

P.O. Box 1414  
San Andreas, CA 95249

July 1, 2000

The Honorable John E. Martin  
Calaveras County Superior Court  
891 Mountain Ranch Road  
San Andreas, CA 95249-9709

Dear Judge Martin:

On behalf of the 1999-2000 Grand Jury, we submit our final report.

All Grand Jury members were made aware of each inquiry, complaint, and investigation taken during their term of office. Inquiries and investigations were assigned to committees established within the Grand Jury. Committee reports regarding progress and findings were discussed periodically by the full Jury throughout the year. The Grand Jury, meeting as a body, has voted on each section of this report, with at least 12 members voting in the affirmative on each issue.

I commend to you the members of the 1999-2000 Grand Jury, whose names are set forth at the beginning of this report. Every one of these individuals has approached the task of serving as a Grand Juror in a conscientious and responsible way. Members have regularly attended our full meetings as well as numerous individual committee meetings. For most, this work has been done at some sacrifice of time and adjustment of personal lives. In my opinion, the Grand Jurors have met all of their obligations and have responded to all complaints in a fair and unbiased way. It has been a great pleasure and an honor to work with these fine people.

The 1999-2000 term has been relatively quiet compared to other years, with little public or political controversy, and a limited number of citizen complaints of the type to warrant Grand Jury investigation. While this resulted in a minimum of recommendations, the Grand Jury has fulfilled all of its statutory duties and has dealt with every complaint received.

We believe that the relatively small number of complaints represents a positive sign that local government has heeded past citizen complaints and recommendations from other Grand Juries. The system of checks and balances provided by the Grand Jury is a valuable tool in monitoring county government and we are pleased to have participated in this process for the past year.

Sincerely,

James Jones,

Foreman

## **MEMBERS OF THE 1999/2000 GRAND JURY**

James Jones–Foreman  
Gilbert Foss  
Donald Hartman  
Pamela V. Jester  
Robert Owen  
Thomas E. Sumwalt  
Edward F. Kasun  
Robert H. Baurmann  
John Davison Budd (2000-2001 Foreman)  
Bill W. Mathies  
Judith Ann Richter  
Judith Lynn McIntosh  
Donald D. Neathery  
David H. McNown  
Sarah E. Lunsford  
Dana W. Nichols  
Richard E. Lozano  
Stephen Ralph Mayo  
Gwenyth Nichols

## **FACTS ABOUT THE GRAND JURY**

The Grand Jury is an investigative body created by the Fifth Amendment of the United States Constitution and the California Constitution. The body is formed to help protect society and enforce its laws, working in the capacity of a watchdog agency.

Grand Jurors are officers of the Superior Court, but function as an independent body that ensures all citizens are being served well by local governmental bodies.

The selection of the officers of the Grand Jury is random, with candidates being selected from DMV and voter registration records, as well as individual applicants and those nominated by the Superior Court.

Jurors are called to serve for a one-year period of time, beginning on July 1 and finishing on July 1 of the next year. Jurors may be asked to serve more than one term with the approval of a Superior Court judge.

The Grand Jury has the power, through the Superior Court, to prosecute an agency or individual they have determined to be guilty of an offense against the people.

Responsibilities of the Grand Jury

The major function of the Calaveras County Grand Jury is to examine county and city government and special districts to ensure their duties are being lawfully carried out. The Grand Jury reviews and evaluates procedures, methods, and systems utilized by these agencies to determine if more efficient and economical programs may be used for the betterment of the county's citizens. It is authorized, but not limited, to inquire into charges of willful misconduct or negligence by public officials or the employees of public agencies.

The Grand Jury is authorized to investigate the conditions of jails and detention centers and inspect and audit the books, records and financial expenditures of all agencies and departments under its jurisdiction, including special districts and non-profit agencies to ensure funds are properly accounted for and legally spent.

#### Response to citizen complaints

The Grand Jury receives many letters from citizens alleging mistreatment by officials, suspicions of misconduct, and government inefficiencies. Anyone within the jurisdiction of the Grand Jury may ask that it conduct an investigation, with all such requests and investigations being kept confidential.

The Grand Jury generally limits its investigations to the operations of governmental agencies, charges of wrongdoing within public agencies, and the performance of unlawful acts by public officials.

The Grand Jury cannot investigate disputes between private parties or matters in litigation.

#### Final Report

The final report of the Grand Jury includes the findings and recommendations of each committee and is released to the Superior Court Judge by July 1 of each year. It is also made available to the new Grand Jury, the media, the public and government officials.

#### How to contact the Grand Jury

Those who wish to contact the Grand Jury may do so in writing to:

Foreperson  
Calaveras County Grand Jury  
PO Box 1414  
San Andreas, CA 95249

Complaint forms may be requested by calling (209)754-5860.

## **AUDIT AND FINANCE COMMITTEE**

During the year the Committee interviewed the Assessor, Technology Services, and Treasurer. The Auditor/Controller appeared before the entire Grand Jury.

### Audit

Each year an independent auditor conducts an audit of the books of the County. For the fiscal year 1998-1999, which ended June 30, 1999, the auditor, Smith & Newell, had both positive and negative sections in its report to the Grand Jury.

The positive section of the report showed that Calaveras County will receive an "unqualified" opinion, which will enhance the County's credit rating. For years, no one in the County knew exactly what fixed assets the County held, or the value of the fixed assets. Because of this, the auditor had always issued a "qualified" opinion. During the past year a physical inventory of fixed assets was completed, the records have been entered into the computer, plus, a program is now in place to monitor the acquisition and disposition of assets. Further, only items with a value of \$2000 or more are considered fixed assets, and require approval by the Board of Supervisors. Previously any asset valued at \$500 or more required approval.

The negative section of the report showed that the audit, which began in October 1999, was not completed until March 2000. The auditor found approximately \$300,000 in outstanding warrants (checks), thus, a total cash reconciliation could not be effected. The auditor also found that approximately \$1,400,000 in tax collections had not been apportioned. Ultimately, these two issues were resolved satisfactorily and the audit was completed. Both problems were computer related, as staff contended with operational difficulties. At this time no further problems with cash reconciliation or outstanding warrants are expected, and the tax apportionment problems are expected to be resolved by the end of the fiscal year.

### Auditor-Controller

The current Auditor-Controller was first elected in 1994, and is now serving the second year of her second term. Her tenure has been marked by controversy.

The Auditor's managerial style has caused friction between her office and the Board of Supervisors, Chief Administrative Officer, Technology Services, and Assessor. Exacerbating the friction has been the purchase of a financial software program, called Bi-Tech, in 1995 over the recommendations of others, the problems associated with getting the program to produce data required to maintain the counties records, payroll, etc. and the failure of the mainframe computer early in 1999.

Interdepartmental friction led to a loss of communications with the Auditor. When required reports began to be late, the school systems and other departments did not receive data in a timely manner, and the blame fell on the Auditor. The Board of Supervisors, reacting to the complaints, began the subsequently aborted effort to change

the Auditor position from elected to one appointed by the Board.

The Auditor has contended that the problems in her office were the result of a computer failure as well as the difficulties associated with learning the Bi-Tech system, and that these problems were exacerbated by the lack of response from the Board of Supervisors to the staffing needs of her department. The Supervisors, on the other hand, maintain that the Auditor was given the help she needed as soon as it was requested and that any staffing problems were the result of either her failure to anticipate her needs or her untimely request for help. The Auditor concedes that she did ultimately receive the personnel she needed.

The Grand Jury was unable to determine which of these positions was more accurate. The important point is that the Auditor believes that these problems have largely been resolved. Therefore, they should not be the cause of future deficiencies in her office.

From now on, the performance of the Auditor may be judged on the basis of managerial skills in running her office in an efficient manner. With this in mind a review of the conduct and performance of the Auditor/Controller should be conducted during the term of the next Grand Jury, and if problems continue to arise an independent Management Audit is indicated.

#### Assessor

This office is well staffed and appears to be run quite smoothly. A software program has been purchased which provides the layout of each piece of property, as well as adjacent properties and cross streets. The program can also display the location of water and sewer lines, as well as power poles, superimposed or layered over the property and adjacent areas being examined. These features can be of great help when developing property, or when planning relocation of driveways, roads, or buildings. However, full implementation of this program is dependent on the willingness of each utility such as, PG&E, CCWD, etc. to share with the County their proprietary data.

The function of this office is to establish the taxable value of property subject to tax and complete the assessment roll showing the assessed values of such property. Following the sale of each piece of property the Assessor conducts a physical revue of the property as well as a review of recent sales of comparable property to determine the new or adjusted taxable value. On occasion a dispute arises as to the proper taxable value of the property. The Board of Supervisors adjudicates final resolution of such disputes.

This Grand Jury believes that resolution of property tax disputes by the Supervisors injects politics, and potentially favoritism, into the system. The Grand Jury recommends that the Board of Supervisors adopt a policy to use an independent arbitrator in the resolution of property value disputes.

## Treasurer

The Treasurer is now in the second year of her term. Her period in office began inauspiciously with the failure of the mainframe computer amid the process of receiving and recording tax statements. This resulted in a very slow process in deposit of tax revenues and an attendant loss of interest revenue for the County.

1999 Spring taxes were processed much faster due to prepayments in December 1998 and fewer holidays. In December 1999 tax income was processed at a somewhat faster pace than in 1998, but was still slow because the office was understaffed by two employees.

Calaveras County processes tax payments by hand. Envelopes are opened by hand, checked against the invoice, and a photo taken of the payment. When a sufficient number of checks have been processed they are bundled, amounts totaled for the bank deposit and then sent by courier to the bank.

Larger counties use a remittance processor, which enables the process to be completed within 3 to 4 days. The Grand Jury estimates that with the current handling process costs the County loses about \$24,000 in interest each tax payment period.

The Grand Jury believes that acquisition of a remittance processor would be beneficial to the County and recommends that the Treasurer request authorization to purchase such equipment.

The Treasurer is responsible for investing available funds. The county has a written investment policy detailing investment parameters, as well as an oversight committee which meets periodically. The Grand Jury reviewed the investments and found that the Treasurer has invested County funds in conservative instruments.

## Responses

Auditor-Controller

Assessor

Treasurer

Chief Administrative Officer

Board of Supervisors

## **LAW AND JUSTICE**

During the course of the year, the Law and Justice Committee was very active reviewing and investigating a variety of complaints.

## Animal Shelter

The Grand Jury made an unannounced visit to the Animal Shelter, at which time one employee was on duty. This visit was prompted by the various propositions recently passed by the California voters, which affected the daily operations of the shelter.

The Grand Jury was informed that the shelter requires additional personnel on duty to implement these new laws. While a genuine effort is being made by the current staff to keep up with the workload, we found the overall condition of the shelter in need of improvement.

The Grand Jury made the following observations and recommendations:

1. The Animal Shelter should create an incentive program to encourage applicants to seek employment at the shelter and also to help retain the personnel once hired.
2. The building conditions are in need of improvement. Examples include ceilings that are open and exposed and unfinished insulation. These conditions should be corrected and the building should be properly maintained and repaired.
3. The cages appeared to have more than 24 hours of waste accumulation. Daily upkeep and a semiannual thorough cleaning are recommended. The Grand Jury was told that plans are in process to install a drainage system in each cage to help with the individual animals and to control an outbreak of Parvo.
4. The Animal Shelter should look into using community volunteers, high school students, and/or trustee County prisoners to fulfill these needs or offset added expenses incurred due to these recommendations

## Sheriff's Office

A number of complaints were received and investigated regarding aspects of the Sheriff's Department. These complaints were of a varied nature and no general underlying theme was evident. The complaints are discussed separately.

### Complaint regarding the off duty conduct of a Deputy Sheriff

A complaint was received regarding an alleged violation of law by an off duty Deputy Sheriff. The conduct of the Deputy was the subject of an internal review by the Sheriff's Office which determined that the allegations were unfounded, as they did not fall within the Labor Code Section 96 section "Cause for Discipline". The Grand Jury review concluded that although the Deputy's conduct was not unlawful the Deputy might have used poor judgement.

Labor Code Section 96 limits the ability of an employer to discipline an employee for off the job conduct which is "lawful." This statute is interpreted as preventing a law enforcement department from prohibiting off duty conduct of peace officers which may be lawful but which may reflect poorly on the officer or the department. This section is a state law and can only be changed by the legislature. The Grand Jury is informed that a state-wide effort is under way to do so. The Grand Jury supports this effort. Section

96 should not apply to off duty peace officers who carry firearms and have arrest authority while off duty.

Complaint regarding alleged racial discrimination

A complaint made against the Sheriff's department involved the jail policies and procedures for booking, holding, and alleged racial remarks. The complaint alleged that the individual was not issued a blanket because of race. After interviewing the Jail Supervisor it was determined that the routine policy of not issuing blankets to arrestees who are posting bail, or to be held in the jail for less than 6 hours, was followed.

After interviewing the staff and reviewing the internal investigation report, the Grand Jury found no substantial evidence to support the complaint that a derogatory racial remark was made to the complainant at the time of booking. Witness statements reflect that no one other than the complainant heard any of the alleged remarks.

The Grand Jury has no recommendation because it was concluded that the complaint was unfounded.

Possible illegal search and seizure

The Grand Jury received a complaint that a Deputy conducted an unlawful search and seizure.

It was determined that the Deputy, who conducted the search of a vehicle and subsequent seizure of a handgun, could have conducted the search in a safer manner. The Deputy agreed with this, although the owner of the vehicle implied consent when he gave the Deputy the keys to unlock the vehicle.

Misuse of power regarding an interview of a minor

The Grand Jury received a complaint that a Deputy interviewed a minor at the child's school without following proper procedures for interviewing a minor.

A Deputy interviewed a minor child, without an adult present, in a closed room at the child's school. The Deputy admitted that this was done contrary to normal procedure, which is to have the presence of a teacher, parent or guardian, but said the parent had been notified and gave permission for an interview, and a teacher was not available at the time the interview was conducted.

The Grand Jury found that the procedures conducted by this Deputy were within Sheriff's Office policy.

The Grand Jury recommends that, except in case of an emergency, law enforcement officials conduct interviews of minors with a parent or, where more appropriate, a teacher in attendance.

### Explosives Magazine Permits

The Grand Jury received a complaint that there is improper handling and delay of applications with regard to permits for explosives magazines maintained by miners in the County. The Sheriff's Department is assigned the task of inspecting the explosives magazine before a permit for its use is granted.

In Calaveras County it is the policy of the Sheriff that his deputies do not enter mines in order to inspect magazines. That inspection is the responsibility of the Mine Safety Health Administration (MSHA). The Grand Jury found that part of the reason for the delay was that the MSHA inspector died shortly before the scheduled inspection. After the magazine was placed above ground, the Sheriff's Office inspected the magazine and issued the permit.

The Sheriff's Office stated that the time frame for granting the permit was longer than normal, due to staffing, weather, and the training of the staff in the inspection. These matters have been discussed with the Sheriff and will be addressed and reconciled in the future.

### Use of County owned equipment by the Sheriff's Office

The Grand Jury has received complaints that a Sheriff's deputy was provided County owned equipment in the form of a truck owned by the Office of Emergency Services (OES), for his personal use.

It was apparent that this complaint arose from a general lack of public awareness of a variety of beneficial arrangements between the Sheriff's Office and various other agencies. Under this agreement the Sheriff's Office is provided with a vehicle owned by the OES. This vehicle is assigned to a specific deputy due to the nature of his duties and the required 24 hour per day availability of the vehicle.

The Sheriff's Office, in conjunction with OES, is renting storage facilities for the vehicle at the Calaveras County Airport.

The Grand Jury recommends that the Sheriff's Office make the public aware that the various County departments work in conjunction with each other and with non-county agencies. Also, the Sheriff's Office should be encouraged to continue to form such partnerships.

### Complaint regarding burglary investigation.

The Grand Jury received a complaint regarding a 1992 burglary at a rental storage facility. The complaint was that the investigation was not completed to the satisfaction of the victim.

Sheriff's Office records were checked. These records indicated that all leads were investigated and no suspects were found. The records also demonstrated that information provided by the victim was lacking important information such as make,

model, and serial numbers of lost property. Where that information was provided, it had been entered into the National Law Enforcement computer system. Sheriff Office representatives indicated that if new information is found, or if some of the missing property is located, the investigation would be reactivated. The Grand Jury concluded that the Sheriff's Office had followed correct procedures in this matter and that the Office was in no way negligent in its investigation.

#### District Attorney and Sheriff Interface

A complaint was received that an inmate was not provided timely information regarding his case. It was discovered that the District Attorney's office notifies the attorney for the individual, not the individual, and this was done in a timely manner. It was also found that a number of time sensitive documents are not stamped with the time of receipt of the document. It was also noted that the computer systems to track offenders for the Sheriff, the Courts, and the District Attorney are all different, requiring separate numbering systems. This makes record keeping both duplicative and time consuming, and thus more prone to error.

The Grand Jury recommends that all County documents should have a received time and date stamp. The computer systems to track offenders for the Court, the Sheriff and the District Attorney should be compatible and a uniform system implemented.

#### Jenny Lind Memorial District

A number of complaints were received and investigated regarding the Jenny Lind Veterans Memorial District. The complaints involved the purpose of the Veterans District and the use of funds allocated to the district.

The Veterans Association has the legal right to conduct the Veterans District for the betterment of veterans concerns. This is the basis for the formation of these districts throughout the United States. The misunderstanding of who has control over the Veterans Districts and its funds seems to be wide spread, not limited to the Jenny Lind situation. The funds received for the District are subject to strict guidelines laid out in the Military and Veterans Code, and the District must adhere to these guidelines.

The Grand Jury further notes that the existing Board appears to be ill prepared to work together. Considering the fact that large amounts of taxpayers money is allocated to these districts it is important that County moneys be used in accordance with the provisions of the Military and Veterans Code.

The Grand Jury recommends that the Jenny Lind Veterans Association District be separated into two separate entities--the Veterans Association and a community parks and recreation district. As there is not a Department of Parks and Recreation in existence, it is the recommendation of the Grand Jury that the Board of Supervisors address the issue, or put it on the ballot and have the Jenny Lind District make the decision.

The citizen complaints also alleged improper practices by the Veterans Association Board of Directors. In addition, the District Attorney was criticized for not charging members of the Veterans Association Board of Directors for violations of the Brown Act, and misuse of funds. The DA, in conjunction with the State Attorney General, found that although some of these actions were not wise choices or in the best interest of the District, there did not appear to be any sign of intent or malice to warrant criminal charges, and that the actions on the part of the named members of the Board did not warrant any legal action.

The Grand Jury recommends that Veteran's District accounting system and procedures be carefully regulated and that the meetings should be open and fully comply with the Brown Act.

The Grand Jury further recommends that the District Attorney review the Military and Veterans Code and make the general public aware of the requirements of the relevant provisions of the Code.

In addition, the Grand Jury recommends that the District Attorney meet with the members of the Veterans Association Board of Directors to review the requirements of the Brown Act.

The Grand Jury stresses that action must be taken or this conflict will only escalate.

#### District Attorney's Office

Concerns have been brought to the Grand Jury's attention in regard to the District Attorney's handling of prosecutions. These concerns are twofold: that criminal charges are often not brought against persons arrested by law enforcement; and the extent to which charges, when brought, are substantially reduced in plea bargains.

These concerns came to the Grand Jury too late in its term to allow for a complete investigation. The Grand Jury recommends, therefore, that the 2000-2001 Law and Justice Committee complete, and report on, the investigation of this matter.

#### Cemeteries

The County cemeteries were visited by Grand Jury representatives. No problems were noted. No citizen complaints have been received regarding cemeteries. The Grand Jury notes that there is no information in the phone book for cemeteries. The Grand Jury recommends that the Cemetery Districts obtain a telephone book listing.

#### Jail

The full Grand Jury conducted an extensive tour of the County jail facilities. It found that the conditions are satisfactory for the inmates, with the cells and holding areas being clean and well kept. The kitchen is sanitary and the food is of a very high quality. The jail staff appears to be well trained.

This Grand Jury found that the Grand Jury report of 1998-1999 describing the jail and its plans for a future expansion are still a high priority for the department.

#### General Report from the Sheriff

The general report from the Sheriff continues to be positive, with many of last year's problems apparently easing. The use of volunteers remains a positive part of the department and grant funding has continued to allow for some expansion of the unit. The effort to reduce turnover by recruiting County residents for deputy positions has been very successful. Reported crime statistics show continuing improvement.

The manufacture, sale and use of drugs continues to be a serious problem in the county. Grant funds are being used for marijuana suppression as well as for the control of methamphetamine and other substances. The Sheriff believes that reduction of the use of drugs can best be handled by concentrating on the drug sellers, particularly around the schools.

The Grand Jury recommends that all County law enforcement agencies concentrate their attention on drug sellers rather than drug users, particularly in and around schools.

#### Probation Department

The Grand Jury received a complaint involving the Probation Department in regard to a conservatee's physical and health needs.

The Grand Jury interviewed the Chief Probation Officer and the Deputy Probation Officer/Court Investigator assigned to this case and found that all actions taken regarding this individual met standard policy and procedures practices.

#### Responses

Animal Shelter

Sheriff's Office

District Attorney

Jenny Lind Veterans Association Board of Directors

Cemetery Districts

## **EDUCATION**

### Calaveras Unified School District (CUSD) Printing Operations.

The Grand Jury reviewed the "print shop" operation conducted by CUSD as a result of a number of citizen complaints. These complaints suggested that the operation of a print shop was in violation of statutory provisions. Additionally, some complaints alleged that use of the "print shop" was mandatory, with the result that small or urgent printing needs could not be handled efficiently.

The print shop operation was inspected by the Education Committee which determined that CUSD printing operations were being conducted primarily for the purpose of providing printing services throughout the district. Although intended to be a cost saving measure, it appeared to the Committee that the district print shop operation was, in fact, not cost effective. It was also determined that copy facilities were in fact available at individual school offices for small or time sensitive copying jobs.

Finally, the Grand Jury obtained an opinion from County Counsel which essentially stated that School District printing operations were permissible if done primarily for instructional purposes or as a student activity.

Based on all of the available information the Grand Jury concluded that there was no illegality associated with the CUSD printing operations. The Grand Jury notes that School District printing operations which are commercial in nature are not authorized by the Education Code. The Grand Jury recommends further review of this issue by the 2000-2001 Grand Jury.

#### CUSD Computer Purchases.

A number of citizen complaints raised questions regarding the purchase of a large number of computers by CUSD. Possible irregularities in the bidding for, and awarding of, the contract for these computers were suggested.

These allegations were subjected to an extensive investigation, initially by the Education Committee and eventually by the full Grand Jury. Interviews of numerous individuals, including current CUSD employees, were conducted. Testimony of the CUSD business manager was taken, and a large number of subpoenaed documents were reviewed. Committee members met with the County Counsel and District Attorney.

Based on the foregoing information the Grand Jury concluded that CUSD employees had observed district requirements for the contract bid and award process and no actual improprieties could be found. However, the Grand Jury found an appearance of conflict of interest on the part of the CUSD business manager, demonstrated by his personal relationship with the owners of the company which was awarded the computer contract.

The Grand Jury recommends that the CUSD implement policies and procedures to avoid the appearance of conflicts of interest to maintain integrity in the bidding and award process.

#### Response

Calaveras Unified School District

## **PLANNING AND ENVIRONMENT**

The Grand Jury received several complaints regarding a Planning Department error which led to the construction of a large recreational vehicle storage building in a residential neighborhood. This complaint was investigated by the Planning and Environment Committee. Information obtained included an interview with the Planning Department, recommendations from the County Counsel, and an extensive presentation by a neighborhood representative to the full Grand Jury. Additionally, Grand Jury members viewed the building in question.

The Grand Jury is neither qualified nor empowered to comment on the aesthetic issues which surround this building, and declines to do so. However, the Grand Jury concludes that the error which led to the issuance of the permit for this building represents a failure of local government to protect the interests of both property owners and their neighbors by maintaining and enforcing reasonable building requirements.

The Board of Supervisors has attempted to remedy the situation by enacting revisions to the local building requirements. These changes in the law have addressed most of the technical legal issues but have by no means assuaged the concerns of neighbors. County Counsel has made recommendations which, if implemented, may resolve the situation, or at least prevent it from recurring. Failing that, the issue may be resolved in litigation.

Although sympathetic to all parties concerned, the Grand Jury concludes that there is currently no action which it can undertake to correct this problem. It is the hope of Grand Jury members that the property owners, neighbors, and public officials will approach the issue with good will and in a spirit of compromise, thereby avoiding the considerable expense of litigation.

## **HUMAN SERVICES**

The Grand Jury has received complaints regarding the practices of the Child Protective Services (CPS) in the handling of interviews of minors. Generally these complaints relate to the extent of parental or school involvement in connection with these interviews.

These citizen concerns were investigated by the Human Services Committee of the Grand Jury. Committee members met with CPS representatives on several occasions in order to determine CPS policies and procedures in connection with interviews of minors. The committee learned that in criminal matters the Sheriff's Office is the lead agency, as discussed elsewhere in this report. (See "Law and Justice" section above.)

The committee investigation led to an examination of the CPS recruitment and training program, as well as a review of the California statutory regulations pertaining to CPS operations. In one interview, a field case worker demonstrated a very zealous attitude regarding the need to protect the children of Calaveras County. This attitude, while generally commendable, causes concern over the potential for abuse of the considerable authority vested in CPS by state law. Based on all available information, however, the Grand Jury concluded that CPS appears to be operating lawfully and without abuse of authority.

## **FIRE AND UTILITIES**

### Fire Districts

Fire Districts were reviewed extensively during the 1998-1999 Grand Jury term. As no complaints were received this year, and consolidation is underway through the elective process, no investigation or review was done during this term.

### Utilities:

#### Calaveras County Water District (CCWD).

The actions of CCWD have been widely publicized in the local and area papers. As no formal complaints have been received by the Grand Jury, nor has there been any claim of illegality or unlawful behavior or intent, our review has been limited. The agency has recognized the need to have its rate structure comply with Water Code Section 31007 which provides, basically, that the rates must be sufficient to support the operation of the District.

CCWD has further restructured its use of the North Fork Funds with the intent that these funds be used for capital projects to benefit the County residents.

There is still need for the agency to take the lead in finding a solution to the septage issues in the County.

The Grand Jury recommends that CCWD do more for the citizens of the County who pay taxes to CCWD yet do not receive direct service, either water, sewer, or septage from CCWD.

#### Utica Power Authority

The Grand Jury is informed that the Authority may not be generating enough revenue to cover operating expenses and to repay loans from CCWD. The Grand Jury recommends a full review of the UPA finances during the next Grand Jury term.

### Response

Calaveras County Water District

**MISCELLANEOUS COMPLAINTS**

One complaint received by the Grand Jury listed a multitude of separate issues. These included two allegations of violation of the Brown Act in the interview and appointment of employees in closed session, two allegations of conflict of interest, and one allegation that a City Official was illegally serving on two separate governmental agencies.

In the investigation of the alleged conflict of interest complaints, the Grand Jury found no illegal activities and concluded that the complaints were unfounded.

An allegation that the City Council of Angels Camp had violated the Brown Act was reviewed. A letter has been sent to the City Council regarding this alleged violation, with the recommendation that the Council reconsider, and if appropriate, ratify the appointment process in open session. The City Council has responded, indicating that the session in question was, in fact, an open session.

The allegation of violation of the Brown Act by the Calaveras Council of Governments(COG) was also reviewed. A letter has been sent to COG regarding this violation with the recommendation that the Board reconsider the questioned appointment in open session, if appropriate. No response has been received.

The final complaint related to a City Council member of Angels Camp serving on the County Fair Board at the same time as he is serving on the City Council. The statutes prohibit serving on two agency boards at the same time. A letter is being sent to the individual and the City Council recommending that the individual resign from one of the positions.

Response

Angels Camp City Council  
Council of Governments