

## CALAVERAS COUNTY GRAND JURY

May 22, 2002

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

Dear Judge Martin:

The 2001-2002 Grand Jury herewith submits its final Grand Jury Report to the Calaveras County Superior Court. Nineteen citizens from varied backgrounds devoted the past year to reviewing the activities of various government entities, investigating citizens' complaints, responding to concerned citizens' inquiries, and drafting the enclosed final Grand Jury Report.

I hope that the governmental agencies and the citizens of Calaveras County will accept our recommendations in the spirit in which they are offered, i.e., the principles of Duty – Honor – Country, a firm belief that the efforts of many dedicated county employees should be recognized, and the hope that we have identified some areas where it may be possible to affect positive change.

Throughout the year, all committees continually reported their findings and details of their inquiries to the whole Grand Jury, which then decided on a course of action. As a result, each section of this report is based on careful and extensive investigation and has been adopted by at least 12 members of the Grand Jury, as required by Penal Code section 933.

On behalf of the 2001-2002 Calaveras County Grand Jury, I would like to thank Court Executive Officer Mary Beth Todd and the staff of the Superior Court, the Honorable Judge Mewhinney, and especially you for your support. A special thanks goes to the County Counsel.

Finally, I would like to thank this year's Grand Jurors for their tireless efforts. All of them have approached the task of Grand Juror in a conscientious and responsible way. For most, this work has been done at a considerable sacrifice of time, use of personal funds, and adjustment of personal lives.

Sincerely,

Dieter F. Kilian  
Foreman

## 2001-2002 Grand Jury

### Final Report

The 2001/2002 Calaveras County Grand Jury approved this Final Report on May 22, 2002.

S/\_\_\_\_\_  
Dieter F. Kilian, Foreman

I accept for filing this Grand Jury Final Report for the year 2001-2002, and certify that it complies with Title V of the California Penal Code on June 10, 2002.

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

Any persons interested in receiving a copy of this 2001-2002 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](http://www.co.calaveras.ca.us).

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## MEMBERS OF THE 2001-2002 GRAND JURY

Linda Beck

Ted Dodge

Jerry Galindo

Richard Green

Dieter F. Kilian – Foreman

Catherine Luchsinger

Richard Lyneis

Millie Mascot

Hallie Matson

Roy McCann

Fay Messer

Debbie Orbe

Martin Pollyea

Maggie Ross

Diane Schilling

Bill Todd

Gary Tofanelli – Foreman Pro Tem

Susan Vandale

Margaret Warrick

## 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.

## HOW TO CONTACT THE GRAND JURY

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

Foreperson  
Calaveras County Grand Jury  
P. O. Box 1414  
San Andreas, CA 95249

Complaint forms may be requested by calling (209) 754-5860 or by downloading a blank form from the Grand Jury website at [www.co.calaveras.ca.us/departments/grand\\_jury.html](http://www.co.calaveras.ca.us/departments/grand_jury.html).

## CALIFORNIA GRAND JURIES

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.

## FINAL REPORT

The Final Report of the Grand Jury consists of findings and recommendations of investigations and reviews and is released to the Superior Court Judge by June 30 of each year. It is made available to the new Grand Jury, the media, the public, and government officials.

## AUDIT AND FINANCE

One of the areas of concern of the Grand Jury is its responsibility for selecting a state certified public accounting firm experienced in the auditing of California counties, investigating complaints and reviewing the performance of Auditor/Controller, Assessor, Treasurer/Tax Collector, and the Technology Services Department.

### **A. ANNUAL AUDIT FISCAL YEAR 2000-2001**

#### REASON FOR INVESTIGATION:

Pursuant to Penal Code section 925, the Grand Jury shall investigate and report on the Operations, Accounts and Records of the aforementioned County Departments.

#### BACKGROUND:

The independent audit firm of Smith and Newell was contracted by previous Grand Juries to perform the audit in accordance with auditing standards generally accepted in the United States of America, and the standards applicable to financial audits contained in government auditing standards issued by the Comptroller General of the United States. A formal contract for FY 2000-2001 was not properly executed by the Grand Jury for FY 2000-2001.

The introduction in the Auditor/Controller's office of an improved computer system called IFAS (Bi-Tech) in addition to a payroll module known as Megabyte resulted in some unforeseen obstacles complicated by the conversion process. Some of these problems were identified in previous audits.

#### SCOPE:

Audit of General Purpose Financial Statements of the County of Calaveras, California, for the year ending June 30, 2001.

#### PROCEDURE:

The firm of Smith and Newell was issued a formal contract to perform the audit for FY 2001.

#### FINDINGS:

The FY 2001 audit was conducted, and the firm made a number of recommendations to the various county departments. Most recommendations appeared procedural in nature. At the time of this report, the majority of the recommendations had already been implemented and action plans in place to complete the rest. The one exception is the recommendation that the county create a project task force to begin the process of planning for implementation of Governmental Accounting Standards Board (GASB) 34.

**SUMMARY:**

The FY 2001 audit results stated, “the accounting methods and procedures adopted by the county conform to generally accepted accounting principles as applied to governmental entities.” This reflects an excellent improvement over the FY 2000 audit, which was performed by the same audit firm.

**B. ANNUAL AUDIT FY 2001-2002 CONTRACT**

In June 1999, the Government Accounting Standards Board (GASB) established a new framework for the financial reports of state and local governments. This new framework, or financial reporting model, represents the biggest single change in the history of governmental accounting and financial reporting.

**REASON FOR ACTION:**

Pursuant to Penal Code section 925, the Grand Jury shall investigate and report on the Operations, Accounts, and Records of the aforementioned County departments. The Grand Jury may enter into a joint contract with the Board of Supervisors to employ the services of an expert.

**BACKGROUND:**

It was determined to be in the best interest of the county to solicit an audit firm with the capability to assist in the establishment of GASB 34. Requests for Proposal were submitted to seven Certified Public Accounting firms. Four responded with proposals, one letter of “no quote” was received, and two did not respond at all.

**SCOPE:**

Determine the audit firm most capable of performing not only GASB 34 implementation but also able to perform the audit of the county records for FY 2001-2002.

**PROCEDURE:**

The Grand Jury reviewed in detail all received proposals. They were evaluated on their technical expertise, relating to GASB 34, and their experience in performing county audits within California. Overall pricing was also a major consideration.

**FINDINGS:**

In the final analysis, the CPA firm of Bartig, Basloe & Ray met all the criteria. The Calaveras Grand Jury voted to recommend to the Board of Supervisors that BB&R be awarded the contract. The Calaveras Board of Supervisors approved the Grand Jury recommendation, and a contract was issued.

**SUMMARY:**

The Auditor/Controller’s Office feels confident that with the technical assistance provided by this firm, they will be able to have GASB 34 fully implemented for FY 2002-2003.

RECOMMENDATION:

The Auditor/Controller's Office is urged to report to the Grand Jury their progress with the implementation of GASB 34.

RESPONSES REQUIRED:

Auditor/Controller's Office

## C. TEETER PLAN

### REASON FOR INVESTIGATION:

The Copperopolis Fire Protection District has refused to accept the recommendation of both the Grand Jury and Auditor/Controller's Office that CFPD adopt the Teeter Plan.

### BACKGROUND:

Under the Teeter Plan, the County Audit Department advances each local special district the total amount of property tax revenues it is entitled to receive. The participating local governmental entities will then have a consistent, predictable cash flow and are able to budget accurately since revenues are not restricted to actual collections. The county government keeps any late payments along with their penalty amounts.

### SCOPE:

Under this method of tax apportionment (Teeter Plan), the county currently apportions taxes on an accrual basis three times a year: 55% in December and 40% in April with the balance due June 30.

### PROCEDURE:

Extensive interviews were conducted with the Calaveras County Auditor/Controller's Office along with review of material contained in the Auditor/Controller Department's special district meetings of May 8, 2001, the taxing jurisdiction meeting of June 28, 2001, and the CFPD special board meeting of March 21, 2001. During these meetings, the advantages of the Teeter Plan were presented in detail. Members of the CFPD Board of Directors were present at all meetings.

### FINDINGS:

The distinct advantages of the Teeter Plan were presented in detail several times to the CFPD. All other county fire districts have accepted the Teeter Plan as a reasonable way to manage their monies. Copperopolis is the only district, fire or otherwise, choosing to do business differently.

### RECOMMENDATION:

Once again, the Grand Jury believes the Copperopolis Fire Protection District should adopt the Teeter Plan for tax apportionment.

### RESPONSES REQUIRED:

Copperopolis Fire Protection District

## EDUCATION AND LIBRARY

**SUBJECT: REVIEW OF SALARIES AND EXPENSES OF CALAVERAS COUNTY SCHOOL DISTRICT SUPERINTENDENTS, SCHOOL DISTRICT FUNDING, AND THE ROLE OF THE CALAVERAS COUNTY OFFICE OF EDUCATION**

**REASON FOR REVIEW:**

Pursuant to California State Attorney General (AG) Opinion No. 95-113, dated September 13, 1995, a grand jury may investigate and report upon the manner in which a school district performs its duties and functions. This opinion was predicated upon a 1965 California AG opinion which concluded that a school district is a “special purpose assessing and taxing district” and therefore falls within the terms of California Penal Code section 933.5, thereby giving grand juries oversight and investigative authority over the performance of school district activities.

Each year, the Calaveras County Grand Jury examines 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/or economical programs may be used for the betterment of the county and its citizens. The Grand Jury is 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 that funds are properly accounted for and legally spent.

This review was not prompted by any citizen or governmental complaint. At the time of this review, the 2001-2002 Grand Jury had not received any complaints regarding school districts or school district personnel.

**BACKGROUND:**

Calaveras County has four school districts (approximate student populations in parentheses): Calaveras Unified School District (4,000), Vallecito Union School District (1,030), Bret Harte Union High School District (960), and Mark Twain Union Elementary School District (758). In the remainder of this report, these districts will be referred to as Calaveras Unified, Vallecito, Bret Harte, and Mark Twain.

Calaveras Unified is the largest district, consisting of six elementary schools, one middle school, one high school and several alternative education programs. The Vallecito district has two elementary schools and one middle school, Bret Harte operates a single high school plus alternative education programs, and Mark Twain has one elementary school and one elementary/middle school.

## SCOPE:

In September 2001, an interview request was mailed to each of the four school district superintendents asking for an interview date during the months of October or November. Attached to each request was a list of questions. The questions related to salary, benefits, expense categories, authorization/approval of expenses, controls over use of funds by superintendents, access to funds, reimbursement, records of expenditures, and use of unexpended monies.

## PROCEDURE:

Each interview was held at a school site within the district. The interviews were conducted by a minimum of four grand jurors. Each interview lasted between one and two hours.

## FINDINGS:

There is no formula or rule that determines how much a board of trustees can pay a superintendent. The pay varies based on factors they take into account such as education, experience, and past accomplishments. Generally speaking, the bigger the school district the higher the salary. Separate high school districts tend to pay their superintendents a little more because there is more value to the property, with labs and shops and more specialized equipment and facilities. Unified school districts (K-12) may pay a little more because the superintendent is responsible for the whole operation. There is somewhat of a free market economy in operation. Salaries of superintendents in our area are in the average range. Base salaries for the four superintendents range from \$100,000 per year for Calaveras Unified to \$83,000 for Vallecito. The Mark Twain superintendent receives \$85,000 and Bret Harte \$91,000.

**Automobile/Mileage:** All of the superintendents use their personal vehicle for district business. The Vallecito superintendent receives \$4,000 per year for expenses, mostly used for mileage and maintenance of his vehicle. The Mark Twain superintendent is allotted \$.29 per mile and \$200 per month. The Bret Harte superintendent gets \$5,100 per year (\$425/mo.). He drives 15,000 to 18,000 miles per year on district business. The Calaveras Unified superintendent does not receive an allotment for mileage or personal vehicle use, but he has unlimited access to gasoline at the school district's gas pump. When on business out of the area, he must pay for gasoline himself. Due to the large geographic area covered by Calaveras Unified, and the number of schools, he drives approximately 40,000 miles per year on school district business.

**Medical:** All of the superintendents are covered by the same medical-dental-vision policies as their certificated (teaching) and classified (non-teaching) staff. It is a Blue Cross, Delta Dental, and Vision Service Plan package administered by Central Valley Trust, a medical management firm specializing in the teaching profession. Employees have plan options differing in out-of-pocket expense depending on the extent of coverage provided and the amount paid by the district. It is not a 100% employer paid program.

**Annuity:** The Calaveras Unified superintendent receives an annual \$7,000 tax-sheltered annuity. The other superintendents do not receive annuities.

**Conference/Travel:** School district superintendents attend between one and four out-of-area professional conferences per year. The districts pay for the cost of the conference, lodging, and may or may not pay a “per diem” for meals. The Calaveras Unified superintendent goes to 3-4 conferences per year and pays for his own meals. The Bret Harte superintendent has a \$5,000 per year conference/travel budget. Monies that are not spent are returned to the district’s general fund. The Mark Twain and Vallecito superintendents are reimbursed for the cost of their conference/travel expenses.

**Cell Phone/Laptop Computer:** The Vallecito superintendent has a district provided laptop and a cell phone, which are also used by other district employees. The Mark Twain and Calaveras Unified superintendents have a district cell phone, but not a laptop. The Bret Harte superintendent has both. All superintendents have desktop computers in their offices connected to school district networks.

**Expense Accounts:** None of the superintendents have an expense account, per se, from which they can draw funds to pay for goods or services, which they deem necessary for the performance of their duties. They are able, however, to draw from specific funds, categories, or allotments, which are earmarked for specific use and approval through a system of checks and balances.

Note on School District Funding: School districts receive funding from three sources: federal, state, and local. In each of these categories, some monies have restricted uses and some are unrestricted. Local monies consist largely of local taxes, bond funds, and developer (growth) fees. State monies are those funds proposed by the governor and passed by the state legislature, mostly made up of general revenue limits funds (see CCOE Section, below). Those monies are known as average daily attendance (ADA) and are monies given to each school district in the state based on a formula involving the number of students in attendance. Federal funding is usually, but not always, tied to special education programs and the education of other categories of “at risk” students. Between 80% and 85% of a school district’s budget is spent on salaries and benefits for staff. Of that percentage, approximately one-eighth goes to salary and benefits for administrators.

**Approval/Control of Use of Funds:** In all cases, a superintendent’s use of funds, either for himself or for his district, involves a multi-step process. As mentioned earlier, funding for any item or service is predetermined by its allocation to a specific category or budget. *Initial or final approval for use of funds is the jurisdiction of each school district’s Board of Trustees.* Some items or services are pre-approved by virtue of their being in an allotment of monies available to the superintendent to use at his discretion. At other times, the superintendent may want to present it to the Board in an informal manner to make sure there will be no future problem with its approval in the formal process. At each board meeting, school board trustees review a computer printout, which lists all district expenses for the reporting period.

In each of our four school districts, the following process or “chain of command” in the issuance of a pay warrant for an expenditure, or a minor variation of it, is the rule: first, a request for reimbursement form, with receipts attached, or a purchase order, is submitted for approval to a supervisor or administrator; next, it goes to the school district’s business manager or director of

business services; and lastly, it goes to the Board of Trustees for final approval. In addition, each school district's records are audited annually by an independent auditor. The audit report is sent to the Calaveras County Office of Education (CCOE) for examination and then on to the State Controller's Office. Also, an interim report of each school district's financial condition is sent by each district to the County Office of Education twice per year for review.

**Access to Funds:** The superintendents were asked how they access their funds, by credit card, petty cash, or reimbursement. None of the superintendents reported they used petty cash. Mark Twain has a checking account with a \$1,000 limit, which is available for unusual expenditures and emergencies. This account requires two signatures. Calaveras Unified does not have a district credit card. Bret Harte has a district credit card with a \$2,000 limit, basically used by the superintendent for travel expenses. Other staff may use it with approval. The Vallecito superintendent carries a district credit card with a \$5,000 limit. He uses it mainly to purchase gasoline, for which he is allocated eighty-five gallons per month or \$2,000 per year. This credit card may be used by other staff, as approved by the superintendent. The expense is charged to the appropriate budget account. Mark Twain has a credit card with a \$1,000 limit, which is used infrequently. Reimbursement of expenses is available to all superintendents. The Mark Twain superintendent states that he rarely makes use of the reimbursement process. The Vallecito superintendent never does, nor does Calaveras Unified. The Bret Harte superintendent submits claims for reimbursement 6-8 times per year.

**The Role of the Calaveras County Superintendent of Schools:** In February 2002, the Calaveras County Superintendent of Schools was interviewed regarding the role the Calaveras County Office of Education (CCOE) plays in the structure of public education in Calaveras County. The following information was provided.

Generally speaking, school district funding, and funding for CCOE, is based on the number of students served. It is called *average daily attendance*, or ADA. Those monies generated are called *revenue limit funding*. Historically, prior to the passage of Proposition 13 in 1978, the bulk of funding school districts were entitled to was raised through local property taxes. In the 1970's several events occurred that shifted control away from local tax revenues for schools and redirected them to the state.

Traditionally, a disparity had existed between the wealth of school districts based on property taxes. A wealthy district with a high property tax base would get more money, whereas rural schools in areas with little business or industry to support a tax base would be struggling. In a 1970's court case, that disparity was ruled unconstitutional. The court ordered the state to find a way to equalize those revenue limits over time. This was accomplished over a period of twenty years, evening out the amount of *the cost of living allowance* (COLA) that the school districts received from the state. Wealthier districts gradually received less COLA and poorer districts more.

A second way that the state became involved in school district funding was a direct result of Proposition 13 limiting available funds by lowering property taxes. At this point the state essentially said it would provide funding from general revenues collected through various types of taxes. About two-thirds of funding now comes from the state and one-third from local

property taxes. Prior to Proposition 13, the opposite was the case. [Actually, however, *all* monies are from state funds, since even property taxes do not remain in the county in which they are generated, but go to Sacramento and are reallocated back to school districts.] Over the years this has had the effect of some loss of local control over school district funding. The governor and the legislature pull the purse strings. When the state talks, school districts must listen.

An additional source of financial assistance to school districts is known as *equalization aid*. This is extra state aid, provided in some years, to a low-revenue district to increase its base revenue limit toward the statewide average. However, despite past attempts to close the gap between school district revenues, some disparity continues to exist between the affluent and poorer districts.

Two general categories exist in the description of school district funding, *restricted and unrestricted*. Unrestricted funds consist of the general revenue limits previously described and may be used, as the name implies, with little restriction. Restricted funds, whether federal or state in origin, are earmarked for a specific purpose. These *categorical* funds include, but are not limited to, special education programs, Gifted and Talented Education (GATE), School Improvement Program (SIP), “Title” programs for economically disadvantaged and at-risk students, transportation, building funds, grants, etc.

The formula for calculating average daily attendance (ADA) changed a few years ago. It used to be when a child came to school, the school district could count him for attendance, and the state would give the district the money for the child being there that day. The district was also paid if the student had an excused absence, such as being ill or having a doctor’s appointment. Now, the state pays only when the student is actually there. This is known, in school district circles, as the “butt in the seat” rule. The amount a school district receives per child per year is based on their revenue limit, and there are slight differences between limits. Assuming a child were in attendance for a full 180 day school year, the district would receive, depending on its revenue limit funding level, approximately between \$4,500 and \$7,000 per year for that child.

There is a popular misconception that the superintendents of the county offices of education have direct authority and control over the school districts in their counties. In the 1850’s, it was put into the California Constitution that there would be a county superintendent of schools who would “superintend” the schools in his county, and it would be an elected position. About 20 years ago the voters in each county were given the choice of keeping it in an elected position or changing it to an appointed position by the board of supervisors. Most counties, about five-sixths, voted to keep it elected, as did Calaveras County. In actuality, the authority of the county superintendent of schools is limited.

By constitutional direction, the authority over school districts by the CCOE superintendent of schools is primarily financial. Each school district must prepare a yearly budget and send it to the CCOE for review. The budget is put through a set of criteria to determine if the district will be able to meet its financial obligations for that year and the succeeding two years, and they have enough money in reserve in case of emergencies. This procedure was a result of the bankruptcy of the Richmond School District about ten years ago. The legislature then passed a law, AB 1200, ordering each county superintendent of schools to oversee and approve the budgets of

school districts in his county because it was too complicated, and there were too many districts for Sacramento to monitor.

The CCOE prepares the payroll for all of the school districts. The CCOE also audits the district's books and purchase orders to make sure charges are being made correctly and financial mistakes are not being made. Voluntarily, the CCOE handles the credentialing of teachers for the districts, helps teachers apply for the right credentials, assists in the renewal of credentials, makes sure teachers take the proper classes, and guarantees they have the proper credential for the type of class being taught.

On the curriculum side, the CCOE assists school districts in staff development, teacher training, coordination of inservices, summer training, and operation of a media center where teachers can obtain curricula materials for use in their classrooms.

The CCOE also offers educational programs for students who are expelled or at risk of failure, and for those who wish an alternative to attendance at a traditional school district facility. These programs fall under the categories of independent study and home schooling. The CCOE prepares grants and conducts workshops, which assist the school districts and their staff. In addition, the CCOE operates before and after school child care programs for districts in the Highway 4 corridor.

The CCOE Superintendent of Schools sees his role as an advocate for the students in the county and for the public, not that the school district superintendents aren't there for that reason also, he points out. When he receives a complaint or an inquiry from the public, he always tells them he will check into the situation and get back to them. He lets them know the boundaries of his authority. He considers himself a facilitator rather than a coordinator; he cannot order a school district to do something but hopes to be able to facilitate a solution to the problem. The school district superintendents are appointed by their boards, and he believes that this is a relationship upon which he should not tread. On the other hand, if a problem has countywide significance, he attempts to be proactive and entreats the districts to work together so the situation will not become an issue.

#### SUMMARY:

This year, the Grand Jury undertook a review of the salaries and expenses of our school district superintendents. Calaveras County has four public school districts: Calaveras Unified School District, Bret Harte Union High School District, Mark Twain Union Elementary School District, and Vallecito Union School District. Each district is administered by a board of trustees consisting of five elected members and a superintendent appointed by the board. In addition, the Calaveras County Office of Education (CCOE) provides support services for the districts, mainly in the financial/accounting areas. It also assists in teacher services and operates independent study, home study, and child day care programs. The CCOE has an elected superintendent and an elected board of trustees. The salary and expenses of the CCOE Superintendent of Schools was not reviewed.

Interviews were conducted, individually, with each school district superintendent. The superintendents received a questionnaire in advance. The data collected can be summarized as follows: salaries range from \$83,000 to \$100,000 per year; all superintendents use their own vehicles when on district business and are compensated in various ways; all superintendents receive the same medical benefits as do teaching and non-teaching staff; all superintendents attend conferences out of the area and are reimbursed, in varying degrees, for their expenses; some superintendents have cell phones and/or laptop computers available to them, some do not; none of the superintendents have a specific expense account from which they can draw monies for discretionary use. Various expenses are charged to different accounts and a tight chain of command exists to oversee the use of those monies. Superintendents access their funds in various ways through reimbursement, purchase order, and limited credit card use. In all cases, the board of trustees is the ultimate authority in approving the use of funds by their superintendents.

#### CONCLUSION:

It became clear during the interviews of our four school district superintendents that they work long, hard hours in the performance of their duties. Coordinating the needs of the students, teachers, support staff, administrators and parents is no easy task. Their compensation is equitable. The opportunity for financial malfeasance is minimal, as all funds are pre-approved, post-approved, and examined at several steps along the way, at both local and state levels. It is clear that there are numerous safeguards in place to protect against the misuse of public funds.

The 2001-2002 Calaveras County Grand Jury wishes to thank the following superintendents for their courtesy and assistance in the preparation of this report: Mr. John C. Brophy, Calaveras County Office of Education; Mr. James L. Frost, Calaveras Unified School District; Mr. Chris Von Kleist, Mark Twain Union Elementary School District; Mr. Michael Chimente, Vallecito Union School District; Mr. Joseph W. Wilimek, Bret Harte Union High School District.

## GOVERNMENT AND ADMINISTRATION

### A. CALAVERAS COUNTY AIRPORT / MAURY RASMUSSEN FIELD

#### REASON FOR REVIEW:

The review was conducted pursuant to California Penal Code section 925, which states in part: "...investigations may be conducted on some selective basis each year." Records of past Calaveras County Grand Juries show that the airport has not recently been subject to a review. The 2001-2002 Grand Jury received no formal complaints about the Calaveras County airport. The investigation was considered to be a routine review of a Calaveras County facility.

#### BACKGROUND:

The Calaveras County airport is located approximately 5 miles southeast of the community of San Andreas on Highway 49. Its address is Route 3, 3600 Carol Kennedy Drive, San Andreas, California. The airport opened in December 1981. A grand opening ceremony was held in July 1982.

#### SCOPE:

The Grand Jury toured the airport under the able guidance of the manager. Ms. Kathy Zancanella has been in the position of airport manager since 1989. All information gathered and reported here was either provided by her or obtained from official publications.

#### PROCEDURE:

Several interviews with the manager were conducted and all questioning was conducted by at least two members of the Grand Jury pursuant to California Penal Code section 916. Some information was obtained on Airport Day 2002, which was organized as an open house event and, according to the airport manager, had the largest number of visitors ever.

#### FINDINGS:

The airport is equipped to handle ninety percent of general aviation activities. DC-3s have used the landing strip and several private business jets are landing periodically. The California Department of Forestry uses the airport to stage their firefighting tankers, observation planes and helicopters, as well as airborne command and control platforms in the event of major fire emergencies. The airport has an annual budget of approximately \$282,560. The county's General Fund has never been asked to provide operational funds or funds for expansion or improvement of airport or industrial facilities. It appears that the airport is completely self-supporting.

There are several non-airport related businesses located in the developed area of the airport. Those businesses are operating their facilities on a land lease basis. The Calaveras County

Office of Emergency Services and the County Sheriff's department share a hangar to house their lake patrol boats and other equipment. Hangar space is rented on a monthly basis. Rents range from \$132 to \$175. Larger hangar space is leased at \$0.18 to \$0.19 per square foot. Storage spaces command a rental range between \$79 and \$84. Tie-down spaces are available at \$27 and parking costs \$11. Office space consists of a lobby, pilot room and several private offices. Rents for office space range between \$.60 and \$.83 per square foot. Leases and rents are collected on a monthly basis. The current waiting list for hangar space consists of 48 parties and changes constantly. Time frame for availability varies.

In addition to rents, income is generated by fuel sales, charges for current services (utilities) from business tenants, and aircraft tax. Major items of expenditures are insurance, maintenance of buildings and grounds, runway and aprons, professional and special services (manager's contract and administrative/accounting help), and special department expense used as a reserve for unusual expenses.

There is a signed agreement with a job description for the position of Airport Manager. Duties are summarized below.

- Oversee all airport operations
- Oversee the maintenance of airport property
- Market available airport business space
- File grant applications for economic development
- File grant applications for airport improvements through the Federal Aviation Administration (FAA), the Division of Aeronautics, and the California Aid to Airports Programs.
- Provide monthly financial and activity reports
- Assist County in preparation of a budget

While the airport is self-supporting, the county has occasionally extended loans, which the airport is then obligated to pay back. Grants and loans have been used to develop additional hangar space either for aircraft storage or commercial use. At present, grant funding in the amount of \$505,000 has been requested from the FAA for airport improvements. Such grants require a 10 percent match; specifically a 5.5 percent share match from the airport and a 4.5 percent share match from the State Division of Aeronautics.

Future projects include additional water sources, a new sewer system, and a new access road along portions of the NE airport boundary to allow development of further hangar space. Such a road would also take passenger car and truck traffic off the run- and taxiway in front of the existing hangars. To amplify the seriousness of this situation, the following information and guidance was recently provided by the Safety Officer of the California State Department of Transportation, Division of Aeronautics. His concern pertains to the unnecessary vehicle operations within the Airport Operating Areas (AOA) of the Calaveras County airport. He specifically mentions the FAA's efforts to educate airport managers about this dangerous practice. Furthermore, it is a violation of the county grant assurances to the FAA and could jeopardize future federal funding for the airport. The County has also received grant funds from the Division of Aeronautics and is obligated to maintain dominion and control of the airport

property. If it appears that this problem cannot be corrected, it will adversely affect state funding and possibly the airport permit. The AOA is defined as the airside area, or the airport side of the buildings at the airport. Vehicle operations within the AOA are to be restricted to absolute necessary activities within the specific area of the AOA such as aprons and taxiways. Typical justification includes loading of aircraft passengers and freight or to access the owner's hangar. Vehicles should then be parked in designated areas. Owners or Fixed Base Operator personnel may fuel aircraft, tug aircraft for maintenance, or access hangars. These activities are acceptable provided they do not use or minimize the use of taxiways. Emergency vehicles may operate on the runway to accomplish the necessary tasks relating to an emergency. The Aviation Safety Officer urges airport management to address these problems in the airport procedures manual, to implement an education program for tenants and local pilots, and to install the necessary fencing, gates and signage. He suggests having an enforcement program including airport regulations adopted by county ordinance, fines, and enforcement by a local law enforcement officer.

The Grand Jury came to the conclusion that the planned new access road would be extremely helpful to direct vehicular traffic away from the AOA, thus assuring safety and financial support of the county airport by state and federal agencies.

For further information, please see the attached airport location and layout drawing, as well as a page of the Airport Master Record, and an excerpt from an airport directory. Information provided by these addenda cover exact location, coordinates, magnetic variation, telephone numbers, hours of operation, elevation, pattern altitudes, runways, lights, fees, approaches, communication frequencies, weather contacts, charts, and local information as to rental cars, restaurants and lodging.

#### CONCLUSION:

The Calaveras County Airport/Maury Rasmussen Field appears to be efficiently run. It is the opinion of the Grand Jury the County is served by a dedicated manager, who is also a pilot. The manager is an independent contractor and not an employee of the County. Money, as in most county projects, is needed to expand the airport facility. Improved water and sewage systems are urgently needed. Safety concerns should be greatly reduced if an access road is built.

#### RECOMMENDATIONS:

1. The Airport Manager is urged to aggressively market her plans for a new access road and additional hangar space.
2. Safety issues as they impact vehicular traffic in the Airport Operating Areas should be addressed by Calaveras County, including possible county ordinances and funding.
3. Calaveras County Administration should actively pursue airport water and sewage issues.
4. Availability of grant share monies, as well as support in dealing with state and federal agencies, should be provided by County agencies.

**RESPONSES REQUESTED:**

1. Calaveras County Board of Supervisors
2. Calaveras County Airport Management

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION		AIRPORT MASTER RECORD		PRINT DATE 033-02-2000 FORM APPROVED OMB 2120-0015	
>1 ASSOC CITY: SAN ANDREAS		4 STATE: CA		LOC ID: 003      FAA SITE NR: 02141.11A	
>2 AIRPORT NAME: CALAVERAS CO-MAURY RASMUSSEN FIELD		5 COUNTY: CALAVERAS, CA		7 SECT AERO CHT: SAN FRANCISCO	
>3 CBD TO AIRPORT(NM): 04 SE		6 REGION/ADO: AWP / SFO			
<u>GENERAL</u>		<u>SERVICES</u>		<u>BASED AIRCRAFT</u>	
10 OWNERSHIP: PUBLIC		>70 FUEL: 100LL 80		90 SINGLE ENG: 67	
>11 OWNER: COUNTY OF CALAVERAS				90 MULTI ENG: 3	
>12 ADDRESS: GOVERNMENT CENTER		>71 AIRFRAME RPRS: MAJOR		92 JET:	
SAN ANDREAS, CA 95249		>72 PWR PLANT RPRS: MAJOR		TOTAL 70	
>13 PHONE NR: 209-754-6303		>73 BOTTLE OXYGEN:			
>14 MANAGER: KATHY ZANCANELLA		>74 BULK OXYGEN:		93 HELICOPTERS:	
>15 ADDRESS: PO BOX 695		75 TSNT STORAGE: TIE		94 GLIDERS:	
SAN ANDREAS, CA 95249-0815		76 OTHER SERVICES:		95 MILITARY:	
>16 PHONE NR: 209-754-4208		INSTR RNTL		96 ULTRA-LIGHT:	
>17 ATTENDANCE SCHEDULE:		<u>FACILITIES</u>		<u>OPERATIONS</u>	
MONTHS	DAYS	HOURS	>80 ARPT BCN: CG	100 AIR CARRIER:	
NOV-APR	ALL	0800-1700	>81 ARPT LGT SKED: * DUSK-DAWN	101 COMMUTER:	
MAY-OCT	ALL	0700-1800	>82 UNICOM: 122.800	102 AIR TAXI:	
18 AIRPORT USE: PUBLIC		>83 WIND INDICATOR: YES-L		103 G A LOCAL: 12,500	
19 ARPT LAT: 38-08-46.0190N ESTIMATED		84 SEGMENTED CIRCLE: YES		104 GA ITNRNT: 12,500	
20 ARPT LONG: 120-38-53.4240W		85 CONTROL TWR: NO		105 MILITARY:	
21 ARPT ELEV: 1,325 SURVEYED		86 FSS: RANCHO MURIETA		TOTAL 25,000	
22 ACREAGE: 93		87 FSS ON ARPT: NO		OPERATIONS FOR 12	
>23 RIGHT TRAFFIC: 31		88 FSS PHONE NR: 916-354-0161		MONTHS ENDING 22 Nov 1999	
>24 NON-COMM LANDING: NO		89 TOLL FREE NR: 1-WX-BRIEF			
25 NPIAS/FED AGREEMENTS: NGY					
26 FAR 139 INDEX:					
<u>RUNWAY DATA</u>					
>30 RUNWAY IDENT:	13/31	H1	H2		
>31 LENGTH:	3,603	65	65		
>32 WIDTH:	60	65	65		
>33 SURF TYPE-COND:	ASPH-G	ASPH-G	ASPH-G		
>34 SURF TREATMENT:	NONE	NONE	NONE		
35 GROSS WT: SW	13				
26 (IN THSDS) DW					
37 DTW					
38 DDTW					
<u>LIGHTING/APCH AIDS</u>					
>40 EDGE INTENSITY:	MED				
>42 RWY MARK TYPE-COND	BSC-G / BSC-G	-/-	-/-		
>43 VGSI	/ V4R	/	/		
44 THR CROSSING HGT	/ 31	/	/		
45 VISUAL GLIDE ANGLE	/ 3.00	/	/		
>46 CNTRLN-TDZ	-/-	-/-	-/-		
>47 RVR-RVV	-/-	-/-	-/-		
>48 REIL	/	/	/		
>49 APCH LIGHTS	/	/	/		
<u>OBSTRUCTION DATA</u>					
50 FAR 77 CATEGORY	A(V) / A(V)	/	/		
>51 DISPLACED THR	/	/	/		
>52 CTLG OBSTN	TREE /	/	/		
>53 OBSTN MARKED/LGTD	/	/	/		
>54 HGT ABOVE RWY END	25 /	/	/		
>55 DIST FROM RWY END	660 /	/	/		
>56 CNTRLN OFFSET	75L /	/	/		
57 OBSTN CLNC SLOPE	18 :1 / 50 :1				
58 CLOSE-IN OBSTN	/	/	/		
<u>DECLARED DISTANCES</u>					
>60 TAKE OFF RUN AVBL (TORA)	/	/	/		
>61 TAKE OFF DIST AVBL (TODA)	/	/	/		
>62 ACLT STOP DIST AVBL (ASDA)	/	/	/		
>63 LNDG DIST AVBL (LDA)	/	/	/		
(-) ARPT MGR PLEASE ADVISE FSS IN ITEM 86 WHEN CHANGES OCCUR TO ITEMS PRECEDED BY >					
>110 REMARKS:					
A017	FOR ATTENDANT AFT HRS CALL 209-772-1738.				
A081	MIRL RY 13/31 OPERS DUSK-0000; AFT 0000 ACTVT MIRL - CTAF; ACTVT VASI RY 31 - CTAF.				
A110 - 1	EFFECTIVE RY GRADIENT RY 13 0.6% UP.				
A110*G	THIS AIRPORT HAS BEEN SURVEYED BY THE NATIONAL OCEAN SERVICE. FOR INFORMATION ON GEODETIC CONTROL, CONTACT THE NATIONAL GEODETIC SURVEY, 301-443-8168.				
111 INSPECTOR: ( S )	112 LAST INSP: 22 Nov 1999	113 LAST INFO REQ:			



Information provided by: Airplane Owner's and Pilot's Association (AOPA)  
Airport Directory 2001-2002

**SAN ANDREAS – Calaveras County/Maury Rasmussen Field (ØO3)**

**Location:** 4 mi. SE of city

**Coordinates:** N38-08.76; W120-38.89

**Mag var:** 15E

**Nav aids:** LIN 114.8 059 17.4

**Telephone:** 209-736-2501

**Fax:** 209/736-2402

**Hours:** 8 am to 6 pm summer; 8 am to 5 pm winter

**Elevation:** 1325

**Pattern altitudes:** 2303 MSL all aircraft

**Runways:** 13-31 3,603 X 60, asphalt; right tfc ry 31, tree ry 13, lights PCL

**Lights:** SS to SR, 122.8 (5 clicks in 5 sec, med intensity); beacon PCL aft midnight

**Fees:** hangar, tiedown

**Approaches:** GPS RNAV

**FSS:** Rancho Murieta 122.2, 122.3

**Com freq:** APP Oakland Center/126.85; UNICOM/CTAF 122.8

**Weather contacts:** AWOS 118.525, 209/736-2523

**Charts:** San Francisco; L2

**Noise abatement:** Runway 31 heading to 1800 MSL; avoid ovrrft of subdivision ½ mi.

**Rental cars:** 49er Subaru-Isuzu 736/2514; 736-4949

**Restaurants:** Appletree 6 mi 736-9566; many Bed & Breakfast

**Lodging:** Angel's Inn 6 mi 736-4242; Black Bart Inn & Restaurant 5 mi 209/754-3802;  
Bonnie's Inn Motel 5 mi 754-3212; Gold Country Inn 6 mi

**Camping:** On field

**Local attractions:** International Frog Jumping Jubilee/3<sup>rd</sup> wkend in May; Mercer Cavern 18 mi;  
Moaning Cave 15 mi; Norcal SPB

**Notes:** Intensive flight training

**Dauids Aviation, Inc.:** 209/736-2526, 209/736-4554; Fax: 209/736-2527;

Location: CTR; Fees: Overnight; Hours: 8 am to 5 pm winter; 8 am to  
6 pm summer & spring; Frequency: 122/8; Fuel: Texaco 80, 100LL

**Marc's Flying Service:** 209/736-2325; Hours: Mon-Sat 8am-6pm; Computerized  
weather svc: Y; Frequency: 122.8

**Norcal Aviation:** 209/736-4554; Fax: 209/736-2527; Location: CTR; Fees: overnight;  
Hours: 24 on req; Computerized weather svc: Y; Frequency: 122.8;  
Fuel: Texaco 80, 100LL; Self service: 8 am to 5 pm

**Helipads:** H1 65 X 65, asphalt; H2 65 X 65, asphalt

## **B. CALAVERAS COUNTY ANIMAL CONTROL FACILITY**

### **REASON FOR REVIEW:**

The review was conducted pursuant to California Penal Code section 925, which states in part: "...investigations may be conducted on some selective basis each year." Records of past Calaveras County Grand Juries show that the County Animal Control facility has been the subject of many prior Grand Jury investigations. Not only the County Animal Control facility, but also the Domestic Animal Control Division of the County's Agriculture and Environmental Management Agency have received formal complaints from the county citizenry.

### **BACKGROUND:**

The Calaveras County Animal Control facility (shelter) has been a long recognized problem with past Grand Juries since 1986. Final reports of past Grand Juries have many times reflected the need for change in this outdated facility. Grand Jury recommendations have included many requests for minor changes: cage configuration, lighting, isolation of incoming animals until checked for communicable diseases, urine and feces elimination from existing cages, filling of cracks in concrete floor to prevent infectious disease bacteria to escape disinfection, drop-off cages for dogs and cats to provide proper isolation of individual animals, protection to shelter animals from summer heat and winter cold, etc. Major changes have included requests for a new shelter.

Last year's Grand Jury received letters and reports by the Calaveras County Health Services Agency, the Environmental Health Department Land Use Agency, and the Angels Camp Veterinary Hospital. Some of these reports document much needed improvements at the shelter.

### **SCOPE AND PROCEDURE:**

The Grand Jury visited the shelter and was escorted by the Animal Control Director and his on-site supervisor. Discussions regarding the shelter and its future were held with members of the Board of Supervisors and the Animal Control Director and his staff. Information and guidance on how to set up and run a proper domestic animal control facility were obtained by the Grand Jury from members of the West Coast Regional Office of the Humane Society of the United States and the Calaveras County Humane Society. Copies of all brochures, booklets and papers collected from those agencies were turned over to the Shelter Director and all members of the Board of Supervisors. These packets also included information on how to secure grants from State and Federal agencies. All interviews were conducted by no less than two members of the Grand Jury pursuant to California Penal Code section 916.

### **FINDINGS:**

The tour of the Grand Jury through the shelter was conducted in August 2001. Some recommendations made by last year's Grand Jury were implemented. Lighting had been improved. Additional drop-off cages for cats had been added. Some of the cracks in the dog

cage area had been sealed. However, the Grand Jury found that the seal was considered inadequate and had to be replaced. A new freezer has been installed to store euthanized animals. Deceased and euthanized animals are now taken to the county land fill at least twice a week. While all of these actions are appreciated, they, nevertheless, do not address the major shortcomings of the existing shelter.

Since the Grand Jury tour, Calaveras County Humane Society Volunteers have painted some of the rooms in the “get acquainted” area, have purchased new cat cages on wheels, and had new flooring installed in some of the areas including the administrative area restroom. All these improvements were paid for by the Humane Society. It is obvious that the Humane Society’s concern is that these animals are living in a clean area conducive to adoption and redemption of shelter-housed animals.

Following are statistics provided by Calaveras County Animal Control from January 1, 2001 to September 30, 2001.

Number of licenses issued: 5,724  
An animal is held before euthanasia an average of 6-7 days.  
Dogs impounded: 369  
Dogs turned in to shelter: 341  
Dogs released to owner: 296  
Total dogs handled: 1,006  
Dogs redeemed by owner: 194  
Redemption rate: 19.3%  
Dogs adopted: 146  
Adoption rate for dogs: 18%  
Dogs euthanized: 652  
Euthanasia rate: 64.9%  
Cats impounded: N/A  
Cats turned in to shelter: 879  
Total cats handled: 879  
Cats redeemed by owner: 9  
Redemption rate: 1.1%  
Cats adopted: 88  
Adoption rate: 10.2%  
Cats euthanized: 782  
Euthanasia rate: 89%  
Total other animals: 36

Adoption fees: Cats are \$5.00 adoption and \$15.00 for spay/neutering.  
Dogs are \$15.00 adoption and \$25.00 for spay/neutering.

Total payments to veterinarians for treatments, onsite visits at the shelter and supplies: \$3,556.49. Payments to veterinarians for spay/neutering: \$4,907.50. Total for these expenses: \$8,463.99.

112 citations were issued, including “fix-it tickets” for non-licensing.

The Animal Control facility has a total of 5 employees. All are full time. No part-time or volunteers.

No grant monies have been received by the shelter.

In October 2001, several members of the Grand Jury toured the Tuolumne County Animal Control Facility, and in their opinion, it is an impressive operation. The Tuolumne shelter is a joint venture with the Humane Society. That facility was built by the Humane Society. The animal shelter leases part of the building for their use, and the Humane Society occupies the other side of the building.

As a much needed fundraiser, the Tuolumne County shelter held a contest for school children. The topic was drawings of animals, and the winning picture was used to decorate coffee mugs, which were then made available to the public for a donation. All of these activities show a concerted effort to run an efficient shelter.

The Calaveras County Board of Supervisors has allocated \$100,000 toward a study of a new facility. County administrators have told the Grand Jury that a new facility could be built in the present location. Noise abatement and safety were issues that could be handled, so we were told. The Grand Jury was further told that a task force or committee was being formed under the guidance of the Shelter Director to explore all possibilities to plan a new shelter for Calaveras County. In October 2001, a member of this year's Grand Jury was selected and accepted to be part of this committee. However, she has not yet been invited to attend any meetings. The Humane Society has an active volunteer program. The Calaveras County animal shelter's acceptance of those volunteers is appreciated and encouraged.

#### CONCLUSION:

The Grand Jury is concerned the above information and statistics are indicative of the Board of Supervisors low prioritization of animal shelter issues. Recommendations for a new shelter by prior Grand Juries have not been implemented. As stated in last year's final report, one of the major problems appears to be that the Director of Animal Control is over tasked. He is in charge of too many other management functions in his position as Agriculture and Environmental Agency Commissioner to be effective in negotiations for a new shelter. Competent as he may be, he does not have enough time to conduct, plan and attend all meetings necessary in connection with a new shelter project, since by his own admission, he only devotes about 10 to 15 percent of his time to shelter affairs. Only a full-time position, newly created and staffed with a competent individual whose sole job it will be to oversee and be responsible for the planning, fund acquisition, construction and subsequent running of a new shelter, is the answer for this continuing problem. Last year's Grand Jury referred to the shelter as a "disgrace" to the County. Very little progress has been made.

#### RECOMMENDATIONS:

1. Aggressively research and apply for facility improvement and/or grants and funding options for a new facility

2. Hire a full time animal control director
3. Expand the volunteer program
4. Arrange for an annual health inspection of the present facility by the Environmental Health Department

RESPONSES REQUESTED:

1. Board of Supervisors
2. Animal Control Director

## **C. CALAVERAS COUNTY EMERGENCY NOTIFICATION**

The Calaveras County Darby Fire in September 2001 occurred during the events of September 11. It became alarmingly clear that Calaveras County not only lacked an adequate, uniform system to advise residents of current fire information, but also lacked a countywide alert system for emergencies in general.

### **REASON FOR INVESTIGATION:**

The dissatisfaction, apprehension, and heightened anxiety of Arnold area residents was due to the lack of reliable, up-to-date information regarding risks/scope of the Darby Fire.

### **BACKGROUND:**

During the Darby Fire many residents were either evacuated, on evacuation alert, or worried about their status while flames from the fire were visible from their residences. The means of disseminating information was poor at best. Concurrently, the national crisis produced increased concern. Information, however insufficient, for residents affected by the fire came from the California Department of Forestry (CDF), the US Forest Service, the Calaveras Sheriff's Department, and other sources:

- Many residents mistakenly relied on the news coverage of the fire from TV stations that were often unaware of current developments and were not area specific.
- The fire departments provided telephone numbers but often with out-dated, non-specific information.
- The radio stations in Sonora and Jackson were not received by all residents. The Sonora station periodically aired information provided by CDF, but was not always available, particularly on weekends.
- The public access TV station information was at least a day old, and not available during the power outage.
- Power failure/interruption left many area residents reliant on neighbors or friends as the only source of information.
- Power failure in surrounding areas lead to more speculation about the proximity of the fire.

### **SCOPE:**

While the Darby Fire brought this lack of notification procedures to the forefront, other emergencies in the county such as water quality, road closures, etc. would apply.

### **FINDINGS:**

At a community meeting with District 3 supervisor, representatives from fire departments, CDF, and the Sheriff's department, community turnout was significant, and the major complaint was lack of easily accessible information. While CDF posted notices at several locations along Highway 4, and also provided updates to radio stations, it was not appropriate to expect residents

to leave their homes at risk and drive around looking for posted notices. The forest service stationed an employee at a local market, and using charts and diagrams, he attempted to dispense information to shoppers. This method of holding continuous small, public gatherings was ineffective. Inquiries were limited to specific information for each attendee, and was not disseminated to the general public.

The acting County Administrative Officer (CAO), also the head of the Office of Emergency Services (OES), was invited to attend the November 6, 2001 meeting of the full Grand Jury. His presentation was followed by a discussion on the need for a system of emergency notification to replace what is currently used (described above). Subsequently, the Grand Jury chose to study the situation and make suggestions. The District 3 supervisor and the CAO suggested the use of a "banner" at the bottom of the TV screen during regular programming to inform the public during emergencies. This would be helpful, but only in circumstances where power supplies were not disrupted. A newspaper article mentioned that the Board of Supervisors had recommended the CAO follow up with a need assessment and recommendations.

On April 23, 2002, the Grand Jury received a report from the OES, which addressed issues in terms of short-term and long-term avenues to pursue. Short-term actions cover public notification during major fire events and could be implemented by this coming fire season. These actions involve OES and CDF coordinating their efforts to seek more efficient means of approving quicker press releases. Further, CDF is developing a new protocol so that during fires they will be more responsive to our local public information needs. Long-term actions are very complex and involve many local and state agencies, including Public Access Television (Channel 5), AT&T cable service, Public Access Advisory Committee, State Office of Emergency Services, Emergency Alert System, and the FCC. The direction of these actions appears to use television, specifically Channel 5, as the mechanism through which the public will be notified and updated during emergencies. In this OES report, an earlier suggestion by Grand Jurors, to use a telephone system, was felt to be of no benefit to the public at this time. The report states, "CDF already provides manned emergency phone lines during major fire events."

#### SUMMARY:

There is a need for emergency notification to county residents during emergencies. This notification must be available during power outages. This would require telephones that do not rely on electric power. The fact that some residents do not receive Channel 5 must be considered in the plan. Finally, the system must be area specific.

#### RECOMMENDATION:

It is recommended the county install on its PBX an automated digital recording device that could play a recording. Many PBXs have the capability built in through voice mail. If this capability does not exist on the county offices' PBX, a recording device such as an *Interalia* unit could be added with multiple ports where callers could simultaneously listen to the same recorded message. The desired number of callers who could access the recording without getting a busy signal would dictate the number of ports and phone lines that would be required. If desired, it could be re-recorded/updated remotely through a phone line into the PBX. The telephone

number for the emergency recording, where any concerned citizen can call to get updated information in the event of a fire or any other emergency, could be disseminated to property owners and residents throughout the County, listed in each phone directory, on the County Internet site, etc.

**RESPONSES REQUIRED:**

1. Board of Supervisors
2. Office of Emergency Services

## HUMAN SERVICES

### CHILD PROTECTIVE SERVICES (CPS)

#### REASON FOR REVIEW:

The review was conducted pursuant to California Penal Code section 925, which states in part, "...investigations may be conducted on some selective basis each year." The focus of the review was directed to one component of Human Services offered to residents of Calaveras County, namely, CPS. This program is required by state mandates to provide very specific services. The review attempted to examine CPS to determine the level of compliance to the state mandates.

#### SCOPE:

The review was limited to the five major services to Calaveras County children in need of protection.

#### PROCEDURE:

Calaveras County Works and Human Services administers CPS. Therefore, a scheduled on-site agency review was conducted at the Mountain Ranch Road facility in San Andreas. Pursuant to California Penal Code section 916, which requires no less than two members of the Grand Jury to conduct an interview/investigation, three jurors met with the CPS program manager, and a social work supervisor. The administrator and the staff supervisor were well prepared for the interview. They seemed eager to respond to the jurors' inquiries, and provided concise answers and general information as requested.

#### FINDINGS:

Children enter the CPS system through a variety of pathways. Referrals come from the family itself, neighbors, relatives, and the court system. Another source of referral comes from "mandated reporters". These reporters are required by law to report any *suspected* child abuse/neglect cases. These are people who are professionally involved with the child, i.e., teachers, therapists, doctors, etc. If the mandated reporters fail to make a report, they face a misdemeanor charge. The referents are not liable if their report is made in good faith.

The following five state mandated programs provide services to the children in need of varying degrees of protection. The information provided indicated all five mandated services are being provided in Calaveras County.

1. Emergency Response (ER) is an immediate response where the family/child is seen within two hours. The review revealed that of a total 793 reported cases in 2001, 115 cases were deemed ER cases, and were seen within the 2-hour limit. Police become involved in the event that a purported crime has been committed.

2. Family Maintenance (FM) is provided if it is determined a child can be safely left in the care of the family unit, and services are focused on keeping the family together.
3. Family Reunification (FR) is provided where supervision services are required as a child is returned from out-of-home placement. The juvenile court may require certain actions by the parents, for example substance abuse counseling, parenting classes, or drug testing, in order to alleviate risks to the child as he re-enters the family unit. Court orders often determine the frequency of social work supervision and visitation.
4. Permanency Planning (PP) includes adoption services. The focus is to place a child in a permanent home as soon as possible in situations where reunification is deemed impossible. This early permanent placement plan serves to avoid multiple or long term foster home placement and to meet the child's right to have a permanent home.
5. Independence Planning (IP) is a service to aid children who leave foster care due to reaching the age of 18, or the emancipation of minors.

The jurors conducting this review were provided the following statistics for 2001:

1. CPS total reports: 793
2. Reports investigated: 558
3. The remaining reports were evaluated out, or "settled at intake."
4. Total investigations: 115 within 2 hours, with remaining 443 in 10 days.
5. Out-of-home placements: 152
6. Family maintenance services provided: 89

CPS has 10½ approved positions. Staffing is a serious concern. It was reported that two positions are vacant at any given time. Staffing is down one-third due to vacations, long-term illnesses, or failed recruitment efforts. This places the staff in a difficult situation in terms of meeting the state mandates. Clearly, these staffing conditions create undue stress, risking early "burn-out" in the stressful job of protecting abused and neglected children.

#### CONCLUSION:

The insufficient salary levels in Calaveras County add to this staffing crisis. The educational requirements, i.e., BA degree, or preferably a Masters Degree in Social Work (MSW) are not competitively compensated. Currently there is no Children's Shelter or emergency care facility in Calaveras County, but some homes are specially licensed to provide this level of care. An example would be a newborn tested positive for drugs who cannot safely return home with the parents. It was estimated 80% of alleged child abuse/neglect cases involve children living in a home where drugs and alcohol are abused. Despite their many advantages, due to staffing shortages, satellite offices are not currently considered a viable option.

#### RECOMMENDATIONS:

1. Increase salaries and other compensations, i.e., alternate work schedule options.

2. Explore the feasibility of a county operated Children's Shelter, including emergency care.
3. Closely monitor social worker caseload standards.

RESPONSES REQUIRED:

1. Board of Supervisors
2. CPS Program Manager

## LAW AND JUSTICE

### A. CALAVERAS COUNTY JAIL

The Calaveras County Jail is located within the Calaveras County Sheriff's Department complex at 891 Mountain Ranch Road, San Andreas, California and operates under the supervision of the Sheriff. The Jail Commander is a sworn officer of the Sheriff's Department with the rank of captain.

#### REASON FOR INVESTIGATION:

Penal Code section 919 states that the Grand Jury shall inquire annually into the condition and management of public prisons within the county.

#### BACKGROUND:

The Grand Jury visited the County Jail in November 2001. The visit was focused on general conditions, staffing, inmate procedures, and whether any progress had been made with the new county jail and sheriff's office project.

#### PROCEDURE:

As part of its investigation, the Grand Jury conducted interviews with the sheriff, the jail commander and the ranking sergeant. The Grand Jury reviewed information based on interviews and documentation received. Interviews were conducted by no less than two members of the Grand Jury pursuant to Penal Code section 916.

#### FINDINGS:

##### 1. The Physical Plant

The policies and procedures governing the Calaveras County Jail met or exceeded the Minimum Standards for Local Detention Facilities as outlined in Titles 15 and 24 of the California Code of Regulations.

The need for a new jail has been recognized for over twenty years. The Needs Assessment and Project Funding committees and sheriff's office personnel are pursuing all avenues for location of facility, architectural design, and project funding. On April 4, 2002, the county sheriff's department was among seven counties presenting proposals to the California Board of Corrections Executive Steering Committee for the 2001/2002 Construction Grants Program. Sheriff Downum invited two jurors from the Grand Jury to attend the hearing. Supporters included representatives from the sheriff's department, executive director of the County Chamber of Commerce, chief probation officer, members of the Calaveras County Board of Supervisors, Angels Camp police chief, Superior Court judge, building director, county administrative office and CHP lieutenant commander. The Calaveras County presentation was

well organized, used visual aids, answered inquiries from the committee, supplied statistical data, and demonstrated a complete understanding of the current and future needs of a new detention facility. The presentation not only stressed the need to replace the present antiquated facility, but also focused on the risk and safety issues of detainees and jail staff.

Calaveras County requested \$8,000,544 in grant funds. This grant request was subsequently denied.

The present Calaveras County Jail was built in 1963 and was last remodeled in 1999 when four high security cells were added. The physical layout of the facility is antiquated and lacks proper visual observation of cells, walkways and high security areas. The staff offices are inadequate in size, and the hallways are narrow. The facility, however, was found to be very clean and well maintained.

The Board of Corrections mandated capacity is 56 male and 9 female inmates. Inmates classified as intoxicated and those with civil complaints are not included in the capacity ratio. Inmates are in the facility up to 6 hours for intoxication and to a year or longer for more serious offenses. Most inmates are there for pre-trial confinement. Some sentences require inmates to be transported to the State Prison Receiving Center in Tracy for further processing.

## 2. Jail Staffing

The jail operates three shifts. Two shifts consist of four correctional officers per morning and evening shifts. Two correctional officers staff the midnight shift. Additional officers are added for specific events.

## 3. Medical Services

Medical, psychiatric and dental services are provided by the California Forensic Medical Group (CFMG). A registered nurse conducts a four-hour per day "sick call" Monday through Friday. A physician is on call 24 hours a day, seven days a week and is present at the facility two days per week. CFMG also provides pharmaceuticals by prescription, x-ray services, and disposal of biohazardous medical waste generated by the jail. CFMG is responsible for the development of written policies and procedures used by the jail that conform to applicable state and federal guidelines. Summaries of health care, pharmaceutical services, and medical chart reviews are provided, reviewed, and discussed at quarterly CFMG meetings with the sheriff, mental health, social services, environmental, and public health medical officer.

## 4. Dietary Standards

Food is prepared in the jail kitchen, which was immaculate. Facilities, sanitation, food preparation and storage exceeded the standards mandated by the state. The on-site dietary supervisor provides meals at a cost to the county of about \$2.00 per meal.

## 5. Inmate Rules and Regulations

There is no commissary in the facility. Prisoners order merchandise in writing, and a vendor brings the items, which are checked prior to release to the inmate. Prisoner funds are safeguarded and can only be spent through the vendor system.

There are written policies and procedures that allow reasonable access to a telephone beyond those required by law. Policies and procedures also provide that there is no limitation on the volume of mail. However, when there are valid security reasons the mail may be read and/or searched in the presence of the inmate. Indigent inmates are allowed two postage-free letters each week to family and friends, and unlimited postage-free correspondence with his/her attorney and the courts. The jail library includes legal reference materials. The library contains current information on community and resource services, plus religious, educational, and recreational reading material.

### CONCLUSION:

The growth of Calaveras County and the lack of funding forces the personnel to work in a facility that is over-crowded. This situation presents potential danger to employees and inmates. The county jail is not rated to provide for juvenile offenders.

### RECOMMENDATION:

The Grand Jury strongly encourages the county's supervisors, sheriff, probation department, the Needs Assessment and Project Funding committees, and the public to exhaust every avenue to expedite construction of the jail and sheriff's office project. The Grand Jury also recommends the jail and sheriff's office project provide facilities for juvenile offenders.

### RESPONSES REQUESTED:

1. Board of Supervisors
2. County Sheriff
3. Needs Assessment and Project Funding committees
4. Probation Department

## **B. CALAVERAS COUNTY SHERIFF'S DEPARTMENT**

The county jail shares the facility with the sheriff's department. Sub-stations are located in Arnold, Copperopolis, Mountain Ranch, Valley Springs, and West Point. They are staffed by deputies and volunteers. There are four geographical areas in the county, each consisting of 250 square miles, with five county sub-stations.

### **REASON FOR REVIEW:**

This review was conducted pursuant to Penal Code section 925, which states the Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county.

#### **1. Personnel**

The sheriff's office personnel numbers 95, including 56 sworn officers. The cost to the county to recruit, hire and train a deputy is approximately \$25,000. Because of the cost of training, the department attempts to employ deputies with a commitment to the community.

#### **2. Volunteers**

The sheriff's office relies heavily on volunteers. Each volunteer donates time in four-hour blocks. Volunteers pay for their own uniforms. Training consists of driver's assessment, office training, and radio procedure. There were over 7,000 hours of volunteer time in 2001. In addition, much of the needed maintenance of the volunteer patrol vehicles is donated by local businesses.

### **CONCLUSION;**

The growth of Calaveras County and the lack of funding have caused the jail and the sheriff's office to bulge at the seams, despite the utilization of five sub-stations. Personnel are required to work in a facility that is sub-standard.

The Grand Jury found the volunteer sheriff's program is a vital asset to the sheriff's office and Calaveras County. Individuals and businesses who volunteer their time and money are to be commended for their dedication and commitment to the community.

## CITIZEN COMPLAINTS

The Grand Jury is part of our government, an adjunct of the judicial system, and depends on the public treasury for its resources. It largely depends on the intelligence, sense of public service, and good will of its members. It also receives and acts upon citizen complaints. It has jurisdiction in selecting the direction of its investigations. Neither official request nor public outcry should force the jury to undertake an inquiry, which it deems unnecessary or undesirable. Even though a matter may be in litigation, the Grand Jury may still pursue issues relevant to its interests and scope of authority.

Individual county departments can work on solving problems. However, when that fails, the Grand Jury provides the next level of resolution. General questions to a department about a mutually received complaint may be helpful in motivating them to be more thorough. Complainants are no more entitled to information about Grand Jury investigations than anyone else. Discretion is taken when dealing with those complainants who are contacted for additional information or who contact the Grand Jury for status reports. The Grand Jury is obligated only to provide the results of its inquiries in the final report, and not to specific individuals.

Some of the complaints received and dispatched by the 2001-2002 Grand Jury are as follows:

### **ITEM: CALAVERAS COUNTY WATER DISTRICT**

This complaint indicated the Calaveras County Water District (CCWD) had charged a customer for something the customer did not want or need. In addition, the customer questioned the legality of collection of CCWD fees by the County Tax Collector via county property tax bills.

#### **BACKGROUND:**

The CCWD customer was charged the minimum monthly base rate for water and sewer. Customer stated he was on well water and septic sewer and that he did not want or require the services of CCWD.

#### **SCOPE AND PROCEDURE:**

Interviews were conducted by at least two members of the Grand Jury. The newly elected President of the Board of Directors of CCWD was interviewed at a general meeting of the Grand Jury. The Grand Jury investigated pursuant to Penal Code section 916. Interviews were conducted at the Calaveras County Auditor/Controller's office, at the offices of CCWD, and at the Grand Jury meeting facility. Obtained and reviewed were the California Water Codes, CCWD Resolution no. 99-56, section 31701 (e) and the Calaveras County Board of Supervisors Minute Orders and Resolutions.

## FINDINGS:

CCWD Resolution No. 99-56 dated October 13, 1999, changed the monthly “stand by fee” from \$10.00 to a “minimum base rate”. After Resolution No. 99-56, customers have the option to pay the minimum base rates or to disconnect entirely from CCWD. If a customer chooses to disconnect and then reconnect in the future, the customer would be charged the full amount of a new hook up fee. This change of policy is legal under the current California Water Code that governs CCWD’s actions.

On July 12, 1993, the Calaveras County Board of Supervisors approved Resolution No. 93-261. This resolution authorized the Auditor/Controller to place delinquent and unpaid fees due to CCWD on County tax bills pursuant to California Water Codes sections 31701 (e) and 31701.5.

On August 30, 1993, a Board of Supervisors Minute Order was passed unanimously authorizing the Chairman to sign an agreement with CCWD authorizing reimbursement to the County for costs of collection of CCWD delinquent charges on County tax bills.

An agreement for reimbursement costs of collection of delinquent charges for Resolution No. 93-261 was signed on August 30, 1993. The following excerpts are from this agreement between the Board of Directors of CCWD and the Calaveras County Board of Supervisors:

The County agreed to collect delinquent charges for CCWD. CCWD agrees to reimburse the County \$250 or 2% of the delinquent charges, whichever is greater, for each year in which the County collects the delinquent charges. CCWD agreed to pay the County a one-time-only initial set-up charge for the Fiscal Year 1993-94.

Section 31701 (e) indicates the Board of Directors for CCWD each year provides in writing to the Calaveras County Board of Supervisors and Auditor a list of delinquencies for each fiscal year to be included on the County tax rolls.

## ACTION:

Complainant was notified by letter outlining the information described above.

## CONCLUSION:

CCWD has recently addressed, in public hearings, many of the issues that have tarnished the image of the CCWD with its customers and the citizenry of Calaveras County as a whole. The current Board of Directors acknowledges the past mismanagement of vast amounts of monies held in assets or operational fund accounts. Such mismanagement has resulted in drastic rate increases in recent months. The current Board of Directors has reevaluated CCWD’s operating procedures and has made many changes in its operational philosophy. The Grand Jury hopes that the effectiveness of these positive changes will improve the somewhat tarnished image of CCWD with the general public and will become evident in reduced rates and fees for services rendered. One recurring issue of complaints against CCWD is the unfortunate name choice, which includes the word “county”. Many complainants assume erroneously that the water

district is a Calaveras County entity, and as a result direct their anger and frustration against the County Administration. Some thought might be given to affect a change in this matter.

**RECOMMENDATION:**

Calaveras County Water District should search for and adopt a new name without a connotative link to the Calaveras County Administration.

**RESPONSES REQUESTED:**

Calaveras Water District Board of Directors

**ITEM:           LEGAL ADVERTISING/PUBLIC NOTICES**

County administrative staff solicited and the Board of Supervisors subsequently accepted the bid of the Eckblom Publishing Company to publish legal advertising and public notices in a newspaper of general circulation legally qualified and adjudicated for the printing and distribution of such matter pursuant to Government Code section 6023.

**BACKGROUND:**

The Board of Supervisors, by resolution, accepted the Eckblom Publishing Company bid to provide the required service in December 2000 for the period January 1, 2001 through December 31, 2002. The awarded contract included an agreement to provide newsstands with the Daily News in every community where other newsstands are available, to the satisfaction of the County. Citizens complained about the unavailability of the Daily News in several county locations.

**FINDINGS:**

Investigation by the Grand Jury revealed that several areas of the county were not provided with newsstands. In some communities where the Daily News was available, extensive searches were necessary in order to find locations where the weekly newspaper could be found. After Grand Jury investigations, attempts were made by the Daily News to broaden distribution, but the newspaper is still extremely difficult to find in some areas.

Calaveras County legal advertising is of importance to all residents of the county because it includes agendas for all scheduled public meetings of county government entities, including meetings of the Board of Supervisors, all legal notices, plus all meeting minutes, ordinances, delinquent tax lists and display ads which could include such important items as jobs that are available within county government.

These legal advertisements should be easy to find and readily accessible to all residents of the county. It should not be necessary to visit location after location within a community in an attempt to find the Daily News. In some communities where it is distributed, it is not present in

a newsstand, but only in an unmarked stack at an obscure location within the stores and other businesses.

**CONCLUSIONS:**

The process of delivery of the county's legal advertising is very unsatisfactory and needs to be corrected. The publisher of the Daily News was within his rights to submit a bid for the right to publish the county legal notices. The Board of Supervisors proved it was shortsighted by awarding the contract based solely on lowest cost. Countywide availability, as opposed to lowest cost, should be considered by the Board of Supervisors in choosing a vehicle for the county's legal advertising when the item comes up for renewal.

**RECOMMENDATION:**

1. That a publication with a larger circulation and better distribution be considered for contract award.
2. The Board of Supervisors should review the process by which they award contracts.

**RESPONSE REQUIRED:**

Board of Supervisors

**ITEM: BUILDING DEPARTMENT POLICY GOVERNING PRIVATE PROJECTS**

**BACKGROUND:**

A complaint alleged that building department inspectors not only drew up plans for private parties, but also later reviewed and approved their own plans. It further alleged the same inspectors forged the names of other employees purported to have performed the reviews.

**PROCEDURE:**

In view of the obvious criminal actions of alleged forgery, the Grand Jury decided to involve the District Attorney. Investigators of the district attorney's staff conducted the inquiries.

**FINDINGS:**

Originally, county policy had been that no employee of the County could conduct any business requiring county approval, issuance of permits, etc. The County determined that was an unworkable policy. As a result, the County rewrote its policy to allow county employees to work on or own a private project or business, as long as guidelines are followed to avoid a conflict of interest.

While this policy is applicable to all county employees, the Building Department has its own interpretation of the county guidelines as they pertain to its employees and staff. It is mandatory that inspectors drawing up plans for an outside party cannot do so without the approval of the head of the Building Department. Subsequently, building inspectors do not approve their own plans. Inspectors do not perform plan checks. Customers must pick up their own permits and inspectors are not allowed to inspect projects they have drawn.

**RECOMMENDATION:**

The head of the Building Department should closely monitor work performed by his staff on a private basis and prevent any commingling of activities in connection with the permit process as required by the County.

**RESPONSE REQUESTED:**

Building Department

**ITEM:           BARKING DOGS, NOISE ABATEMENT, AND ANIMAL CONTROL**

**BACKGROUND:**

A complaint alleged that an illegal dog kennel and “puppy mill” were being operated in Circle XX area. It further alleged that animal control failed to prevent continued operation of those kennels. Barking dogs continued to be a nuisance.

**FINDINGS:**

The Grand Jury investigated the original complaint, which was followed by another letter delineating further allegations of improprieties by the dog owners. When we contacted domestic animal control, we were informed that Animal Control was aware of the stated problem and was looking into it. Further investigation showed that complaints and petitions by neighbors had been initiated and circulated for about 18 months. The interaction between complainant and Animal Control resulted in a hearing by the Board of Supervisors to rule on the dog owner’s request for a kennel permit. The permit was not granted because the dog owners are still out of compliance with county ordinances. Citations have been issued, and Animal Control continues to monitor the activities in connection with noise abatement and alleged animal abuse. Animal Control is handling the details as they apply to this complaint.

**RECOMMENDATION:**

Animal Control should monitor this situation for code compliance and noise abatement.

**RESPONSE REQUIRED:**

Animal Control

**ITEM: BROWN ACT**

**BACKGROUND:**

A complaint was received about a possible violation of the Brown Act by a member of a veterans district board in a denial of unemployment benefits by the Economic Development Department (EDD), a California state agency.

**PROCEDURE:**

The Brown Act, and its applicability to veterans memorial district boards, was reviewed.

**FINDINGS:**

Veterans memorial district boards are subject to the Brown Act. While the Brown Act applies to public meetings of district boards, it does not apply to the acts of a single individual acting in the capacity of his position. Furthermore, the EDD is a state agency, and thus outside the jurisdiction of the Calaveras County Grand Jury.

**ITEM: ADULT PROTECTIVE SERVICES**

**BACKGROUND:**

The 2000-2001 Grand Jury acted on a complaint about abuse and neglect of an elderly man by a worker of the Adult Protective Services Unit of the Calaveras County Social Services Agency. That Grand Jury conducted an investigation and found no willful misconduct, malfeasance or neglect. An additional letter received by the 2001-2002 Grand Jury required a follow up.

**PROCEDURE:**

Inquiries were made with the court clerk to determine status of cases cited.

**FINDINGS:**

The matter is now the subject of legal action. No further action was taken by the Grand Jury.

**ITEM: JUVENILE PROBATION CASE PLAN**

**BACKGROUND:**

A complaint was received by the mother of a youth involved with the juvenile criminal justice system regarding the case plan written for her son.

FINDINGS:

A reading of the complaint revealed that the case plan had been subject to Court proceedings and had received a judicial review, placing it beyond the scope of the Grand Jury.

ITEM:           **POSSIBLE ELDER ABUSE AND MISMANAGEMENT AT A SENIOR HOUSING PROJECT**

BACKGROUND:

In the initial complaint, specific charges were not explicitly stated. The Grand Jury requested further detailed information. The letter received as a result of the Grand Jury's inquiry was still non-specific.

PROCEDURES AND FINDINGS:

Research into the ownership and licensing of the facility revealed the program is operated by a private corporation under Federal Housing and Urban Development (HUD) regulations, and thus outside the Grand Jury's jurisdiction. Adult Protective Services was contacted to determine the procedure for reporting elder abuse.

ACTION:

Complainant was informed about the jurisdiction of the Grand Jury and was urged to contact Adult Protective Services with specific abuse complaints.

ITEM:           **CENTRAL CALAVERAS FIRE AND RESCUE PROTECTION DISTRICT**

This complaint was twofold. The first part pertained to response time and property damage as a result of inefficient uses of tax monies when purchasing equipment, and the second part pertained to the misuse of funds to advertise the position of fire chief and the long period of time before a new chief was hired.

Part A:

BACKGROUND:

The Central District is central to the county and includes Mountain Ranch, Glencoe, Railroad Flat and Sheep Ranch. This area of responsibility is generally rural in nature with some mountainous areas especially between Mountain Ranch and Sheep Ranch.

#### SCOPE AND PROCEDURE:

The scope of the inquiries was restricted to the subject of the complaint and all investigations were conducted pursuant to Penal Code section 925. Interviews were conducted by at least two members of the Grand Jury.

#### FINDINGS:

The Central District purchased surplus 4WD military vehicles. These vehicles met the NFPA 2001 Edition Section 1906 standard for wild-land fire apparatus. The vehicles are 4-wheel drive for optimum effectiveness in the county terrain. The price was within the district's budget. The district was able to purchase used vehicles and do the retrofitting themselves. The Central District also used the spare parts of used vehicles to assemble a much-needed tanker. The cost of a new tanker is far beyond the budget.

Response time is determined by discovery, notification and road conditions. Because of the winding roads in the area, the Central District responds as fast as the roads will safely allow. Response time has not been affected due to lack of or inadequate equipment. There was extensive fire damage to a structure over the past year because of its metal roof. As a result of having a metal roof, the fire literally cooked the structure and contents before discovery. After discovery and notification, the response was prompt. Allegations as to inadequate response time and unnecessary property damage could not be substantiated.

#### Part B:

#### BACKGROUND:

Complainant alleged taxpayer funds were being misused to advertise for a new fire chief and that it was taking too long to hire a new chief.

#### SCOPE AND PROCEDURE:

Interviews were conducted by two members of the Grand Jury at the Central District's station with the retiring Fire Chief.

#### FINDINGS:

The budget for hiring a new chief is determined by the Central District's Board of Directors. The Central District was given a \$300 budget of which they had an estimated \$100 remaining at the time of the interview (July 17, 2001). The Central District advertised at no charge on Internet web sites and through interdepartmental notices. They paid for newspaper and trade magazine advertisements. Efforts to find a chief produced 14 applicants. Before this interview, they had hired a chief, however, that person resigned after six months for personal reasons.

The Board of Directors also determines the qualification stipulations. A qualified applicant was hired as Fire Chief for the Central Calaveras Fire and Rescue Protection District on November

16, 2001. Allegations of misuse of tax funds during the hiring process of a new fire chief and the long period prior to the hiring of a new chief appear to be unfounded.

**ITEM: IMPROPRIETIES IN THE FORMER DISTRICT ATTORNEY'S OFFICE**

Complainant made two separate allegations of improprieties, to wit, the purported misappropriation and mishandling of funds; and the unauthorized fixed asset purchases as well as unauthorized capital improvement projects in the district attorney's office. Both allegations occurred prior to May 2001.

**BACKGROUND (First allegation):**

Complainant stated that the District Attorney operates illegal bank accounts, continues to maintain such bank accounts out of balance and un-reconciled, made unauthorized fixed asset purchases and unauthorized capitol improvements in the District Attorney's office.

**FINDINGS:**

The Grand Jury investigation showed no misconduct, malfeasance or negligence on the part of the former District Attorney or his staff.

**BACKGROUND (Second allegation):**

Complainant states that the selection process for the interim District Attorney by the Board of Supervisors was not a fair weighing of qualifications of all applicants but rather a foregone conclusion.

**FINDINGS:**

The Grand Jury investigated the selection process used by the Board of Supervisors to select an interim district attorney. The procedure was public, well announced in advance, and several applicants were interviewed. Final judgment as to the best-qualified individual rests solely with the Board of Supervisors.

**ITEM: JAIL AND ARREST POLICIES OF THE CALAVERAS COUNTY SHERIFF**

The Calaveras County sheriff and his deputies work under strict rules of conduct when they arrest an individual and when a person is booked into the County Jail.

**BACKGROUND:**

Complainant argued that he was treated with unnecessary harshness while he was arrested at his home and transported to the County Jail. The alleged rough treatment is purported to have aggravated an old injury of subject. After he was booked into jail, complainant alleges that medications he must take routinely were not given to him. His wife had brought these medications to the jail after he was booked.

**FINDINGS:**

Deputies on patrol and jail guards must operate strictly by the rules and regulations provided by the Sheriff's office for their conduct. There is very little personal discretion that can be applied by the officers. Handling of arrested persons and dispensation of medications to jail inmates is strictly regulated. During its investigation, the Grand Jury found no misconduct, malfeasance or negligence on the part of the Calaveras County Sheriff Department's employees.

**ITEM:           LEGALITY OF ADVERTISING BILLBOARDS ALONG HIGHWAY 12**

**BACKGROUND:**

The Valley Springs Chamber of Commerce apparently has been the sounding board for many complaints about allegedly illegal billboard signs along Highway 12. These complaints were generated by citizens and leaders of various local organizations. The Valley Springs Chamber of Commerce presented these concerns to the Grand Jury in a formal complaint.

**PROCEDURE:**

Site review, meetings with county officials, discussions with the California Department of Transportation (CalTrans) and Viacom Outdoor Advertising, the owner of the billboards, are the basis for the following.

**FINDINGS:**

The Grand Jury looked into the complaints of the Chamber of Commerce, which described the signs as eyesores and possible safety hazards. While Calaveras County Planning Department officials have determined the signs to be classified as "legally existing nonconforming", they ostensibly sit on a CalTrans right of way easement. Originally the land belonged to the Union Pacific Railroad Company whose Railroad Realty Services Corporation quitclaimed certain signboard easements to Norried Family Properties, L.P., a Valley Springs partnership.

**CONCLUSION:**

CalTrans investigated the signs' locations and determined they are located illegally on state right of way. Viacom, the billboards' present owner, was given the right to appeal the CalTrans

decision. At the time of this writing, Viacom chose to appeal, and a hearing has been scheduled for May 28, 2002.

**ITEM: SKATEBOARD FACILITY AT TURNER PARK**

**BACKGROUND:**

A neighbor with property directly adjacent to the North end of Turner Park in San Andreas complained about activities in connection with a skateboard facility located next to his property. The complaint included noise pollution, seemingly unending operating hours without regard to posted rules, and no evidence of any county approved plans, construction bids or permits.

**PROCEDURE:**

Minutes of meetings of the San Andreas Progressive Club, Calaveras County Planning Commission records, information obtained from the District 1 supervisor, and input by the sheriff, were reviewed and provided material for the following summary.

**FINDINGS:**

The property on which Turner Park is located was deeded for that purpose to the community of San Andreas. Calaveras County accepted the land with the proviso that the San Andreas Progressive Club, a non-profit organization, would take on the responsibility for maintenance, operational costs and upkeep of the park. In September 1994, the County Planning Commission held a public hearing. During the hearing, which was publicized properly, no complaints were voiced. Following the Planning Commission's hearing, a zoning change was proposed and approved by the Board of Supervisors on November 1, 1994. This change allows the park to contain recreational facilities. On the basis of those actions, no public hearing was required for the addition of the skateboard facility. For construction of the skateboard facility, no public bids were required because the facility was paid for with Progressive Club funds.

Minutes of the Progressive Club, a private organization not within the jurisdiction of the Grand Jury, show the complainant has attended several meetings during which the addition of the skateboard facility was discussed.

The Calaveras County Sheriff routinely patrols the park area and enforces all applicable loitering and noise abatement regulations.

**CONCLUSION:**

We are of the opinion the complainant was informed of all aspects of the construction process. While we may sympathize with the complainant's situation and agree that more consideration should have been given to adjacent property owners, we, nevertheless, can find no violations of county ordinances in this matter.

**ITEM: CODE COMPLIANCE AND ENVIRONMENTAL HEALTH DEPARTMENT**

**BACKGROUND:**

The Grand Jury received a complaint concerning actions taken by the Director of the Environmental Health Department, which operates under the Calaveras County Agriculture and Environmental Management Agency. The complaint involved the repair or replacement of a single residence septic system.

**PROCEDURE:**

The Grand Jury investigated this complaint by interviewing the Director of Environmental Health, consulting with the On Site Sewage Division of the County Building Department, and inspecting permit status as well as criminal complaint documents of the Superior Court.

**FINDINGS:**

Numerous inspections by the County Building Department, On Site Sewage Division, resulted in a flow of correspondence between March 2000 and the time of this investigation. While the County held that all work must be accomplished under permit, complainant argued that he is not in a position to obtain the necessary loan to finance such a project. Deadlines were set and court action ensued.

**CONCLUSION:**

The Grand Jury did not pass judgment on the merits of specific items in connection with a septic system built to code, but rather looked at the procedure used by county officials to serve the citizens of the county. We found no violations of county policies or any malfeasance, nonfeasance or even discourtesy on the part of county employees.

**ITEM: CALAVERAS COUNTY SHERIFF'S DEPARTMENT POLICY CONCERNING IMPOUNDED PROPERTY**

A complaint alleged theft of personal property from a citizen during the search and subsequent seizure of a truck. As of the date of the complaint, the property had not been returned to the citizen.

**BACKGROUND:**

It was alleged that a sheriff's deputy took personal property from a citizen during a vehicle search. Impounded items were a driver's license and a tape from the vehicle's tape recorder. The vehicle also was held as evidence. The deputy had a backup officer who arrived on the scene in a separate vehicle, and the complainant also had a witness.

**FINDINGS:**

The deputies on the scene applied all proper rules and regulations during the arrest of the complainant. While it is true the subject's vehicle, his driver's license, and a tape from his tape recorder were seized during the arrest, it is also documented the vehicle and the driver's license have since been returned to the subject. The tape is being held as evidence for further adjudication of the subject's court case. No misconduct or other unlawful actions on the part of the deputies was discovered during the investigation. No further action will be taken by the Grand Jury.

**ITEM: PLANNING DEPARTMENT VARIANCE DECISION**

This complaint alleged that permits issued by the Building Department and variances granted by the Planning Department allowed the construction, in a residential area, of a commercial garage building at 456 Mariposa Street, San Andreas.

**BACKGROUND:**

The controversy over this building has been presented to the Grand Jury in several complaints and involves several different grand juries during prior years.

**FINDINGS:**

An industrial type metal building was erected in 1996 with proper permits on a private property located in a single-family residential zone. During the following years, complaints about the structure and its location were received and eventually reached the level of a hearing by the Board of Supervisors. The Planning Department had granted a variance for this building to remain as built. It appears that during October 2001, the Planning Department reviewed the variances and decided to revoke it. The owner of the property appealed to the Board of Supervisors, and in November 2001, the revocation of the granting of the variance was revoked and the variance reinstated.

**CONCLUSION:**

While the existing situation may be regrettable as seen from the property owner's perspective, as well as the citizens of the immediate neighborhood, it is not the role of the Grand Jury to arbitrate or pass judgment. It is, however, the role of the Grand Jury to check on the procedures, which govern the action taken by the various county agencies. Our investigation showed no evidence of malfeasance or nonfeasance on the part of county employees. Charges of willful misconduct appear to be unjustified. The Grand Jury will take no further action.