

CALAVERAS COUNTY GRAND JURY

May 17, 2001

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 2000-2001 Grand Jury, the final report is submitted herewith.

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

All members of the 2000-2001 Grand Jury are to be commended for their efforts. Their names are set forth at the beginning of the report. Every one of these individuals has approached the task of serving as a Grand Juror in a conscientious and responsible way. The members not only attended the full meetings, but also participated in committee meetings and investigations. For most, this work has been done at some sacrifice of time, personal funds and adjustment of personal lives.

The Grand Jurors have met all of their obligations and have responded to all issues in a fair and unbiased way. It has been a great pleasure and honor to work with these dedicated people.

During the 2000-2001 term, the Grand Jury was involved in issues pertaining to political controversy and a number of citizen complaints of the type to warrant Grand Jury investigation. Every complaint received was presented to the full Grand Jury. In some cases an overlap of county agencies or matters of jurisdiction prompted the Jury to refer the issue to the proper agency or decline action on the grounds that it lacks authority to investigate the matter.

The system of checks and balances provided by the Grand Jury is a valuable tool in monitoring county government and to be responsive to citizens who feel aggrieved by the government system.

Finally, on a personal note, I wish to thank the staff of the Superior Court for their assistance throughout this term and a special thanks to County Counsel's office.

Sincerely,

Stephen R. Mayo
Foreman

2000/2001 Grand Jury

Final Report

The 2000/2001 Calaveras County Grand Jury approved this Final Report on May 17, 2001

S/_____
Stephen Ralph Mayo, Foreperson

I accept for filing this Grand Jury Final Report for the year 2000/2001, and certify that it complies with Title V of the California Penal Code on June 21, 2001.

S/_____
John E. Martin
Presiding Judge of the Superior Court

Any persons interested in receiving a copy of this 2000/2001 Grand Jury Final Report may do so by contacting the Calaveras County Superior Court or by accessing the County website . . . www.co.calaveras.ca.us.

MEMBERS OF THE 2000/2001 GRAND JURY

Stephen Ralph Mayo-Foreperson

Thomas A. Fletcher-Foreperson Pro Tem

Marcia Smith-Boll

Dennis W. Coates

Laura Hewitt

Patrick H. Kenmir

Dieter F. Kilian

Pearl Marrone

Millie Mascot

Martin Pollyea

Consuelo L. Quinones

Gilbert D. Ramos

Dennis A. Reeves

Robert D. Ross

Clifford A. Rourke

Thomas E. Sumwalt

Gary N. Tofanelli

Pedro Torres, Jr.

Roberta C. Woods

CALAVERAS COUNTY GRAND JURY

The Fifth Amendment of the United States Constitution and the California Constitution call for a Grand Jury. The Grand Jury is an investigative body created for the protection of society and enforcement of its laws. Grand Jurors are officers of the Superior Court, but function as an independent body. A Grand Jury works to ensure that the best interests of all citizens of the county are being served by their government bodies. Grand Jurors are selected at random from DMV records and voter registrations as well as interested individuals who apply or who are nominated by the Superior Court. Jurors are impaneled for one year beginning July 1 and may choose to stay on one more year with the approval of the Superior Court Judge. One unique provision of the Grand Jury is its power, through the Superior Court, to aid in the prosecution of an agency or individual they have determined to be guilty of an offense against the people.

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. Neither official request nor public outcry should force the jury to undertake an inquiry which it deems unnecessary, frivolous or undesirable.

The Grand Jury is required to investigate the conditions of jails and detention centers, and to investigate complaints made by or on behalf of prisoners. It is also authorized to 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.

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 June 30 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
P.O. Box 1414
San Andreas, CA 95249

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

CALIFORNIA

California is one of the states to initiate prosecution by either indictment or complaint. The first California Penal Code contained statutes providing for a Grand Jury. Early grand juries investigated local prisons, conducted audits of county books and pursued matters of community concern. The role of the Grand Jury in California is unique in that by statutes passed in 1880, the duties include investigation of county government.

As earlier stated, the authority for the Grand Jury system in the United States lies in the Fifth Amendment of the U.S. Constitution. Provision for the Grand Jury in California is contained in Article 1, Section 3 of the California Constitution. California is served by a Grand Jury system which provides (with certain exceptions where separate civil and criminal grand juries are authorized) one Grand Jury for each county. Its functions are (1) Civil: to review the conduct of local government and (2) Criminal: to inquire into public offenses committed or triable within the county. Only seven states provide for investigation of county government by a Grand Jury beyond alleged misconduct of public officials.

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AUDIT AND FINANCE COMMITTEE

The Audit and Finance Committee is responsible for investigating complaints and reviewing the performance of the offices of the Auditor/Controller, Assessor, Treasurer/Tax Collector, and the Technology Services Department.

Complaints Received and Independent Reviews Conducted

A COMPLAINT WAS received from the Copperopolis Fire Protection District (CFPD) which contained six items of discontent. CFPD purported that tax revenue was not properly disbursed, neither in amount nor timeliness. The first two items charged that the Auditor/Controller's Office failed to respond to the District's questions regarding the disbursement of revenues. The other items appeared to be statements and accusations of frustration.

Investigation

The committee examined documents and interviewed staff of the Auditor/Controller's Office and CFPD.

Findings: The complaint from CFPD seemed to be due to a lack of understanding of certain accounting methods used by the Auditor/Controller's Office, especially some misconceptions regarding property tax revenue fluctuation. The added burden to the district for accounting and potential for poor budgeting could be reduced if the fire district would participate in the Teeter Plan, as do almost all of the other districts. The Auditor/Controller has made herself available to CFPD both in person and in letters of explanation in an effort to resolve the District's concerns.

On September 1, 1998, the Auditor/Controller's Office went on-line with a computer system called IFAS (Bi-Tech) for financial reporting and therefore instant interdepartmental communication. In addition, a payroll module known as Megabyte became operational within the year. As the Auditor/Controller's Office evolved out of the old mainframe computer system, many unforeseen obstacles complicated this difficult conversion process.

Conclusions: No instances of willful malfeasance or misfeasance by the Auditor/Controller's Office occurred with regard to this complaint.

Recommendations: The Copperopolis Fire Protection District could be better served by the Auditor/Controller's Office if they adopted the Teeter Plan. The Teeter Plan, adopted by Calaveras County in 1996, is an alternative method of tax apportionment that simplifies the process and increases flexibility of available cash usage. CFPD is one of the few entities in the county which has not accepted the Teeter Plan. This creates an increased workload for the Auditor/Controller, as a different procedure must be set up for the handling of assessment

revenues for those agencies not using it. The Grand Jury recommends that CFPD adopt the Teeter Plan as soon as possible.

Response Requested: CFPD

EDUCATION AND LIBRARY COMMITTEE

The Education and Library Committee is responsible for review of school districts, libraries, museums and archives, and investigating complaints pertaining to those institutions.

Complaints Received and Independent Reviews Conducted

REVIEW OF CALAVERAS High School: A committee review and tour was held at Calaveras High School. A comprehensive and thorough tour and review was given by the school principal.

Findings: The operation of the high school was efficient, orderly and very well managed. Student activity and movement was very organized and a dress code was in effect. There are no cell phones or pagers allowed and it is a closed campus. There is one fire drill per semester. The school is currently receiving outside grant funds and actively seeking new funds to help improve the school's operation and educational tools. It was noted that the general condition of the grounds and buildings was in good repair with a few exceptions:

The roof of the arts/ceramic building is in need of replacement and/or repair.

Some of the wooden seating benches were very rough and splintering.

There is no direct handicapped access to the athletic playing field except through a locked gate at the far end of the field by the student parking lot. There was handicapped access for seating in the upper level of the seating area on one side of the field only.

Some walkways had broken or missing bricks.

Recommendations: Improve handicap access to athletic field and general review of handicap policies on the grounds.

Response Requested: Superintendent of Calaveras Unified School District

FIRE AND UTILITIES COMMITTEE

The Fire and Utilities Committee investigates and/or surveys Calaveras County Fire and Utility Districts with emphasis on responding to complaints submitted by county citizens.

Complaints Received and Independent Reviews Conducted

Fire Districts

ONE WRITTEN COMPLAINT concerning fire districts was received. While the citizen obviously had real concerns for fire preparedness within his area due to reorganization of that particular fire district, the complaint was written in such general terms that specific problems could not be separated from the general opinions offered by the complainant. However, the countywide fire district survey performed during this term should be complete enough to allay the main concerns of this citizen. This survey is reported herein.

ANOTHER COMPLAINT CAME from the Board of Directors of one of the newly formed fire districts. (See Foothill Fire Protection District below). The district misunderstood that escrow monies were to be directed to them to provide a new water tender. The district presently has an unserviceable and unsafe water tender.

REVIEW OF COUNTY Fire Districts pursuant to Penal Code §925: Over the past two or three years, fire districts within the county were reorganized with areas of responsibility more clearly defined. All of the previously unprotected areas now fall within one or more of the newly formed districts. This reorganization established ten fire protection districts within the unincorporated portion of the county, and one within the City of Angels Camp which is the only incorporated city within Calaveras County.

All eleven chiefs were interviewed and nine of the eleven stations were visited. Only Mokelumne Hill and Altaville-Melones were not, although the chiefs of those districts were interviewed at other locations. The Grand Jury members prepared a general list of questions.

Of particular concern were the various district's Insurance Services Office (ISO) ratings. These ranged from 4 (Arnold area) to 9 in the more rural areas, with a countywide average of approximately 5 to 7. Lower numbers reflect better fire protection than higher numbers. Individual citizens' insurance rates are impacted by these numbers, with lower numbers supporting better rates. Most of the districts are actively working to lower their own particular ratings although lower ratings are very difficult to obtain.

Also of concern to the Grand Jury were the automatic (initial response by predetermination) and mutual aid agreements (by request) that each district had with other districts. Some districts rely heavily on support of adjacent or nearby districts, even outside the county, while others exercise less reliance.

Each fire chief, along with the Chief of the California Department of Forestry (CDF), and others, is invited to participate in an organization called the Calaveras County Fire Chiefs Association. This organization meets once per month and provides a forum for the interchange of ideas and suggestions among the participants. Speakers from outside the county are presented and demonstrations of new equipment and techniques are made. Not all Calaveras County chiefs attend on a regular basis although the value of this interchange seems very important in order to remain current with the latest equipment and fire-fighting methodology.

Each chief was asked about planning for future growth or consolidation as would be reflected in five or ten year plans. Very little strategic planning was uncovered for countywide operations although some thought had been developed for those expected to have significant population increases in the near future. A grasp of the importance of future long-range planning was exhibited by the Ebbetts Pass, Copperopolis, and West Point Fire Districts. The first two districts reflected relatively large population increases, while the third showed planning for good control of rural fire protection.

Following are brief comments on each Fire Protection District with Grand Jury assessments:

Ebbetts Pass Fire Protection District: This district covers the Highway 4 corridor between the Utica Power Station and the Alpine County line, generally the more eastern part of the county. In land area, its coverage is perhaps the largest in the county.

The facilities and equipment appeared to be maintained in excellent condition and although their budget is the highest in the county, they demonstrate that they know how to use that money effectively. They have full-time paramedic services which are available in the Arnold area. Their training program is excellent and ongoing. They have 30-35 firefighters of which 12 are full-time paid, the rest being volunteers. Their latest ISO rating in the Arnold area is 4, the lowest (best) in Calaveras County.

Members of the Ebbetts Pass Firefighters Association and the Ebbetts Pass Firefighters Auxiliary developed and published three booklets related to fire protection, including "Home Safety and Prevention Guide", "Defensible Space Handbook", and "Jasper's Fire Safety Coloring Book". All are excellent and should be made available to residents countywide. The third booklet, especially, should be given to every child in the first or second grade throughout the county.

Angels Camp Volunteer Fire Department: This department is responsible for the smallest land area within the county although it has a significant number of old buildings with which to contend. It therefore has different fire protection requirements than most of the other districts in the county. Only the Fire Marshall is a paid full-time employee and the Chief is paid part-time. There are 18 volunteers.

The facilities and equipment appeared to be maintained in very good condition. The headquarters station was originally built by the firefighter volunteers, so they have a tradition of good maintenance to support. The Chief has been with the department for forty years and his

experience is very important to making the operation run smoothly. The latest ISO rating for the department and its operations is 5.

West Point Fire Protection District: This district increased fourfold in area with the reorganization of fire districts within the county. It is the northernmost district adjacent to the Central and Ebbetts Pass Districts and it lies in mountainous, heavily forested terrain. It has two stations, 34 fire fighters, and medical rescue volunteers. None are paid.

Facilities and equipment appeared to be in very good condition. Operations seem to be well thought out as the district has emergency water tanks strategically located throughout its area of responsibility. This allows tenders to refill without having to go back to the station. Their training program meets twice per month, once for medical training and once for firefighting and the program is state-approved. The District's ISO rating is a 7 within a five-mile radius of either station and a 9 beyond that radius where there are no hydrants.

Mokelumne Hill Fire Protection District: This district is on the northern edge of the county and is adjacent to the Central, San Andreas, and Foothill Districts. The district has 12 fire fighters of which 6 are certified medical first responders. The district has one firehouse and another is being built. The latter is scheduled to be completed by the end of the year. The chief has 14 years experience as a firefighter in Mokelumne Hill and six years in San Andreas in an overlapping period. The Chief is not active in the Calaveras County Fire Chief's Association.

This district is one of the two which were not visited due to scheduling problems and therefore no comment can be made relative to the condition of facilities or equipment. The district has an ISO rating of 6 in hydranted areas and a 9 in other areas.

Central Calaveras Fire and Rescue Protection District: This district is central to the county and includes Mountain Ranch, Glencoe, Railroad Flat, and now Sheep Ranch after the reorganization. This area of responsibility is generally rural in nature with some mountainous areas especially between Mountain Ranch and Sheep Ranch. The district has three full-time paid personnel and 18 volunteers. The chief was a firefighter for 30 years in Fremont and has been Chief of Central District for six and one-half years.

The main station on Jesus Maria Road is relatively new and was in excellent condition as was the equipment stationed there. Because of the rural nature of the area, the district's ISO rating is an 8 with little hope of improvement unless an expensive underground water system is installed. This is unlikely to happen.

The Grand Jury would like to thank the Central District Chief for his extensive, helpful comments relative to the questionnaire to be used in future Grand Jury surveys. His suggestions expanded its content to be more applicable to rural areas.

San Andreas Fire Protection District: This district has the county seat within its area of responsibility and it borders on the Mokelumne Hill, Central, Altaville-Melones and Foothill Districts. It has 23 firefighter personnel; only the chief firefighter is paid.

The district has an extensive training program with sessions four nights per week. At times, the training is done at various schools and at the local hospital. The district has purchased an adjacent building which will provide space for three fire vehicles. They are currently housed in a local barn.

Facilities and equipment appeared to be in excellent condition. The district has an ISO rating of 5, but feels it is being held back because of the height of some buildings to which it must supply fire protection services.

Murphys Fire Protection District: This district lies between Ebbetts Pass Fire District and Altaville-Melones on the eastern side of the county. It has two stations with 28 total personnel of which one is paid full-time and one part-time. The Chief has 28 years of firefighting experience including five years in Barstow. He is state certified and holds a degree in Fire Technology. He is very active in the Calaveras County Fire Chiefs Association of which he is past president.

Station facilities and equipment appeared to be in very good condition. On the day of the interview, the district took possession of a new Class A pumper. The district has an ISO rating of 6 and is presently asking for a new evaluation. A new structure to house a water tender and pumper will help improve that rating. The district does not have a strategic plan nor has it developed a mission statement.

Jenny Lind Fire Protection District: This district lies in the southwestern part of the county adjacent to the Foothill and Copperopolis Districts. Its responsibilities were expanded in the reorganization to include the area surrounding Milton and the larger area between the Copperopolis and Foothill Districts. It has two stations with 19 volunteer firefighters. The stations are not manned full-time. The Chief has 30 years of experience including four years as Chief of the Murphys District. He is an active member of the Calaveras County Fire Chiefs Association and he finds great value in that organization. The chief stated that there is no formal strategic plan in place for the district.

The station facilities, though very small, and the rolling equipment, appeared to be in very good condition. The district has an ISO rating of 6 in hydrant-covered areas while more rural parts of the district are generally rated a 9. The recent addition of a water tender allows those within five miles of the tender storage location to be classified as an 8. Water is taken from any of eight storage tanks ranging from 2000 gallons to one million gallons. A five-acre parcel has been purchased on which a new headquarters station will be built. Completion should be within the next year.

Copperopolis Fire Protection District: This district lies in the south corner of the county adjacent to the Jenny Lind, San Andreas, and Altaville-Melones Districts. It is the second largest district in land area in the county. The district has an ISO rating of 6 in hydrant-covered areas, an 8 in areas within eight miles of its water tender storage facility, and 9 for areas beyond that eight-mile limit.

The district currently has 30 firefighting personnel of which five are full-time paid, including the Chief and four Engineers. The Chief has held that position since 1974 so his experience is invaluable in providing guidance, encouragement, and management to the rest of the district's personnel.

This district physically built two pumpers from one and some additional parts, and they built a 4,000 gallon tanker from an older truck and a pump. They also perform all phases of maintenance, including engine and pump rebuild. Presently, they are adding a maintenance and training building behind the front building that houses three or four pieces of rolling equipment. The members of this district should be proud of their outstanding equipment and facilities.

Foothill Fire Protection District: This district, with 17 volunteers, is in the northwest corner of the county and is adjacent to the Mokelumne Hill, San Andreas, and Jenny Lind Districts. It now includes the Valley Springs, Wallace, and Burson surrounding areas after the district reorganization. Its ISO rating is 9 in all areas.

The complaint made to the Grand Jury by some members of the Board of Directors and the Chief, allege that fees collected in accordance with Ordinance 2226, dated January 6, 1992, have not been properly directed to Foothill fire operations. The original source of Ordinance 2226 was the California Department of Forestry (CDF) although CDF apparently never exercised the process, and in January, 1993, the County Board of Supervisors adopted Resolution #93-11 which gave responsibility to the building department for inspection and fee collection. The primary purpose of this exercise was to assure that water was available throughout the county for fire emergencies. The fees were collected but apparently no inspections were ever made regarding onsite water provisions. Similarly, no records seem to exist to support or disclaim these allegations.

When the Grand Jury visited the Foothill headquarters, the following conditions were observed: clothing and small equipment were laying about on the floor in a haphazard manner; the floors were dirty; books, magazines, and other paperwork were laying about in stacks, due in part to insufficient space. The outside of the building was in need of paint. Some of the rolling equipment, however, did appear to be in good serviceable condition, having been purchased from the fire department in Sparks, Nevada.

Altaville-Melones Fire Prevention District: This district is located adjacent to the Murphys, Copperopolis, and San Andreas Districts and it completely surrounds the Angels Camp District. The Chief of the District is also a sergeant in the Angels Camp Police Department and at the present time there does not seem to be any conflict of jobs. This was the second district in which the Grand Jury was unable to examine either facilities or equipment due to scheduling conflicts

with the district personnel.

The district has 17 volunteer firefighters. Its ISO rating is 8 for areas with fire hydrants and 9 for those areas without. There are no plans for a possible consolidation with any other district although this was mentioned several times to Grand Jury members by other fire related personnel. The district has one station which is not manned until personnel are summoned by pager.

Findings: Basically, the overall condition of the county-wide fire protection system appears to be good. The reorganization which took place over the past two or three years has had a good influence on the overall firefighting organization, facilities, equipment and personnel.

A few flaws appeared, with the worst being the problems encountered by the Foothill District and their perception of how to work in a system that requires they do their own planning, implementation, and organization. The Chief and Board of Directors of the Foothill District appear to be capable, understanding people and in the near future should achieve success. They will need to be patient and prepare their facilities and operations in a manner that gives a good, clear image to the people of their district.

Conclusions: County Ordinance 2226 was, and is, needed and it appears to provide sufficient funds for the purpose intended. These funds, however, must be directed to the various fire districts for ongoing upgrade of facilities and equipment rather than to be used to accelerate the payback of the original obligation.

Distribution of water tenders was made in agreement with the County Fire Warden (the position no longer exists), the County Fire Chiefs Association, and the Director of the Office of Emergency Services (OES), with considerations given to need, ability to house and maintain, and to provide rapid response during emergencies. Also taken into consideration were those districts which accepted responsibility previously assigned to County Fire. The Foothill Fire District did not exist at that time and the Burson District, which later became part of Foothill, was not given a tender primarily because of an evaluation by the then County Fire Warden who determined that the water supply truck available to them was serviceable and that their need was not as great.

Recommendations: Following are recommendations developed based upon the Grand Jury survey of all fire protection districts within Calaveras County:

1. That County Ordinance 2226 be reviewed and updated in coordination with the Calaveras County Fire Chiefs Association and the OES Director.

Response Requested: Board of Supervisors.

2. That the updated ordinance provide for inspections of all existing, as well as new, onsite water facilities.

Responses Requested: Board of Supervisors and Building Department.

3. That water supply facility locations and details be established and made available to all county fire agencies.
Response Requested: Building Department.
4. That the method of lease-purchase be reviewed by the County Board of Supervisors with primary weight placed on the original purpose of improving emergency water supply within the county, not necessarily early pay-off of debt.
Response Requested: Board of Supervisors.
5. That the needs of the Foothill Fire District be reevaluated by the Calaveras Fire Chiefs Association, the OES Director, and the County Administrator as it relates to a new water tender with respect to the rest of the county.
Responses Requested: Board of Supervisors and CFCA.
6. That accurate maps of districts and areas of protection be developed and made available to all concerned organizations and citizens as requested.
Response Requested: Board of Supervisors.
7. That the existing internet map be updated.
Response Requested: Board of Supervisors.
8. That an internet address be established and published for each fire district.
Responses Requested: All fire districts.
9. That all Chiefs attend Calaveras County Fire Chiefs Association meetings on a regular basis or send an alternate.
Responses Requested: All fire districts.
10. That every fire district develop a strategic operations plan and have it on file for presentation to interested organizations, and that these plans be reviewed and updated regularly.
Responses Requested: All fire districts.
11. That fire prevention booklets based on the Ebbetts Pass Fire District (EPFD) booklets be developed and made available to all citizens within Calaveras County.
Responses Requested: Board of Supervisors, all fire districts and all school districts.
12. That the EPFD coloring book (Jasper's) be made available to all first or second graders within the county.
Responses Requested: Board of Supervisors, all fire districts and all school districts.
13. That the Local Agency Formation Committee (LAFCO) consider consolidation of the Angels Camp and Altaville-Melones Fire Districts.

Responses Requested: City of Angels Camp, LAFCO, Altaville-Melones Fire District.

14. That the San Andreas Fire District consider the procurement of a ladder truck for the San Andreas Fire District because of the height of some of the buildings for which they have to provide firefighting services.

Response Requested: San Andreas Fire District.

Utility Districts

There was one complaint carried over from the previous jury. This complaint held that through loans to the Utica Power Authority (UPA) and placing CCWD Directors on the UPA Board of Directors, that CCWD could take over UPA and fold it into the CCWD realm if UPA should default, thus depriving shareholders of their financial position.

Throughout the early months of the present Grand Jury's term, it became apparent that there existed potential management and operating problems within the Calaveras County Water District. Discussions with county employees and their leadership, with local newspaper editors and managers, with members of the Grand Jury itself, and with the general population, led to the initial suggestion that the Grand Jury ought to take a close look at the workings of CCWD's personnel and procedures. These discussions, taken as a whole, constituted enough of a question to warrant an investigation as though formal written complaints had been received.

These perceived problems generally manifested into the following areas:

THAT CCWD HAD loaned money to other water districts and forgiven such loans at the expense of people who had entrusted CCWD with proper use of monies obtained through payment of water bills and fees.

THAT CCWD PLANNED to raise water rates to pay for certain operating activities within its area of jurisdiction even though the present rates were already higher than either of the two adjacent similar counties, and that it had used the money for purposes such as loans to other water districts.

THAT CCWD HAS used entrusted citizen money to pay off claimants in lawsuits, and for legal fees, in situations that probably could have been avoided.

THAT COVERAGE OF responsibility for providing water throughout the County was not in keeping with the provisions of incorporation as established by agreements between Calaveras County and the State of California in 1945-1946.

THAT CCWD WAS heading into negotiations with a developer at considerably lower fees than were afforded other developers of similar projects.

THAT ONE OR more members of the CCWD Board of Directors was abusing the per diem and

mileage privileges uniquely afforded to the board.

With the seriousness of these allegations, individually and collectively, the Grand Jury undertook an examination of elements of CCWD and its management.

Investigation

The Calaveras County Water District was formed in 1945-1946 by certification of the State of California after an overwhelming majority vote of the citizens of the county. Actually two votes were taken at the same time, one for incorporated parts of the county (only Angels Camp) and another for all the unincorporated areas. Thus, as of November 5, 1946, CCWD became an independent utility district and its Board of Directors was elected on that date with voting districts synonymous with supervisorial districts. CCWD would operate with funds levied directly from water users and also from property tax revenues collected by the county.

The following specific findings were derived from four direct meetings with extensive questioning of the CCWD General Manager, one meeting with the Budget and Finance Manager, several meetings with County Counsel who performed legal searches of California law applicable to the questionable areas, two meetings with the District Attorney who performed similar operations, and Grand Jury attendance at CCWD Board of Directors meetings.

Findings: Management of CCWD appears to be relatively efficient and capable in regard to day-to-day operations, utilization of personnel and physical assets, and overall strategic planning although it needs certain levels of improvement in the areas of long-range finance planning and public relations.

Relative to the perceived problems as outlined above:

That CCWD had forgiven loans to other water districts. This impression is the result of the County auditors using the term “defeasance” in their annual report which means to forgive a loan, or to cancel it. In effect, those defeased loans were replaced by other loans more advantageous to the owner of the loan. This is what happens when one refinances one’s home, for example, to gain a better interest rate. The original loan was defeased.

That CCWD planned to raise water rates to pay for certain operating expenses. This situation is true although the rate increase plan was submitted three years ago to be applied to operations as then understood. The present power crisis in the state hit CCWD the same as it has everyone else and that portion earmarked to pay for power inflated out of proportion to the rest of the increase.

This money will be used for water and sewage operations.

That CCWD used entrusted money to pay off claimants. The situation wherein the claimant sued the water district for damages due to changing hookup fees was unfortunate for everyone concerned although apparently one or more other county government organizations were

involved in causing the significant fee changes. A settlement of \$1.2 million which includes legal fees, was negotiated out of court. The money came from general CCWD funds. This case was an example of poor financial management and lack of sufficient written guidelines which could be understood and utilized by all concerned. Two other similar payments were uncovered during this investigation involving \$20,000 and \$50,000 losses.

That coverage of responsibility for providing water and sewage service was not in keeping with original incorporation. The original agreement of Calaveras County with the State of California specified that CCWD's area of responsibility would extend to the exact limits of the county, less the area of Angels Camp, which was a separate entity because of its incorporation status. To this day, there exists as many as ten or twelve small water districts within the county which means that CCWD has given up responsibility for those areas.

That CCWD was heading into negotiations with a developer for lower hookup fees. Discussions with pertinent people within the county indicate that this is not an unusual situation in spite of the fact that such transactions appear to have potentially deleterious impact on county and water district budgets. If it had been decided by the water board that such a reduction was manageable and was to the benefit of the citizens of Calaveras County, then CCWD was well within their legal parameters to negotiate such a contract. The only requirement is that they apply those same reductions to all similar projects in the future.

That one or more Directors are abusing per diem and mileage privileges. Expense sheets for approximately the past two years were pulled from CCWD files for all Directors who served during that time. It was found that questionable per diem and mileage charges were listed by some Directors and paid for by CCWD. In accordance with advice given by the Grand Jury legal advisor, the Grand Jury had several options. These included (1) legal action; (2) forced payback of the monies involved; and (3) fix the system so that such questionable charges do not occur in the future. Actions 1 and 2 might involve significant legal charges and therefore are less appealing. Action 3 is the course recommended by the Grand Jury. This was discussed in detail with the CCWD General Manager and he assured the Grand Jury that he would make proper changes to the CCWD Policy Manual that would preclude similar charges in the future.

Regarding the written complaint pertaining to CCWD loaning money to the Utica Power Authority, it is true that such a loan was made to help keep UPA afloat and that in exchange for such a loan, CCWD was able to place two of its Directors on the UPA governing board. This does not seem out of the ordinary because if UPA were to default, it could cause considerable impact on power customers within the area. The point of the complainant is almost moot in that UPA is now selling power outside the system due to the state power situation, and is making considerable profit that was not expected several years ago.

Findings: The atmosphere surrounding CCWD is one of extreme distrust. CCWD appears mostly at fault for creating this condition. Interviewees who spoke with the Grand Jury were so disillusioned that they wanted the Grand Jury to go to the State Attorney General's office for an investigation of CCWD operations. They "saw" \$12 million of water users' money given away

to other water districts. Right or wrong, this is how they perceived the situation. Also, they “saw” the results of a lawsuit in which their money was paid to satisfy a claim for a situation that might not have been required. Right or wrong, this was their perception. Likewise, they see \$4 million plus being offered to a developer and at the same time they see rising water rates. That is also their perception, especially when they are confronted with skyrocketing costs of electricity, gasoline and home heating. There was little in the Grand Jury investigation that showed where management at CCWD understood these public concerns.

The public, however, is also partly to blame. Had they been truly concerned about giving away \$12 million, they would have come upon the term “defeasance” and a few simple questions to appropriate people would have explained to them that no money was ever given away but that older loans were replaced with newer loans, for whatever reasons. Similarly, they would have come upon like solutions to the other so-called “give-aways” that the local newspapers and public opinion were so quick to pick apart.

Perception of CCWD operations by the public will be very difficult to change. This perception, in large part, is the result of news media reports, including editorials and letters to the editor. Public criticism will not stop until the public becomes apprised of the bases for performing some of the more costly transactions, in open meetings and in newspapers and flyers.

Recommendations:

Clarify to the public whether CCWD Directors who sit on the UPA Board are paid by both agencies.

Response Requested: CCWD

Investigate whether a new power plant would be cost effective to produce power within Calaveras County.

Responses Requested: CCWD and the Board of Supervisors

Upgrade/revise the CCWD Board Policy Manual to preclude questions/claims on per diem and mileage as well as the need for necessary trips out of county.

Response Requested: CCWD

Devise realistic methods to improve general public perception of the operations and activities of upper management of CCWD.

Response Requested: CCWD Board of Directors.

Devise an alternate review/approval method of CCWD Board of Directors’ expense sheets from the present General Manager approval.

Response Requested: CCWD.

Clarify/justify to the general public all significant financial transactions undertaken by the CCWD Board of Directors.

Response Requested: CCWD.

Develop a program to provide a better understanding by the public of CCWD operations.

Response Requested: CCWD Board of Directors.

Clarify/justify to the general public current and future water rates where such rates are higher than adjacent counties.

Response Requested: CCWD.

GOVERNMENT AND ADMINISTRATION COMMITTEE

The Government and Administration Committee investigates complaints regarding the County Administrative Office, the County Clerk, the Board of Supervisors, the City of Angels Camp, and performs investigations, or reviews, assigned by the Grand Jury foreperson.

Complaints Received and Independent Reviews Conducted

There were six complaints assigned to the Government and Administration Committee and three reviews were conducted.

A COMPLAINT WAS received purporting that the Board of Supervisors (BOS), and the Calaveras County Water District (CCWD) failed to properly notify the public regarding clear cut operations by the Sierra Pacific Industries (SPI). Also, it was alleged that an improper relationship existed between SPI and the District Three supervisor, and that CCWD received benefits from SPI that affected their lack of reporting.

Investigation

Interviews were conducted with the supervisor of the county's supervisorial District Three, the General Manager of CCWD, and the editor of the local news media. The printed notice that was posted by the BOS was reviewed, and the location for posting notices was looked at.

Findings: No violation of policy or procedure occurred, however, the size of the notice posted and the inclusion amidst other notices may have given the impression that no notice was made or that appropriate procedure was not followed.

Recommendations: The BOS and CCWD should review their respective procedures for posting of notices when the issues can be expected to have an impact of particular interest to the public.

Responses Requested: CCWD and Board of Supervisors.

A COMPLAINT WAS received purporting that a conflict of interest existed with an Angels Camp City Council member who was also serving on the State Agriculture Board for Calaveras County (Fair Board).

Investigation

Interviews were conducted with the City Clerk for Angels Camp and the County Fairgrounds Manager. The opinions of the Attorney General of California on the issue were reviewed with County Counsel.

Findings: The City Council position was considered to have been vacated when the appointment was made to the State Agriculture Board. The city council position was filled by a new person at the next election.

Recommendations: None.

Response Requested: None.

A COMPLAINT WAS received purporting that a violation of “The Brown Act” had occurred regarding action taken at a closed meeting of the City Council of Angel Camp.

Investigation

The agenda which had been posted, and the minutes of the meeting in question, were reviewed with County Counsel.

Findings: It was determined that no violation had occurred.

Recommendations: None.

Response Requested: None.

A COMPLAINT WAS received purporting that a violation of the open meeting requirements of “The Brown Act” had occurred at a closed session of the Council of Governments (COG).

Investigation

The purported violation of the Brown Act was substantiated. Action taken by the COG during a closed session was reviewed with the County Counsel.

Findings: A letter was sent to the COG citing the requirement for the action to have been at or during an open meeting. Corrective action was taken at a subsequent open meeting of the COG.

Recommendations: None.

Response Requested: None.

A COMPLAINT WAS received purporting that a violation of closed meeting requirements of “The Brown Act” had occurred at a Board of Directors meeting of the Jenny Lind Veterans Memorial District (JLVMD).

Investigation

The minutes and the posted agenda for the meeting in question, as well as California Government Code §§54950 et. seq., were reviewed and discussed with County Counsel.

Findings: A technical violation had occurred regarding the posting of agenda items for discussion and reporting back at an open meeting. No remedial action appeared to be necessary; however, a letter regarding the complaint and the findings was sent to the Board of JLVMD.

Recommendations: The Board of Directors of the JLVMD obtain and review a copy of "The Brown Act" Government Code §54950 et. seq.

Response Requested: JLVMD.

A COMPLAINT WAS received purporting a violation of "The Brown Act" and election requirements by the City of Angels Camp.

Investigation

An interview was held at the City of Angels Camp with the Mayor, the City Clerk, the City Administrator, a city council member and members of the Grand Jury. Related sections of California Government Code §54950, CCRXIII et. seq. (prop. 218) and CCR Art. XIII A (tax code increases) were reviewed. The issues were discussed with County Counsel.

Findings: No violations were found to have occurred.

Recommendations: None.

Response Requested: None.

A REVIEW OF the Grand Jury's independent auditors report and contract with the Grand Jury was made. An interview with the auditors and the method and times of reporting was conducted.

Findings: The independent auditor had not complied with the requirements of the contract, i.e., consulting with the Grand Jury if alterations of the requirements was needed, reporting findings to the Grand Jury, and completing the audit on time.

Recommendations: That the independent auditor comply with the procedures and timeliness of the contract.

Response Requested: Independent Auditor.

A REVIEW OF the six veterans memorial districts in the county was conducted: Angels Camp, Ebbetts Pass, Jenny Lind, Mokelumne Hill, San Andreas, and West Point. Five of the six are

funded by taxes collected and distributed in accordance with the percent of the tax base and allocated to each district based on assessed valuation and by a formula established at the time of district formation when they were separated from the single County Veterans Memorial District. The sixth District, San Andreas, does not receive tax-based funding.

Each of the six Districts was contacted in an effort to accumulate data.

Findings: Each of the Districts provide a facility for meetings of veterans groups, and some provide additional facilities such as swimming pools and the operation thereof. Public parks or outdoor recreation facilities and halls are also made available to the public. There has been, and still remains, some question as to correct expenditure of memorial funds not associated with actual veterans memorials or facilities for veterans. This remains to be resolved, perhaps with the assistance of the State Attorney General. Some of the Districts did not file their audit and/or budget as required. It should also be noted that some other Special Districts did not file as required.

Recommendations: That the Auditor/Controller notify all Special Districts of the responsibilities regarding filings of audits and budgets (California Government Code §26909, Title 3, Division 2, Part 3, Chapter 4, Art. 1). That the Auditor/Controller take aggressive action as needed to ensure required audits are conducted and filed as required.

Responses Requested: Auditor/Controller and each Fire District.

A REVIEW OF the Angels Camp Police Department's policies and procedures was conducted and the Chief of the Angels Camp Police Department was interviewed. The police policy and procedures manual was reviewed. Consultations were conducted with the County District Attorney.

Findings: The police policy and procedures manual is in need of updating. No information was determined to have been of a confidential nature. No specific policy designated a method for maintaining or securing material collected, nor a system for continuity of evidence. No specific policy addressed a method of maintaining a crime scene, or for the collection of forensic crime scene materials, or the gathering of potential critical evidence, as in a death or other serious crime. No policy addressed the procedure of when or if to call for technical assistance. No written protocol has been completed regarding procedures coordinated with the District Attorney's office, as to specific procedures to follow in arrests made and time frames for completed police reports sufficient to provide required information to file charges or indictments.

Recommendations: That the City of Angels Camp oversee and ensure an adequate review and update of the police policy and procedures manual. That a copy be maintained in the city offices

as well as at the police department and made available for public review.

Response Requested: City of Angels Camp.

HUMAN SERVICES COMMITTEE

The Human Services Committee areas of responsibility include agencies which provide a wide variety of health services through the Calaveras Health Services Agency to all residents of the county. The agency department programs are organized into three major divisions: (1) alcohol and drugs; (2) mental health; and (3) public health programs which provide an array of services on behalf of federal, state, and local government.

Another area of responsibility includes the Calaveras Work Opportunity and Responsibility for Kids (WORKS) & Human Services Agency, which administers programs providing cash, medical and food assistance, assessment and protection for children and adults and employment programs which provide education, training, and job placement on behalf of federal, state, and local government. Agency department programs are organized into five major divisions: (1) income maintenance, (2) child-adult protective services, (3) aging and adult services including veterans benefit services, (4) child welfare services, (5) probate conservator-public guardian services, and (6) employment and training programs.

Environmental health programs comprise an additional area of responsibility. These programs provide all health-related approvals and permits relating to land development (e.g., well water, septic and land use), consumer protection, i.e., food/facility inspections/permits, public pools, small water systems, solid waste, food-borne illness investigation, and hazardous materials.

The Human Services Committee's last area of responsibility is for public cemetery districts and non-profit agencies. Public cemetery districts are formed pursuant to §889 et. seq. of the Health and Safety Code. The districts are local agencies independent of the County of Calaveras and are governed by their own boards of directors appointed by the County Board of Supervisors. Public cemeteries that do not lie within a cemetery district are governed by the Board of Supervisors (Health and Safety §8131).

Complaints Received and Independent Reviews Conducted

A COMPLAINT WAS received alleging discrimination in management practices and policies in low income senior housing complexes in Calaveras and Tuolumne Counties.

Investigation

An investigation was conducted pursuant to §§933.1 and §933.6 of the Penal Code. Investigative procedures included researching U.S. Dept. of Agriculture Codes governing rural development and housing programs and telephone interviews with the housing complex property management firm's manager, property owners of the complex in question and the complainant.

Low income senior housing complexes are privately owned and subsidized under the category of

federally funded public assistance housing under a U.S. Dept. of Agriculture Rural Development Program. Programs funded or subsidized by the federal government are bound by non-discrimination provisions in law. The housing complex investigated has due process conditions, housing policies and procedures specified as part of the lease agreements signed by and given to all tenants prior to occupancy.

Findings: Compliance with these conditions by the housing complex is monitored on a regularly recurring basis by the housing complex management firm through a contractual agreement with the property owners.

Specific complaints concerning the housing complex in Calaveras County could not be substantiated in fact. Complaints concerning housing agencies in Tuolumne County are not within the purview of the Calaveras Grand Jury.

TWO COMPLAINTS WERE received from a former employee of two group homes for teenage boys charging improper facility management practices, improper operations, policies and resident abuse.

Investigation

An investigation was conducted pursuant to §925 and §933.6 of the Penal Code. Investigative procedures included researching the California Code of Regulations governing group homes licensure, telephone interviews with State of California Department of Social Services' Community Care Licensing Division program analyst for group homes, and Calaveras County Child Welfare Services Program manager.

Findings: The group homes in question are residential programs for treatment of boys with severe behavioral problems. Group homes are licensed by the State of California, Department of Social Services, Community Care Licensing Division. Complaints pertaining to facility operations, environment, clients and/or employees are under the jurisdiction of the state licensing agency.

The group home accepts only placements of probation wards of the court. Placement can be made only by a court of law in the state. The Calaveras County social service agencies, including Child Protective Services, are not involved with placement or oversight of clients or services in this particular facility. Following review of the research findings it was determined that the topics of the complaint are not within the jurisdiction of the Calaveras County Grand Jury, but rather with the appropriate state licensing agency. Hence, no further action was taken in this matter.

Recommendations: None.

Response Requested: None.

A COMPLAINT WAS received from a resident of another county that her father, a resident of

Calaveras County, had been abused and his needs neglected by a worker of the Adult Protective Services Unit of the Calaveras County Social Services Agency. She also charged that the investigation of his case had been improperly handled, that theft of his finances and property by his granddaughter and her boyfriend had occurred.

Investigation

An onsite investigation of the Adult Protection Services Unit of the Calaveras County Social Services Agency was conducted by the Human Services Committee pursuant to §§925 and 933.6 of the Penal Code. Agency operating policies and procedures and staffing were reviewed. Additionally reviewed were applicable Welfare and Institutions Code §15610-15766 and §5238 as well as Probate Code §2950-2951.

On advice from counsel, agency staff declined to provide any case-specific information or permit access to case files based on requirements in law for protecting client confidentiality. Agency staff did respond to all inquires concerning Adult Protective Service Unit policies, procedures, legal basis for required program operations and conformity with those requirements.

The County Social Services conducted a multi-level internal investigation into the allegations of improper employee behavior and improper handling of the investigation. Investigative methodology included face-to-face interviews with the complainant and accused agency employees as well as review of case-specific management procedures and the case file. Findings were reported as having insufficient basis in fact to substantiate the allegations.

The complaints were also investigated by the State of California Department of Social Services which has county agency monitoring and oversight responsibility. A letter from the state agency indicated a finding of lack of impropriety on the part of the county agency, the Adult Protective Services Unit or employees.

Findings: The Grand Jury found no willful misconduct, malfeasance or neglect on the part of the Adult Protective Services Unit. Related matters in litigation are not within the purview of the Calaveras County Grand Jury.

Recommendations: None.

Response Requested: None.

REVIEW OF THE Human Resources Council, Inc.: There were no complaints pertaining to the Human Resources Council (HRC). Review of the agency was conducted pursuant to §933.6 of the Penal Code. HRC is a private, non-profit agency providing community based social services including child care resources, Calaveras Head Start/State Preschool, Calaveras Women's Crisis Center, Child and Parent Services WIC, senior programs, and emergency food and shelter and legal assistance.

HRC programs are 87 percent state/federal grant funded with some funding being passed through the county to the HRC. State and federal governments audit each HRC program annually, generating Management Letters with their findings and recommendations. The HRC is governed by an eleven member board of directors representing local agencies, private business, the community at large, and HRC clients. The agency's annual operating budget, as of June 2000, was \$5.9 million. The agency has 100-150 employees throughout its various programs as well as a corps of volunteers. Statistics regarding the significantly large number of program client contacts per year are included in the agency's annual report, a public document.

Interviews with the HRC Executive Director and Board of Directors Chairperson were conducted on a site visit to the agency. Agency brochures, annual reports, state Management Letters, agency budget, personnel qualifications, and agency services/programs were reviewed and discussed.

The agency is housed in two buildings, each across a busy street from each other. The agency is looking for a new location that will enable consolidation of administration and service offices in one location. Currently, there are multiple telephone numbers to access the various agency programs, a factor that causes confusion to the general public and/or other agencies trying to contact the HRC.

Recommendations: The Grand Jury supports consolidation of the HRC's two offices into a single location to promote efficiency in administration, ease of access, and a secure system for confidential storage of agency records and client files into one location.

The Grand Jury recommends that the HRC convert to a single telephone number within twelve (12) months or sooner to facilitate ease of access to the agency by the community at large as well as by other agencies for the conduct of agency business and would facilitate referrals through a single point of contact.

Response Requested: Human Resources Council, Inc.

REVIEW OF PUBLIC Cemetery Districts: A review of the eight districts in the county was conducted pursuant to §933.6 of the Penal Code. The review was conducted through a questionnaire sent to each district. The questionnaire addressed governance and management practices, budget and annual financial audit practices/findings and identification of who has control of expenditures, complaint procedures, cemetery district chain of command and reporting procedures and documentation.

The eight public cemetery districts in the county include: Altaville, Copperopolis, Mokelumne Hill, Murphies, Railroad Flat, San Andreas, Vallecito, and West Point.

All districts report annual financial and procedural auditing;

Annual budgets range from a low of \$16,513 to a high of \$46,620;

All districts report to the County Board of Supervisors, Auditor/Controller's office, County Counsel as appropriate, and two districts identified reporting to the Grand Jury as well;

All districts report their boards of directors and the county Board of Supervisors as having control over district expenditures;

All districts have complaint procedures in place and reported few minor incidents of vandalism during fiscal year 1999-2000 and to date;

All districts meet at regular monthly or bi-monthly intervals; all maintain written minutes of their meetings;

All board members are volunteers who are appointed by the County Board of Supervisors.

Recommendations: None.

Response Requested: None.

REVIEW OF CALAVERAS WORKS and Human Services Agency: At the time of the review of this agency there were no complaints pending. Review of the Calaveras WORKS and Human Services Agency was conducted pursuant to §888.925 and §928 of the Penal Code. The agency is administered by a director appointed by the County Board of Supervisors and employs a variety of management and trained support staff.

An onsite agency review was conducted with the agency director, deputy director, program managers and supervisors for Eligibility/Employment Services, Adult Services, Office Services and Account Clerk Services reporting to the agency's fiscal supervisor.

Review methodology consisted of review and discussion of agency:

Mission statement;

Organizational structure;

Budget (overall and by program);

Staffing pattern, minimum required qualifications for management, supervisory, and support staff;

Staff orientation and training programs;

Overview of Agency programs, services, caseloads, operating policies and procedures, including civil rights;

Most recent monitoring and compliance reports from all external federal and state agencies as well as applicable internal monitoring and quality assurance reports; and ,

Interface with other federal/state/local agencies and service providers, i.e., Sheriff's Department, Human Resources Council, senior center, hospital, skilled nursing facility, Calaveras Women's Crisis Center, etcetera.

Apparent across all programs was the continuing increase in caseloads while staffing remains, for the most part, static. This results in recurring backlogs in processing of applications/requests for services and increasing stress levels in staff who are already engaged in high-stress job activities. In spite of this, federal/state agency compliance reviews indicate "no major deficiencies". To its credit, the agency engages in ongoing training and cross-training of staff to minimize impact on services to clients and other providers.

Recommendations: As the rate of growth in the county continues to increase (25% over the past ten years) at a rate greater than Amador County for example (17%), increased demand for social and welfare services on the currently stressed infrastructure will continue. These issues need to be studied and addressed in the county's future strategic planning.

Response Requested: County Board of Supervisors, CalWorks and Human Services Agency.

REVIEW OF THE Calaveras County Health Services Agency conducted pursuant to §888.925 and §928 of the Penal Code. The agency administers programs providing a complex array of public health services on behalf of federal, state and local government to all residents of the county through its three major divisions: (1) public health, (2) alcohol and drug and (3) mental health. The agency is administered by a director appointed by the County Board of Supervisors and by a variety of skilled medical professionals and trained support staff. A licensed physician serves as the County Health Officer, a part-time contract position, to provide expert professional assistance and medical advice for the implementation of the county's public health programs as required by the Health and Safety Code, §§450, 470 et. seq. and Title 17 of the California Code of Regulations.

Review methodology consisted of reviewing and discussing the agency's:

Mission statement, goals and objectives;

Budget;

Contracts with providers the agency contracts with for specified services;

Staffing and staff qualifications;

Staff training and provisions for ongoing training and continuing education;

Overview of agency programs, services, caseloads, policies and procedures;

Monitoring and oversight activities, external (state/federal and independent agency) audit, and internal program monitoring activities including County Mental Health Utilization Review Plan, Mental Health Advisory Board meeting minutes, Calaveras County Drinking Driver program site review by an external agency, and annual program fiscal audits of the Public Health Department by an independent agency; and,

Interface and collaborative activities with state, federal and local agencies, i.e., Sheriff's Department staff health assessments and county jail health services oversight, Environmental Health and joint jail inspections; HIV education and confidential testing to jail inmates, technical support to the Human Resources Council related to specific public health issues impacting adults, children and families, provision of immunization clinics at multiple county locations to assure convenient access for citizens in all areas of the county, and collaboration with Mark Twain St. Joseph's Hospital in a proposal to aid in the recruitment of skilled medical professionals to rural areas.

As with many other agencies, the Health Services Agency is plagued by a critical shortage of skilled medical professionals and support staff in environments where the demand for services continues to exceed supply of qualified staff to provide the services. This was well documented in a recent article in the local paper (Calaveras Enterprise, March 9, 2001, "County Mental Health Department Stressed Out"). Accordingly, the County Board of Supervisors has indicated they would discuss the addition of staff positions recommended by the Mental Health Board as part of the upcoming budget process.

Recommendations: The Health Services Agency conduct a staffing study of all of its programs, if it has not recently done so, to document the impact that less than minimum staffing levels has on its programs as well as on recipients of services in Calaveras County, document recruitment efforts, and provide recommendations to the Board of Supervisors for additional staff, targeted recruitment strategies, and/or restructuring of existing programs as appropriate, including specific justifications to be addressed in the county's future strategic planning.

Responses Requested: The Health Services Agency and County Board of Supervisors.

LAW AND JUSTICE COMMITTEE

It is the responsibility of the Law and Justice Committee to inquire into any willful or corrupt misconduct in office of public officers (Penal Code §919c) and to selectively investigate and report on the operations, accounts, and records of the officers, departments or functions of the county (Penal Code §925). The Law and Justice Committee is also required to inquire into the conditions of public prisons within the county (Penal Code §919b). With regard to citizen complaints, the Grand Jury, and its Law and Justice Committee, has discretion in selecting the direction of its investigations. Specific areas of concern are the office of County Counsel, District Attorney, Jury Commissioner, as well as the Probation Department and the Public Defender's Office. Further within its jurisdiction are the areas of Animal Control, Juvenile Affairs, the Coroner, the Sheriff's Department, as well as the Angels Camp Police Department and the public administrator. Lastly, the Law and Justice Committee would be the committee to investigate the Grand Jury if such action is deemed necessary. During this Grand Jury's tenure, the Law and Justice Committee reviewed and investigated a number of citizen complaints. Some complaints were not further investigated because other county departments were pursuing parallel investigations. The single complaint resolution included in this final report pertains to allegations directed against the District Attorney.

Complaints Received and Independent Reviews Conducted

HANDLING OF PROSECUTIONS by the District Attorney's Office: This report is rendered in reference to the recommendations made by the outgoing 1999/2000 Grand Jury that this Grand Jury is to investigate and report. The then sitting Grand Jury received these concerns too late in its term to allow proper investigation. The concerns listed were 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.

Findings: The primary law enforcement agencies in Calaveras County are the County Sheriff's Department, the City of Angels Camp Police Department and the California Highway Patrol. Depending on the scope of the crime, these agencies can be augmented by, or subordinated to, state or federal investigative entities. The power of the District Attorney to charge and prosecute criminal offenses is expressly established for and exclusive to that office. To assist the District Attorney's Office in the execution of its mission, its staff includes investigative personnel to be utilized by the District Attorney as needed. The quality of an investigation, the subsequent written report, and the timeliness of this procedure will allow the District Attorney's office to make a determination as to whether or not to proceed with its mission to prosecute individuals accused of criminal conduct. Based on interviews with the Sheriff's Office and District Attorney, a procedure has been established whereby incomplete, misleading or grammatically incorrect reports can be returned to the originating agency for correction, additional information, and/or clarification. For this purpose, a form has been designed and was agreed upon by the

District Attorney and the County Sheriff, whereby the District Attorney's Office can ask the originating agency for additional input.

Conclusions: In order for the District Attorney to maintain the independence of his office, his discretionary power to charge and prosecute cannot be usurped.

Recommendations:

All reports submitted to the District Attorney, by all law enforcement agencies active in Calaveras county, be thoroughly checked by experienced senior supervisors, and if need be, refresher courses be conducted to enhance the qualify of law enforcement report writing skills.

The District Attorney's Office is urged to make use of the established and long-existing channels of communication with the appropriate law enforcement agencies to obtain all needed information.

Response Requested: None.

ANIMAL CONTROL SHELTER review: The Calaveras County Animal Control Shelter falls within the jurisdiction of the Agriculture and Environmental Management Agency. The Agricultural Commissioner oversees the day-by-day activities of the Animal Shelter. The Shelter has been an ongoing issue with Grand Juries in the past and entries in final reports have been found as far back as 1986/1987. The visit by the present Grand Jury was prompted by last year's Grand Jury Final Report showing concern over building conditions, daily cleaning, inadequate drainage systems and the state of general maintenance. The observations and recommendations of the 1999/2000 Grand Jury did not have an impact on the decisions of the Board of Supervisors and only minor improvements were considered and authorized. The major problems of insufficient insulation, a proper drainage system for each cage, and inadequate lighting were not addressed.

Findings: The Grand Jury made an unannounced visit to the Animal Shelter in September 2000. The Grand Jury continues to be very concerned about the general conditions of the shelter and the humane treatment of the animals held there. It appears that the county is wasting money by making piecemeal improvements to the existing facility. The entire facility is outdated, too small, and inadequately equipped. The facility consists of a concrete block building which has long outlived its usefulness. This building has been added onto several times and still is considered to be inadequate for the needs of efficient shelter operations. A modular building was installed last year on the site which houses the office staff.

The Grand Jury found cage enclosures that allow cats to climb the cage wire walls and escape behind the insulation which is subsequently torn down to free the animals and not properly replaced. The lighting was found to be inadequate and appeared to be poorly installed. Cracks were found in the concrete flooring, particularly around the cage posts. These cracks will not

allow proper cleaning and disinfection of the cages with either brush, broom or water hose. Outbreaks of diseases like Parvo and Corona cannot be prevented if the infectious material is allowed to remain in those cracks. Some drop-off cages were added last year; however, the required isolation of surrendered animals is inadequate as there are not enough isolation cages available. It was also noted that the isolation cages so designated are not properly designed to prevent contact between newly surrendered and other shelter animals before they are examined for diseases. Overcrowding is another unresolved issue. In February, 2001, 35 dogs were euthanized in one day because of overcrowding.

The Grand Jury visited the Tuolumne County Animal Shelter which was built with the help of the Humane Society. The Tuolumne facility was found to be exemplary. Amador County is in the process of planning a new facility as is the community of Ceres in Stanislaus County. Sacramento County is planning to spend \$1 million on improvements to their present shelter.

Veterinarians from the Angels Camp Veterinary Hospital, who are contracted to assist with animal examinations on an ongoing basis and have had an opportunity to observe shelter operations first-hand have, on several occasions gone before the Board of Supervisors and discussed the inhumane conditions of the animal shelter. All of these efforts have been to no avail.

Conclusions: The Calaveras County Animal Shelter should be considered a disgrace to the county. The conditions found reflect years of neglect. It is recognized that monetary considerations are the major obstacle to desired changes. The present director of the facility is overtasked, not due to lack of skill, but because he is in charge of many other management aspects in his position as Agricultural and Environmental Management Agency Commissioner. The rebuilding of a new facility in its present location is not considered to be a viable option because of its proximity to existing and planned housing communities. A planning committee should look into hiring a consulting firm to assure that all aspects of proper healthcare, disease control, noise pollution, and the prevention of human contact with diseased animals are considered. Only after such a study has been made, can the money question be raised and discussed.

The Grand Jury would like to express its gratitude for the generous contribution of information, time and effort on the part of all individuals and agencies contacted in the pursuit of this review. In particular, our thanks go to the Angels Camp Veterinary Hospital, Calaveras Veterinary Hospital, San Andreas, the Calaveras Humane Society, the Tuolumne County Animal Control Facility, Jamestown, and the Deputy Director of the Environmental Health Department, Amador County.

Recommendations:

Calaveras County should aggressively pursue the issue of a new animal control shelter.

A full-time position should be created and staffed with an individual who will coordinate, oversee and be responsible for the whole project of planning, building and subsequently overseeing the daily operations of the shelter.

Cooperation with the Humane Society and its local representative as well as the State Humane Association and the Humane Society of America may aid in obtaining the funds needed to build a new facility.

All sources of revenues should be considered in obtaining funding for a new shelter. The Grand Jury strongly recommends the Board of Supervisors to give a new animal facility top priority in their budget considerations for the next fiscal year and beyond.

Responses Requested: Board of Supervisors, Director of Animal Control

REVIEW OF THE Calaveras County Jail: The Grand Jury is directed by Penal Code §919 to inquire into the conditions and management of the public prisons within the county. The Calaveras County Jail is the only jail facility in the county. On October 17th, 2000, ten members of the Calaveras County Grand Jury conducted an announced visit to the facility. Investigation procedures consisted of interviews with prison staff, review of documents, and observations by Grand Jury members. The Sheriff, Undersheriff, Jail Commander, and a sergeant provided the majority of the information collected.

Findings: The jail was built in 1963. Several additions and remodels have taken place, the latest in 1999 when four high security cells were added. The capacity of the jail is 65 inmates, including nine spaces for female prisoners. At the time of our visit the inmate count was 34. Most of the inmates are in the facility for pre-trial confinement. Length of stay is anywhere from six hours to over one year, the latter being those persons sentenced to a term at the county jail as opposed to those sentenced to serve time at a state prison. Full complement of custody staff is 17 and non-custody staff is two who are employed in food service operations. Usually, the facility is staffed with four custody staff per shift and with two per graveyard shift. Additional staff is brought in on visiting days and on those weekends when concerts and special events may cause an influx in bookings. There are no accommodations available to hold or house juvenile offenders. An arrangement with San Joaquin County allows three juvenile offenders to be held in that county's juvenile detention facility.

There is no commissary available to the prisoners. Inmates order in writing and a vendor brings the items ordered. The items are checked prior to release of the merchandise to the prisoner. Prisoner's funds are safeguarded and cannot be spent at their discretion other than through the vendor system. The library is well stocked and includes an up-to-date law section. Medical care is provided five times per week by personnel from the California Forensic Medical Group. If needed, a medical doctor is available. Emergency care can be obtained via Mark Twain St.

Joseph's hospital, about one-quarter mile from the jail location. Persons with developmental disabilities or pre-existing disorders of cognitive impairment as well as any other mental disorders are difficult to recognize and correctional officers as well as deputy sheriffs have not received any formal training to recognize signs and symptoms or distinguish any behavioral manifestation of these mental or medical conditions. Pending legislation and subsequent implementation of training on these subjects appears to be months away. The county mental health department coordinates with the sheriff's office on mental health issues.

Food service operation appears to be exemplary. A spotless kitchen and a well-designed menu have received many accolades from similar operations in neighboring counties. Inmate workers are being utilized in the kitchen area and for maintenance and cleaning of police vehicles. All correctional officers and their supervisors have completed their annually required training. The custody personnel consists of male and female correctional officers.

Physical layout of the jail is not advantageous for good visual observation of cells, hallways and the high security area. The only parts of the jail readily visible from the control room are the booking area, the single detoxification cell, the holding cell and the padded cell for violent offenders. Video cameras are positioned to feed visual information to the control room. In camera view are hallways, doors and the rear outdoor area where inmate workers are cleaning police vehicles. This area is unsecured. The whole jail is considered to be inadequate under state-of-the-art requirements for this type of correctional facility. Plans for a new jail are underway. A needs assessment is being conducted by the sheriff and the Vancer Engineering firm. Cost of the new facility is estimated to be approximately \$12 to \$15 million. Seventy to eighty percent of the needed funding appears to be already secured. The Board of Corrections of the State of California makes periodic inspections and issues inspection reports. The last "Calaveras County Jail 1998-2000 Biennial Inspection Report" is dated June 2, 2000, and lists as the only noncompliance item the absence of an additional detoxification cell to allow separation of intoxicated individuals from the general jail population. The inspection report states that it found the Calaveras County Jail to be very clean and well maintained.

Recommendations:

Plans for a new county jail should be vigorously pursued. Any such plans should include the necessary accommodations for juvenile offenders.

The open and unsecured area behind the present facility should be fenced in to allow proper monitoring of inmate worker activities.

At least one additional detoxification cell should be added to the present cells which can be readily observed from the control room.

Responses Requested: County Sheriff, Jail Commander and Board of Supervisors.

APPEARANCE OF THE District Attorney before the Grand Jury: The Calaveras County District Attorney was invited to appear before the Grand Jury and to provide general information

on the accomplishments, shortcomings, and ongoing matters of concern facing the day-to-day operations of the District Attorney's Office. Some of the items discussed fall within the jurisdiction of other committees and will be discussed in their respective segments of this Final Report.

Findings: A recurring concern is the method, or lack thereof, regarding the timely and complete exchange of information among the various city, county and state agencies concerned with actions necessitated by incidents of murder, other violent crimes, alleged suicides and other felonies which require immediate notification of the District Attorney. While the law enforcement agencies of the county may not make the initial discovery of such crimes, they, nevertheless, are the first qualified agency to initiate action and are the best equipped to make the necessary, required and agreed upon notifications of all county, state, and if need be, federal agencies. Less than timely notification of the District Attorney's Office puts an inordinate amount of pressure on the evidence collection capability of the District Attorney whose agency is required to make a decision within 48 hours whether or not to charge an alleged perpetrator with a crime. The lack of locally available medical examiners and forensic experts add to the pressure exerted on the District Attorney's office to make decisions which may set an alleged criminal free or which may place such individual in pre-trial confinement.

Conclusions: While Calaveras County is fortunately not a location where capital crimes are running rampant, it should, nevertheless, have an arrangement in place whereby all responsible agencies are immediately notified when such notification would allow for better utilization of available time within the directed time constraints. Today's communication methods are certainly able to provide a tool which would lend itself toward that goal. It is certainly better to make that extra call, even when not directed or required, than to postpone, delay or omit notifying concerned agencies thereby impeding orderly process.

Recommendations: That a dedicated cell phone be made available to a designated "on call" individual in the District Attorney's Office.

The cell phone number should be disseminated to the sheriff's office, the Angels Camp Police Department, the California Highway Patrol and any other city, county or state agency which conceivably may encounter reportable offenses during the performance of their daily work.

A protocol or operations manual should be made available to the person designated to be "on call". Such manual should contain all necessary contact names and numbers to allow the process of evidence collection to proceed in a timely manner and thus allow the District Attorney to make a decision whether an alleged perpetrator is allowed to be released or held for pre-trial confinement.

As a matter of choice and at the discretion of the District Attorney, such instructional manual could contain other required or desired items of interest to be collected or chores to be performed by the "on call" designee immediately after he or she receives the initial notification.

Responses Requested: District Attorney, County Sheriff, Angels Camp Chief of Police

ALLEGATIONS OF MISCONDUCT by the Calaveras County District Attorney: A citizen complaint dated November 30, 2000, was directed against the Calaveras County District Attorney. The complaint contained allegations of misconduct, malfeasance and nonfeasance and the matter was further investigated and the findings were reviewed.

Findings: After additional information was obtained from the complainant, no misconduct, malfeasance, nonfeasance or negligence on the part of the District Attorney was found. Accordingly, the Grand Jury is taking no further action in this matter.

Conclusions: The Grand Jury, after diligent consideration of all aspects surrounding this complaint, concludes that a person's grievance about irregularities in court proceedings or erroneous actions by officers of the court is limited to remedial procedures within the court system. Further, remedy lies in the electoral process through which an elected official's judgment of actions will be considered by the voters.

Recommendations: None.

Response Requested: None.

PLANNING AND ENVIRONMENT

The areas of responsibility of the Planning and Environment Committee include the Planning Department, Building Department, Agricultural Commissioner, Emergency Services, Public Works/Solid Waste, Airport/Industrial Development, Reclamation Districts, and Local Agency Formation (LAFCO).

Complaints Received and Independent Reviews Conducted

CONSTRUCTION IN COUNTY offices: It was purported that a modification in a county government office was made without a permit or building inspection.

Investigation

Interviews were conducted with department heads of the District Attorney's Office, the Building Department, County Administrator, as well as the Deputy District Attorney. An onsite inspection of the construction was made.

Findings: Although proper procedures weren't followed at the start of construction, department heads stepped in to ensure plans, permits and the bidding process were following.

Conclusions: Construction projects should not be overseen or undertaken by individual departments or their employees.

Recommendations: These endeavors should follow proper procedure, by drawing plans, bidding, and hiring a qualified person to oversee construction. Building officials should make every effort to ensure that county departments obtain proper permits before beginning any reconstruction project.

Responses Requested: Building Department, County Administrator.