



SUMMARY OF RESPONSES TO THE FINAL REPORTS OF THE 2021-2022 SAN MATEO COUNTY CIVIL GRAND JURY

[Background](#) | [Summary of Responses](#) | [Appendix A](#)

BACKGROUND

California Penal Code Section 933(a) requires the Grand Jury to “submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year.” Section 933(c) requires a response and comments from the governing body, elected county officers, or agency heads to the presiding judge of the superior court on the findings and recommendations within the required period of time. Governing bodies of public agencies are required to respond no later than 90 days after the Grand Jury submits a final report, elected county officers and agency heads no later than 60 days. All Civil Grand Jury reports and the responses can be reviewed on the following website: https://www.sanmateocourt.org/court_divisions/grand_jury/#

The Grand Jury’s practice is that, each year, the responses and comments submitted in response to prior reports are evaluated by the then-current Grand Jury in compliance with California Penal Code Section 933.05(b), which requires the agency head, county officer, or governing body to provide one of four possible responses to each recommendation:

- Has been implemented, with a summary of the action taken
- Will implement the recommendation, with a timeframe for the implementation
- Requires further analysis, with an explanation and a timeframe for the response of up to six months from the release of the report
- Will not implement because it is not warranted or is not reasonable, with an explanation

SUMMARY OF RESPONSES

The 2021-2022 Grand Jury issued four investigative reports that included recommendations to county, local or district agencies. This year, the 2022-23 Grand Jury reviewed the formal responses to recommendations that the affected agencies submitted in response to the 2021-22 Grand Jury reports.

The tables below summarize the responses to each of the investigative reports issued by the 2021-22 Grand Jury across all agencies. [Appendix A](#) presents more detail about the individual agencies’ responses to each of those reports, spelling out each report’s recommendations and each agency’s responses to those recommendations. One column indicates whether follow-up by a future grand jury is advisable. This information is designed to help the public evaluate whether and to what extent agencies have responded to recommendations of the Grand Jury.

1 [Penal Code Section 933\(a\)](#)

2 [Penal Code Section 933\(c\)](#)

The table below indicates the overall responses:

2021 – 2022 Aggregate Responses		
Response	Recommendations	% of Total
Implemented	40	44%
Will Implement	30	34%
Needs Study	4	3%
Will Not Implement	7	8%
Did not respond	9	11%
Totals	91	100%

The tables below indicates investigation specific responses:

<i>“Waiter! There’s a Car in My Soup!”</i>		
Response	Recommendations	% of Total
Implemented	10	91%
Will Implement	1	9%
Needs Study	0	–
Will Not Implement	0	–
Did not respond	0	-
Totals	11	100%

<i>The Other Water Worry: Is Your Water Provider Prepared for the Big One?</i>		
Response	Recommendations	% of Total
Implemented	10	34%
Will Implement	11	38%
Needs Study	1	4%
Will Not Implement	4	14%
Did not respond	3	10%
Totals	29	100%

A Delicate Balance between Knowledge and Power: Government Transparency and the Public's Right to Know

Response	Recommendations	% of Total
Implemented	20	40%
Will Implement	18	36%
Needs Study	3	6%
Will Not Implement	3	6%
Did not respond	6	12%
Totals	50	100%

County's Got a Strategic Plan but I Still Ain't Got No Home

Response	Recommendations	% of Total
Implemented	3	75%
Will Implement	1	25%
Needs Study		
Will Not Implement		
Did not respond		100%
Totals	4	100%

APPENDIX A: SUMMARY OF RESPONSES TO THE 2020-2021 SAN MATEO COUNTY CIVIL GRAND JURY FINAL REPORTS

“Waiter! There’s a Car in My Soup!”

Release Date: July 25, 2022

Of the following findings, the first three apply to all six cities we examined in depth, and the fourth applies to all but the City of San Mateo:

F1. The city has conducted permit compliance inspections as required under city regulations for its current outdoor dining facilities, but has not documented those inspections, which makes it difficult to manage compliance with permit requirements.

F2. The city has not documented certain known outdoor dining permit compliance deficiencies, which makes it difficult to mandate that corrections must be completed.

F3. The city has not documented corrections to certain known outdoor dining permit compliance deficiencies, which makes it difficult to ensure that any mandated corrections were in fact completed.

F4. The city has failed to adopt permanent outdoor dining regulations to replace the temporary regulations, which must expire, creating unpredictability and potentially terminating the city’s outdoor dining arrangements in a manner that would harm local business.

RECOMMENDATIONS:

R1. The Grand Jury recommends that by March 31, 2023, the city council should give direction to city staff on how to prioritize enforcement of the entirety of its current outdoor dining regulations.

R2. The Grand Jury recommends that by March 31, 2023, the city council should give direction to city staff about whether to develop permanent outdoor dining regulations for potential adoption.

The cities that were to respond are 1) City of Burlingame; 2) City of Menlo Park; 3) City of Millbrae; 4) City of Redwood City; 5) City of San Carlos; and 6) City of San Mateo.

RESPONDING AGENCY	APPLICABLE RECOMMENDATION	RESPONSE	FOLLOW-UP YEAR
City of Burlingame	R1	Implemented	--
	R2	Implemented	--
City of Menlo Park	R1	Implemented	
	R2	Will implement by March 31, 2023	
City of Millbrae	R1	Implemented	
	R2	Implemented	
City of Redwood City	R1	Implemented	--
	R2	Implemented	--
City of San Carlos	R1	Implemented	--
	R2	Implemented	--
City of San Mateo	R1	n/a	--
	R2	Implemented	--

The Other Water Worry: Is Your Water Provider Prepared for the Big One?

Release Date: August 5, 2022

The following findings apply to the specific governing bodies identified under “Request For Responses” below:

F1. The water provider was unable to demonstrate that it conducts the emergency exercises specified by its ERP, which may compromise its ability to supply water following a catastrophic interruption in water distribution service.

F2. The water provider was not able to produce documentation analyzing past exercises to test readiness and improve their performance, which may compromise its ability to supply water following a catastrophic interruption in water distribution service.

F3. The water provider does not have three days of emergency water storage, which may compromise its ability to supply water following a catastrophic interruption in water distribution service.

F4. The water provider does not have three days of emergency fuel storage, which may compromise its ability to supply water following a catastrophic interruption in water distribution service.

F5. The County Department of Emergency Management has not followed EPA recommendations that it coordinate disaster response with County water providers, which may compromise its ability to coordinate a response to a catastrophic interruption in water distribution service.

RECOMMENDATIONS:

The following recommendations apply to the specific governing bodies identified under “Request for Responses” below:

R1. The Grand Jury recommends that, by March 31, 2023, the water provider perform emergency preparedness exercises consistent with its emergency response plan.

R2. The Grand Jury recommends that, by March 31, 2023, the water provider perform an analysis and document an After-Action Report consistent with its emergency response plan.

R3. The Grand Jury recommends that, by March 31, 2023, the water provider develop plans to increase emergency water storage sufficient to provide emergency water for a period of at least three days.

R4. The Grand Jury recommends that, by March 31, 2023, the water provider develop plans to increase emergency fuel storage sufficient to provide emergency fuel for a period of at least three days.

R5. The Grand Jury recommends that, by December 31, 2022, the County Department of Emergency Management develop a plan to bring its policy in line with EPA recommendations to coordinate disaster response with County water providers.

RESPONDING AGENCY	APPLICABLE RECOMMENDATION	RESPONSE	FOLLOW-UP YEAR
Brisbane/GV Municipal Improvement District	R1	Will not Implement until the city is required to and has developed a final ERP	
	R2	Will not Implement until the city is required to and has developed a final ERP	
	R3	N/A	
	R4	N/A	
	R5	N/A	
Hillsborough	R1	Will be implemented by March 31, 2023	
	R2	Will be implemented by March 31, 2023	
	R3	Implemented	
	R4	Will be implemented by March 31, 2023	
	R5	N/A	
Westborough Water District	R1	Implemented	
	R2	Implemented	
	R3	N/A	
	R4	Implemented	
	R5	N/A	
Coastside County Water District	R1	Implemented	
	R2	Implemented	
	R3	N/A	
	R4	N/A	
	R5	N/A	
East Palo Alto	R1	Will be implemented by March 31, 2023	
	R2	Will be implemented by March 31, 2023	
	R3	Implemented	
	R4	N/A	

	R5	N/A	
Mid-Peninsula Water District	R1	N/A	
	R2	Will be implemented by March 31, 2023	
	R3	N/A	
	R4	Requires further analysis	
	R5	N/A	
Estero Municipal Improvement District	R1	Did not respond	
	R2	Did not respond	
	R3	N/A	
	R4	N/A	
	R5	N/A	
North Coast County Water District	R1	Will be implemented by March 31, 2023	
	R2	Will be implemented by March 31, 2023	
	R3	N/A	
	R4	Will be implemented by March 31, 2023	
	R5	N/A	
Redwood City	R1	Implemented	
	R2	Implemented	
	R3	Implemented	
	R4	N/A	
	R5	N/A	
Daly City	R1	Will be implemented by March 31, 2023	
	R2	Will be implemented by March 31, 2023	
	R3	N/A	
	R4	N/A	
	R5	N/A	
San Mateo County	R1	Did not respond	
	R2	N/A	
	R3	N/A	

	R4	N/A	
	R5	N/A	
Foster City	R1	Will not be implemented by recommended date	
	R2	Will not be implemented by recommended date	
	R3	N/A	
	R4	N/A	
	R5	N/A	

A Delicate Balance between Knowledge and Power: Government Transparency and the Public's Right to Know

Release Date: August 9, 2022

FINDINGS

F1. The city has no written documentation of its PRA policy and internal procedures, making it more likely that requests could be handled inconsistently.

F2. The city uses a commercially available software application that includes a web portal enabling the public to easily request records and track their disposition.

F3. Information about how to access public records requires multiple clicks to find on the city's website, which hinders the public's access to public records.

F4. The City of San Mateo implements a Records Cleanup Day with the purpose of increasing employee understanding of the need to effectively maintain public records, thereby improving PRA request responsiveness.

F5. The city has no PRA request form online, making public access to public records less efficient.

RECOMMENDATIONS

R1. The city council should direct city staff to consider and report back by June 30, 2023, on the creation of a written PRA policy or procedures document for circulation to all relevant staff.

R2. The city council should direct city staff to consider performing a cost/benefit analysis and report back by September 1, 2023, on the purchase of commercially available public records request software.

R3. By June 30, 2023, the city council should consider directing city staff to place information about how to access public records on the home page of the city's official website.

R4. By June 30, 2023, the city council should direct city staff to review and consider adopting a records management practice analogous to the City of San Mateo's "Records Cleanup Day."

R5. By June 30, 2023, the city council should direct city staff to create, on the city clerk's page of its website, a submittable PRA request form.

RESPONDING AGENCY	APPLICABLE RECOMMENDATION	RESPONSE	FOLLOW-UP YEAR
Atherton	R1	N/A	
	R2	Did not respond	
	R3	Did not respond	
	R4	Did not respond	
	R5	N/A	
Belmont	R1	Will be implemented by June 30, 2023	
	R2	Will be implemented by June 30, 2023	
	R3	Will be implemented by June 30, 2023	
	R4	Requires further analysis,	
	R5	Will be implemented by June 30, 2023	
Brisbane	R1	N/A	
	R2	Implemented	
	R3	Implemented	
	R4	Will be implemented by June 30, 2023	
	R5	will be implemented by November 1, 2023.	
Burlingame	R1	N/A	
	R2	Implemented	
	R3	N/A	
	R4	Implemented	
	R5	N/A	
Colma	R1	N/A	
	R2	Will not be implemented	
	R3	N/A	
	R4	Implemented	
	R5	N/A	

Daly City	R1	Will be implemented by June 30, 2023	
	R2	N/A	
	R3	N/A	
	R4	Requires further analysis	
	R5	N/A	
East Palo Alto	R1	Implemented	
	R2	Implemented	
	R3	Implemented	
	R4	Implemented	
	R5	Implemented	
Foster City	R1	N/A	
	R2	N/A	
	R3	N/A	
	R4	Implemented	
	R5	N/A	
Half Moon Bay	R1	Did not respond	
	R2	N/A	
	R3	Did not respond	
	R4	Did not respond	
	R5	N/A	
Hillsborough	R1	Implemented	
	R2	Will not be implemented	
	R3	N/A	
	R4	Will be implemented by June 30, 2023	
	R5	Implemented	
Menlo Park	R1	Will be implemented by June 30, 2023	
	R2	N/A	
	R3	Will be implemented by June 30, 2023	
	R4	Will not be implemented	

	R5	N/A	
Millbrae	R1	N/A	
	R2	N/A	
	R3	N/A	
	R4	Will be implemented by June 30, 2023	
	R5	N/A	
Pacifica	R1	N/A	
	R2	N/A	
	R3	N/A	
	R4	Will be implemented by June 30, 2023	
	R5	N/A	
Portola Valley	R1	N/A	
	R2	Will be implemented	
	R3	Implemented	
	R4	Implemented	
	R5	Implemented	
Redwood City	R1	N/A	
	R2	N/A	
	R3	Implemented	
	R4	Will be implemented by June 30, 2023	
	R5	N/A	
San Bruno	R1	N/A	
	R2	Requires further analysis,	
	R3	Implemented	
	R4	Implemented	
	R5	N/A	
San Carlos	R1	N/A	
	R2	N/A	
	R3	N/A	

	R4	Implemented	
	R5	N/A	
San Mateo	R1	N/A	
	R2	N/A	
	R3	N/A	
	R4	N/A	
	R5	N/A	
South San Francisco	R1	N/A	
	R2	N/A	
	R3	N/A	
	R4	Will be implemented by June 30, 2023	
	R5	N/A	
Woodside	R1	Will be implemented by June 30, 2023	
	R2	Will be implemented by Sept 1, 2023	
	R3	Will be implemented by June 30, 2023	
	R4	N/A	
	R5	N/A	

County's Got a Strategic Plan but I Still Ain't Got No Home

Release Date: August 15, 2022

FINDINGS

The Grand Jury directs the following findings to the San Mateo County Board of Supervisors:

F1. The 2016 Strategic Plan did not target programs addressing the large population of chronically homeless among the homeless population, diminishing the ability of the plan to deal with that group effectively.

F2. The 2016 Strategic Plan failed to establish baseline numbers for important metrics, and failed to set a quantified targets for what the related improvements should be, making it difficult to assess the ultimate effectiveness of this plan.

F3. Once homeless persons enter permanent housing or permanent supportive housing programs, the rate of return to homelessness is low, indicating that these programs can be an effective way to reduce homelessness.

F4. The absence of updated housing statistics on the Department of Housing website for any period after 2017 makes it difficult for the public to find relevant information on a matter of public interest.

RECOMMENDATIONS

The Grand Jury directs the following recommendations to the San Mateo County Board of Supervisors:

R1. By March 31, 2023, the Board of Supervisors should consider directing Human Services Agency staff to include programs targeting the chronically homeless in its forthcoming strategic plan on homelessness.

R2. By March 31, 2023, the Board of Supervisors should consider directing Human Services Agency staff to include quantifiable metrics to measure progress toward its goals in its forthcoming strategic plan on homelessness.

R3. By March 31, 2023, the Board of Supervisors should consider directing Human Services Agency staff to make specific recommendations on how to increase inventory of permanent housing and permanent supportive housing.

R4. By December 31, 2022, the Board of Supervisors should direct the Department of Housing to update the statistical housing information on its website.

RESPONDING AGENCY	APPLICABLE RECOMMENDATION	RESPONSE	FOLLOW-UP YEAR
San Mateo County Board of Supervisors	R1	Implemented	
	R2	Implemented	
	R3	Implemented	
	R4	Will implement by June 30, 2023	