse, range from mountaintops to forested riparian corridors to valley and coastal grasslands
- Most properties are in some type of agricultural use
- Almost all properties are accessible via outings and volunteer patrol programs



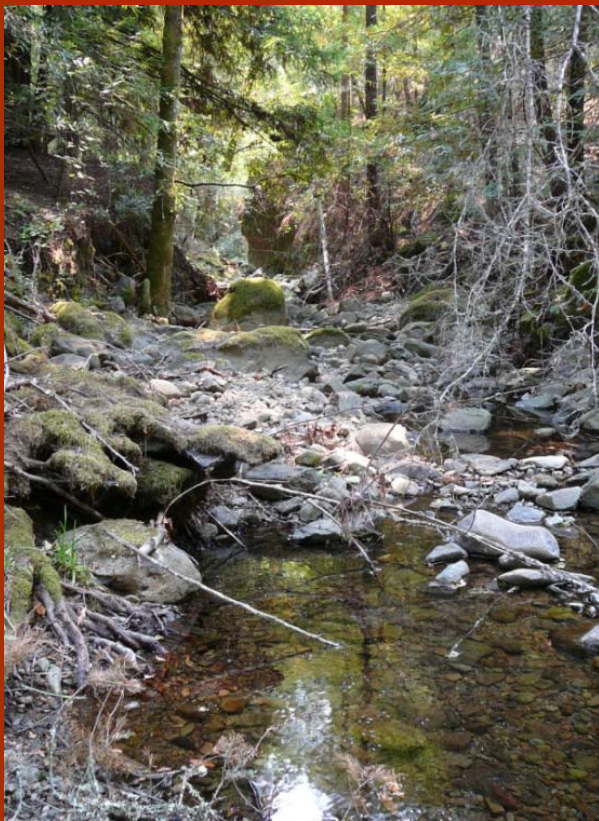
Open Space and Greenbelts



- Haroutunian South
- Dogbane Preserve
- Taylor Mountain
- Saddle Mountain
- Montini Open Space Preserve
- Healdsburg Ridge Open Space Preserve
- Paulin Creek Preserve
- Cramer (Wright Preservation Bank)



Natural and Cultural Resources



- North Slope Sonoma Mountain
- Taylor Mountain
- Saddle Mountain
- Cramer (Wright Preservation Bank)
- Mark West Creek
- Haroutunian South
- Dogbane Preserve
- Lawson
- Carrington Ranch
- Calabazas Creek Preserve



Lands in Agriculture



- Haroutunian North
- Poff Ranch
- Young-Armos
- San Francisco Archdiocese
- Oken
- Ho
- Taylor Mountain
- Mark West Creek
- Montini Preserve
- North Slope Sonoma Mountain



Recreation and Education



- Almost all fee properties are accessible via outings, volunteer patrol programs
- Additions to Regional Parks: Taylor Mountain, Lawson, North Slope Sonoma Mountain, Laguna Trail, Mark West
- Additions to State Parks: Carrington Ranch, Poff Ranch, East Slope Sonoma Mountain, Keegan and Coppin, Calabazas Creek Preserve



Interim Land Management



Protection and Maintenance

- Infrastructure
- Natural and Cultural Resources
- Trespass, Illegal Uses

Compatible Land Uses

- Agriculture
- Public access





Future Management Needs

- Manage invasive species
- Reduce fire fuel load
- Address erosion issues
- Enhance sensitive habitats



Public Engagement

- Create additional volunteer opportunities
- Build creative partnerships



Conveyance of Fee Properties



Tier 1, transfer
process underway

- Convey during
2012-2015 Work
Plan period



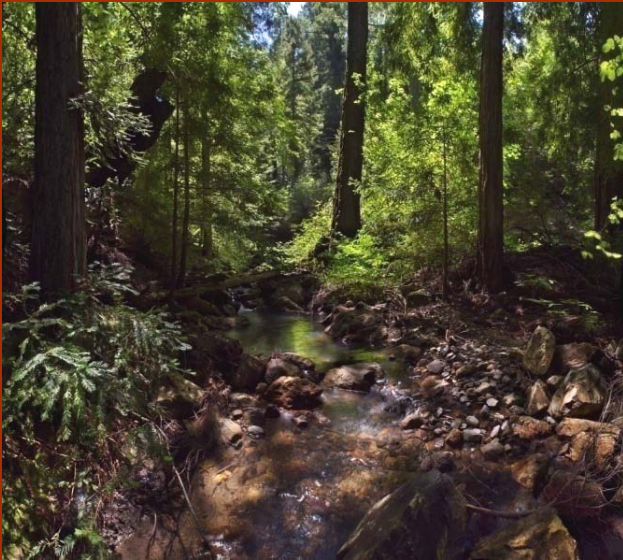


Tier 2, receiving entity not yet identified

- Analysis of conveyance options
- Convey after determination of best option



Conveyance Options for Tier 2



- Transfer
- Exchange
- Sale
- Hold

- ❖ Constraints relating to ‘dedication for open space purposes’ pursuant to Public Resources Code Section 5540 affect each of these options
- ❖ District to retain conservation easement over all conveyed properties



Tier 2 Property Analysis



- Determine conservation values
- Identify appropriate conservation tools
- Conduct fiscal analysis
- Determine conveyance option, priority, and timing
- Gather public input
- Seek Board of Directors direction
- Convey properties



Advisory Panel



Staff from relevant agencies,
non-governmental
organizations, members of
the public

- Local and regional knowledge and experience
- Technical expertise in land conservation, agriculture, natural resources, recreation, and real estate



Implementation



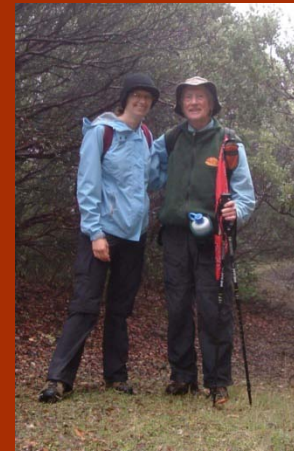
- Interim Land Management
- Convey Tier 1 Properties
- Evaluate options for Tier 2 Properties
- Convey Tier 2 Properties



Implementation Costs

Annual Costs

- Ongoing land management
- Interim public access



One-Time Costs

- Recreation-focused capital improvements, habitat enhancements, and related planning
- Initial operations and maintenance funding



| | | Annual Costs Until Conveyed | | One-Time Costs | |
|----------------|-------|-----------------------------|----------------|-----------------------|--------------|
| | Acres | Land Management | Interim Access | Capital Project costs | O&M payments |
| Tier 1 | | | | | |
| Regional Parks | 2968 | \$ 593,575 | \$ 265,890 | \$3,137,381 | \$ 850,000 |
| Other Entities | 440 | \$ 42,000 | \$ 7,936 | \$ 659,615 | \$ 215,000 |
| Subtotal | 3408 | \$ 635,575 | \$ 273,826 | \$3,796,996 | \$1,065,000 |
| Tier 2 | | | | | |
| State Parks | 2925 | \$ 514,500 | \$ 91,552 | \$ 800,000 | \$ 675,000 |
| Other Entities | 1186 | \$ 160,900 | \$ 31,744 | \$ 400,000 | \$ 450,000 |
| Subtotal | 4111 | \$ 675,400 | \$ 123,296 | \$1,200,000 | \$1,125,000 |
| Total | 7519 | \$1,310,975 | \$ 397,122 | \$4,996,996 | \$2,190,000 |

Recommended Action



- General Manager recommends that the Board approve the District Fee Lands Strategy
- Property-specific actions would be brought back to the Board for independent consideration and approval.

