CGJA’s 2023 Report Writing Workshops

**Possible Answers to the Tab 2 Exercises**

*There are no “correct” answers to the four exercises in Tab 2 of CGJA’s Report Writing Workshop training manual, but here is what we have come up with.*

**Exercise 1.** **Evaluating Findings**

**F1.**  “**The district’s callous and repeated failure to notify potentially affected residents and playground users of pesticide spraying left them unaware and exposed to airborne pesticides to the obvious detriment to the public they are supposed to serve.”**

*Evaluation:*

Don’t characterize someone’s emotions (“callous”).

“Repeated” is vague. How many times or for how long?

Both “obvious” and “they are supposed to serve” sound sarcastic, and therefore biased.

Due to the tone, this finding is not likely to invite a positive response.

**F2.** “**In our opinion, the district had plenty of time to update its website to provide a prominent link to its agendas and should have done it by now. Further, the way it described the action items on those agendas also violated the Brown Act.”**

*Evaluation:*

This is a compound finding. Split it into two.

A finding should not be stated as an “opinion” (a belief not necessarily based on verified fact) because grand juries make judgments and draw conclusions from facts they have verified. Omit the first clause.

“Plenty of time” is vague. The finding should state how long the Brown Act has required a link to the agendas.

“Should have done it by now” is sarcastic.

The first sentence could be a separate finding: “Since 2017, the board was aware of but did not comply with the Brown Act’s requirement to prominently display a link to its agendas on its website, which made it difficult for the public to know what would be discussed at the meeting.”

The second sentence (which should be a separate finding) is vague as to the “way” the agenda described the action items and how the descriptions violated the Brown Act.

**Exercise 2.** **Writing Effective Findings**

Possible findings:

F1. The Cleveland Community Services District (CCSD) has violated its Integrated Pest Management Plan (Plan) since February 2020 by failing to annually provide a proposed pesticide application schedule to the Board of Directors for approval.

F2. CCSD violated the Plan by failing to post notice when it sprayed Class II pesticides on a vacant field adjacent to a playground and Freshwater Creek on May 13, 2023.

F3. Playground users and nearby residents were unnecessarily exposed to Class II pesticides because the CCSD failed to provide advance notice of its spraying.

F4. CCSD’s 2023 water quality testing of Freshwater Creek was ineffective because it was conducted too long after its pesticide spraying adjacent to Freshwater Creek to detect any possible water contamination.

F5. CCSD’s lack of a formal procedure for dealing with complaints and requests for information has led to public frustration.

**Exercise 3.** **Evaluating Recommendations**

**R1.** The Grand Jury wants the Board of Supervisors and L C Smith, the Director of Resource Management, to begin work by September 30, 2023 to establish specific timelines for implementation of code enforcement activities.

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| Shortcomings:Avoid using “wants” (too personal); use “recommends” instead.Use titles, instead of personnel names. Use “complete work” rather than “begin work” (which doesn’t obligate them to finish the work in a timely manner, or at all).The due date for the corrective action to be completed is too short, since the board’s responses are due August 30, 2023. |

*Improved Recommendation:* The Grand Jury recommends that the Board of Supervisors and the Director of Resource Management adopt specific guidelines for the implementation of code enforcement activities by March 4, 2024.

**R2.** The Board of Supervisors must provide comprehensive Brown Act training to the governing board members and administrators of all of the independent special districts in the county by November 1, 2023.

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| Shortcomings:A grand jury cannot order a respondent to act – use “should” rather than “must.” A board of supervisors has no legal obligation to pay for the training needed by other, independent entities. A grand jury must direct its recommendations to the “responsible” board or official, per PC §933. Each entity should pay for its own training.If the grand jury were to recommend that each district provide training, the jury would be obliged to investigate each district – it unclear whether the jury did so. The implementation due date seems unreasonable (the responses are due August 30, 2023). |

*Improved Recommendation:* The governing boards of the following special districts *(the grand jury should list only those districts it fully investigated)* should provide Brown Act training to their boards and administrators by February 1, 2024.

**R3.** The Grand Jury recommends that the Sheriff’s Office execute a contract with a private contractor by November 30, 2023, to provide continuous care of Level 3 inmates when they are released from the county jail. This is an urgent problem, so the Board of Supervisors should fund all costs for the project by cutting either welfare entitlements or staff salaries.

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| Shortcomings: Recommendations should refer to boards or elected county officials (here, the Sheriff), not an office or entity (the “county” or the “city”), when indicating who should take the corrective action. Leave the decision of whether to provide care in-house or by contract (a policy determination) up to the Sheriff and the Board of Supervisors.Don’t insert judgmental comments like “this is urgent” in a recommendation, although that might be part of a finding. It is unclear whether the time given for implementation is reasonable. The grand jury should not recommend that the Board of Supervisors transfer money set aside for state welfare payments, because that would violate state law.The grand jury should not recommend that the Board of Supervisors reduce employee salaries, because setting salaries is a policy determination outside the jury’s purview, and typically are the subject of binding labor agreements and related public employee labor laws. (Note: The grand jury must consider an entity’s finances (the corrective action should be affordable) but doesn’t need to identify the specific source of funding). |

*Improved Recommendation:* The Grand Jury recommends that by March 1, 2024, the Sheriff provide continuous care services to Level 3 inmates as they are released from the jail.

**R4.**  The city Building Department Manager should consider instituting a policy whereby its Development Division will take all appropriate action by the end of the fiscal year to significantly shorten the current average of 51 days needed to issue residential building permits, which is too long.

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| Shortcomings:A manager is not a mandatory respondent, so the grand jury should also direct this or a similar recommendation to the city council to ensure there will be a response. Avoid “consider’ – instead recommend a concrete action.It is unclear what “appropriate action” means, although the facts and findings might clarify those terms. Allow at least 30 days after the end of the board’s 90-day response period for the board to give its directive to the manager. The recommendation also needs a reasonable date for completion of the corrective action. How should success be measured? The recommendation can specify a particular percentage or numerical decrease in the time taken to issue permits. The recommendation should state a completion date.  |

*Improved Recommendation:* The Grand Jury recommends that by October 10 , 2023*,* the City Council direct the Building Manager to reduce the average time to issue residential building permits from 51 days to no more than 28 days, to be achieved by March 30, 2024.

**R5.** The Grand Jury recommends that the board proceed with finalizing the county General Plan update in a timely and comprehensive manner. The Grand Jury further recommends that the process and progress be carefully monitored by future grand juries to assure individual community plans are properly reflected in the final document.

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| Shortcomings:Needs a specific date to finalize the General Plan (what does “timely” mean?) The grand jury cannot recommend that the next grand jury do anything (the next grand jury, an arm of the court, is not within the current grand jury’s jurisdiction).This could be two separate recommendations.  |

*Improved Recommendation:* The Grand Jury recommends that the Board of Supervisors require the completion of the general plan update, including individual community plans, by March 1, 2024.

**Exercise 4.** **Writing Effective Recommendations**

The Jefferson County Grand Jury recommends that:

R1. By October 1, 2024, the Cleveland Community Services District (CCSD) Board of Directors (board) direct staff to present the annual Category II pesticide spraying schedule to the board for adoption at a regular meeting of the board held no later than March 1, 2025, and each March thereafter.

R2. By October 1, 2024, the board require CCSD staff to post any property to be sprayed with pesticides at least 72 hours in advance, following the posting requirement described in the CCSD’s Integrated Pest Management Plan, beginning no later than November 1, 2024.

R3. By November 1, 2024, the board require CCSD staff to conduct water quality testing within seven calendar days after any Category II pesticide spraying within 100 feet of any water source that contributes to the CCSD’s residential water supply, such testing to begin with all spraying conducted on and after November 1, 2024.

R4. By November 1, 2024, the board adopt a formal policy for dealing with complaints and requests for information.