

CALAVERAS COUNTY GRAND JURY

May 22, 2003

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

Dear Judge Martin:

Pursuant to California Penal Code Section 933, the Calaveras County 2002-2003 Civil Grand Jury respectively submits their Final Report. This year's Grand Jury of nineteen people comprised an excellent geographic and gender balance. Consequently, the overall county was represented.

The Grand Jury would like to acknowledge the cooperative and forthwith responses received from County employees involved in our various and numerous interviews. Their knowledge of job content and willingness to assist in all aspects was greatly appreciated.

This report is a result of a combined effort of all committees with final approval of each action administered by the total Grand Jury.

The 2002-2003 Calaveras Grand Jury would like to extend a special thanks to you and Mary Beth Todd, Court Executive Officer, and her staff. Also, particular accolades to Skip Batchelder, Calaveras County Legal Counsel, for his tireless research and excellent guidance on all legal issues faced by this year's Grand Jury.

In conclusion, I would like to thank each Grand Jury member for their time, effort, and conscientious commitment throughout this term.

Sincerely,

Bill Todd
Foreman

2002-2003 Grand Jury

Final Report

The 2002/2003 Calaveras County Grand Jury approved this Final Report on May 22, 2003.

S/_____
Bill Todd, Foreman

I accept for filing this Grand Jury Final Report for the year 2002-2003, and certify that it complies with Title V of the California Penal Code on June 10, 2003.

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

Any persons interested in receiving a copy of this 2002-2003 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.

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MEMBERS OF THE 2002-2003 GRAND JURY

Kurt Allen

Victoria Carroll

Jacqueline B. Dore

Don Fabbro – Foreperson Pro Tem

Tad Folendorf

Jerry Galindo

Rita Hicks

Cathryn Jackson

Warren King

Wallace Martin

Nona McNulty

Fay Messer

Nancy Moritz

Debbie Orbe

Linda Patterson

Richard Sciotto

Alfred L. Schooley

Bill Todd – Foreperson

* One member withdrew

HISTORY OF THE GRAND JURY

Ancient Greece exhibited the earliest concepts of the Grand Jury System. Another reference can be found during the Norman conquest of England in 1066. There is evidence that the courts of that time summoned a body of sworn neighbors to present crimes, which had come to their knowledge. In 1066, the Assize of Clarendon appears to be the beginning of the true grand jury system. At that time, juries were established in two types: Civil and Criminal. Toward the end of the United States Colonial Period, the Grand Jury became an important adjunct of government: Proposing new laws, protesting abuses in government, and influencing authority in their power to determine who should and should not face trial. Originally, the Constitution of the United States made no provisions for a Grand Jury. The Fifth Amendment, ratified in 1791, added this protection.

THE GRAND JURY IN CALIFORNIA

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.

Except where separate civil and criminal Grand Juries are authorized, the California Grand Jury system provides for one Grand Jury for each County.

The functions of the Grand Jury are:

Civil: to inquire into and review the conduct of local government, and Criminal: to inquire into public offenses committed or triable within the County.

The Grand Jury system in California is unusual in that Federal and County Grand juries in most states are concerned solely with criminal indictments and have no civil responsibilities.

California is one of the States to initiate criminal prosecution by either indictment or complaint.

California is one of only seven states that provide for the investigation of county government by a Grand Jury, beyond alleged misconduct of public officials.

Authority for the Grand Jury system is found in the Fifth Amendment of the U.S. Constitution and in Article 1, Section 23 of the California Constitution, which states:

ARTICLE 1, Section 23 "...One or more Grand Juries shall be drawn and summoned once a year in each County."

Grand Jurors generally serve for one year and are usually impaneled in the first week of the fiscal or calendar year to coincide with the County's budget year. Up to 10 Grand Jurors may be held over for a second term.

CALAVERAS COUNTY GRAND JURY

The Calaveras County Grand Jury is a judicial body sanctioned by the Superior Court to act as an extension of the Court and the conscience of the community. In California, the conduct of the Grand Jury is delineated in Penal Codes 888 through 945. 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.

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 the Auditor/Controller, Assessor, Treasurer/Tax Collector, and the Technology Services Department.

A. ANNUAL AUDIT FISCAL YEAR 2001-2002

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 Bartig, Basler & Ray, CPAs, Inc. (BB&R) was contracted 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.

In addition to performing an audit, BB&R was contracted to assist the County in the implementation of Government Accounting Standards Board (GASB) 34. This established a new framework for the financial reports of state and local governments. This represents the biggest single change in the history of government accounting and financial reporting.

SCOPE:

Audit of General Purpose Financial Statements of the County of Calaveras, California, for the year ending June 30, 2002.

PROCEDURE:

The firm of Bartig, Basler & Ray was issued a formal contract to perform the audit for FY 2002.

SUMMARY:

The FY 2002 audit was conducted, and the firm made a number of recommendations to the various county departments. Most recommendations appeared procedural in nature.

Listed below are the findings and recommendations as a result of the BB&R audit.

1. AGRICULTURE AND WEIGHTS AND MEASURES

FINDINGS:

BB&R observed that in the accounts receivable controls for Weights and Measures there were outstanding balances dating back to January 2002. Delinquent notices were sent out in March. However, the accounts had not been followed-up on since that time. Three delinquent accounts amounted to \$170.

CONCLUSION:

By not following-up in a timely manner with accounts receivable, it is much more difficult to collect the delinquent balances.

RECOMMENDATION:

We recommend that old balances of accounts receivable be reviewed periodically, and procedures established to make sure that delinquent accounts are paid in a timely manner.

RESPONSE REQUESTED:

Agriculture and Weights and Measures

2. BUILDING DEPARTMENT

FINDINGS:

At the time of the audit, the Land Use Department Trust, Fund 5430, which had a balance at June 30, 2002 of \$1,268,106, had not been reconciled with the Auditor/Controller's office.

CONCLUSION:

By not reconciling the trust accounts, errors or fraud could occur and not be detected in a timely manner.

RECOMMENDATION:

We recommend that the trust funds be reconciled at least monthly to the records maintained by the Auditor/Controller's office.

RESPONSE REQUESTED:

Building Department

3. ENVIRONMENTAL HEALTH

FINDINGS:

During the audit, BB&R observed that the same person has responsibility for several accounting duties including cash collections, accounts receivable maintenance, and preparation of invoices.

CONCLUSION:

Having one person with many accounting functions could result in errors or fraud occurring and not being detected in a timely manner.

RECOMMENDATION:

We recommend that since the size of the staff for this department is small, and because it may not be practical to hire another person or shift duties within the office, that someone else be assigned to review accounts receivable records to reduce the chance of errors and fraud from occurring and being detected in a timely manner.

RESPONSE REQUESTED:

Environmental Health

4. MENTAL HEALTH

FINDINGS:

BB&R observed that the same person posts the payments to accounts receivable, posts charges to accounts receivable, monitors accounts receivable, and prepares the deposit permits. This indicates a lack of segregation of duties regarding the handling of cash collections and accounts receivable.

CONCLUSION:

The effect of this situation is that errors or fraud could occur with the handling of accounts receivable and not be detected in a timely manner.

RECOMMENDATION:

We recommend that incompatible duties regarding the handling of cash and accounts receivable be segregated with others in the office.

RESPONSE REQUESTED:

Mental Health

5. PLANNING DEPARTMENT

FINDINGS:

- A. BB&R observed that the original copies of voided receipts were not retained by the department.
- B. BB&R observed that the department did not maintain the detail of its trust fund, nor did it reconcile trust fund balances to the records maintained by the Auditor/Controller's office.

CONCLUSIONS:

- A. By not keeping the original of voided receipts, money could be misappropriated and not be detected in a timely manner.
- B. By not reconciling trust funds on a timely basis, errors or fraud could occur and not be detected in a timely manner.

RECOMMENDATIONS:

- A. We recommend that the original copies of voided receipts be retained to support a valid voided receipt.
- B. We recommend that trust funds be reconciled at least monthly to the Auditor/Controller's records.

RESPONSE REQUESTED:

Planning Department

6. PROBATION

FINDINGS:

- A. BB&R noted that the accounts receivable computer program did not allow the system to provide a total amount of accounts receivable, nor of an aging of receivables.
- B. BB&R observed that the trust account had not been reconciled since September 2001.

CONCLUSION:

- A. It is difficult to know if the accounts receivable detail is correct if you don't have an amount to check it with as a total. Also, by not having an aging of receivables, there may be some receivables that are delinquent, which would not be easily detected by just looking over the printout.
- B. By not reconciling the trust account on a monthly basis, errors or fraud could occur and not be detected in a timely manner.

RECOMMENDATION:

- A. We recommend that accounts receivable software be modified to provide totals each month and an aging of accounts receivable balances.
- B. We recommend that the trust account be reconciled to the Auditor/Controller's office at least monthly.

RESPONSE REQUESTED:

Probation

7. SURVEYOR

FINDINGS:

During the audit, it was observed that the same person has responsibility for several accounting duties including cash collections, accounts receivable maintenance, and preparation of invoices.

CONCLUSION:

Having one person with many accounting functions could result in errors or fraud occurring and not being detected in a timely manner.

RECOMMENDATION:

We recommend that since the size of the staff for this department is small, and because it may not be practical to hire another person or shift duties within the office, that someone else be assigned to review accounts receivable records to reduce the chance of errors and fraud from occurring and being detected in a timely manner.

RESPONSE REQUESTED:

Surveyor

B. COUNTY OF CALAVERAS FINAL BUDGET FISCAL YEAR 2002-2003

BACKGROUND:

The Calaveras County Budget is a very comprehensive and detailed document. As stated in its principles, it makes reasonable and conservative estimates and provides a detailed and elaborate pictorial of County projected expenditures.

FINDINGS:

The County budget provides an extremely useful tool to those familiar with various referenced acronyms used throughout the document.

CONCLUSION:

To the average individual not knowledgeable of symbols and acronyms, the presented data is not truly useful.

RECOMMENDATION:

Provide a glossary of terms, symbols, and acronyms that would aid the average public viewer to better comprehend the presented information.

RESPONSE REQUESTED:

Auditor

C. GENERAL ACCOUNTING STANDARDS BOARD (GASB) 34

BACKGROUND:

GASB 34 establishes new financial reporting requirements for state and local governments throughout the United States. When implemented, it will create new information and restructure much of the information that governments have presented in the past.

For the first time, financial managers will be asked to share their insights in a required Management's Discussion and Analysis (referred to as MD&A) by giving readers an objective and easily readable analysis of the government's financial performance for the year. There is a list of required information to be included such as comparisons of the current year to the prior year, analysis of the government's overall financial position and results of operations, analysis of significant changes in funds, and analysis of significant budget variances.

GASB 34 requires that for the first time the annual report will also include new government-wide financial statements prepared using accrual accounting for all of the government's

activities. Most governmental utilities and private-sector companies use accrual accounting. It measures not just current assets and liabilities but also long-term assets and liabilities. It also reports all revenues and all costs of providing services each year, not just those received or paid in the current year or soon after year-end.

SCOPE:

Audit the degree of implementation and principal acceptance of GASB 34 by not only the Audit Department, but all departments within the County.

RECOMMENDATION:

Conduct this review during the 2003 independent audit.

RESPONSE REQUESTED:

Auditor

EDUCATION AND LIBRARY

The Grand Jury is responsible for review of school districts, libraries, museums and archives, and the investigation of complaints pertaining to those institutions.

A. REVIEW OF THE CALAVERAS COUNTY LIBRARY

A committee of the Grand Jury toured the library in early 2003.

SCOPE:

The Head Librarian's responsibilities are to oversee the operation of the main library in San Andreas and the library stations in Angels Camp, Arnold, Copperopolis, Mokelumne Hill, Murphys, Valley Springs and West Point. The County owns the Arnold, Mokelumne Hill, and Murphys buildings. The buildings in Angels Camp and Valley Springs are housed in school properties and Copperopolis and West Point are in rented facilities. The Copperopolis Station moved to new headquarters in the winter of 2003. The Valley Springs station is in the process of having fundraisers so they can have their own facility and not be connected with the grammar school.

FINDINGS:

Librarians at all the stations apply for the positions and after being hired are trained at the central library in San Andreas. Each station library has one paid employee who works 18 hours a week, with the exception of Arnold, which has two librarians. The second librarian is paid from their Friends of the Library funds. The employees receive no benefits. The central library has five full time employees, including a staff person who trains the branch volunteers. Training involves learning the front desk system, shelf training, and some computer training. The training of the volunteers at the central library is more extensive. During the 2001-2002 year the volunteers served over 11,100 hours allowing the libraries to be open a total of 207 hours a week. The hours of operation for each station differ greatly, ranging from 38 hours to as few as 19 hours a week. Public service notices within the community highlighting programs and services available to all ages would promote patronage and volunteerism.

All the station libraries have computers and are equipped to use the internet. The librarian at each station is trained to use the computers and the internet and is available to help patrons. Most libraries limit the time on the internet to one hour while others only allow a half hour. Children under the age of 18 must have parental permission to use the internet (no filtering is used on library computers.) If a person abuses the use of the internet, they can be denied this privilege in the future. The computers have been received from grants from the state library system, Bill Gates, Friends of the Library, and the County.

The library system has an adult tutoring program, which is free, private and confidential and is available at locations throughout the County. This is known as Calaveras Adult Tutoring or C.A.T. There are between 40 and 50 volunteer tutors helping to improve skills in speaking

English, grammar, writing, and math. The library is also a source for guidance in helping to write books. Libraries focus on children by providing programs in cooperation with schools, summer reading programs and story hours. Other services provided by the libraries are meeting rooms and private study rooms. Not all stations offer the same services.

The library system services an approximate population of 40,000 people, and during the last fiscal year circulated over 136,000 books. Books are rotated throughout the stations monthly. Each station receives 120 new items per month and returns 120 to the central library where they are reassigned to other stations. At that time those books which have not circulated are donated to the Friends of the Library for book sales or offered to schools, the jail or the hospital. When there is a decrease in funding from the County, the library uses money from their proposed budget for new books to cover deficits in the area of services and supplies. Twenty percent of the books are donated and the remaining books are purchased. Patrons of the libraries donate the video and audio materials. Donated books to the library stations are sent to the central library for processing and are then returned to the donating library for at least six month before being circulated to the other stations.

Friends of the Library is an organization which all persons are able to join. Donations range from \$5 to as much as \$1,000. Applications for membership can be obtained at all the libraries. All libraries have chapters for the Friends of the Library or their equivalent booster group. The Friends hold book sales during the year and have books for sale at the libraries at all times.

RECOMMENDATION:

1. The Board of Supervisors should establish a reserve fund to be used to provide for services, supplies and new books in times of economic difficulties.
2. The Board of Supervisors and County Librarian should consider as a long-range goal the creation of a bookmobile program to service outlying communities.

RESPONSE REQUESTED:

1. Board of Supervisors
2. County Librarian

B. REVIEW OF CALAVERAS COUNTY ARCHIVES

REASON FOR INVESTIGATION:

Penal Code section 925 states in part "...investigations may be conducted on some selective basis each year."

BACKGROUND:

The official description of archives is a place in which public records or historical documents are preserved. Since the Archives had never been investigated, a group of the 2002-2003 Grand Jury members toured the Calaveras County Archives. The Archives is located at 46 N. Main St. San Andreas. The County owns the building.

FINDINGS:

The Archives is open two days a week (Thursday and Friday). The staff consists of one paid employee and one volunteer. More volunteers are needed in order to help get all the materials organized.

The public can request information through e-mail or in person. Research for materials by the attendant costs \$10 per hour and 25 cents per copy. Receipts for this work goes into the County Fund, not directly to the Archives.

Storage has become a major problem. The Archives would like to take over the adjacent room now being used by the Grand Jury. There is rear access into this building.

Security of records and artifacts is a major concern. Management would like to have one or two cameras with tape systems. The building has no fire alarms and no sprinkler system (although a sprinkler system, if set off, would or could damage the archived records.) Some of the more valuable articles are held in the San Andreas Museum safe and are displayed on a rotation system. The Museum has Archives materials stored in boxes in their basement.

The Church of Latter Day Saints will be microfilming the material held in the Archives. When complete, they will donate one free copy, which will be kept in storage by the County. The Archives would like the County to purchase one more copy to be kept at the Archives building.

CONCLUSION:

The employee of the Archives is a very dedicated and knowledgeable person. He is concerned with the security of all the material being held there and hopes that something can be resolved.

RECOMMENDATIONS:

1. A concerted effort should be established to recruit more volunteers.
2. Budget more money to this institution so it can be kept open more hours to enable more frequent use for research.
3. Purchase and install a security system to help prevent fire or theft.
4. Purchase an extra copy of the microfilm from the Church of Latter Day Saints.

RESPONSES REQUESTED:

Board of Supervisors

County Administrative Officer

HUMAN SERVICES

A. CHILD PROTECTIVE SERVICES

REASON FOR REVIEW:

Penal Code section 925 states in part "...investigations may be conducted on some selective basis each year."

SCOPE:

The focus of this review was limited to one component of Human Services offered to Calaveras County residents, namely, Child Protective Services (CPS). This program is required by state mandate to provide specific services.

BACKGROUND:

Staffing shortages and turnover of experienced caseworkers continue this year to stress the system's capability and effectiveness. Failed recruitment efforts were noted as the cause in the Calaveras County 2001-2002 Grand Jury's Final Report.

PROCEDURE:

The Calaveras County Grand Jury invited the department head of CalWorks and Human Services to appear before it and provide general and specific information on improvements and shortcomings of the day-to-day operations.

Three scheduled visits with CPS managers and supervisors were held in February, March, and April. Information and documentation reviewed during these interviews focused on staffing shortages, recruitment, cross training, supervision and case management methodology. Pursuant to Penal Code section 916, interviews were attended by no less than two members of the Grand Jury.

FINDINGS:

Staffing: As of November 2002, CPS had 10.5 staffed social worker positions. Two of these positions were down on any given day due to illness, disability, and vacation. Social services caseload standards set the requirement at 13 to 14 social workers. Three positions were open.

A broader recruitment approach led to a contract with a Sacramento personnel agency. These positions were posted on a national website which resulted in numerous responses from candidates as far away as Canada and North Carolina. By the end of March, the three social worker positions were filled.

The educational requirements, i.e., BA degree, or preferably a Masters Degree in Social Work (MSW) are not competitively compensated in Calaveras County. Losses to other counties offering higher pay and better benefits continue to occur. Another restraint with new hires is that they may qualify academically, but have no experience in CPS (the rule of thumb is seven years of experience to reach full competency.) Two highly experienced caseworkers were lost from CPS in 2002 specifically because they could transfer to other agencies within the County offering the “safety” retirement benefit classification. In April, disability, illness, and staff turnover were still evident.

METHODS AND PRACTICES:

Weekly case management, close supervision, and redistribution of difficult cases are done to ensure equality of workload and quality protection of children. Interdepartmental monthly team meetings (IDT) provide a platform for cross referrals, training, and multi-agency communication. These meetings serve as a safety net to keep abused children, seniors, and handicapped adults from falling through the cracks. Doctors, law enforcement, clergy, schoolteachers, and investigators are attendees hosted by CPS and Adult Protective Service caseworkers and staff from Mental Health and Drug/Alcohol programs. Interviewees stated that the addition of a dedicated Deputy District Attorney would make an improvement in communicating facts and mutual expectations about what makes a case qualify for prosecution.

“Best Practices” recommendations from the state are being followed. One social worker is dedicated to the Permanency Placement/Adoption (PP) mandated program for children who cannot be placed back with their families. Two social workers specialize in the Family Reunification (FR) program. Supervisors mentioned their pride and success with both these programs.

The Emergency Response (ER) program is the most taxing and stressful. A mandated immediate response requires the family/child to be seen within two hours. Approximately 800 referrals of child abuse are expected by the end of this fiscal year. Of those requiring investigation, 20 percent will fall into the ER category. Experienced caseworkers rotate on a seven day twenty-four hour tour to cover ER, in addition to their regular workweek. The caseworkers in this rotation have been offered shorter days in the emergency rotation, but prefer this structure. The procedure is to request a deputy sheriff escort, however recent shortages of deputies caused them to go alone in order to meet the two-hour time demand. CPS is often the first responder to see clients who are later handled by probation, jail, mental health and drug/alcohol agencies.

CONCLUSION:

The CPS program is in complete compliance with state requirements. This is to its credit when the inexperience-to-experienced levels of caseworkers are out of normal balance. All managers and supervisors appear dedicated and competent. They discussed how sensitive they are to signs of stress and burnout in themselves and each other and mentioned the special training programs they receive in this area. Although they did not complain about the turnover in staff and the increase in demand for services, it was obvious that an anticipated loss of state funding would impact service and staff levels adversely.

RECOMMENDATIONS:

1. The Board of Supervisors should look into requesting a Merit System Job Re-evaluation for senior social workers whose responsibilities include Emergency Response with a view towards reclassification to the “safety” type of retirement benefits as a fair and reasonable way to halt loss from the CPS and APS experienced staff.
2. CalWorks should actively seek employees from the same department when openings come up so that experience levels are more quickly reached in a cost effective way to retain experienced employees.

RESPONSE REQUESTED:

1. Calaveras County Board of Supervisors
2. CalWorks Director

B. ADULT PROTECTIVE SERVICES

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.”

BACKGROUND:

The 2002-2003 Grand Jury investigated the protection of the older population from abuse based in part on the California Welfare and Institutions Code.

SCOPE:

Interviews were conducted on background checks for in-home care providers, the prosecution of elder abuse cases, and how Adult Protective Services (APS) follows up on their clients.

FINDINGS:

1. Background checks are not conducted on family members who are in-home care providers. Currently the law does not provide for these checks. The majority of abuse seems to be at the hand of other family members. Background checks for non-family members who are in-home care providers has been provided for and will be conducted.
2. Prosecution of elder abuse cases is below the rate of prosecutions in neighboring counties. The District Attorney has proposed assigning a deputy to adult abuse cases. This would greatly improve the communication between the two agencies with case building and prosecution. The APS has a monthly inter-departmental meeting, which is attended by other agencies involved in these services.

3. The follow-up on eligible clients for in-home care providers by APS is done on an annual basis.

RECOMMENDATIONS:

1. The District Attorney's Office should appoint a deputy to prosecute adult abuse cases, as his proposed office structure and organization chart depicts (see Exhibits B and C).
2. The Deputy District Attorney assigned to adult abuse cases should attend the monthly interdepartmental meetings. The exchange of information would be beneficial to building cases that are complete, detailed and ready for prosecution.
3. Criminal background checks should be conducted on in-home care providers with funds provided by the Board of Supervisors.
4. Adult Protective Services should conduct follow-up investigations more frequently than annually.

RESPONSES REQUESTED:

1. Calaveras County District Attorney
2. Calaveras County Adult Protective Services
3. Calaveras County Board of Supervisors

**C. MENTAL HEALTH PROGRAM
DRUG/ALCOHOL PROGRAM**

REASON FOR INVESTIGATION:

Penal Code section 925 states in part "...investigations may be conducted on some selective basis each year."

SCOPE:

The Grand Jury wished to seek out what services are available to Calaveras County seniors and handicapped adults and request statistics that would define senior utilization and need for services with Mental Health Services and the Drug and Alcohol program.

BACKGROUND:

Interviews in February and March 2003 with Adult Protective Services (APS) uncovered several areas of concern in providing service to seniors as follows:

- Current active caseload in February of 331 as compared to 281 at the same time last year
- No emergency shelter in Calaveras County for the abused

- No currently available low-cost housing
- Only one APS social worker for In Home Supportive Services
- A 10 percent loss of funds for APS in spite of a 29 percent increase in referrals over the last two years
- A loss of grant money for home repairs, medical equipment, etc.
- Trouble in getting elder abuse cases prosecuted

PROCEDURE:

The Calaveras County Grand Jury scheduled an appointment with the Quality Assurance and Mental Health Coordinator and the Coordinator for the Senior Peer Counselors Program. An unscheduled visit to the Director of the Drug/Alcohol program was done on the same day, February 26, 2003. They were asked to discuss the services they had available for seniors and to help us accomplish a seniors' needs assessment. Pursuant to Penal Code section 916, interviews were attended by no less than two members of the Grand Jury.

FINDINGS:

Mental Health has no geriatrics group nor do they see seniors at the center other than the senior volunteers they train for their "Senior Peer Support" program. No statistics were available for the senior group except those seen in their homes by the Peer Counselors outreach group. It was stated that elderly people do not refer themselves for help because of their pride. The Drug/Alcohol program likewise stated that the senior population reporting is understated for abuse and dependency problems. Their database could only pull statistics by a grouping of 45 years and older.

The Drug/Alcohol program can only see state mandated referrals from the courts for DUI charges. These referrals come from Probation and are funded by legislated funds under Proposition 36 Drug Diversion Program. There is neither funding nor staff to take referrals for juveniles with alcohol and drug dependency problems except through Probation. Their concern was for the growing number of juveniles who have no services available.

Several years ago the state realigned funds in an attempt to structure and oversee the many inter-agencies involved with children and seniors/disabled adults. Seniors went to Area 12 Agency on Aging via a joint powers agreement. A Seniors Network Committee was set up. Several county agencies no longer attend these meetings because they found them unhelpful. The only focus was on meals and transportation. On the other hand, they find the monthly meetings with CalWorks well run and helpful in referring seniors who may have otherwise fallen through the cracks.

The Senior Peer Support program sponsored by Mental Health is an outreach counseling group of twenty volunteers who counsel about 80 seniors in their homes. Each volunteer has about four seniors they see weekly. State funds are provided for the salary of the Senior Peer Coordinator for one day a week and to cover training and mileage for approximately 20 volunteers. The training program goes on for three months. Classes are given by professionals in gerontology and psychology. Classes are 2-3 hours long and meet several times a week.

Volunteers are recruited, screened and supervised by Mental Health professionals. These peer counselors are men and women, age 55 and older. They are matched with seniors who have similar interests and backgrounds.

Peer Counselors charge no fee. They hold information in strictest confidence except when self-neglect or abuse by others is observed. Then, they must respond as a “mandatory reporter”. Referrals come through the County Medical Services, Adult Protective Services, the clergy, and other social services. The Senior Peer Counselor and Coordinator describes them as a compassionate group of volunteers who form unique bonds with seniors who have recently suffered the loss of a loved one, the stress of a debilitating illness, the loss of a job, or a family conflict.

CONCLUSION:

Those who serve the aged and handicapped do not see enough value and priority being given to this population. They fear further decline and fragmentation in services and wish to see some leadership given in this area.

RECOMMENDATIONS:

1. Calaveras County should protect and encourage the Senior Peer Counseling program sponsored by Mental Health. Seniors benefit by being able to resume a more satisfying and independent lifestyle in their own homes. There is a potential cost savings to the County that has not been calculated.
2. Consideration should be given to creating a new position under the direction of the Board of Supervisors for a skilled leader who knows the needs of the elderly and the many confusing services and agencies in this County. Such a person must have the commitment of the Calaveras community. This person could also serve as an attendee to the Area 12 Agency on Aging.

RESPONSES REQUESTED:

1. Calaveras County Board of Supervisors
2. Area 12 Agency on Aging
3. Adult Protective Services

D. ADMINISTRATIVE OFFICE OF HUMAN RESOURCES AND RISK MANAGEMENT

REASON FOR INVESTIGATION:

Interviews and audits were conducted pursuant to California Penal Code section 925, which states in part “...investigations may be conducted on some selective basis each year.”

SCOPE:

A follow-up audit was conducted of a new sexual harassment training program being offered to all management and non-management full time personnel.

PROCEDURE:

The Grand Jury looked at new hire orientation, coverage and training of county policies and procedures. We looked for ongoing training and coverage of current department heads as well as other staff promoted into supervisory positions with regard to sexual harassment training and complaint procedures.

In July, the Grand Jury met with the Director of Human Resources and Risk Management. All remedial efforts, staff communication across departments, and the status of a new sexual harassment training package were discussed.

In August, members of the Grand Jury made an impromptu visit to the Human Resources and Risk Management Director to request a random list of employee names in order to do a follow-up audit of the new on-going training. Six names were given that represented various departments, and included managers and new hires. Five from this list and five others were interviewed to ensure randomness. Two persons had not gone to training due to one being part-time, and the other new hire had not been made available for training.

Informal questions were aimed at ascertaining the effectiveness and understanding of training, and the procedure and complaint forms to be used.

FINDINGS:

The follow-up audit of training included eight employees from the Sheriff's department, the Office of Emergency Services, Technical Services, Environmental Health, and the Auditor's office.

- 8 Employees
 - 4 Females
 - 4 Males
 - 4 High seniority employees
 - 3 Managers

All employees felt positive about the new sexual harassment training that had been given in April and May 2002. The interviewees demonstrated an understanding and readiness to use the procedures in place. Most of the employees had attended similar classes in the past. They described the new class as more extensive, and the concept of what a "reasonable woman" would expect enlightening. Both males and females stated they would have no trouble with the procedure of self-help if they had a personal complaint. Managers showed a strong desire to involve the personnel department immediately. A few employees were not sure where in their

office to get the new sexual harassment complaint form. Everyone stated they would be comfortable escalating the complaint to the personnel department. Training consists of films and discussions, and requires four hours for non-managers and six hours for managers. An employee can request individual training.

CONCLUSION:

The single greatest investment is the county's workforce. Human Resources and Risk Management is there to protect all agencies and all employees. A breach in policy or standards not uncovered or resolved in a timely manner could have a huge financial impact on the County as well as lead to loss of employee morale.

A Director of Human Resources and Risk Management gets his or her authority from a strong, dynamic relationship with heads of departments and agencies. Issues of hiring, safety, policy and new training need to be covered with everyone present at the same time. Personnel problems especially need team understanding and commitment when a high-risk error has occurred.

RECOMMENDATIONS:

1. New employees should receive longer and more in-depth orientation, which includes sexual harassment training. Department heads should make themselves and their employees available at the earliest possible time. Part-time and occasional new hires should receive training within 30 days.
2. The Director should be invited to attend all department head staff meetings to ensure periodic status and ongoing communication concerning personnel issues.

RESPONSES REQUESTED:

1. Chief Administrative Officer
2. Director of Human Resources and Risk Management

E. CHECKS AND BALANCES IN REGARDS TO SENIOR MEALS

REASON FOR REVIEW:

The review was conducted pursuant to California Penal Code section 925.

BACKGROUND:

The 2002-2003 Grand Jury investigated the reasons behind the change in service to the county regarding Congregate (C-1) and Meals on Wheels program (C-2) for the seniors in Calaveras County.

SCOPE:

Members of the Grand Jury researched the Joint Powers of Agreement (JPA) between the Area 12 Agency on Aging (A12AA), researched the Barclays California Code of Regulations, reviewed the Area 12/Calaveras County Supervisor Correspondence, reviewed Area 12 Agency on Aging Board of Directors Meeting Agendas, and conducted an interview with a member of the Board of Supervisors.

FINDINGS:

The Older American Act passed in 1965 by Congress to coordinate community-based programs for older citizens (60 years of age) was amended in 1973 requiring states to establish Area Agencies on Aging to coordinate federal and state programs with local efforts. A12AA is a separate entity established to administer the agreement pursuant to Section 6505 of the Government Code. The JPA created a check and balance system by establishing a Governing Board of the A12AA made up of one supervisor from each of the five counties participating in the agreement, and an alternate who may or may not be a member of the Board of Supervisors.

The duties of this board include the adoption of the Area Plan and annual budget, in addition to the responsibility for seeking and considering recommendations of the Advisory Council, established in Article IV of the JPA.

Article IX of the JPA states A12AA shall be strictly accountable for all funds. Article XI Finance: A12AA shall be financed by funds made available for such purpose under the older American act or other federal or state statutes. **In order to obtain grants, it is necessary that the A12AA provide additional matching funds** or in kind services and supplies for administering the A12AA budget. Annually, by May 1, the governing board shall calculate each party's contribution to the total amount required to match state and federal funds. Annual local funding shall be requested of each county party in cash.

If any contribution is not so paid, the A12AA may reduce service within the County. Also documented in California Department of Aging/Barclays California Code of Regulations sec. 7627 Eligibility requirements *“(b) If an AAA has insufficient funds with which to provide services to all individuals ...the AAA shall limit eligibility of the individuals... to either or both of the following: (c) When another funding source is unable to meet the full service needs of a frail individual, Title III D funds may be used to supplement the services, but not supplant or supplement the reimbursement from the other funding source.”*

The Area 12 Agency on Aging Board of Directors are responsible for establishing the Suggested Donation for the Planning and Service (PSA) Area 12 Senior Meals Program. (Senior Meals Program, Policy & Procedures.) Current suggested donation is \$3.00. Seniors are not required to pay for the meal but are encouraged to make a donation. Guests under 60 are required to pay an established amount by the provider.

The PSA is charged with the responsibility to make its records and data available upon request to the public, provide information relating to any aspect of the duties A12AA or the Advisory Council suggest, and to study and make recommendations upon such matters as may be appropriate.

The Governing Board shall keep proper books of records and accounts in which a complete and detailed entry shall be made of all of its transactions including all receipts and disbursements. Calaveras County began experiencing revenue problems regarding “catered meals” in December of 1991. Funding in the amount of \$47,646 available through Amador Tuolumne Community Action Agency was cut. (Source: letter to A12AA from Amador Tuolumne Community Action Agency/Area 12 and Calaveras County supervisor correspondence.) The fiscal year-end report for 2001-2002 found in the A12AA minutes of June 14, 2001 cited a deficit in funding for programs in the amount of \$40,209. The five JPA members’ counties divided this deficit by using the Interstate Funding Formula where Calaveras County’s share was \$11,359. The fiscal year-end report for 2002-2003 found in the A12AA minutes of June 6, 2002 cited the deficit for the year was \$48,124, and Calaveras County’s share was \$13,475. As of December 31, 2002, the deficit had reached \$41,967. These accumulated “overmatch” amounts are requested payments from the Board of Supervisors of Calaveras County. The reason A12AA is requesting these amounts be paid is cited in the State and Federal regulations, which do not permit programs to run in a deficit position.

CONCLUSION:

A12AA acted in accordance with government code in its reduced services provided to seniors. The Governing Board of A12AA did not properly administer the JPA in so far as its generating useful financial data on the true costs of operation.

RECOMMENDATIONS:

1. JPA responsibilities should be recognized by all parties.
2. The Board of Supervisors should appoint an alternate as the representative to the Governing Board and require said alternate to attend all meetings.
3. The A12AA Governing Board should establish a suggested meal fee that reflects the true cost of the meal provided and educate seniors regarding budget costs and services to encourage donations.
4. The A12AA Governing Board must provide the Board of Supervisors with a monthly record of expenses and income.
5. The Board of Supervisors must review monthly the financial records submitted by the Governing Board.
6. The Board of Supervisors should pay the deficit in a timely manner or justify the non-payment.

RESPONSES REQUESTED:

1. Board of Supervisors
2. A12AA Governing Board

LAW AND JUSTICE

A. VALLECITO CONSERVATION CAMP #1

The Vallecito Conservation Camp, located in Calaveras County, 2.5 miles east of Angels Camp, off Highway 4, is jointly operated by California Department of Corrections (CDC) and the California Department of Forestry and Fire Protection (CDF). The camp was opened in 1957. The primary mission is to provide inmate fire crews for fire suppression activities in Amador, Calaveras, and Tuolumne County areas. In addition to fire suppression, the inmate crews provide a work force for conservation and community service projects in the local area. Vocational training on campus includes a sawmill, vocational mill, cabinet shop, and equipment maintenance, which are supervised by a CDC Vocational Instructor. Fire hose testing and repair facilities are available to all fire departments within the state.

REASON FOR INVESTIGATION:

Penal Code section 919 states the Grand Jury shall inquire annually into the condition and management of public prisons within the county. California Code of Regulations Section 3376(a)(1) defines a camp as the type of sub-facility of an institution which is normally located in a rural area and which has no secure perimeter. Section (a)(4) defines such facility to be under the jurisdiction of the Department of Corrections.

The California Department of Corrections publication, "Vallecito Conservation Camp #1, December 6, 2000" defines in part that "...Work of inmates assigned to the conservation centers may be performed at the conservation centers or branches thereof or in or from permanent, temporary, and mobile camps established pursuant to Penal Code 6202, or pursuant to Article 5 of Chapter 5 of Title 1 of Part 3. Penal Code sections 2780.1 to 2786, inclusive, and Sections 2788 to 2791, are applicable to conservation camps. The Director of Corrections may, at such times as he deems proper and wise, enter into contracts or cooperative agreements with any public agency, local, state, or federal, for the performance of other conservation projects which are appropriate for the public agencies under policies which shall be established by the Correctional Industries Commission."

"Inmates and wards may be assigned to forest fire prevention and control, forest and watershed management, recreational development, fish and game management, soil conservation, and forest watershed re-vegetation. Public Resources Code: Division 4, Forests, Forestry, Range and Forage Lands; Part 4. Conservation and Training Camp Program; Chapter 1. California Conservation Camp Program. Pub Res S4953 Contracts for Conservation Camps."

BACKGROUND:

The Grand Jury visited the Vallecito Conservation Camp on October 29, 2002. The visit was focused on general conditions, staffing, policies, and inmate procedures. The Grand Jury wished to define the camp's contribution to Calaveras County. A follow-up visit by the Grand Jury was done on January 20, 2003 to interview randomly selected inmates. The visit was done to obtain

information and inmate perceptions of the value this type of incarceration had for them personally.

PROCEDURE:

The Grand Jury conducted interviews with the Camp Commander, Division Chief, two Correctional Officers, and one Correctional Sergeant with CDC, and the CDF Camp Division Chief, and one Fire Crew Captain. A tour of the entire facility was conducted including workshops, laundry, and kitchen. A luncheon was served.

Various documents were requested. Those provided include:

- Corrections, Public Safety, Public Service “Prisons without Walls”, March 1996 and July 1997
- Vallecito Conservation Camp #1, December 6, 2000
- Vallecito CC #1 Inmate Orientation Booklet, May 2001
- Doc’s Sierra Conservation Center, July 7, 1997
- Vallecito Conservation Camp 2002 Crew Project Sponsors

Follow-up interviews were conducted by the Grand Jury with five inmates. Questions asked were about their recall of the “Inmate Orientation Booklet” and the value an assignment at this camp had for them.

FINDINGS:

Inmates: The camp houses approximately 100 male minimum-security inmates. This represents five (17 man) fire crews. The remaining inmates serve as cooks, porters, landscapers, launderers, clerks, and mechanics, as well as other support workers.

Inmate Selection: A sophisticated classification system is used to select inmates appropriate for training and assignment to Vallecito Camp. They are drawn from the State prisons system to serve their last nine months, although some may serve up to three years. Inmates cannot have any sex-related offenses, escapes, arson, or have a potential for violent crimes. Most are serving time for alcohol, drug, or property-related crimes.

Inmate Benefits: Inmates are required to work a full five-day workweek and are paid \$1.45 per day. Skilled inmates may earn up to \$2.56 per day as mechanics, clerks, cooks, plumbers, welders, carpenters, electricians, and lead fire crew workers. While fighting fires, inmates may earn \$1.00 per hour more. Money earned is placed in a trust account and may be sent home, saved until release, or used to purchase canteen and hobby/craft articles.

Community Services: The Vallecito Conservation Camp inmates provide many irreplaceable work hours to Calaveras County each year. Work is accomplished for county sponsors, state, and federal agencies within our county (see Exhibit A). In addition to project and conservation work, the fire crews provide support in fire fighting. A chart below shows their contribution in terms of hours per year and cost avoidance savings to taxpayers. The following savings are computed at an hourly rate of \$7.50.

2002 Calendar Year

187,732 work hours
+ 25,898 fire fighting hours
\$1,622,010 savings

It should be noted, the inmates were instrumental in restoring the Angels Camp flume that was destroyed in the 2001 Darby fire. (See back cover.)

Safety and Sanitation Standards: The dormitories, bathrooms, kitchen, and workshops were immaculate and well organized. They met and exceeded state prison expectations.

Recidivism: The recidivism rate for Vallecito Conservation Camp averages 33% compared to an approximate 67% rate for the general state inmate population.

Mutual Pride and Respect: Pride and respect was noted on both visits within the inmate population and between inmates and correctional officers of all ranks. This attitude is built from the beginning by an excellent orientation package. Individual attention is given to new arrivals every Tuesday. Rules are well understood and rarely tested. After two weeks of fire fighting training at Jamestown, their skills continue to be cross-trained by inmates with similar assignments, who are soon to be released. A pre-release program prepares them with resume writing, job availability, driver's license, and sometimes a letter of recommendation from the Captain.

CONCLUSION:

The Grand Jury finds all CDC and CDF standards and requirements are met or exceeded.

RECOMMENDATION:

No recommendation, however the Calaveras County Grand Jury offers a special thanks for the invaluable and irreplaceable contribution made yearly by the Vallecito Conservation Camp staff and inmates.

B. CALAVERAS COUNTY SHERIFF'S OFFICE AND JAIL

The Calaveras County Sheriff's Office and Jail is located 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 January 2003. The visit was focused on general conditions, staffing, inmate procedures, and the progress of the proposed new county jail and sheriff's office project.

PROCEDURE:

As part of its investigation, the Grand Jury had discussions with the sheriff's department staff. The Grand Jury reviewed information based on interviews and documentation received. Pursuant to Penal Code section 916, all interviews are conducted with no less than two members of the Grand Jury.

FINDINGS:

The policies and procedures governing the Calaveras County Sheriff's Department and Jail are the Minimum Standards for Local Detention Facilities as outlined in Titles 15 and 24 of the California Code of Regulations. The detention facility continues to pass Board of Corrections inspections utilizing a process that allows a facility to apply standards in place at the time of construction, also known as "grand-fathering". The Grand Jury found the facility well managed and maintained.

The present facility was built in 1963 with a forty-seven bed facility that increased in capacity to its present sixty-five beds. An increase in population led to a Court Order in January of 1992 limiting the jail population to sixty-five inmates. Adult misdemeanor offenders realize little if any detention, thereby increasing recidivism rates within the County. To some degree, a revolving door exists for most misdemeanor offenders.

Proposed Facility Type:

The proposed facility will also be a Type II facility housing up to ninety-six male and female inmates. A central control room will monitor and operate security, as well as monitor each housing unit. Housing pod control stations will control the cell doors, lighting, and showers in the pods. There will be twenty single occupancy, sixty double occupancy, and sixteen beds will be in a dormitory used by minimum-security inmates.

CONCLUSION:

The "Calaveras County Adult Detention Facility Needs Assessment" (Revision No. 4) by TRG Consulting states unresolved issues remain on the specific location, whether the facility should be regional and provide programs and beds to other counties in the area, and the source(s) of funding. The Grand Jury has been assured that all possible avenues are being sought to obtain the funding for the new detention facility.

RECOMMENDATION:

The 2002-2003 Grand Jury encourages the Board of Supervisors and the County Sheriff to apprise the Grand Jury of revisions to the “Calaveras County Adult Detention Facility Needs Assessment” and report any progress toward the construction of the proposed facility.

RESPONSES REQUESTED:

1. Board of Supervisors
2. County Sheriff

C. CALAVERAS COUNTY DISTRICT ATTORNEY

REASON FOR REVIEW:

Penal Code section 925 states in part, “...investigations may be conducted on some selective basis each year.”

SCOPE:

The Calaveras County District Attorney was invited to appear before the Grand Jury and to provide general information on the accomplishments, shortcomings and day-to-day operations of the District Attorney’s Office.

PROCEDURE:

The District Attorney appeared before the Grand Jury, provided concise answer and general information as requested, and seemed eager to furnish any additional information.

FINDINGS:

Concerns were raised regarding the District Attorney’s office being in two locations rather than one location. The split location is not conducive to easy exchange of information and easy access by other agencies. The increased budget approved by the Board of Supervisors should aid in this. The additional personnel allowed by the budget increase are critical to the development of a more efficient organization. The exchange of information or communication with other agencies as to the merits of cases brought to the District Attorney’s office is a crucial factor in assuring the best protection for the public. The proposed office organization and structure will improve the working relationships between the state, county, and city agencies that work with the District Attorney’s office while improving the prosecution of cases and protection of citizens. Improved communication between agencies, in recent months, has increased morale and cooperation.

CONCLUSION:

Locating the District Attorney's Office at one location is essential to improved office function, improved communications among both staff and other agencies, easier access, and centralization. Office structure and organization with definite assignments and written guidelines allow for smooth transfer of information between agencies and the Deputy District Attorneys they will be involved with and consistency in the working relationships.

RECOMMENDATIONS:

1. The Board of Supervisors and the District Attorney's office should work together to assure funding and personnel to allow the District Attorney's office to be housed in a single location.
2. The attached Attorney Positions Chart (see Exhibit B), with specific responsibilities and assignments, should be implemented.
3. The attached Calaveras County District Attorney's Organization Chart (Exhibit C) should be implemented, along with the duties of the positions.

RESPONSES REQUESTED:

1. Calaveras County District Attorney
2. Board of Supervisors

CITIZEN COMPLAINTS

The Grand Jury is part of our government, an adjunct of the judicial system. 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.

Individual county departments can work on solving problems. However, when that fails, the Grand Jury provides another level of resolution. General questions to a department about a mutually received complaint may be helpful in motivating that department 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 information. The Grand Jury is obligated only to provide the results of its inquiries in the final report, and not to specific individuals.

The Grand Jury ceased investigating a number of cases when it was learned that the involved parties were entering litigation or that the complaint fell outside the jurisdiction of the Grand Jury.

Listed are some of the complaints received and investigated by the 2002-2003 Grand Jury.

ITEM: **AREA 12 AGENCY ON AGING AND THE AGENCY'S
EXECUTIVE DIRECTOR**

This complaint alleged that the action taken by the Area 12 Agency on Aging (A12AA) and its Executive Director in closing the nutrition site and the removal of other senior services from the San Andreas Senior Center was accomplished through "unilateral dictatorial actions." The complainant requested a complete audit of Area 12 Agency's books and asked for an investigation of the closure, lay-offs, and meal vouchers especially during the January, February 2003 period.

BACKGROUND:

The Joint Exercise of Powers Agreement between the counties of Alpine, Amador, Calaveras, Tuolumne and Mariposa was formed for the purpose of sponsoring the A12AA to implement the Older Americans Act of 1965 (OAA), as amended, provides that each state shall establish aging service areas and each such area shall have an area agency on aging for that area. In brief, the purpose of the agreement was to meet the needs of the aging and undertake to obtain financial assistance from the State of California and the United States under OAA in order to coordinate and develop programs to accomplish that purpose. The articles of the Joint Powers Agreement lay out the specific rules and regulations required of the Agency and the governing board and officers.

FINDINGS:

A reading of the articles of the Joint Exercise of Powers Agreement would indicate that the Executive Director of A12AA acted in accordance with the responsibilities and powers assigned to that position in the closing of the nutrition site at the Calaveras Senior Center in San Andreas.

CONCLUSION:

While the Executive Director may have had the written authority and power to close the nutrition site and remove other senior services and equipment under their purview at the Calaveras Senior Center in San Andreas, the manner in which those powers were exercised contributed to unnecessary personal and public offense and stress to the volunteers, paid personnel and the seniors who attended the Senior Center. Attached to the citizen's complaint were written testimonies from affected senior citizens. In addition, after the closing, the seniors who attended the nutrition site were not only deprived of the social aspects of eating communally but also of such other services A12AA had provided, i.e., the Health Insurance Counseling Advocacy Program (HICAP) and legal aid at that site. They now have to go elsewhere for those services. As for the complainant's request for an audit of A12AA's books, the Board of Supervisors has already requested an independent audit. The results will not be available for the Grand Jury until after June 30, 2003. Therefore, no report can be made at this time.

RECOMMENDATION:

Planned actions of A12AA should be communicated well in advance to the seniors it affects in a clear, polite and concise manner. Due consideration of comments, questions, and suggestions from the seniors should be addressed.

RESPONSE REQUESTED:

1. Board of Supervisors
2. Executive Director of A12AA

ITEM: TEACHER CONDUCT

A citizen's complaint was received regarding the conduct of a teacher in one of the County schools.

PROCEDURE:

All available materials were examined, and an interview was conducted with the principal of the school where the teacher is employed.

FINDINGS:

The teacher in question had been exonerated and is still an employee of the school district.

CONCLUSION:

No action needed to be taken by the Grand Jury.

ITEM: CHILD PROTECTIVE SERVICES

The complainant alleged that a child was unnecessarily removed from the mother's custody causing emotional damage and physical abuse while in a foster group home. It was requested that the Grand Jury file a lawsuit against four CPS social workers and an employee of Environmental Alternatives who licenses and supervises foster home care for the state.

PROCEDURE:

An interview was conducted with the department head and two social workers of Child Protective Services (CPS) by members of the Grand Jury. Later a phone conference was held with the complainant and members of the Grand Jury.

FINDINGS:

The complaint against Environmental Alternatives was beyond the scope of the Grand Jury because Environmental Alternatives is licensed by the State. The complainant had already escalated the complaint to the state level. The child had received proper medical attention. CPS had already received a judicial review, which placed it beyond the scope of the Grand Jury.

ACTION:

The complainant was notified that legal action was their responsibility. It was further explained that four caseworkers, while confusing, have to do with assignments to different programs such as Family Reunification, Permanency Planning and Emergency Services. The child is now in the complainant's custody. This case was closed by mutual consent.

ITEM: COUNSEL FOR MINOR CHILDREN AND POSSIBLE SEX DISCRIMINATION

This complaint alleged poor representation for minor children in a court custody case. It further alleged the court appointed attorney was displaying sex discrimination in the case.

FINDINGS:

It was determined this complaint involved matters currently before the court. Matters before the court are not within the jurisdiction of the Grand Jury. Further, the Grand Jury found no willful misconduct, malfeasance or negligence on the part of any county employee.

ACTION:

The complainant was informed the lack of jurisdiction concerning matters currently before the court.

ITEM: ALLEGED MISCONDUCT OF ELECTED OFFICIALS, THE COURT, AND THE CALAVERAS COUNTY SHERIFF'S DEPARTMENT

The complaint alleged misconduct and irregularities in a number of agencies and the courts.

PROCEDURE AND FINDINGS:

The Grand Jury reviewed documents submitted with the complaint. Our independent investigation found no evidence of willful misconduct, malfeasance or negligence on the part of the Sheriff's Department, elected officials, or other county employees. Furthermore, the Grand Jury does not have jurisdiction over the courts.

ACTION:

A letter was sent to complainant concerning the lack of evidence of misconduct and the lack of Grand Jury jurisdiction over the courts.

ITEM: HARASSMENT BY CALAVERAS COUNTY OFFICIALS

A complaint was received alleging harassment by the District Attorney, Building Code Enforcement, and the Sheriff's Department.

PROCEDURE AND FINDINGS:

Members of the Grand Jury interviewed those specifically named in the complaint, members of the District Attorney's Office, the Sheriff's Department, and the Building Department. At least two members of the Grand Jury were present for all interviews. The Grand Jury found no evidence of misconduct on the part of Calaveras County officials and discovered that issues referred to in the complaint were currently being addressed by the courts.

ACTION:

A letter was sent to the complainant stating the Grand Jury found no evidence of misconduct. It also explained that matters currently before the courts are outside the jurisdiction of the Grand Jury.

ITEM: USE OF FIRE DISTRICT VEHICLES

This complaint concerned the use of Fire District vehicles.

FINDINGS:

Members of the Grand Jury met with Fire District personnel and one board member. The Grand Jury determined a vehicle is assigned to the Fire Chief, and he is in accordance with written practice of usage for a Fire Chief who is on call 24/7.

CONCLUSION:

The Grand Jury concluded the Fire Chief was operating District owned equipment in accordance with the District's written practices.

ITEM: WEST POINT FIRE DISTRICT

A complaint was received regarding the West Point Fire District and concerned spending of funds not allocated in the budget. The purchase was for a six-month contract with CDF for West Point fire protection. The complainant also alleged the Board of Directors attempted to direct daily operations of the department. In addition, the complainant alleged the Board of Directors failed to follow fair labor standards for wages and failed to withhold taxes and social security from employees.

FINDINGS:

A contract was issued to hire CDF services from November 2002 to May 2003. This action was necessitated by the Board due to a history of "no-shows" by District volunteers. According to the CDF dispatch records, West Point volunteers did not respond to fifteen calls within their district during the period of May 10, 2002 to March 21, 2003 – an eleven-month period.

Concerning the allegation of failure to follow Fair Labor Standards for wages, it was found there is no "stipend pay" for volunteers. All pay is called "proper wage reimbursements". Reimbursements are offered to offset minor expenses. They are paid on a quarterly basis. The base reimbursement rate for volunteer firefighter per activity is \$5.00. For over three hours on an assignment, the pay is \$10.00. The Battalion chief/duty officer is paid \$20.00 per twenty-four hour shift.

CONCLUSION:

The Grand Jury considered all aspects surrounding this complaint. It concluded the Board of Directors acted within regulations by contracting the services of CDF for the over-all good of the community. Thus, having a 24/7 CDF truck in the District became essential. All board members agreed upon this contract in an open meeting. Regarding the allegation toward the Fair Labor Standards, there was no malfeasance.

RECOMMENDATION:

The Grand Jury recommends the West Point Fire District Board members review the “Rules of Conduct” and its policies concerning no-shows.

RESPONSE REQUESTED:

West Point Fire District Board

ITEM: WEST POINT FIRE DISTRICT

A complaint was received from a citizen regarding an individual on the West Point Fire District Board of Directors. The complainant alleged that this individual was guilty of harassment and theft together with unfair election practices.

FINDINGS:

The Grand Jury found no evidence of theft, harassment, and unfair election practices. Further, it is not the responsibility of the Grand Jury to intercede with the tenure of elected officials.

CONCLUSION:

The Grand Jury has no jurisdiction or authority to render recommendations regarding the tenure of a West Point Fire District Board member.

ITEM: ANIMAL CONTROL

Following a citizen’s complaint concerning under-nourished cattle, the Animal Control seized a small herd of cattle from a local rancher. The seizure was done due to the inability of the County and rancher to reach an agreement. This action followed the County contracted veterinarian’s report, which stated, “the cattle were thin and debilitated and there was no evidence of recent feedings.”

FINDINGS:

Animal Control exercised California Penal Code 597.1 to the full extent of the law.

CONCLUSION:

Although Animal Control was well within their rights to take such action, intervention by upper level management within the Agricultural Department very early in the proceeding may have resulted in a much calmer approach mutually acceptable to both parties.

NOTE:

As a result of this action, the County contracted veterinarian may have suffered some serious backlash detrimental to his name and profession. Indeed, there appears to be a lack of exculpation on the part of some individuals.

RECOMMENDATION:

Provide for an upper level management review and direct involvement within the Agriculture Department prior to taking any action of a serious nature.

RESPONSE REQUESTED:

Agriculture Department

ITEM: **DISTRIBUTION OF PROPOSITION 12 FUNDS**

This complaint alleged that the funds were improperly distributed and the Board of Supervisors did not follow the proper procedures. There was an added complaint that Government Code section 54954.2 may have been violated along with a possible violation of the Brown Act.

BACKGROUND:

A total of \$150,000 was made available through Proposition 12 to the County of Calaveras for local park and recreation agencies on a per capita basis. The Board of Supervisors decided to give each supervisor the responsibility and discretion to distribute \$30,000 for the benefit of their own district.

A memo to the Board of Supervisors regarding Proposition 12 from the Senior Administrative Analyst stated in part:

PER CAPITA PROJECTS

Eligible applicants include cities, counties, regional parks districts, regional park and open-space districts.

Eligible projects include acquisition, development, improvement, rehabilitation, restoration, and enhancement of local parks, interpretive facilities, and recreational lands and facilities. Funds allocated shall be appropriated primarily for projects that accomplish one or all of the following:

- *Rehabilitate facilities at existing local parks, which will allow the parks to be more efficiently managed and will reduce operational costs.*
- *Develop facilities that promote positive alternatives for youth and that promote cooperation between local park and recreational service providers and youth-serving nonprofit organizations.*
- *Promote family-oriented recreation, including art activities.*
- *Provide for open, safe, and accessible local parklands, facilities and botanical gardens.*

PROJECT APPLICATIONS

The County has a fully executed Contract encumbering the funding allocation (\$150,000). To access the funds, the County submits complete, individual Project Application(s) to the Department. The Project Application must contain the following items:

- *Project Application Form, including a certification that the Project is consistent with the park and recreation element of the city or county general plan, the District park and recreation plan, or the appropriate planning document, as the case may be, and will satisfy a high priority need. The Project Application Form must be signed by the Grantee's authorized representative and the representative from the Grantee's planning agency.*
- *At the time of application, the Grantee must provide, at a minimum, either (1) a notice of exemption filed with the county clerk, or (2) an initial study with a description of how the Grantee will comply with CEQA. The Grantee may provide an environmental impact report or negative declaration along with a response from the State Clearinghouse; and a copy of the notice of determination filed with, and stamped by, the county clerk.*
- *Prior to commencement of construction or acquisition, the Grantee must complete the CEQA process and provide documentation. The required documentation must include one of the following: a notice of exemption filed with the county clerk, or an environmental impact report or a negative declaration along with the response from the State Clearinghouse, and a copy of the notice of determination filed with, and stamped by, the county clerk.*
- *Evidence of adequate land tenure (lease, joint powers agreement, etc.).*
- *Acquisition map showing exterior boundaries and parcel numbers. (Acquisition Projects)*
- *Project location map (city or county) with enough detail to allow a person unfamiliar with the area to locate the Project.*
- *Site plan (Development Projects)*
- *Acquisition Schedule*
- *Cost estimate (Development Projects)*
- *Source of funds*

The Calaveras County Board of Supervisors posted a public notice to community organizations with a request for proposals with regards to Proposition 12 Per Capita Grant Fund for local park and recreation agencies. The notice stated, "Applications must be completed and returned by 5:00 p.m., September 23, 2002."

PROCEDURE:

The Grand Jury investigated the complaint by interviewing the former Supervisor of District 5, viewing videotapes of the meeting, reading the minutes of the meeting, conducting a meeting with the complainants, and speaking with the current County Administrative Officer.

FINDINGS:

A public study session was held with the Board of Supervisors in August 12, 2002. On October 21, 2002, a general meeting was held. At this meeting the Board of Supervisors made their final decision as to which groups would receive Proposition 12 funds. The vote was unanimous.

Later, it was determined many of the projects originally allocated funds did not meet specific Proposition 12 requirements.

A general meeting was held on April 28, 2003, at which time the Board of Supervisors decided to reallocate the Proposition 12 funds. They voted to put all the Proposition 12 funds into repairs and restorations for the Calaveras County Museum and the County Archives building. The deadline given by the state for Proposition 12 was June 30, 2003.

CONCLUSION:

It appears that the Board of Supervisors did not fully understand the full scope of requirements for Proposition 12 funds set by the state. There was no violation of the Brown Act. For the sake of fairness to all parties concerned, the Board of Supervisors could have extended the formal application process. They had sufficient time before the June 30, 2003 deadline.

The projects originally to be funded by Proposition 12 monies were then revised and funded by the County general fund. The recent re-districting between Districts 1 and 5 led to some confusion.

RECOMMENDATIONS:

The Board of Supervisors should adopt an application process for future bond and/or proposition grants awarded through Calaveras County to assure compliance with grant guidelines and requirements.

RESPONSE REQUIRED:

Board of Supervisors



**VALLECITO CONSERVATION CAMP
2002
CREW PROJECT SPONSORS**



ADOPT A HIGHWAY ANGELS CAMP TO SAN ANDREAS (HWY 49) ANGELS TO RED HILL (HWY 4)

CALAVERAS COUNTY LAND FILL (RED HILL & ROCK CREEK)

CALAVERAS COUNTY ROAD DEPARTMENT

CALAVERAS COUNTY WATER DISTRICT

CALAVERAS UNIFIED SCHOOL DISTRICT

VALLECITO UNIFIED SCHOOL DISTRICT

BRET HARTE UNIFIED SCHOOL DISTRICT

CALAVERAS COUNTY FAIR GROUNDS

CITY OF ANGELS

BIG TREES STATE PARK

CAL TRANS

VALLECITO CEMETARY DISTRICT

FOOTHILL FIRE

CENTRAL FIRE

JENNY LIND FIRE

COPPEROPOLIS FIRE

CDF

CITY OF ANGELS FIRE

FOREST SERVICE UTICA POWER AUTHORITY

UNION PUBLIC UTILITY DISTRICT

SAN ANDREAS SANITARY DISTRICT

ARMY CORPS OF ENGINEERS (HOGAN)

CDC

CALAVERAS COUNTY BOARD OF SUPERVISORS

NORTHERN CALIFORNIA POWER ASSOCIATION

MARK TWAIN ELEMENTARY SCHOOL

VALLEY SPRINGS ELEMENTARY SCHOOL

JENNY LIND ELEMENTARY SCHOOL

TAYLOR PARK

TURNER PARK

COPPELLO PARK

FEENY PARK

TOYAN ELEMENTARY SCHOOL

EBBETS PASS VETERANS DISTRICT

CALAVERAS COUNTY LIBRARY

EAST BAY MUD

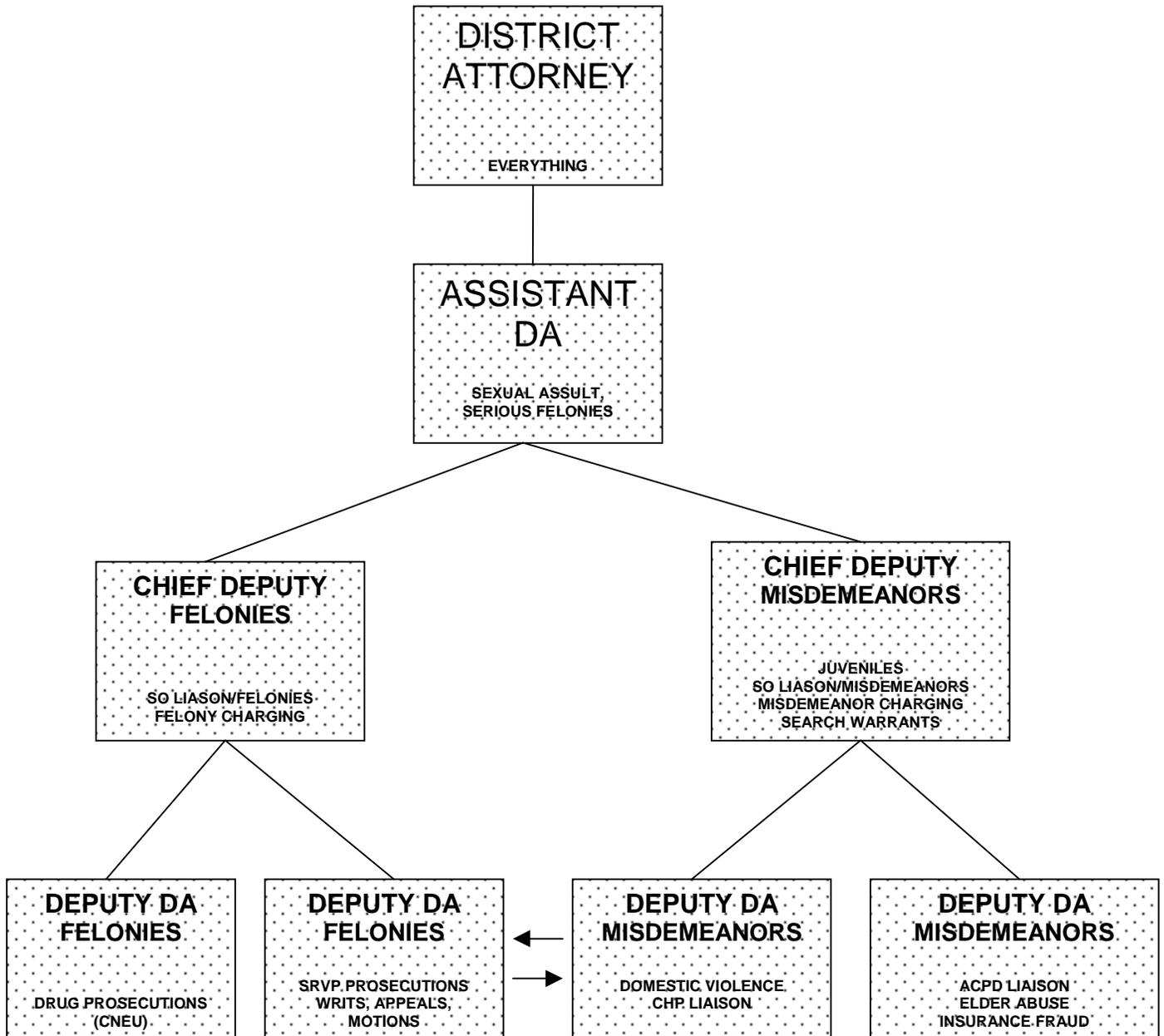
CDF FIRE CREW TRAINING

BUREAU OF LAND MANAGEMENT

COPPEROPOLIS ELEMENTARY SCHOOL

1/28/03

CALAVERAS COUNTY DA ATTORNEY POSITIONS CHART (WITH PROPOSED RESPONSIBILITIES)



CALAVERAS COUNTY DA ORGANIZATION CHART

