

In re: The Gathering Inn Respite Facility )	LEGISLATIVE SUBPOENA
1660 3 <sup>rd</sup> Street )	(Government Code § 37104)
Lincoln, CA 95648 )	
)	
)	Date: September 24, 2024
)	Time: 6:00 p.m.
)	Place: Council Chambers
)	600 6 <sup>th</sup> Street, 3 <sup>rd</sup> floor
)	Lincoln, CA 95648
)	
)	

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TO: Keith Diederich, CEO, agent for service of process  
The Gathering Inn  
4020 Sierra College Boulevard, Ste. 100  
Rocklin, CA 95677

Person Most Knowledgeable  
California Department of Social Services  
Community Care Extension Program  
744 P Street  
Sacramento, CA 95814

1. On September 10, 2024, the City Council adopted Resolution No. 2024-188, a copy of which is attached and incorporated herein by reference. Accordingly, you are hereby ordered to produce certified copies of the records identified in Section 4 below as follows:
- (A) You are ordered to appear in person and to produce true and correct copies of the records which you have in your possession described in Section 3 at the City of Lincoln, City Council meeting on September 24, 2024, at 6:00 P.M. (or as soon thereafter as the matter may be heard), to be held at 600 6<sup>th</sup> Street, 3<sup>rd</sup> floor, Lincoln, CA 95648.
- (B) Your personal attendance and the production of documents are required by this subpoena, unless compliance occurs as set forth in Section 2.
2. You are not required to appear at the City Council meeting on the date and time set forth above if, prior to September 24, 2024, you produce true and correct copies of the records to Kristine Mollenkopf, City Attorney, City of Lincoln, 600 6<sup>th</sup> Street, Lincoln, CA 95648. All copies of documents shall be accompanied by a declaration or affidavit warranting their accuracy and completeness. A declaration or affidavit meeting the

requirements of Code of Civil Procedure § 2020.430 shall be sufficient for this purpose. The City of Lincoln will pay all reasonable fees associated with copying the records.

3. For purposes of this subpoena, the following definitions shall apply:

(A) "FACILITY" shall mean that building and property located at 1660 3<sup>rd</sup> Street in Lincoln, California, identified as Assessor's Parcel No. 021-321-040-000 for which TGI proposes to operate a homeless respite care treatment program as articulated in its grant application to the Community Care Expansion Program managed by the State of California Department of Health and Social Services.

(B) "PROPERTY" shall mean that building and property located at 1660 3<sup>rd</sup> Street in Lincoln, California, identified as Assessor's Parcel No. 021-321-040-000.

(C) "DOCUMENT," "DOCUMENTS" or "DOCUMENTATION" shall mean all documents, electronically stored information, and tangible things, including without limitation all writings (as defined in Section 250 of the California Evidence Code) and all other means of recording information, whether written, transcribed, taped, filmed, microfilmed, or in any other way produced, reproduced, or recorded, and including but not limited to: originals, drafts, computer-sorted and computer-retrievable information, copies and duplicates that are marked with any notation or annotation or otherwise differ in any way from the original, correspondence, memoranda, reports, notes, minutes, contracts, agreements, books, records, checks, vouchers, invoices, purchase orders, ledgers, diaries, logs, calendars, computer printouts, computer disks, card files, lists of persons attending meetings or conferences, sketches, diagrams, calculations, evaluations, analyses, directions, work papers, press clippings, sworn or unsworn statements, requisitions, manuals or guidelines, audit work papers, financial analyses, tables of organizations, charts, graphs, indices, advertisements and promotional materials, audited and unaudited financial statements, trade letters, trade publications, newspapers and newsletters, photographs, emails, electronic or mechanical records, facsimiles, telegrams and telecopies, and audiotapes. Each draft, annotated, or otherwise non-identical copy is a separate DOCUMENT within the meaning of this term. DOCUMENTS shall also include any removable sticky notes, flags, or other attachments affixed to any of the foregoing, as well as the files, folder tabs, and labels appended to or containing any documents. DOCUMENTS expressly include all ELECTRONIC RECORDS.

(D) "ELECTRONIC RECORDS" shall mean the original (or identical duplicate when the original is not available) and any non-identical copies (whether non-identical because of notes made on copies or attached comments, annotations, marks, transmission notations, or highlighting of any kind) of writings of every kind and description inscribed by mechanical, facsimile, electronic, magnetic, digital, or other means. ELECTRONIC RECORDS includes, by way of example and not by limitation, computer programs (whether private, commercial, or work-in-progress), programming notes and instructions, activity listings of email transmittals and receipts, output resulting from the use of any software program (including word processing documents, spreadsheets, database files, charts, graphs and outlines), electronic mail, and any and

all miscellaneous files and file fragments, regardless of the media on which they reside and regardless of whether said ELECTRONIC RECORDS exists in an active file, deleted file, or file fragment. ELECTRONIC RECORDS includes without limitation any and all items stored on computer memories, hard disks, diskettes and cartridges, network drives, network memory storage, archived tapes and cartridges, backup tapes, floppy disks, CD-ROMs, removable media, magnetic tapes of all types, microfiche, and any other media used for digital data storage or transmittal. ELECTRONIC RECORDS also includes the file, folder tabs, and containers and labels appended to or associated with each original and non-identical copy.

(E) "COMMUNICATION(S)" means any oral, written or electronic transmission of information, including but not limited to meetings, discussions, conversations, telephone calls, telegrams, memoranda, letters, telecopies, telexes, conferences, messages, notes or seminars.

(F) "RELATING TO," "RELATED TO" or "RELATE(S) TO" means constituting, containing, concerning, embodying, reflecting, identifying, stating, mentioning, discussing, describing, evidencing, or in any other way being relevant to that given subject matter.

4. The records to be produced pertain to the acquisition of the PROPERTY by The Gathering Inn ("TGI") pursuant to a California Department of Social Services ("DSS") Community Care Expansion ("CCE") grant covering the time period from July 1, 2022, through the present day, inclusive ("CCE Grant Application Period"), and are more particularly described as follows:

a. The DHCS Behavioral Health Continuum Infrastructure Program Launch Ready Grant and CDSS Community Care Expansion Program Joint Request for Applications ("RFA").

b. All DOCUMENTS recording, referencing or evidencing pre-application consultations involving TGI relative to its CCE application.

c. All DOCUMENTS recording, referencing or evidencing questions asked by TGI relative to its CCE application, and the responses provided thereto.

d. All DOCUMENTS regarding the pre-application consultation between TGI and Advocates for Human Potential, Inc. ("AHP"), including but not limited to (i) DOCUMENTS evidencing TGI's understanding of the RFA requirements, including facility siting, permit and licensing requirements, construction plans and launch readiness, oversight and management, match requirements, and budgeting practices; and (ii) discussions of how TGI's proposed project meets local and/or regional gaps identified through an assessment, as well as how it addresses the state's priorities.

e. All DOCUMENTS evidencing an evaluation of scoring criteria for TGI's grant award.

f. All DOCUMENTS evidencing or describing the source of any funds utilized as a match for the grant for TGI's proposed FACILITY, including but not limited to \$441,000.00 for acquisition, \$10,000.00 for rehabilitation of an existing facility for expansion, and \$80,000.00 for "other project costs."

g. All DOCUMENTS evidencing organizational support provided by TGI in support of its grant application.

h. All DOCUMENTATION of active community engagement and support provided by TGI in support of its grant application.

i. The following documents identified in TGI's CCE program portal as having been uploaded in support of TGI's grant application:

i. CCE-1767623224\_TGI Medical Respite  
Expansion\_Applicants Certification.pdf

ii. TGI Medical Respite Expansion\_Documents of  
Incorporation.pdf

iii. TGI Medical Respite Expansion\_Tax Exempt Status.pdf

iv. TGI Medical Respite Expansion\_Preliminary Site Plans,  
Design Drawings, or Construction Drawings#2.docx

v. TGI Medical Respite Expansion\_Preliminary Site Plans,  
Design Drawings, or Construction Drawings.pdf

vi. TGI Medical Respite Expansion\_Development Team  
Description-Contact Form.pdf

vii. TGI Medical Respite Expansion\_Development Team  
Resumes#2.pdf

viii. TGI Medical Respite Expansion\_Development Team  
Resumes.pdf

ix. TGI Medical Respite Expansion\_Authorization for  
Signatures.pdf

x. TGI Medical Respite Expansion\_Bylaws of TGI.pdf

xi. TGI Medical Respite Expansion\_LOS-Anthem Blue  
Cross.pdf

x. TGI Medical Respite Expansion\_LOS-Sutter Health.pdf

xi. TGI Medical Respite Expansion\_Project Information.pdf

xii. The Gathering Inn Full\_CCE\_Budget 2023-1112.xlsx

- xiii. The\_Gathering-Inn\_Full\_CCE\_Budget\_2022-0601.xlsx
- xiv. The Letter of Intent outlining the terms of sale of the Property to TGI.
- xv. TGI Medical Respite Expansion\_PTC and MLHC Info. Pdf
- xvi. TGI Medical Respite Expansion\_Site Readiness.pdf
- xvii. Form\_3\_Schematic\_Design\_Checklist\_TGI\_061522.xlsx
- xviii. TGI-Milestones.pdf
- xix. TGI Medical Respite Expansion\_Design, Acquisition, and Construction Milestone Schedule.pdf
- xx. TGI Letters of Support.pdf
- xxi. TGI Medical Respite Expansion\_LOS-CA Health & Wellness.pdf
- j. TGI's application to the Department of Social Services for RCFE licensure for the operation of the 38-bed assisted living facility.
- k. All DOCUMENTS evidencing the claim TGI turned away 200 people a year that needed medical respite care.
- l. All DOCUMENTS evidencing the claim TGI's existing medical respite care program receives 300 referrals from contributing hospitals, including the location of said hospitals and the originating residence of the individual being referred.
- m. All DOCUMENTS evidencing TGI's calculation or estimation the proposed FACILITY at the PROPERTY will serve 480 respite guests or more annually.
- n. All DOCUMENTS evidencing TGI's recruitment, hiring or retention of clinical and nursing staff for the proposed FACILITY, including but not limited to medical care, mental health services, wellness services, drug and alcohol addiction and treatment.
- o. All DOCUMENTS regarding TGI's plans for responding to the transportation needs of residents of the FACILITY.
- p. All DOCUMENTS regarding TGI's plans for providing job placement services for residents of the FACILITY.
- q. All DOCUMENTS regarding TGI's discharge planning for residents of the FACILITY.
- r. All DOCUMENTS supporting TGI's position the PROPERTY is "ready for turnkey operations (no renovation needed)."
- s. The Program Funding Agreement between TGI and Horne LLP.

- t. The Deed of Trust recorded for the PROPERTY.
  - u. The Performance Deed of Trust, Security Agreement and Fixture Filing (With Capitalized Operating Subsidy Reserve) recorded for the PROPERTY.
  - v. The Declaration of Restrictions recorded for the PROPERTY.
  - w. The Purchase & Sale Agreement between TGI and Care West Insurance Company, a California Insurance Company.
  - x. All escrow DOCUMENTS for the purchase of the PROPERTY, including but not limited to any DOCUMENTS purporting to contain confidentiality provisions regarding the sale.
  - y. All DOCUMENTS evidencing TGI's notice to the City of Lincoln of its intention to operate the FACILITY at the PROPERTY prior to the close of escrow on or about August 13, 2024.
  - z. All DOCUMENTS evidencing TGI's communications with staff or members of the Board of Supervisors for the County of Placer requesting support for the FACILITY at the PROPERTY prior to the close of escrow on or about August 13, 2024.
  - aa. All DOCUMENTS evidencing communications with the press or media regarding the issuance of a grant award to TGI through the CCE program for the proposed FACILITY at the PROPERTY.
  - bb. All DOCUMENTS regarding TGI's decision to abandon a proposed project located at 300 Elefa Street in Roseville, California.
  - cc. All DOCUMENTS, including but not limited to agendas of the TGI Board and TGI Board meeting minutes, in which acquisition of the PROPERTY was discussed or authorized.
  - dd. The Capitalized Operating Subsidy Reserve Agreement referenced in the Declaration of Restrictions.
5. This legislative subpoena serves a lawful purpose as it will allow the City Council to determine whether facilities within the City are operating and established in compliance with applicable law, assist its decision-making regarding legislative or appropriative matters, and further its investigation into all matters surrounding TGI's acquisition of the PROPERTY as part of a CCE grant awarded to TGI by DSS; and more specifically, investigation of TGI's representations to DSS of the Lincoln community's support of its CCE grant application.

6. This legislative subpoena is authorized by Government Code §§ 37104 *et seq.* Failure to comply with this subpoena is subject to the penalties and procedures set forth in Government Code §§ 37104 *et seq.* and as otherwise provided by law.

CITY COUNCIL OF THE  
CITY OF LINCOLN

By:   
Dan Karleskint, Mayor

ATTEST:

  
Gwen Scanlon, City Clerk

**RESOLUTION NO. 2024-188**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINCOLN ISSUING A  
SUBPOENA FOR RECORDS RELATED TO AN INVESTIGATION INTO THE  
GATHERING INN'S ACQUISITION OF PROPERTY LOCATED AT 1660 3<sup>RD</sup> STREET  
IN LINCOLN, CALIFORNIA**

**WHEREAS**, Government Code § 37104 et seq. authorizes the City Council to issue a legislative subpoena "requiring attendance of witnesses or production of books or other documents for evidence or testimony in any action or proceeding before it"; and

**WHEREAS**, matters relating to whether facilities within a City are in operating and established in compliance with applicable law with a city's jurisdiction, and to assist its decision-making regarding legislative or appropriative matters are the proper subject of a legislative subpoena (*Connecticut Indemnity Co. v. Superior Court* (2000) 23 Cal.4th 807, 814; *Dana Point Safe Harbor Collective v. Superior Court* (2010) 51 Cal.4th 1); and

**WHEREAS**, the broad subpoena power set forth in section 37104 et seq. is in aid of the legislative power of inquiry; and

**WHEREAS**, due to the facts and circumstances set forth within these findings, the City Council desires to perform an investigation into matters relating to The Gathering Inn's representations of the Lincoln community's support to the State of California Department of Social Services ("DSS") as part of a grant program established under Welfare & Institutions Code §§ 18999.97-18999.98, established by California Assembly Bill No. 172 (Chapter 696, Statutes of 2021, establishing the Community Care Expansion ("CCE") program); and

**WHEREAS**, due to the facts and circumstances set forth within these findings, the City Council desires to further perform an investigation into all of the matters surrounding the TGI's acquisition of the property located at 1660 3<sup>rd</sup> Street in Lincoln, California, Assessor's Parcel No. 021-321-040-000 (the "Property"), as part of a CCE grant awarded to TGI by DSS; and

**WHEREAS**, exercise of its authority to issue a legislative subpoena under Government Code § 37104 et seq. will enable the City Council to obtain records that are pertinent to its investigation into TGI's compliance with applicable law and its decision-making regarding legislative or appropriative matters involving both TGI and DSS' oversight and management of the CCE grant program; and

**WHEREAS**, on August 14, 2024, the City was made aware of TGI's acquisition of the Property, stating its intended use of the 50-room facility is a 60-bed medical respite center for individuals experiencing homelessness and following hospitalization; and

**WHEREAS**, based upon information and belief, not only was the acquisition of the Property by TGI not disclosed to City officials or staff prior to the close of escrow, but the transaction was actively concealed by TGI; and



**WHEREAS**, the Property's proposed facility is located within a quarter mile of sensitive uses such as Glen Edwards Middle School and First Street Elementary, and within a half mile of the Lincoln Community Center and Creekside Oaks Elementary; and

**WHEREAS**, the DSS website for the CCE Program documents this site as producing up to 107 beds for use within the State, not the 60 beds expressed by TGI; and

**WHEREAS**, based upon the 2024 Point in Time Count data for Placer County, the Lincoln community does not require 107 beds annually to service its population of homeless individuals for respite care following hospitalization, nor does South Placer County as a region; and

**WHEREAS**, there was a complete lack of outreach by TGI to the Lincoln community prior to the initiation of this project, and the City Council believes its residents deserve to be informed and have their voices heard on issues that directly affect their neighborhoods; and

**WHEREAS**, the City Council understands the importance of addressing homelessness within the city and region as evidenced by the City's support of dedicated local volunteers, non-profits, and the faith community, with staff, and the launch of a pilot program in 2023 which successfully reduced the number of unhoused individuals in Lincoln from 47 to approximately 20, thus demonstrating the City's to addressing homelessness in a manner that is thoughtful, measured, and aligned with the needs and values of our community; and

**WHEREAS**, the City Council is committed to ensuring that any development within our jurisdiction is conducted transparently and in the best interest of our community; and

**WHEREAS**, at a meeting on August 22, 2024, City requested TGI produce documents identified in the attached subpoena voluntarily; in fact, TGI promised to produce the requested records but has failed to do so; and

**WHEREAS**, following said meeting, TGI notified the City Attorney of its retention of counsel, Robert Sinclair; on August 27, 2024, the City Attorney requested said documents directly from Mr. Sinclair; and on August 28, 2024, Mr. Sinclair produced nonresponsive documents that were readily available on TGI's website; and

**WHEREAS**, on September 4, 2024, Mr. Sinclair advised he would not be providing responsive documents to the City under the auspices of confidentiality without an offer of production with redaction of the purported confidential information; and to date, TGI has not produced the requested documents; and

**WHEREAS**, the City submitted a public records act request to DSS on August 21, 2024, requesting any and all documents, communications, and minutes related to the grant and approval of the grant awarded to The Gathering Inn under the Community Care

Expansion program for medical respite in Lincoln, CA" (reference number R008081-082124);

**WHEREAS**, pursuant to Government Code § 7922.535, DSS was required to notify City of its determination regarding the existence of responsive, disclosable documents within 10 days of the request; and

**WHEREAS**, on September 4, 2024, DSS produced three responsive documents, including TGI's application from the CCE program portal, without providing, however, several documents identified therein as having been uploaded by TGI in .pdf or .xls format; and

**WHEREAS**, DSS' response on September 4, 2024, also noted it was "still gathering other responsive documents" setting a new deadline for itself of October 3, 2024, well beyond the 14 calendar days authorized by Government Code § 7922.535, and without providing the reason for the needed extension;

**WHEREAS**, the City Council hereby determines that probable cause exists to issue a legislative subpoena for the records; and

**WHEREAS**, this legislative subpoena serves a lawful legislative purpose as it will allow the City Council to determine whether facilities within the City are operating and established in compliance with applicable law, assist its decision-making regarding legislative or appropriative matters, and further its investigation into all matters surrounding TGI's acquisition of the property located at 1660 3rd Street in Lincoln California, as part of a CCE grant awarded to TGI by DSS; and more specifically, investigation of TGI's representations to DSS of the Lincoln community's support of their CCE grant application.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Lincoln:

1. The City Council finds and determines that the foregoing recitals are true and correct and adopts the recitals as findings in support of the actions taken herein.

2. The City Council hereby issues a legislative subpoena commanding duly authorized representatives of TGI and DSS, to appear and/or produce certified copies of the following records covering the time period from July 1, 2022, through the present day ("CCE Grant Application Period"), at the date, time and location indicated in the subpoena:

a. The DHCS Behavioral Health Continuum Infrastructure Program Launch Ready Grant and CDSS Community Care Expansion Program Joint Request for Applications ("RFA").

b. All DOCUMENTS recording, referencing or evidencing pre-application consultations involving TGI relative to its CCE application.

c. All DOCUMENTS recording, referencing or evidencing questions asked by TGI relative to its CCE application, and the responses provided thereto.

d. All DOCUMENTS regarding the pre-application consultation between TGI and Advocates for Human Potential, Inc. ("AHP"), including but not limited to (i) DOCUMENTS evidencing TGI's understanding of the RFA requirements, including facility siting, permit and licensing requirements, construction plans and launch readiness, oversight and management, match requirements, and budgeting practices; and (ii) discussions of how TGI's proposed project meets local and/or regional gaps identified through an assessment, as well as how it addresses the state's priorities.

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vi. TGI Medical Respite Expansion\_Development Team  
Description-Contact Form.pdf

vii. TGI Medical Respite Expansion\_Development Team  
Resumes#2.pdf

viii. TGI Medical Respite Expansion\_Development Team  
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- Signatures.pdf**
- ix. TGI Medical Respite Expansion\_Authorization for
- Cross.pdf**
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  - xi. TGI Medical Respite Expansion\_LOS-Anthem Blue
  - x. TGI Medical Respite Expansion\_LOS-Sutter Health.pdf
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  - xiv. The Letter of Intent outlining the terms of sale of the Property to TGI.
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  - xvii. Form\_3\_Schematic\_Design\_Checklist\_TGI\_061522.xlsx
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- s. The Program Funding Agreement between TGI and Horne LLP.
- t. The Deed of Trust recorded for the Property.
- u. The Performance Deed of Trust, Security Agreement and Fixture Filing (With Capitalized Operating Subsidy Reserve) recorded for the Property.
- v. The Declaration of Restrictions recorded for the Property.
- w. The Purchase & Sale Agreement between TGI and Care West Insurance Company, a California Insurance Company.
- x. All escrow DOCUMENTS for the purchase of the Property, including but not limited to any DOCUMENTS purporting to contain confidentiality provisions regarding the sale.
- y. All DOCUMENTS evidencing TGI's notice to the City of Lincoln of its intention to operate the Facility at the Property prior to the close of escrow on or about August 13, 2024.
- z. All DOCUMENTS evidencing TGI's communications with staff or members of the Board of Supervisors for the County of Placer requesting support for the Facility at the Property prior to the close of escrow on or about August 13, 2024.
- aa. All DOCUMENTS evidencing communications with the press or media regarding the issuance of a grant award to TGI through the CCE program for the proposed Facility at the Property.
- bb. All DOCUMENTS regarding TGI's decision to abandon a proposed project located at 300 Elefa Street in Roseville, California.
- cc. All DOCUMENTS, including but not limited to agendas of the TGI Board and TGI Board meeting minutes, in which acquisition of the Property was discussed or authorized.
- dd. The Capitalized Operating Subsidy Reserve Agreement referenced in the Declaration of Restrictions.

3. The legislative subpoena issued by this Resolution shall be in a form provided by the City Attorney. A draft subpoena form is attached to this Resolution as Exhibit A. The legislative subpoena shall be signed by the Mayor and certified by the City Clerk. A copy of this resolution shall be attached to such subpoena and shall be incorporated by reference into the subpoena. The subpoena shall be served upon TGI and DSS in the same manner as a subpoena in a civil action.

4. Failure to comply with the subpoena shall subject the respondents to the remedies set forth in Government Code § 37104 et seq. or otherwise provided by law.

5. The Mayor, City Clerk and the City Attorney are authorized to take all actions necessary to issue, serve and enforce the subpoena.

6. This Resolution is hereby adopted and becomes effective and in full force immediately upon adoption.

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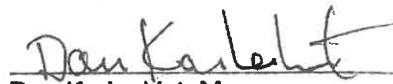
**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Lincoln adopts this Resolution, which shall become effective and in full force immediately upon adoption.

**PASSED AND ADOPTED** this 10<sup>th</sup> day of September, 2024.

AYES: COUNCILMEMBERS: Andreatta, Brown, Joiner, Lauritsen, Karleskint

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

  
\_\_\_\_\_  
Dan Karleskint, Mayor

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Lincoln at a Regular Meeting of said Council held on the 10<sup>th</sup> day of September, 2024, by the vote indicated above.

  
\_\_\_\_\_  
Gwen Scanlon, City Clerk