

**Calaveras County
Grand Jury
2007-2008 Final Report**

CALAVERAS COUNTY GRAND JURY

P. O. Box 1414
SAN ANDREAS, CALIFORNIA 95249

June 5, 2008

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

Dear Judge Martin:

The 2007-2008 Calaveras County Grand Jury, in accordance with Penal Code Section 933, submits the final report to the Calaveras County Superior Court.

During this past year, members of this Grand Jury investigated citizen complaints, conducted tours of the county jail, animal shelter, the California Department of Corrections and Rehabilitation Fire Camp at Vallecito, conducted a county audit, issued one early report, and initiated a complex investigation involving a county agency. During this fiscal year, committees reported their respective investigations and activities on a monthly basis to the entire Grand Jury for their review. The Grand Jury then collectively determined the course of action to be taken.

The final report is based upon those investigations which included documentation provided by government agencies, sworn testimony by witnesses, and observation of the activities of various county agencies. These findings were approved and supported by a quorum of at least twelve members as stipulated by Penal Code 933.

The purpose of the Grand Jury is to serve as an independent body of county citizens under the authority of the superior court to oversee, as well as monitor, the inner workings and activities of County Government. The function of a Grand Jury is a critical element in the accountability and responsibility of County Government and serves as a resource in response to citizen complaints.

This year the Grand Jury has encountered many challenges and worked long hours. I would like to take this opportunity to thank all of the members of the 2007-2008 Grand Jury who, throughout the year, rose to the occasion and effectively handled the assignments and investigations required to meet the obligation of a Grand Jury. I am honored to have had the distinct pleasure of working with all of this year's Grand Jury members. A special appreciation and personal thank you to David Berkowitz, Joe Fanucchi, and Brenda Moeller, whose dedication, commitment and support throughout the year has not gone unnoticed.

On behalf of the 2007-2008 Grand Jury, thank you to the staff of the Superior Court, especially Pam Colton, County Counsel Jim Jones, Karen Osborn at County Administration, and all County Department Heads who provided us with the time and resources necessary to perform our duties as Grand Jury members. A special thank you to you, Judge John E. Martin for your support.

Sincerely,


FRANK X. CHAVEZ
Grand Jury Foreman 2007-2008
Calaveras County

**2007-2008 GRAND JURY
FINAL REPORT**

The 2007-2008 Calaveras County Grand Jury approved this Final Report.

S/: _____
Frank Chavez, Foreperson

Date: _____

I accept this Grand Jury Report for the year 2007-2008 for filing, and certify that it complies with Title V of the California Penal Code.

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

Date: _____

Any persons interested in receiving a copy of this 2007-2008 Grand Jury Final Report may do so by contacting the Calaveras County Administrative Office. A copy of the Final Report is available for viewing at the main Calaveras County Library in San Andreas, and at all County branch libraries.

The Final Report will be available to the public on July 1, 2008 via the local newspaper with the largest distribution in Calaveras County, and it will be published on the Grand Jury website:

http://www.co.calaveras.ca.us/departments/grand_jury.asp

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2007-2008 GRAND JURY FINAL REPORTS

FACTS ABOUT THE GRAND JURY SYSTEM

WHAT IS A GRAND JURY?

A Grand Jury is a judicial body composed of a set number of citizens. 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 California Constitution, Article 1, Section 23, states: "One or more Grand Juries shall be drawn and summoned once a year in each County." In California, every county has a civil Grand Jury. Criminal Grand Juries are seated as necessary.

A civil Grand Jury's function is to inquire into and review the conduct of county government and special districts. 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.

Grand Jurors are citizens of all ages and different walks of life. Each brings their unique personality and abilities. Grand Jurors are selected from the Department of Motor Vehicles and Voter Registration files. In some counties, citizens may request to be on the Grand Jury. Jurors spend many hours researching; reading, and attending meetings to monitor county government, special districts, and oversee appointed and elected officials.

A final report is created from the many hours of fact-finding investigations conducted by the Grand Jury. This report discloses inefficiency, unfairness, wrong doings, and violations of public law and regulations in local governments. The Grand Jury makes recommendations for change, requests responses, and follows up on responses to ensure more efficient and lawful operation of government.

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.

The Grand Jury is a civil, investigative body created for the protection of society and enforcement of its laws. The conduct of the Grand Jury is delineated in California Penal Code, Section 888 through Section 945.

Grand Jurors are officers of the Superior Court, but function as an independent body. One 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.

RESPONSIBILITIES OF THE GRAND JURY

The major function of the Calaveras County Grand Jury is to examine County and City government and special districts to ensure their duties are being lawfully carried out. The Grand Jury reviews and evaluates procedures, methods, and systems utilized by these agencies to determine if more efficient and economical programs may be used for the betterment of the County's citizens. It is authorized to inquire into charges of willful misconduct or negligence by public officials or the employees of public agencies. The Grand Jury is mandated to investigate the conditions of jails and detention centers.

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 funds are properly accounted for and legally spent. In Calaveras County the Grand Jury must recommend an independent Certified Public Accountant to audit the financial condition of the County.

RESPONSE TO CITIZEN COMPLAINTS

The Grand Jury receives many letters from citizens alleging government inefficiencies, mistreatment by officials, and voicing suspicions of misconduct. Anyone may ask that the Jury conduct an investigation on agencies or departments within the Grand Jury's jurisdiction. All such requests and investigations are kept confidential.

The Grand Jury investigates 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, nor any matters in litigation.

Neither official request nor public outcry can force the Grand Jury to undertake an inquiry it deems unnecessary or frivolous.

FINAL REPORT

The Final Report includes the findings and recommendations of the Grand Jury and is released to the Superior Court Judge by July 1 of each year. It is made available to the new Grand Jury, the media, the public, and government officials. It will also be available on the Grand Jury website:

http://www.co.calaveras.ca.us/departments/grand_jury.asp

HOW TO CONTACT THE GRAND JURY

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

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

Complaint forms may be requested by calling (209) 754-5860. The forms are available for download on the Grand Jury website and completed forms may be mailed or faxed to the Grand Jury room at (209) 754-9047.

MEMBERS OF THE 2007-2008 CALAVERAS COUNTY GRAND JURY

Frank Chavez, Foreperson
David Berkowitz, Foreperson Pro Tem

Helen Abbey
Susan Atkinson
Michele Boyle
Joan Duncan
Joe Fanucchi
June Foster
Mary Greer

Barry Griffin
Dave Hemphill
Brenda Moeller
Doug Montgomery
Russell Ogren
Jim Rott
Ken Rubio

INVESTIGATION OF THE COMMUNITY DEVELOPMENT AGENCY

REASON FOR INVESTIGATION

As the result of multiple complaints from various sources, the Grand Jury investigated the Community Development Agency (CDA).

PROCEDURES

The following people were interviewed:

- All current members and one former member of the Calaveras County Board of Supervisors (BOS).
- Current, interim and past County Administrative Officers.
- Numerous Department Heads including the Director of the CDA.
- Current employees of various County Departments.

The Grand Jury reviewed numerous documents including:

- Consultants reports (CityGate Associates Inc., JAS Pacific Inc., Palmer Kazanejian Wohl Perkins LLP, and Maximus – User Fee Study).
- The CDA budgets and financial records.
- Job descriptions, organization charts, Calaveras County Personnel Ordinance and the Memorandum of Understanding between the County of Calaveras and the Service Employees' International Union.

The Grand Jury also reviewed the County's hiring practices including the process of background checks, as well as attended BOS and community town hall meetings.

RESULTS OF INVESTIGATION

FINDING 1 – THE BOARD OF SUPERVISORS (BOS)

1. Background Check - The BOS, when hiring the CDA Director (Director), failed to follow standard hiring procedures by neglecting to insist that the candidate's qualifications and past work experience be verified and thoroughly checked.
2. Reporting Relationship - The BOS failed to clearly define the reporting relationship of the position and allowed the Director to circumvent the established line of supervision. The Director reported directly to the BOS with disregard for the published County organization chart.
3. Accountability - After establishing the Director's direct reporting relationship to the Board, the BOS failed to hold the Director accountable and neglected to prepare any performance evaluations.
4. Job Qualifications - The Director, when hired by the County, lacked the technical skills and sufficient related experience to successfully perform the job. The BOS based their hiring decision on the applicant's self-reported strong management experience. However, the Grand Jury, in the course of the investigation, could not substantiate many of the claims made on the Director's resume and application.

RECOMMENDATIONS

1. The BOS hire Department Heads only after background checks and thorough verification of prior work experience are completed by Human Resources Department.
2. The BOS publicly restore the reporting relationship of the Director to the County Administrative Officer (CAO).
3. The BOS and the Director adhere to the reporting relationship as defined in the County organization chart..
4. The CAO develop a plan to prepare annual performance evaluations on all Department Heads.
5. The Director enroll in an accredited educational institution and obtains a Certified Planner Certificate.

RESPONSE REQUESTED

Board of Supervisors
County Administrative Officer
Director, Human Resources
Director, Community Development Agency

FINDING 2 – FUNDS

1. Mismanagement of County Funds – Numerous outside consultants have been hired for work that could be done by CDA employees. The position of Chief Building Official is still filled by a Vali Cooper consultant and a large portion of the plan checking service is still performed by outside contractors. Due to the Director's decisions, the CDA has spent nearly \$2 million (almost half of its 2007/2008 budget) on consulting fees.
2. Budget Deficit - The County is currently faced with a CDA projected deficit of nearly \$900,000 for fiscal year 2007-2008, the largest Planning and Building Department deficit in many years. This deficit is not entirely due to the national decline of the housing market.
3. Internal Audit - When the CDA's second quarter actual budget deficit was discovered; the Director initiated an internal audit. The Director reassigned the qualified Account Technician to other duties and instructed a newly hired Permit Technician to conduct the audit and to perform the regular duties of the Account Technician.
4. Disregard for County Accounting Practices – The Director fails to follow the County's accounting practices and procedures and has shown little interest in coordinating these practices with the County Auditor/Controller. This has resulted in costly accounting errors and confusion in recording various services such as Environmental Impact Report expenses and revenues within the Trust Account.
5. Lack of Consistency in Collecting Fees and Fines - The Director has exempted certain cases subject to code compliance fees and fines without justification, thus potentially violating Calaveras County Code, Title 8, Article IX *Violations Fines and Procedures*.

6. Hiring Incentives - The Director is the only Department Head in the County who has relied on costly hiring incentives when recruiting new Planners.
7. CDA Hiring Practices - The Director disregarded County hiring practices, bypassed Human Resources, and developed the CDA's own recruiting, screening and interviewing procedures for potential hires.

RECOMMENDATIONS

1. Discontinue the use of outside consultants performing the jobs of salaried CDA employees.
2. Combine the budgets of the Planning and Building departments to reflect the existence of the CDA.
3. Audit the CDA's accounts for 2007-2008 to mitigate the further occurrence of accounting errors. The audit to be performed by an independent outside accounting firm.
4. The Director and the County's Auditor-Controller personally meet and review the existing accounting systems and conform to established County practices.
5. The Director to consistently support the enforcement of Calaveras County Codes by Code Compliance.
6. Justify or eliminate the need for hiring incentives for Planners.
7. Use Human Resources to handle all preliminary phases of recruiting, screening and interviewing of CDA applicants pursuant to current County hiring procedures.

RESPONSE REQUESTED

Board of Supervisors
County Administrative Officer
County Auditor/Controller
Director, Human Resources
Director, Community Development Agency

FINDING 3 – DIRECTOR

1. Management Style – The Director's management style contributes to a chaotic workplace. The Director at times exhibits confrontational behavior towards County employees and Department Heads, and at times magnifies the severity of issues, presenting the BOS with multiple emergencies.
2. Work Environment – CDA employees have filed numerous harassment/hostile work environment complaints. Some of the earlier complaints prompted a thorough investigation, which resulted in a directive from the BOS to have all CDA management and employees participate in a team building exercise. The team building exercise was not completed (as of this writing) and failed because the Director walked out with the executive staff in mid-session and refused to continue.

3. Trust –The Director frequently scrutinizes the work of employees by secretly checking files in the absence of employees. This perceived lack of trust comes at the expense of the performance of the Director's managerial responsibilities.
4. Communication – The Director's accessibility to CDA employees is inadequate, partly due to the remote location of Director's office from the Building and Planning Departments. In addition, the Director's mode of communication is usually verbal and often unofficial, which leads to confusion, misinterpretations and misunderstandings.
5. Compliance with Administrative Requirements – For the past two years the Director has not prepared or mandated the preparation of annual performance evaluations of the CDA staff.
6. General Plan – The complete overhaul of the General Plan, as opposed to using a step-by-step process, was influenced by the Director's sense of urgency. However, the Director's lack of technical planning expertise has prevented consideration of alternate ways of moving the project forward.

RECOMMENDATIONS

1. The BOS and the CAO evaluate the effectiveness of the CDA.
2. Resume and complete the team building exercise.
3. The Director entrust all CDA employees to perform their assigned duties with the support of their supervisors.
4. Communicate policy changes and directives in writing. Schedule periodic staff meetings to facilitate open communication and build trust.
5. The Director to be more accessible to staff and practice an open door policy.
6. Update Policies and Procedures manuals for both the Planning and Building Departments.
7. Prepare annual performance evaluations for all CDA employees.
8. The BOS reassess the Mintier General Plan contract to find ways to minimize consultant's expenditures, downsize Mintier's role in the project and manage more of it in-house.

RESPONSE REQUESTED

Board of Supervisors
County Administrative Officer
Director, Community Development Agency

CALAVERAS COUNTY AUDIT CONTRACT

REASON FOR INVESTIGATION

It came to the attention of the Grand Jury that the contract with the accounting firm of Moss, Levy & Hartzheim LLP that was ordered by the Board of Supervisors in their June 19, 2007 meeting was not completed.

BACKGROUND

In Calaveras County the Grand Jury must recommend an independent Certified Public Accountant to audit the financial condition of the County. This was done by the 2006-2007 Grand Jury and the recommendation given to the Board of Supervisors at their June 19, 2007 meeting. The Board agreed with the recommendation, voted to accept the proposal by the accounting firm of Moss, Levy & Hartzheim LLP and ordered that a contract be awarded to that firm.

PROCEDURES

The Grand Jury interviewed the County Auditor/Controller and the Principal Administrative Analyst.

RESULTS OF INVESTIGATION

FINDING

The contract with Moss, Levy & Hartzheim LLP was written but never signed by an authorized Calaveras County representative and therefore never submitted to Moss, Levy & Hartzheim LLP for their signature. As a result, no accounting firm was placed under contract to audit the accounts for Calaveras County for the years 2008, 2009 and 2010. This was not discovered until April 2008.

RECOMMENDATION

The Calaveras County Grand Jury recommends the Board of Supervisors ensure that a system is in place to guarantee that their orders are carried out in full. If such a system is already in place, the Board of Supervisors must determine why it failed and hold the responsible people accountable.

RESPONSE REQUESTED

Calaveras County Board of Supervisors
County Administrative Officer

E-COLI CONTAMINATION OF THE MIDDLE FORK MOKELUMNE RIVER

REASON FOR INVESTIGATION

Sources monitoring the Middle Fork Mokelumne River (River), located at the Tom Taylor Bridge and Highway 26 (Bridge) in West Point, continue to find above normal levels of e-coli contaminants.

PROCEDURES

The Grand Jury toured both sides of the River area from Schaad's Ranch to the Bridge in the West Point and Wilseyville areas; and also toured the West Point Waste Water Treatment Plant and Wilseyville Solid Waste Treatment Plant.

Interviews were conducted with:

- Calaveras County Supervisor, District 2
- Calaveras County Director of Department of Environmental Health (DEH)
- Director, District 2 Calaveras County Water District (CCWD)
- Independent Aquatic Resource Specialist.

In addition, two reports by the Upper Mokelumne River Watershed Authority were reviewed: Upper Mokelumne River Watershed Assessment and Planning Project, Septic System Management Program, December 2007; and the Upper Mokelumne River Watershed Assessment and Planning Project, December 2007.

RESULTS OF INVESTIGATION

FINDING 1

Regular monitoring of the water quality at the Bridge in West Point, by various members of the Upper Mokelumne Watershed Authority, consistently reveals above normal levels of e-coli bacterial contaminants. These levels exceed those detected at current monitoring sites further upstream.

RECOMMENDATION

The DEH conduct quarterly testing of the River to obtain the latest water contamination readings and monitor for potential public health hazards.

RESPONSE REQUESTED

Director, Department of Environmental Health
County Administrative Officer

FINDING 2

Septic tanks and leach lines, on numerous parcels in the vicinity of the Barney Way and Charles Street area, are located at or near water level along the River

just upstream from the Bridge in West Point. The Bridge site also receives drainage from nearby culverts and rainwater runoff from Highway 26.

RECOMMENDATION

If tests confirm above normal e-coli contamination, more source identification techniques and monitoring sites will be needed. The DEH to communicate at least quarterly with other groups involved in monitoring water quality of the River.

RESPONSE REQUESTED

Director, Department of Environmental Health

FINDING 3

Many of the approximately 60 developed parcels, in the vicinity of the Barney Way and Charles Street areas that surround the River, have gone from part-time seasonal use to full-time occupancy in recent years. In addition, there are currently no mandated septic tank cleaning and inspection requirements for Calaveras County parcel owners.

RECOMMENDATION

The BOS direct the DEH to develop an educational outreach program to work with volunteer service groups out in local communities as a first step in educating parcel owners and residents about water quality and good septic maintenance practices. The BOS and Department of Environmental Health establish requirements for future periodic septic tank maintenance and inspection.

RESPONSE REQUESTED

Board of Supervisors
Director, Department of Environmental Health
County Administrative Officer

FINDING 4

The Grand Jury recognizes there are no quick or inexpensive fixes to completely remedy the septic tank and leach line problems that appear to at least partially contribute to the e-coli contamination along the identified section of the River. The financial impact on local parcel owners, without help from grants or other creative financing options, would be very costly. In addition, the West Point Waste Water Treatment Plant and Wilseyville Solid Waste Treatment Plants are located close-by.

RECOMMENDATION

To improve the water quality in this area, the Grand Jury recommends the BOS direct the DEH to collaborate with East Bay Municipal Utility District (East Bay MUD) Up-Country Water Quality officials, the California State Regulatory Water Quality Control Board in Sacramento, Calaveras County Government, CCWD

and other appropriate agencies, to seek funding for short and long-term solutions for water quality improvements. Funding to provide: community education, standardized testing methods, regular water monitoring and clean-up, including possible engineered septic systems and/or possible connections to a sewage delivery system that links to the nearby West Point Waste Water Treatment Plant and the Wilseyville Solid Waste Treatment Plant.

RESPONSE REQUESTED

Board of Supervisors
Director, Department of Environmental Health
Director, District 2 Calaveras County Water District
County Administrative Officer

FINDING 5

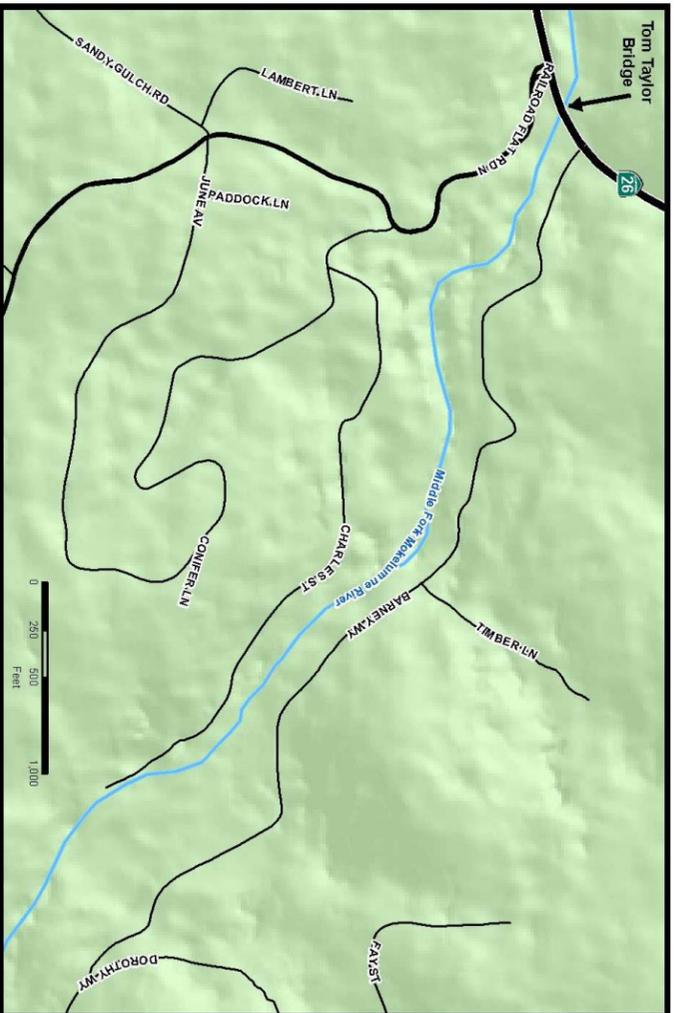
The Bridge area has become an informal recreational site where people congregate for swimming, fishing and other water related activities. In addition, East Bay MUD also treats and stores these waters downstream for use by its Bay Area customers.

RECOMMENDATION

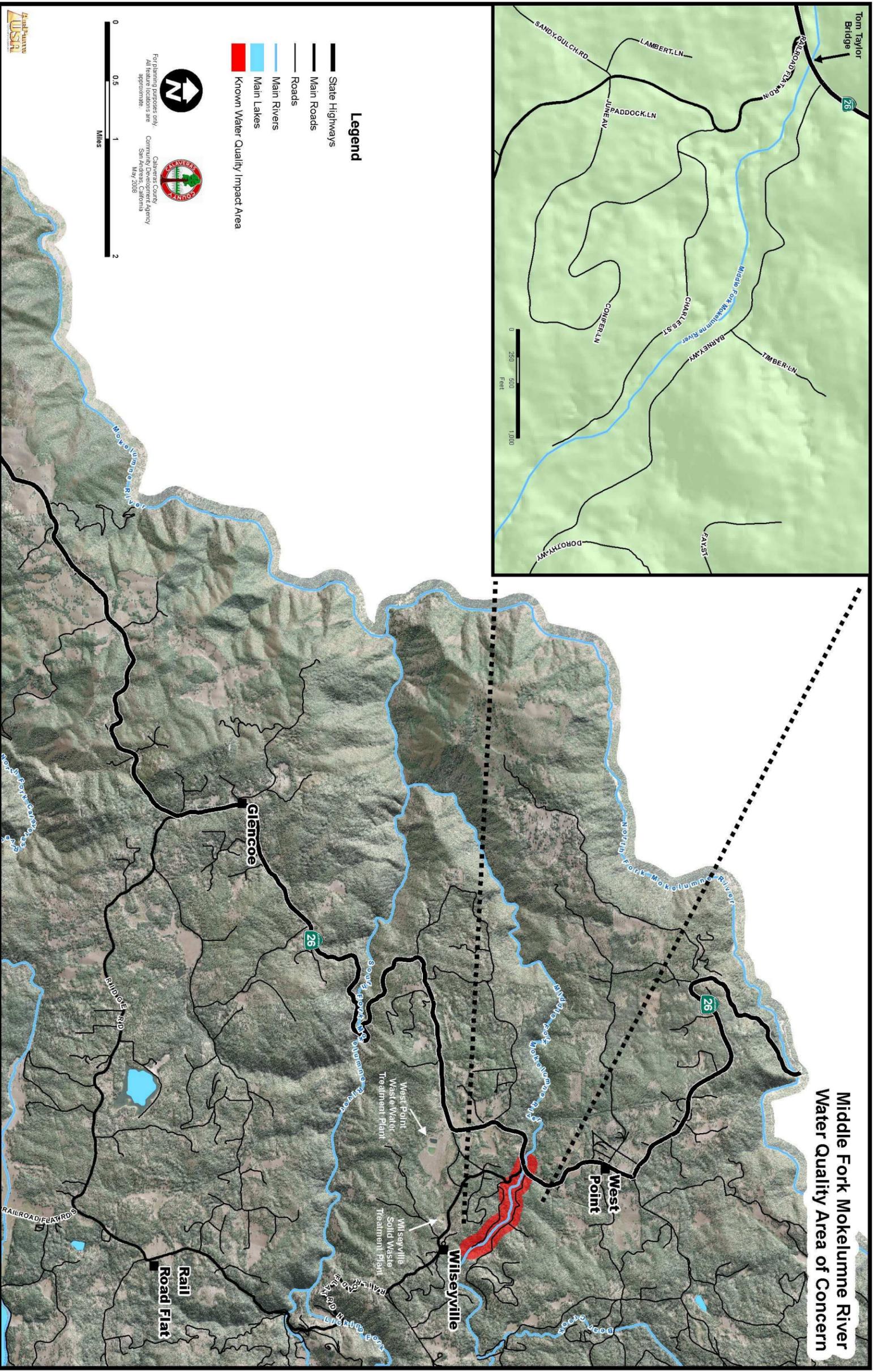
The BOS direct the DEH to install portable toilets and refuse containers in the area of the Bridge, as well as place additional signage that identifies County Rivers and contributory streams as part of the Upper Mokelumne Watershed Area. Department of Environmental Health to post signs at recreational water sites where above normal levels of e-coli exists.

RESPONSE REQUESTED

Board of Supervisors
Director, Department of Environmental Health
County Administrative Officer



**Middle Fork Mokelumne River
Water Quality Area of Concern**

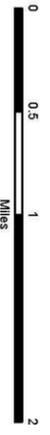


Legend

- State Highways
- Main Roads
- Roads
- Main Rivers
- Main Lakes
- Known Water Quality Impact Area




Calaveras County
 Community Development Agency
 San Jose, California
 May 2008



CALAVERAS COUNTY AUDIT REPORT

REASON FOR INVESTIGATION

Section 925 of the California Penal Code states “The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county....”

PROCEDURES

The accounting firm of Bartig, Basler, & Ray (BB&R) was under contract to examine the financial statements of Calaveras County (County) and provide an opinion on the accuracy and reliability of these financial statements for the year ended June 30, 2007. As a normal function of this audit BB&R submitted the County of Calaveras Management Report for the Year Ended June 30, 2007 (Management Report) to all county departments. The departments reviewed with findings and recommendations have 60 days to respond prior to the final publication of the Management Report. The Grand Jury reviewed the Management Report along with the County’s Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2007. We interviewed the Auditor-Controller and staff, Human Resources staff, the Assistant CAO, and the Chief Probation Officer to verify findings and recommendations.

Audit Findings and Recommendations Auditor-Controller

Timeliness of the Annual Financial Report

BB&R noted a significant delay in preparing the County’s annual financial statements and note disclosures. The report noted that this is due to an understaffed County accounting department. The staff responsible for the County’s financial reporting also has other accounting responsibilities that often take precedence over their financial reporting duties. BB&R recommends hiring additional accounting staff so that those responsible for financial reporting will have more available time.

Management Response

The Auditor-Controller concurs with the recommendation. A formal strategic plan for reorganization of the department was presented to the County Board of Supervisors on April 10, 2007. The plan detailed the excessive workload growth in their department over the last ten years without the benefit of additional staffing. Special District claims rose 317% while the countywide rate increased 145%.

RECOMMENDATION

The 2006-2007 Grand Jury recommended, "...the Auditor-Controller recruit and retain additional qualified staff to more efficiently manage the workload." The 2007-2008 Grand Jury realizes the staffing shortage continues to exist, and again, recommends hiring additional staff.

RESPONSE REQUESTED

Board of Supervisors
Auditor-Controller

Human Resources

File Maintenance

BB&R cited incomplete personnel files and inconsistent documentation dealing with cost of living increases and personnel action forms with longevity increases. The effect of which is the cause for errors and inefficiencies in payroll processing. The report recommended an improved effort to maintain complete files for each employee in accordance with County policy.

Management Response

The Human Resources department does not agree with BB&R's findings. Processes for cost of living increases have evolved over the years with changing business practices. Therefore, when reviewing County personnel files it may be necessary to locate several different processes that were utilized for cost of living raises. Longevity increases are recorded on the Personnel Action Forms as a matter of County policy. Also, during this review period, the auditors did not review or look at a single personnel file. So, it is unclear to Human Resources what and where they obtained the specific information to formulate their report findings.

RECOMMENDATION

BB&R, the Auditor-Controller, and Human Resources should review this finding and reach an agreement on the content of the personnel files.

RESPONSE REQUESTED

BB&R
Auditor-Controller
Director, Human Resources

Probation

Segregation of Duties over Accounts Receivable and Cash Receipts

BB&R noted that two individuals in this department have access to adjust and manage accounts receivable, receive payments and prepare invoices. The lack of strong internal controls over preparation of receipts and accounts receivable increases the risk of misappropriation without timely detection by management. The report recommends the functions of preparing invoices, collecting payments and maintaining the accounts receivable ledger be separated.

Management Response

Management has changed this process to be in line with the recommendation. The implementation of JustWare, a case management software system, has also helped with the separation of duties. A move to new facilities in June will create physical separation of the employees who manage the cash receipts and set up the accounts receivable.

RECOMMENDATION

The Grand Jury has verified management's response. No additional response is required.

Single Audit

Single Audit Compliance Requirements Generally

BB&R noted that many local governments are not aware of the new requirement of Office of Management and Budget (OMB) Circular A-133 Compliance Supplement regarding suspension and debarment of a non-federal entity when entered into a federally funded transaction, which equals or exceeds \$25,000. Prior to this change the transaction could equal or exceed \$100,000. The Report noted the County does not have a procedure in place to verify that large vendors are not suspended or debarred. BB&R recommended the County implement procedures, which require federally funded transactions of \$25,000 or more, be checked to determine if the vendor has been suspended or debarred. The federal government can disqualify any transaction and reject the claim for federal funds when the underlying transaction was with a suspended or debarred individual or entity.

Management Response

Management concurred with and implemented BB&R's request to update County Purchasing Policy and Procedures (CPP&P) to include the requirement that any contract with a sub recipient or an amount equaling or exceeding \$25,000 will be checked by the department seeking the contract by accessing the Excluded Parties List System at www.epls.gov. Current CPP&P require the County Administrator's (CAO) approval of all contracts in excess of \$10,000. The CAO

will verify that this requirement is met before signing any contract equal to or in excess of \$25,000.

A packet including the changes was to be submitted to the Board of Supervisors on May 22, 2008. When approved, the CPP&P will be revised showing the new OMB A-133 requirement.

RECOMMENDATION

The Grand Jury recommends that the CAO inform the Grand Jury upon approval of the revision by the Board of Supervisors and submit a copy of the CPP&P to the Grand Jury when it has been revised.

RESPONSE

County Administrative Officer

CALAVERAS COUNTY ANIMAL SHELTER FACILITY

REASON FOR INVESTIGATION

The 2007-2008 Grand Jury continues to assess the condition of the facility, animal health and welfare, safety, and overall operation of the animal shelter

BACKGROUND

The Calaveras County sheriff has the responsibility and accountability for the management and daily operation of the county Animal Control Department. The Board of Supervisors has the task of ensuring the fiscal resources are available.

A veterinarian consultant is contracted to ensure the animals confined within the shelter are properly sheltered and provided with medical care. The veterinarian also evaluates the health of the animals and recommends the steps necessary for the proper care of the animals.

PROCEDURES

Members of the Grand Jury conducted an inspection and tour of the animal services facility. Members of the staff were interviewed.

RESULTS OF INVESTIGATION: FINDING

The current animal shelter is too small and outdated for the housing of animals for Calaveras County.

In 2006 a special audit recommended a facility upgrade, which remains unresolved. A proposed plan submitted by Nacht & Lewis Architects to the county administrator includes acquisition of space and construction of a new animal shelter. A timeline has not been set for implementation, and funding still remains unresolved by the Board of Supervisors.

RECOMMENDATION

The Grand Jury recommends the sheriff develop, and the Board of Supervisors approve, a plan for a new animal shelter with a specific timeline. The Board of Supervisors needs to allocate the necessary funding.

RESPONSE REQUESTED

Calaveras County Board of Supervisors
Calaveras County Sheriff

MURPHYS SANITARY DISTRICT

REASON FOR INVESTIGATION

The 2007-2008 Grand Jury determined the investigation of Murphys Sanitary District (MSD) should be continued from the prior year upon the recommendation of the 2006-2007 Grand Jury. Serious issues affecting the district had yet to be completely resolved.

PROCEDURES

The Grand Jury interviewed the district management, plant operator and the President of the Board of Directors of MSD. Relevant documents were requested and reviewed. A site visit was made to the wastewater treatment plant in Murphys.

RESULTS OF INVESTIGATION

FINDING 1 - SEWER CONNECTIONS

A least one "Will Serve" letter was issued to allow a development of approximately 40 homes to be connected to the MSD sanitary sewer system. Since the Capital Improvement Plan (CIP) and the Notice of Violation (NoV) received from the California Regional Water Quality Control Board (CRWQCB) indicates that the system is already at capacity, the Grand Jury (GJ) questions the decision to allow more sewer connections. The GJ understands that MSD and Hay Station Ranch have received new or revised Waste Discharge Requirements (WDR) from the CRWQCB, but MSD still lacks a signed agreement with Hay Station Ranch that reflects the new or updated WDR § in which case MSD is still operating under the old agreement. This agreement does not allow MSD to meet the Pond 4 freeboard requirement.

RECOMMENDATION

No more connections should be allowed until MSD has a signed agreement with Hay Station Ranch that reflects what is allowed in the WDR §.

RESPONSE REQUESTED

Murphy § Sanitary District Board of Directors
Murphy § Sanitary District Manager

FINDING 2 - WASTEWATER TREATMENT PLANT UPGRADE

The wastewater treatment plant was upgraded in 2002-2003 at a cost to the district of about \$400,000.00. The GJ has not been able to find any documentation that specified to the district engineer what was the required outcome expected for the upgrade. A report prepared in March 2007 by the independent engineering firm of Brown and Caldwell said that the upgrade was "apparently intended" to allow the MSD to produce Title 22 *tertiary* effluent. The plant, in its' present state, is only capable of continuously producing Title 22

disinfected secondary effluent. It is difficult to determine what the district actually intended to build, without producing a written document, specifying to the engineering firm that designed the upgrade, exactly what MSD desired.

At almost every regular board meeting, the Board of Directors goes into closed session to discuss pending or possible litigation. The GJ understands that the litigation would be against the firm that designed the upgrade. As of the time this report was written, no litigation has been filed.

RECOMMENDATION

The Grand Jury recommends that the Board take responsibility for their wastewater plant upgrade. A decision needs to be made now, whether to fix the plant or find another solution to produce tertiary effluent wastewater. This decision has been debated by the Board for a few years and needs immediate resolution.

RESPONSE REQUESTED

Murphys Sanitary District Board of Directors

FINDING 3 - ADDITIONAL SOURCES OF DISCHARGE

The Grand Jury finds that little or no progress has been made on obtaining additional sources of discharge. Dependency upon a single source of discharge is a very risky proposition. Even if the District finds an alternate source of discharge, it could take over a year before discharge can begin. This problem has been known and studied for a number of years without being resolved.

RECOMMENDATION

The District should immediately find an alternate source for discharge of an appreciable amount of effluent.

RESPONSE REQUESTED

Murphy's Sanitary District Board of Directors

FINDING 4 - NOTICE OF VIOLATION

The district received a Notice of Violation (NoV) from the CRWQCB in January 2007 identifying violations from the 2005/2006 inspection report. Although the District has filed responses to the NoV as required by the CRWQCB, little has been done, by MSD, to address the issues that caused the violations in the first place. The two major projects that will address the problems are:

1. Expansion of Pond 4
2. Increase in allowable discharge amount.

The district has indicated that they are waiting to begin the expansion of Pond 4 until it can be emptied. According to MSD, this depends upon the weather and

the amount of effluent they can discharge. Increasing the amount of discharge depends upon the agreement with Hay Station Ranch, previously addressed in Finding 1.

RECOMMENDATION

No more connections should be allowed until MSD has a signed agreement with Hay Station Ranch that reflects what is allowed in the WDR §, and Pond 4 has been expanded to meet the requirements for a 100-year storm event.

RESPONSE REQUESTED

Murphy § Sanitary District Board of Directors

VALLECITO CONSERVATION CAMP

REASON FOR INVESTIGATION

In accordance with Penal Code Section 919(b), the Grand Jury shall inquire into the condition and management of public prisons within the county.

BACKGROUND

The Vallecito Conservation Camp (VCC) opened in Angels Camp in 1958 under the direction of the California Department of Corrections and Rehabilitation's Conservation Camp Program (CDCR). Through this and 42 other like facilities the CDCR provides California with an able-bodied, well-trained, and well equipped workforce for fire suppression and other State emergencies. CDCR inmates risk their lives to fight wildfires while taking advantage of positive rehabilitation programs. This program plays an integral role in California's statewide wildfire response.

The CDCR manages VCC jointly with the California Department of Forestry and Fire Protection (CAL FIRE). These crews perform a vital service that benefits Californians as well as state, federal, county and local government agencies. The crews work many hours per year fighting wild fires and responding to floods, earthquakes, and assisting in search and rescue missions.

When not responding to emergencies, additional hours are logged working on conservation projects on public lands and other community service projects. Fire crews clean up campgrounds, beaches, and parks, and provide labor for weed abatement as well as other projects that help reduce the risk of wildfires and disasters.

VCC and CDCR fire camp staff also benefit communities when they are not fighting wildfires, by participating in presentations to schools and juvenile group homes to encourage young people to avoid drugs and alcohol.

There are 42 Adult and two Divisions of Juvenile Justice Conservation Camps statewide. The program is estimated to save the state of California more than \$80 million annually that otherwise would be paid to accomplish the same tasks.

PROCEDURES

Because the VCC is jointly operated by CAL FIRE and CDCR, we focused on the condition of the camp and its security measures. The grand jury met with CDCR prison officials from Sierra Conservation Center, CAL FIRE staff, the VCC staff and inmates. A physical inspection of the Camp was conducted, which included inmate quarters, workshop, kitchen, mess hall, and the recreation areas. Lunch was prepared and served by inmates.

FINDINGS

The Grand Jury found the overall condition of VCC to be well maintained. The VCC houses only low risk inmates. Security measures are appropriate for this level of confinement.

The VCC is fully funded by the State.

RESPONSE REQUESTED

None

CALAVERAS COUNTY JAIL

REASON FOR INVESTIGATION

In accordance with Penal Code Section 919 (b), the 2007-2008 Grand Jury shall inquire into the condition and management of public prisons within the county.

SCOPE OF INVESTIGATION

The scope of the investigation focused primarily on the jail, condition of confinement, daily operation, staffing, and the safety and security of staff and inmates.

PROCEDURES

The Grand Jury conducted a physical inspection of the Calaveras County jail, located in the Government Center adjacent to the Calaveras County Superior Court in San Andreas. The Grand Jury observed the performance of duties by staff, the inmate's cells as well as the physical condition of the facility.

The Calaveras County Undersheriff, the jail commander, support staff, and custodial staff were interviewed. The Board of Corrections 2004/06 Biennial Inspection Report, the Local Detention Facility Health Inspection Report, the Office of the State Fire Marshal Inspection Report, the Globus Electric, Inc. Report, as well as the inmate grievances and complaints and the responses to them were reviewed. The 2006/2007 Calaveras County Grand Jury final report was also reviewed.

RESULTS OF INVESTIGATION

FINDING 1

The jail itself continues to be inadequate and obsolete due to the increase in crime and the age of the building. The jail was constructed in the early 1960's to incarcerate an inmate population of 47. The crime rate of Calaveras County continues to grow at a rapid pace, with no expansion feasible within the existing jail structure. A court order mandates the capacity of the jail not to exceed 65 inmates. As a result, the sheriff frequently must initiate, and the inmates knowingly take advantage of, the early release program in order to make room for new prisoners. This becomes a public safety issue as some inmates bypass drug or other treatment programs because they will probably be released from jail early under the current system.

This adult jail facility continues to be the only jail within the county serving the Sheriff's Department, the City of Angels Police Department, as well as the local arrests initiated by the California Highway Patrol, Department of Fish and Game, and other State and Federal agencies as needed.

FINDING 2

The Grand Jury found the conditions of confinement under Federal, State and local laws, for the most part, are being met. However, since inmate recreation is provided via the enclosed recreation yard, writing materials, television, and library books, monitoring these activities has resulted in the utilization of additional deputy support from the field to meet the compliance regulations. This provision of additional deputy support to maintain inmate control does negatively impact the police response in the community by having less law enforcement officers available.

The outer perimeter of the jail continues to constitute a security and safety issue. There are no secure areas outside the jail where the inmates are moved between vehicles, the Court House or the jail itself.

FINDING 3

Security and safety issues still exist due to the physical layout of the jail. Blind spots hamper officers from visible observations of inmate and staff movement in certain locations within the jail. Other locations would not provide an entrance or exit route in an emergency situation should a fire erupt or during an inmate related disturbance. Most doors are only 24 inches wide, which do not meet current California building codes.

The jail has not been able to comply with the American Disabilities Act due to cost and restructuring of the building. One option mentioned was to turn the two (men and women) rest rooms in the front of the building into one for use by both men and women.

Additional manpower is required to monitor inmates arrested for substance abuse offenses; this restricts staff from monitoring the remainder of the inmates.

Supplies and storage items lined the hallways making it difficult to pass without obstruction.

FINDING 4

On September 1, 2007 a rainstorm hit San Andreas causing a power outage. The jail is normally equipped with a back up generator to handle this type of emergency. On this occasion the lights flickered and the generator failed causing damages to and loss of major electronics and equipment. These damages included disabling the 911 emergency call system, which is housed within the jail building.

Inspection by a Sacramento electrical corporation revealed that with the existing connections, the electrical system has the potential for over-heating and complete failure. The backup generator is antiquated and is not equipped with

protective devices to prevent it from shutting down when there are power irregularities.

Damages are estimated at over \$45, 000.00 to date.

RECOMMENDATION

The Grand Jury recommends Calaveras County build a new jail. The Sheriff must continue to submit Federal and State grant requests to assist in this effort. The Board of Supervisors must present a complete funding plan to be released to the public by December 1, 2007.

RESPONSE REQUESTED

Calaveras County Board of Supervisors
Calaveras County Sheriff

SUMMARY

The 2007/2008 Grand Jury agrees, with past Grand Jury findings, that the only viable solution is to construct a new jail. A proposal in the form of an architectural program and conceptual design for an adult detention facility and sheriff's administration building has been submitted to the Calaveras County Board of Supervisors. This proposal provides for the construction of a 240-bed adult detention facility, a new sheriff's administration building, and the associated site development.

The Sheriff has submitted requests for grants at the Federal and State level to offset the major cost of constructing a new jail.

RESPONSES TO PRIOR GRAND JURY REPORTS

Each year, the Grand Jury is charged with monitoring and reporting on responses received from agencies and public officials as a result of the previous year's recommendations and requests for response.

All respondents are provided specific criteria to follow when responding to the Grand Jury. Penal Code Section 933(c) provides requirements for response to the Grand Jury Final Report. The governing body of any public agency must respond within 90 days. The response must be addressed to the presiding Judge of the Superior Court. All elected officers or heads of agencies that are required to respond must do so within 60 days to the presiding Judge of the Superior Court with an information copy provided to the Board of Supervisors. These responses are subsequently forwarded to the current year's Grand Jury for review and follow-up.

The following is a detailed account of the follow-up completed by this year's Grand Jury as directed result of previous Grand Jury's requests for response.

A final report containing current investigations will be issued by this Grand Jury at the end of its term, June 30, 2007.

**FFPD, FFPD BOARD OF DIRECTORS, AND CALAVERAS COUNTY
BUILDING DEPARTMENT TO FOOTHILL FIRE PROTECTION DISTRICT
REPORT 2006-2007 RESPONSES**

REASON FOR INVESTIGATION

An investigation of the Foothill Fire Protection District (FFPD) was initiated by the 2005-2006 Grand Jury from citizen complaints and carried over by the 2006-2007 Grand Jury. The carryover investigation was expanded to include all phases of district operations, with an emphasis on administrative functions and completion of the new fire station in Burson (Station #1).

PROCEDURES

FFPD board meetings were attended. The FFPD Board Chairman and interim Chief were interviewed. County Council, Calaveras County Auditor/Controller, Planning and Building Department were consulted. Documents and plans were reviewed and site visits made.

RESULTS OF INVESTIGATION

FINDING 1

The new fire station at Burson has yet to be completed. The planning and procurement process has raised the following questions:

- The district's original cost and scheduling plan is outdated and needs to be revised to reflect current conditions and costs. This has resulted in a disorganized approach to building the new station.
- The fragmented process of letting bids for construction raises questions about bidding and final cost estimates. The bidding process should comply with the Public Contract Code. Because of pervasive ambiguities throughout the bidding process, many of the district's contractual rights may have been waived or diminished. (Civil Code §1654)

RECOMMENDATION

The Grand Jury recommends FFPD write a complete, updated cost and scheduling plan, which would allow the district board, staff, general contractor, sub-contractors, building department, and the public to be fully informed when discussing each remaining phase of building Station #1.

RESPONSE FROM FFPD BOARD OF DIRECTORS

The District understands and will consider the recommendations. In response, the following information is provided for the Grand Jury's consideration.

Station No. 1 at Burson is in the final stages of completion. A temporary occupancy permit has been granted by Calaveras County. Completion of the parking lot and landscaping are expected to occur within the next few weeks. Equipment and personnel now respond from that location. Issues raised earlier in the year have been addressed.

The District consulted with Calaveras County Counsel on clarification of bidding procedures as they apply to independent special districts.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

FINDING 2

While planning, bidding, and building Station #1 in Burson, the district failed to follow the Public Contract Code (PCC) regarding proper procedure for soliciting and posting of construction contract bids (PCC § 20813). In addition, provisions requiring analysis of the project impact on the environment as required in the California Environmental Quality Act (CEQA) were not followed (Public Resources Code § 21000). Noncollusion Certificates were not submitted nor executed as required under § 7106 of the PCC. Public construction contracts generally include indemnification requirements (PCC § 20103.6) and the securing of performance and payment bonds (Civil Code § 2819). FFPD did not include indemnification requirements in any of the contracts executed and did not secure any performance or payment bonds.

RECOMMENDATION

The Grand Jury recommends that FFPD comply with the Public Contract Code while finishing the construction of Station #1 and with any future construction projects.

RESPONSE FROM FFPD

The District understands and will consider the recommendations. In response, the following information is provided for the Grand Jury's consideration.

The District endeavors to adhere to relevant codes and laws in all its undertakings, and has consulted with Calaveras County Counsel within the last six months for clarification of the bidding process and relevant procedures as they apply to independent special districts.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

FINDING 3

The Grand Jury found the following administrative deficiencies:

1. An incomplete policies and procedures manual.
2. No comprehensive training plan.
3. No existing comprehensive long-range plan.
4. No Fire Chief

RECOMMENDATION

The Grand Jury recommends the district complete and implement the following:

1. An updated policy and procedures manual.
2. A comprehensive fire fighter training plan. This training plan should establish goals for the number of personnel recommended at various training levels and skills plus how to achieve these goals by December 2007.
3. A long-term plan, which should include short and long term elements. This is critical to establishing funding levels, equipment needs, staff requirements, and apparatus replacement to meet infrastructure requirements of FFPD by December 2007. In addition, the District's long-term plan should take into account, and coordinate with, the Calaveras County General Plan update.
4. Hire a Fire Chief.

RESPONSE FROM FFPD BOARD OF DIRECTORS

The District understands and will consider the recommendations. In response, the following information is provided for the Grand Jury's consideration.

- Policies and procedures manuals are continually being updated.
- The District's training plan has been implemented, and new training programs have been set in place.
- The board of directors has been working on a long-range planning document for some time. Completion of Station Non 1 in Burson has been a priority project in those plans. As the area continues to grow the District's plan will be expanded to include consideration of changes in growth patterns and public safety service needs.
- A permanent fire chief has been in place for several months.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

FINDING 4

Station 2 is not only inadequate to house equipment and administration, but does not appear to meet county building code standards. In a site visit it was noted that a major portion of a cinder block wall was removed for a vehicle pass-through with no header and post bracing. The Grand Jury could find no record of a permit being issued to have this wall removed. This may constitute a safety hazard to the people working in the building and the public attending meetings. Further investigation revealed the initial permits for expansion of the building have not received final approval.

RECOMMENDATION

The Grand Jury recommends Station #2 be inspected by a licensed engineer. A signoff by the County Building Department must be obtained.

RESPONSE FROM FFPD BOARD OF DIRECTORS

The District understands and will consider the recommendations. In response, the following information is provided for the Grand Jury’s consideration.

The District does not own the building or land where Station No. 2 is located. The District understands there may be some issues with the building owned by the Valley Springs Utility District, which the Districts leases from. .

The Calaveras Building Dept. has been contacted and changes are in progress.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM CALAVERAS COUNTY BUILDING DEPARTMENT

The Community Development Agency’s (CDA) Building Department conducted an inspection of the building on July 31,2007. The following were present at the inspection: Acting Deputy Director-Building Jeff White; Interim Chief Building Official Michael Rodriguez; FFPD Board Members Gary West and Wayne Fry; and Fire Chief Michael Silago. During the inspection, the Building Department verified that a portion of the wall had been modified to allow for vehicle pass-through, although this work apparently was done a number of years ago. The FFPD has agreed to obtain a building permit for this modification, as well as for several other minor corrections needed that were identified by agency staff during the inspection. CDA’s onsite senior plans examiner/ engineer will be assigned to follow up with District personnel to ensure the timely issuance of the permit.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

FINDING 5

FFPD is shorthanded of volunteer fire fighters. Currently there is an insufficient number of drivers with a Class B drivers license required to operate four of the larger fire apparatus.

RECOMMENDATION

The Grand Jury recommends the district develop a recruitment and retention program with specific skills and certifications.

RESPONSE FROM FFPD BOARD OF DIRECTORS

The District understands and will consider the recommendations. In response, the following information is provided for the Grand Jury's consideration.

The District currently has a full complement of qualified volunteers, almost half of which are current or past employees of other fire agencies and are qualified Class B equipment drivers. The District now has certified licensed B Class drivers/instructors on staff. The District has also established a waiting list for volunteers who wish to join the fire department. This is a major change from the district status of two years ago when it was managed by previous personnel. The District's recruitment program is fully implemented.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

FINDING 6

Management and building deficiencies within the district have been exacerbated by lack of funding. Without a full time fire chief, there has been a legacy of last minute planning and personnel problems. A shoestring approach to the completion of the much-needed new Station #1 has contributed to the district's existing problems.

How well the district will serve its current and future residents will depend on the implementation of long range fiscal planning now. Although planned development and assessed valuation increases within the district can answer some of the district financial shortcomings, there may not be sufficient increases in funding for the district to catch up with projected growth and infrastructure requirements.

RECOMMENDATION

The Grand Jury recommends Foothill Fire Protection District immediately draft a financial strategic plan to meet its current and future needs, possibly by means of tax provisions afforded to special fire protection districts. An innovative approach to resolving the continuing funding issues needs to be studied, adopted, and presented to district voters.

RESPONSE FROM FFPD BOARD OF DIRECTORS

The District understands and will consider the recommendations. In response, the following information is provided for the Grand Jury's consideration.

Prior issues regarding personnel management and building deficiencies were the result of inadequate training and assumption of responsibility by District staff during that period. Major changes in staffing over the past two years have resulted in the development of a highly trained, professional staff assuming the responsibilities of day-to-day operations. A strong cadre of trained team players

now represents the District in all its public activities, including fire protection and emergency response incidents.

The District works diligently with current and proposed development projects to assure that public safety needs are addressed, and that the District and its constituents are positively impacted by requiring developments to pay their fair share in exchange for bringing new service needs into the District.

The District continues to research and develop funding sources as an alternative to requesting an increase in taxes from the public. It will continue do so far in advance of examining any proposal for an increased fire tax. The district holds a good reserve within its budget, and manages its budget very conservatively.

Should an increase in the fire tax eventually be deemed necessary by the public and the District, such a proposal will involve full participation by the public served within the District, and will be thoroughly thought out and presented for consideration.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

NEW HOGAN ANNEXATION REPORT 2006-2007 RESPONSES

REASON FOR INVESTIGATION

A development, Valley Springs Estates, was proposed for annexation to the New Hogan Lake County Fire Protection Area. This raised the question of which fire protection district would provide fire protection. The County Planning Department referred the issue to the Local Agency Formation Commission (LAFCO) for a determination.

PROCEDURES

The 2006-2007 Grand Jury interviewed the LAFCO Executive Officer, Foothill (FFPD) and Jenny Lind (JLFPD) fire protection district administrative officers, and conducted a site tour. The LAFCO Municipal Service Review for fire protection districts was reviewed. The "Fire and Emergency Response Services in the New Hogan Lake Area" report, ordered by LAFCO, was reviewed. A review of County Planning and Building department records for the area was reviewed. County tax records were reviewed and the office of Auditor-Controller was interviewed.

RESULTS OF INVESTIGATION

FINDING 1

LAFCO designated the New Hogan area to be within the FFPD sphere of influence in 2000 when the County Fire Department was divided into the existing special fire protection districts. Annexation of the New Hogan area was requested by FFPD in 2006 and a waiver of LAFCO fees for this process was requested when development of a small portion of the area began. LAFCO fees were originally waived for all of the newly formed districts at the time of formation in 2000. However, in 2006, LAFCO refused to waive the \$2000 annexation fee for FFPD due to the delay in completing the process as originally planned.

FINDING 2

The fire protection portions of county property taxes from the New Hogan area have been going to FFPD. Fire protection for New Hogan area development is being provided and not in question. Annexation of the area, however, has not been completed.

FINDING 3

There is no financial incentive for annexation of New Hogan or other comparable areas by any special districts, until there is a buildup of a significant portion of the area. Development would then increase a special district's portion of the assessed valuation. It is too late for needed infrastructure planning once there is a significant buildup of an area. Although annexation, then, becomes a financial reward, it does not assure that planning for critical infrastructure will occur.

RECOMMENDATION

The 2006-2007 Calaveras County Grand Jury recommends the Calaveras County LAFCO reconsider its procedure for annexation of the New Hogan area and other comparable areas. Either FFPD or JLFPD or both could logistically serve portions of the New Hogan area. Since FFPD has the equipment and is logistically better situated for protection at the New Hogan Dam area, it would best serve that portion of the area. However, the western portion accessed via Milton Road does not appear to logistically fit with FFPD. FFPD would literally have to drive past the JLFPD station on Milton Road to access any development or medical emergency in the area. JLFPD has within its sphere of influence the Rock Creek area, accessed via Milton Road. The County Planning Department already has a development request for this area.

The county and future residents of the un-annexed areas would be better served if LAFCO required immediate incorporation of all un-annexed areas into a fire protection district. If this does not happen, as a significant increase in density of a portion of an un-annexed area occurs, LAFCO should demand immediate annexation by the most appropriate fire protection district.

Either remedy would force fire protection districts into the planning process and better assure infrastructure needs be assessed before development can detrimentally impact an area due to a lack of critical planning review. Further, the annexation of an area could then be funded by the development rather than by a district and its current taxpayers.

There are additional un-annexed sphere of influence areas within the county. Since the county has relinquished its long-term fire protection infrastructure planning to the various districts, it is incumbent on these special districts to plan for growth in their areas and to annex their areas when appropriate. County and special district planning must be coordinated to assure infrastructure requirements are planned for and implemented with growth.

RESPONSE FROM PLANNING DEPARTMENT

New Hogan Annexation: Although the Community Development Agency (CDA) does not have jurisdiction over fire and other special districts, it agrees long-term planning relative to infrastructure needs for the provision of these services is essential. This topic will be discussed during the general plan update process; in the interim, fire and other districts are solicited for comments relative to each land development project, and are invited to participate in applicable Technical Advisory Committee meetings. Additionally, whenever a LAFCO issue is identified during the review process, the Planning Department refers the applicant to the LAFCO for information, and if appropriate, processing of an annexation request.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM BOARD OF SUPERVISORS

The Board of Supervisors agrees with the recommendations that LAFCO review the issue of the annexation of the New Hogan area for fire protection services.

Additionally, the Board of Supervisors agrees with the response provided by the Community Development Agency that this issue be addressed in a comprehensive fashion in connection with the General Plan update process.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM FOOTHILL FIRE PROTECTION DISTRICT

The District understands and has considered the recommendations. In response, the following information is provided for the Grand Jury's consideration.

1. While in the process of seeking tentative map approval in 2006, the proponents for Valley Springs Estates were unfortunately misinformed by Calaveras County staff that the New Hogan Lake County Protection Area (CPA) did not have local agency fire protection and emergency rescue services. A Planning Department mapping error reinforced this perception. Research would have determined that the County had contracted for those services and that the Foothill Fire Protection District (Foothill Fire) had been the authorized fire agency to sign off on projects to be located in the New Hogan Lake area for almost seven years.
2. In 2000, Calaveras County entered into a contract with the newly formed Foothill Fire Protection District to perform, on the County's behalf, the following "all-inclusive" services "within its current capabilities" to the New Hogan Lake Service Area, including but not limited to: (a) Structure Fire Protection; (b) Wildland Fire Protection; (c) EMS First Responder services; (d) Vehicle Fires and Accidents; (e) Haz-Mat Responses

The contract further states: "Any responsibility and duty not specifically identified in this agreement as the responsibility of Calaveras County Fire but associated with provision of all-inclusive Fire and Emergency services shall be the responsibility of the Foothill Fire Protection District."

3. Jenny Lind Fire Protection District staff raised the question about adequacy of services in the New Hogan Lake area at a Calaveras County Local

Agency Formation Commission (LAFCO) public meeting on May 15, 2006. JLFPD staff believed their district could better serve the proposed development. This occurred during discussion of an agenda item for a request for waiver of fees requested by Foothill Fire. The request asked LAFCO to consider granting a waiver of fees for their previously submitted application to annex the New Hogan Lake service area. This request was based on the fact that the original application submitted by the County in 2001 had yet to be processed, and the County had previously agreed by resolution to cover the costs of the original annexation proposal.

- a. The subject annexation was originally initiated by Calaveras County on April 23, 2001, by resolution of application approved by the Board of Supervisors.
 - b. Calaveras County LAFCO successfully processed two other annexation requests contained in the same resolution of application, but for some reason LAFCO did not process the New Hogan Lake annexation to Foothill Fire at the same time, as requested by the Board of Supervisors.
 - c. Calaveras County proposed to cover all costs of the three proposed annexations.
 - d. Since LAFCO did not process all three actions requested by the County, costs for annexing New Hogan Lake service area into Foothill Fire have yet to be paid.
 - e. Reasons for the delay in processing are unknown, but could include changes in personnel and a reorganization of staffing that ensued during the next few years. The ball was literally dropped at this level.
 - f. Background on these matters and the circumstances which prompted the waiver request by Foothill Fire are discussed in detail in the "Fire and Emergency Response Services in the New Hogan Lake Area" study commissioned and accepted by Calaveras County LAFCO the summer of 2006.
4. Foothill Fire Protection District (Foothill Fire) had approved and submitted a resolution of application to LAFCO requesting initiation of proceedings for annexation of the New Hogan Lake CPA on May 5, 2006. This application was in the initial stages of review by LAFCO staff, and had not yet been circulated for comments by the Executive Officer.

- a. Jenny Lind FPD's request to consider their agency's ability to provide services to the proposed development was premature. The annexation proposal had not yet been processed by the LAFCO Executive Officer, and therefore was not on the agenda, nor available for consideration or discussion. As a result of the question, however, LAFCO did decide to undertake a study to determine the following:
 - i. Who is the best service provider for the 31 acres (Valley Springs Estates);
 - ii. Who is the best service provider for the surrounding vicinity; and
 - iii. Who is the best service provider for the entire area protected by the Foothill Fire Protection District.
 - b. The consultant believed it would first be necessary to identify who was legally responsible for providing those services to the New Hogan Lake CPA, before attempting to address the issue of who "should" provide those fire and emergency response services. LAFCO accepted this path of study. The results of that study are found in the aforementioned document.
 - c. Calaveras County LAFCO established a Sphere of Influence for Foothill Fire that included the contract service area of New Hogan Lake.
 - i. LAFCO also completed comprehensive Municipal Service Reviews (MSR) on all of Calaveras County's independent fire districts, and concluded that the New Hogan Lake service area should be served by Foothill Fire, and should ultimately be annexed into Foothill Fire.
 - ii. All affected fire districts received a copy of the MSR report and had an opportunity to comment on its findings.
 - iii. No evidence can be found in the record that indicates any other fire district expressed concern about this finding.
 - iv. No evidence can be found in the record that indicates the Jenny Lind FPD suggested the New Hogan Lake service area should be placed within Jenny Lind's Sphere of Influence during any of previous studies.
 - d. The first public comments about Jenny Lind FPD serving the New Hogan Lake service area occurred on May 15, 2006, at the above meeting, and were made in general to the commissioners and attendees.
5. Jenny Lind FPD has not to date submitted any type of application to LAFCO requesting that Jenny Lind's Sphere of Influence be amended to

include the New Hogan Lake service area. Nor have they submitted a request to annex that area into their district.

6. The proper agency for reviewing annexation requests is the Calaveras County Local Agency Formation Commission, an independent commission. It is responsible for, among other things, (a) reviewing boundary change requests, formations or dissolution of special districts, and (b) studying municipal services and future growth of existing special districts under their jurisdiction. More detail on these services may be found in the aforementioned "Fire and Emergency Response Services in the New Hogan Lake Area" study.

A. Response to Finding 1:

1. The Sphere of Influence for Foothill Fire was determined to include the New Hogan Lake service area by Calaveras County LAFCO.
 - a. Established during the 2000 formation proceedings.
 - b. Affirmed during the 2005 Municipal Service Review studies of Calaveras Fire Districts.
 - c. These conclusions were also outlined in the "Fire and Emergency Response Services in the New Hogan lake Area" report.
2. Foothill Fire learned in 2006 that the annexation initiated by Calaveras County Board of Supervisors had not been processed by Calaveras County LAFCO. After review of the matter, the Board of Directors of Foothill Fire determined to take the initiative and complete those proceedings before LAFCO.
 - a. Foothill Fire issued a Resolution of Application, adopted a CEQA determination, and submitted them along with an application form to LAFCO requesting initiation of proceedings to annex the entire New Hogan Lake service area.
 - b. Foothill Fire subsequently filed a request for a waiver of fees for this annexation based on the historic situation that surrounded the County's application and the County's assumption of all costs of that annexation process for all three annexation proposals listed in their resolution, to wit:
3. "The Board of Supervisors requested Calaveras County LAFCO to initiate proceedings on April 23, 2001, by adopting Resolution 01-103 "Resolution of Application Initiating Proceedings for a Reorganization, Consisting of Annexations to the Foothill Fire Protection District, the Jenny Lind Fire Protection

District, and the Central Calaveras Fire and Rescue Protection District." It was approved by then Supervisors Thein, Stein, Tryon, and Bailey (Callaway, absent)."

- a. On May 15, 2006, LAFCO did not deny the waiver request, but instead ordered a service study be prepared discussing the questions raised during that meeting. Extensive meetings were held with both districts, with county staff, and a thorough research of related public records occurred during this study.
- b. At a subsequent LAFCO meeting in August 2006, Foothill Fire was told to talk to the Calaveras County Board of Supervisors regarding assistance with the payment of any fees for the proposed annexation. LAFCO indicated it did not feel it was in a position to waive fees at that time.

B. Response to Finding 2

- 1 Foothill Fire is proceeding with the annexation application submitted on May 5, 2006, and expects to come to a public hearing on the matter in the summer of 2007.
 - a. This annexation request only involves the transfer of existing services from one governmental agency to another: from Calaveras County to the Foothill Fire Protection District. No changes in level of services or fire tax collected will result from the proposed annexation. After annexation is completed, landowners and/or registered voters may decide they wish to have, and pay for, a higher level of services. If so, then Foothill Fire will accommodate those decisions.
 - b. The only remaining submission to LAFCO staff includes the technical map and legal description required to be prepared to State Board of Equalization standards by a professional engineer. This should be ready within a few weeks of this response.
 - c. Landowner and Registered Voter lists have been prepared by Calaveras County.
 - d. CEQA determination for the project was made in 2006. No comments were received, and the Categorical Exemption was finalized in December 2006.
 - e. LAFCO fees for the annexation have been submitted by Foothill Fire to the Executive Officer.
 - f. Once the map and legal description are completed, the LAFCO Executive Officer will circulate the project for comments.
 - g. After comments are received and reviewed by LAFCO staff, the matter will be set for public hearing.

- 2 Foothill Fire continues to respond to the New Hogan Lake service area as identified in its contract with the County.

B. Response to Finding 3

- 1 Foothill Fire concurs that financial incentives are not the reason it is annexing the New Hogan Lake service area.
 - a. Foothill Fire has served this area for many years, and the previous volunteer fire companies of Valley Springs and Burson have provided services to the area for decades prior to formation of Foothill Fire.
 - b. Future development may provide impact fees or exaction fees on a one-time basis, but the fire tax currently in place cannot be raised without consent of the registered voters within the area.
 - c. Foothill Fire is annexing the entire New Hogan Lake service area, rather than conducting piece-meal annexations as development occur. This is part of good planning and fits in with Foothill Fire's long-term plans for services within its district.
 - d. The County currently employs personnel who review all development projects coming before the Planning Department to assure that fire standards are met prior to approval of tentative maps. This staff works closely with the affected fire districts, and advises them of issues to consider and address. The rural fire districts generally do not all have qualified planning staff on their payrolls who can devote their time to all of the necessary details, and thus this county service is a great benefit for all of Calaveras County's independent fire districts.

Response to Recommendations

1. The Foothill Fire Board of Directors feels it would be irresponsible to only annex in those areas where development is proposed, and leave the remaining areas under the old contract. A more logical approach to the issue is to simply annex the entire service area at this time.
2. Calaveras County Planning will continue to receive development requests for projects within the New Hogan Lake service area. This is a desirable location: the land is open and easier to plan for various types of development. Foothill Fire will continue to work with County departments and other agencies to assure that fire and public safety standards are addressed in these proposals prior to approvals, and that those developments do pay their fair share cost to help mitigate any impact their project may have on Foothill Fire's ability to provide services within its jurisdiction.

3. The Mutual Aid and Automatic Aid agreements between local, county, state, and federal agencies currently address the unique service needs of in this area during fire protection or emergency response incidents.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM JENNY LIND FIRE PROTECTION DISTRICT

The Grand Jury has exercised wisdom in their recommendation relevant to the provider of fire protection to the area accessed by and through Milton Road. It is absolutely nonsensical to send another fire district through the Jenny Lind Fire Protection District in order to provide emergency services. The proposal of LAFCO to allow Foothill Fire Protection District to annex the area accessed through Milton Road is shortsighted and opens the door to potential problems as evidenced by (1) prolonged response times by Foothill Fire to the subject area; (2) multiple agencies responding code three to multiple incidents at the same time in the same geographically area thereby increasing the possibility of an accident; and additionally (3) fails to take into account the desires of the citizens that live in the at-issue area as to which fire district should provide services.

The proposal also fails to address the ability of Foothill Fire to respond in a timely manner when time is of the essence especially during a medical emergency. The geographical failures of the proposal further serves to place the citizens of the at-issue area at additional risk of loss of property based upon the response time from Valley Springs by Foothill Fire when contrasted to that of Jenny Lind Fire Protection District wherein our average response time in our district is less than six (6) minutes from time of dispatch to time of arrival. The response time by Jenny Lind Fire to the at-issue property would clearly fall within the average response time as articulated above. It is impossible for the Foothill Fire Protection District to respond to the same area within the same time period.

Public safety should be the primary and only concern when deciding which district is best suited to serve the at-issue area. The Grand Jury states on page 22 of their report that "LAFCO need reconsider its procedures for annexation of the New Hogan Dam area". We concur.

As to the recommendation by the Grand Jury of immediate incorporation of all un-annexed areas into a fire protection district; this district proffers the following opinion. If additional funding to provide fire protection is made available to this district to annex unincorporated areas presently not within our protection scheme than this department wholeheartedly stands by ready to respond. If, in the alternative, an annexation comes at a cost to the district without an offset (additional funding), the feasibility of providing additional and/or new services becomes a detriment in correlation to costs and expenses associated with any fire protection services being contemplated.

As to the planning recommendation; this district has incorporated a five (5) year plan into our planning process and has developed a comprehensive

schedule in addressing the infrastructure needs of our department. We additionally are intricately involved in all new building(s) and plans being contemplated in our district and take a proactive approach as to our needs in mitigation relevant to future services, equipment, and personnel. Our current five (5) year plan is subject to review at any time and most specifically will be addressed in the next few months to determine the success and shortcomings of the plan that was first developed in the early part of 2006.

This district believes that all funding resources need be considered relevant to providing fire protection services including, but not limited to, financial support by future development. The Grand Jury recommendation that the annexation of an area could be funded by development rather than by a district and its current taxpayers is prudent and should be considered for incorporation by LAFCO. The consideration need not stop there; however, in that mitigation costs associated with new development (purchase of equipment, the hiring of personnel and other related issues relevant to providing fire protection to the annexed area), and the direct and indirect costs to the district, should be addressed as well.

This district also concurs with the Grand Jury report that it is incumbent to plan for growth; that being said the district requires the cooperation of LAFCO in order to implement the recommendation's proffered in the Grand Jury report.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

MURPHYS SANITARY DISTRICT REPORT 2006-2007 RESPONSES

REASON FOR INVESTIGATION

The current Grand Jury elected to investigate Murphys Sanitary District (MSD) based on unresolved issues in the 2005-2006 Grand Jury report and complaints alleging disorganized management and its inability to deal with critical issues facing the district both the short and long term.

PROCEDURES

The Grand Jury interviewed past and present district engineers, District Counsel, and district management. In addition, County Counsel was consulted. A private party with an ongoing contract to accept treated effluent with the district was interviewed. Relevant documents were requested and reviewed. The California Regional Water Quality Control Board (RWQCB) was consulted. Site visits were made to the wastewater treatment plants in both Murphys and Angels Camp.

RESULTS OF INVESTIGATION

FINDING 1

The District has a Capital Improvement Plan (CIP) to address long-term infrastructure issues; the District still does not have a plan in place to address district-wide future needs.

RECOMMENDATION

The District should develop a 10-year plan separate from the CIP. This plan should address future population growth, current treatment plant issues, needs for additional sources of discharge, and probable plant upgrades to deal with anticipated state wastewater standards that are becoming more stringent.

RESPONSE FROM MURPHYS SANITARY DISTRICT

Again, the District understands the reasons for having a 10-year plan, but currently we are addressing projects that have been submitted to the Regional Board that have to do with our Notice of Violation. This was also mentioned in our response to the 2005-2006 Grand Jury Report. We firmly believe that by addressing our current issues and waiting until our Waste Discharge Permit that is up for renewal in 2010, is money better spent than putting our emphasis towards a 10-year plan now. Once we know what our new permit will require us to do we then can address a long-range plan?

GRAND JURY DETERMINATION 2007-2008

The response by the Murphys Sanitary District does not adequately meet the recommendation of the 2006-2007 Grand Jury. The Grand Jury appreciates that any long-term plan may have to change in response to new information but this is no reason for avoiding long term planning. Without a long-range plan it is difficult to address future needs.

FINDING 2

While conducting interviews with district and plant management, the Grand Jury learned two separate policies and procedures manuals (aka operations manuals) exist. One manual contains policies and procedures regarding operation of the wastewater treatment plant while the other is for the pump station (headworks). These two manuals are dated 2000 and 2002 respectively and are out of date. Contact personnel and contact phone numbers are incorrect. Although a new employee handbook, dealing with personnel issues within the district, was adopted in 2006, a comprehensive, combined policies and procedures manual has yet to be written by district management and adopted by the board of directors. The CIP and employee handbook do not adequately address the specifics of day-to-day operations, job definitions, emergency procedures, etc.

RECOMMENDATION

The Grand Jury recommends the district write and adopt a comprehensive policies and procedures manual by January of 2008. A policies and procedures manual must be separate from any other document such as the CIP or the Employee Handbook. Due to the limited number of operation and maintenance personnel and the high turnover rate, an up-to-date policies and procedures manual is essential.

RESPONSE FROM MURPHYS SANITARY DISTRICT

The District agrees with the Grand Jury. Currently, we are updating the policy and procedures manuals for both the treatment plant and pump stations and collections system. Both documents will be completed by the end of the year. Once completed copies will be forwarded to the Grand Jury.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

FINDING 3

The wastewater treatment plant was upgraded in 2002-2003. Originally intended to operate in an automatic mode, the plant still has to be run manually because the upgrade was not completed as originally specified. According to the district engineer, he has received no direction from the district Board to rectify this deficiency.

RECOMMENDATION

The Grand Jury recommends the Board immediately upgrade the wastewater treatment plant to operate in automatic mode to produce either tertiary or secondary disinfected effluent. This is a decision that has been debated by the board for more than a year and needs immediate resolution.

RESPONSE FROM MURPHYS SANITARY DISTRICT BOARD OF DIRECTORS

The Treatment Plant currently is in compliance with its Wastewater Discharge Permit. The Treatment Plant is permitted to discharge disinfected secondary treated water, to the Hay Station Ranch, in which it does. Our permit prohibits the discharge of frost control water which is identified as tertiary treated water Title XXII 2.2. Treatment Plants do not operate in automatic mode. They are required to have Certified Operators working at these Plants. Plants are Classified I-V. Depending on the plant classification, operators are required to be certified at a certain grade. Grades range from I-V also. The Murphys Sanitary District Treatment Plant is classified as a Class I Plant. It should have a licensed Grade I Operator working for the District. It currently has two Grade II Certified Operators working for the District and one Operator-in-Training Grade I working for the District. Some equipment located at treatment plants do work in the automatic mode, but you still need an operator to monitor the equipment and treatment plant processes. Without periodic checks you could place your treatment plant in violation of its discharge permit.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

FINDING 4

The Grand Jury finds that little or no progress has been made on obtaining additional sources of discharge. This problem has been known and studied for a number of years without being resolved.

RECOMMENDATION

The Grand Jury recommends the district enter into immediate discussions with owners of sources for discharge with the goal of obtaining at least one additional source no later than the end of 2007. The district should also join other local public utilities such as Calaveras County Water District and Union Public Utility District to investigate additional long-range solutions such as regionalization. Another option would be to join with the "private party" and request the RWQCB modify the new license to be a 'Master Reclamation Permit' in conjunction with MSD. This option would enable MSD to take advantage of other sources of discharge with a minimum amount of permit process time.

RESPONSE FROM MURPHYS SANITARY DISTRICT

The District is currently in negotiations with an owner of land adjacent to the treatment plant to dispose of treated effluent onto his/her property. We will keep the Grand Jury informed on the process of negotiations. If an agreement is made we will then inform the Regional Board requesting the next step in obtaining a Master Reclamation Permit! It is our understanding that this could take upwards of eight months to one and one-half years to complete. .

GRAND JURY DETERMINATION 2007-2008

The response by the Murphys Sanitary District does not adequately meet the recommendation of the 2006-2007 Grand Jury. The Grand Jury understands that the negotiations with the owner of land adjacent to the treatment plant have broken down. Other sources for discharge need to be identified and pursued.

RESPONSE FROM UNION PUBLIC UTILITY DISTRICT

UPUD supports the recommendation to engage other agencies in long-range solutions and is actively participating in the discussions related to water and wastewater regionalization. However, UPUD is a water district, not a wastewater district. Regionalization associated with MSD would deal with wastewater, not domestic water issues.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM CALAVERAS COUNTY WATER DISTRICT

The District agrees with the finding in that it has been difficult for all wastewater agencies in the County to implement land disposal of treated effluent. In addition, CCWD supports the recommendation to engage other agencies in long-range solutions and is in the process of implementing this recommendation in conjunction with the other local agencies in the area.

The District in conjunction with the Murphys Sanitary District, Union Public Utility District, Utica Power Authority, the City of Angels and Calaveras County has initiated a regional water and wastewater planning study to better evaluate the current service capabilities of each of the agencies and determine the viability for regional solutions to common problems. This planning document will assist all of the agencies in the Highway 4 corridor in identifying what options may be available to address water and wastewater service delivery issues and how regional cooperation may benefit the citizens of this area of the County. This study should be completed by the fall of this year.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

FINDING 5

The district received a Notice of Violation (NoV) from the CRWQCB in January 2007 identifying violations from 2005 and 2006. Correction of the NoV is very expensive and time consuming. Since the district has a part-time manager it has limited resources to deal with the NoV.

RECOMMENDATION

The Grand Jury recommends the district hire a full-time manager until all issues cited in the NoV are properly addressed to the CRWQCB's satisfaction.

RESPONSE FROM MURPHYS SANITARY DISTRICT BOARD OF DIRECTORS

The District does not agree with the Grand Jury in hiring a full-time manager. The District has met all of its required responses, in a timely manner, to the Regional Board, concerning the Notice of Violation with its part-time Manager. We are currently proceeding with the required tasks as outlined in our response to the Regional Board. In addition, all District business is taken care of on a daily basis and the Board of Directors sees no need at this time to change the Manager's position to full-time.

GRAND JURY DETERMINATION 2007-2008

The response by the Murphys Sanitary District does not adequately meet the recommendation of the 2006-2007 Grand Jury. Although the District has submitted reports as requested in the NoV, little has been done to address the problems that caused NoV in the first place. The District needs a full-time manager to oversee the corrections necessary to resolve the issues that resulted on the NoV.

FINDING 6

Minutes of previous board meetings are being approved only when board members who attended those meetings are in attendance. No board action was made regarding this process. Minutes are often approved in batches at board meetings, and some are two to three months old.

RECOMMENDATION

The Grand Jury recommends minutes of previous meetings be approved at the following regular board meeting. Waiting to approve minutes does not improve accuracy and risks minutes never being approved in cases of illness or board vacancies.

RESPONSE MURPHYS SANITARY DISTRICT BOARD OF DIRECTORS

The Murphys Sanitary District agrees with the Grand Jury. Usually it is a common practice for a Board member to abstain from voting on minutes if he/she did not attend the meeting, but "Roberts Rules" state that a Board member can vote on minutes of a meeting they did not attend. The Board will be informed and there shouldn't be a problem in the future.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

FINDING 7

On most agendas for regular meetings the board indicated that it would go into closed session to discuss pending litigation. There is no pending litigation.

RECOMMENDATION

The Grand Jury recommends that where the agendas state that the closed sessions are for discussion of pending litigation, the wording be changed to *possible* litigation.

RESPONSE FROM MURPHYS SANITARY DISTRICT BOARD OF DIRECTORS

Murphys Sanitary District agrees with the Grand Jury. On future agendas, the wording will be changed to possible litigation.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

SUMMARY

The MSD has a large number of critical issues facing it in the very near term. Management reorganization will help resolve some procedural issues but the board needs to address funding, infrastructure, discharge, and additional capacity as well. An early report dealing with emergency spill reporting procedures and violations was published mid-term and is included elsewhere in the final report. The district has run out of time to deal with most of these issues piecemeal and will need a short term plan to guide it within ninety days. Conservation is a partial solution that has yet to be promoted by the district with its ratepayers. High staff turnover leaves the district relying on an inadequate number of qualified staff to operate the wastewater treatment plant.

RECOMMENDATION

The Grand Jury recommends a moratorium on new hookups, as recommended by last year's Grand Jury, immediately be instituted until:

1. The treatment plant can operate continuously in automatic mode.
2. The NoV has been dealt with to the satisfaction of the CRWQCB.
3. An alternate source of discharge has been obtained.
4. A comprehensive emergency policy is written to include duties of all should follow both state and county reporting guidelines, be posted in all offices and plants, and be given to all district personnel including members of the board after having been reviewed and adopted by the district board.

The Grand Jury also recommends:

- A. The district reorganize its management policy and procedures, including the hiring of a full time district manager. The district also institute a hiring and training program, including pay adjustments where appropriate, to reduce high staff turnover.

- B. A comprehensive policies and procedures manual be drafted and adopted by December 2007 that spells out all functions necessary for normal plant operation, special procedures that may be required from time to time, and emergency procedures including accurate and lawful reporting methods.
- C. Long range planning be implemented, including a comprehensive district wide plan to deal with short term and long-range goals.
- D. Innovative funding solutions need to be explored due to the need for a large number of infrastructure requirements necessary within the next five years, and could include bonding arrangements with potential developers, grants from federal and state resources, and assessment districts where needed.
- E. With an eye on the limited capacity of the wastewater treatment facility, the district should promote an aggressive district wide water conservation policy in conjunction with UPUD.

RESPONSE FROM MURPHYS SANITARY DISTRICT BOARD OF DIRECTORS

In response to the above mentioned nine recommendations, the District's Treatment Plant is operating within the parameters of its Waste Discharge Permit. It is of our opinion that the NoV has been dealt with to the satisfaction of the CRWQCB as the District has not received either a phone call or letter from the Regional Board expressing concerns about our responses. A comprehensive emergency policy has been completed that deals with duties of personnel and reporting policy. This has been submitted to both the Regional Board and the Grand Jury. Policies and procedures manuals are currently being rewritten for both the Treatment Plant and Pump Stations. Once completed, they will be submitted for approval to our Board and then a copy will be forwarded to the Grand Jury. Funding for the required infrastructure requirements, necessary within the next five years is currently being researched by the District. The District in the near future will work with the Union Public Utility District to promote an aggressive district wide water conservation policy.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM UNION PUBLIC UTILITIES DISTRICT

UPUD does promote water conservation to its customers. Many years ago, new construction permits and codes began to require low flow water appliances, such as toilets, faucets and showerheads on all new buildings. Also, UPUD's rates are currently structured as a monthly base rate that includes an allowance for 1,000 cubic feet of usage for each connection. Water consumption over that amount is charged an additional \$0.35 per 100 cubic feet, thereby discouraging higher levels of consumption. In addition to these ongoing conservation measures, the UPUD Board would be willing to consider any proposals from Murphys Sanitary District that promote conservation for their purposes, provided those efforts do not put an undue burden on the UPUD ratepayers.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

MURPHYS SANITARY DISTRICT SPILL REPORT 2006-2007 RESPONSE

REASON FOR INVESTIGATION

It came to the attention of the Calaveras County Grand Jury that a Notice of Violation (NoV) was issued to Murphys Sanitary District (MSD) by the California Regional Water Quality Control Board (CRWQCB). The NoV contained reference to a spill of approximately 150,000 gallons of raw sewage into Angels Creek (aka Murphys Creek) in Murphys over the weekend of November 26th and 27th 2006. Angels Creek is a source of drinking water for the City of Angels. The Grand Jury learned that the spill was not reported to the Governor's Office of Emergency Services (OES) as required by law. (Proposition 65 - Safe Drinking Water and Toxic enforcement Act of 1986, and §9030 of the California Labor Code.)

PROCEDURES

The Grand Jury contacted and interviewed the Calaveras County Department of Environmental Health, Calaveras County Department of Public Health, and MSD. Documents from the CRWQCB, OES, MSD, Calaveras County Environmental Health Department (EH) and City of Angels Wastewater Treatment plant were reviewed. The California Department of Fish and Game was contacted by phone to confirm the findings.

RESULTS OF INVESTIGATION

FINDING 1

The first call made by MSD to report the spill was inadvertently made to the U.S. Environmental Protection Agency and not to OES. As a result, OES, in charge of disseminating information about the spill to all state and local agencies, has never been able to inform local agencies of the spill. A call to the City of Angels wastewater treatment plant was made by MSD notifying the treatment plant of the spill of raw sewage into Angels Creek. A call and fax reporting the spill was made by MSD to the CRWQCB. As of the writing of this report OES still has no record of being notified.

RECOMMENDATION

The Calaveras County Grand Jury recommends MSD adopt and follow procedures for reporting as specified on the OES Website at www.oes.ca.gov titled '*FACT SHEET – Reporting Sewage Releases*' dated July 2006. California Water Code §13271, *et seq.* and California Health and Safety Code §5411, *et seq.*

RESPONSE FROM MURPHYS SANITARY DISTRICT

The Murphys Sanitary District Field Supervisor had the wrong phone number for OES for reporting spills. We called the National Spill EPA line. We have since obtained the correct phone number for the Office of Emergency Services for California. In addition, with the issuance of the Notice of Violation to the Murphys Sanitary District on January 08, 2007, we were required to submit to

the Regional Board a Sanitary Sewer System Operation, Maintenance, Overflow Prevention, and Response Plan (SSSOP) for the entire Murphys Sanitary District Wastewater Treatment Plant collection system. This was submitted by May 01, 2007. This document has all the important information on how to report a spill, who to call in what order, and how you will prevent this from happening in the future. A copy of this document is enclosed for the Grand Jury.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

FINDING 2

Media notification and Public Posting of sewage spills in excess of 1000 gallons is required by order of the Calaveras County Health Officer in compliance with §13271 of the California Water Code. A 'Memorandum', dated March of 1999, from the Calaveras County Health Officer was sent via certified mail to all County sanitary districts specifying procedures for notification, public and media. The spill of raw sewage into Angels Creek, November 26 and 27, 2006 received no public posting or media notification from MSD.

RECOMMENDATION

The Grand Jury recommends the district prepare public notification and media releases in advance, so when spills occur, all notification procedures will be followed according to the law. This includes having laminated spill posters prepared and forms for the media notification.

RESPONSE FROM MURPHYS SANITARY DISTRICT

In the response to Finding 1 above the Murphys Sanitary District was required to submit the SSSOP to the Regional Board. Part of the Plan was to include a public notification plan, in which any posting of areas contaminated with sewage, is performed at the direction of the Calaveras County Environmental Health Department. All parties with a reasonable potential for exposure to an overflow event shall be notified. The District has been in contact with Calaveras County Environmental Health for type of sign and requirement and media notification.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

FINDING 3

The spill occurred over a weekend and was discovered early Monday, November 27th 2006. When MSD staff first reported the spill to the Calaveras County Environmental Health Department, a message reporting the spill was left on the department's voice mail because the office had not yet opened. Once the message was heard, the department did not follow up, because the department

did not have an internal follow up policy in place to be sure the spill was receiving all necessary attention.

RECOMMENDATION

The Grand Jury recommends the County Environmental Health Department institute a policy to follow up on all voice mails indicating spills in excess of 1000 gallons. In addition, the Grand Jury recommends the voice mail message direct callers to 911 to report emergency spills after hours and when the department is closed. (Proposition 65 - Safe Drinking Water and Toxic Enforcement Act of 1986)

RESPONSE FROM CALAVERAS COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH

This finding addressed public notification and follow up procedures when a sewage spill occurs. Specifically, the Grand Jury report requesting a response by Environmental Health as it pertains to follow up procedures as they apply to voice mails that report sewage spills in excess of 1000 gallons. Furthermore, the Grand Jury recommended that staff include a message on the Department voice mail directing callers to dial 911 in the event of a sewage spill after hours and when the Department is closed.

Attached is a copy of a memorandum addressed to Mr. Tofanelli, Forman of the Grand Jury dated February 26,2007 that addresses this concern. In addition, the following summary is provided for your review:

- The Department normally responds to all voice mails and there is some question as to whether the Department was actually notified of this particular incident.
- It is the responsibility of the sanitary district to follow proper reporting procedures. When a sewage release occurs in excess of 1000 gallons to land or any amount is discharged into waters of the state, sanitary districts are required by law to notify the State Office of Emergency Services (OES). The Sanitary District failed to follow proper reporting procedures as prescribed in law.
- Sewage spills are not subject to Proposition 65 notification as cited in the Grand Jury Report.
- Referring callers to 911 for sewage spills is not necessary if a Sanitary District follows reporting procedures as prescribed in law.

GRAND JURY DETERMINATION 2007-2008

The response by the Murphys Sanitary District does not adequately meet the recommendation of the 2006-2007 Grand Jury. Although the Grand Jury agrees that "Referring callers to 911 for sewage spills is not necessary if a Sanitary District follows reporting procedures as prescribed in law", the recommendation was made to address any caller (not just a sanitary district) who wishes to report an environmental emergency.

SUMMARY

MSD currently uses three documents to guide its operations: 1) An employee handbook, dated October 2006; 2) A document titled 'Ordinance #2', dated September 2006, which details rules and procedures for dealing with ratepayer hookups; 3) A Capital Improvement Program (CIP), dated February 2006, describing both short and long range infrastructure plans. None of these documents comprise a comprehensive policies and procedure manual for dealing with the day-to-day operation of the district, the wastewater treatment plant, and contingences for emergency reporting. As a result, neither the public, nor the media and some required agencies received notification of this large spill of raw sewage into Angels Creek.

RECOMMENDATION

The district should immediately draft and adopt a comprehensive policy on emergency procedures with required actions spelled out in detail so whoever is on duty at the plant will be able to notify proper authorities as prescribed by law. The district should also conduct immediate training for all plant personnel on these procedures. Notification forms, public posting signs and media notifications should be prepared and on hand. The Grand Jury also recommends MSD start drafting a comprehensive policy and procedures manual, with a goal of having the manual complete and adopted by the Board of Directors by year end.

RESPONSE FROM MURPHYS SANITARY DISTRICT

The Murphys Sanitary District does have policy and procedures manuals for both the treatment plant and the collections system and pumping stations. Copies of these documents were given to the Grand Jury. In addition, our SSSOP is an additional document to aid in the prevention of sewer overflows. A copy of this document is enclosed.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

CALAVERAS COUNTY AUDIT REPORT 2006-2007 RESPONSES

REASON FOR INVESTIGATION

Section 925 of the California Penal code states, "The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county...".

PROCEDURES

The outside auditing firm of Bartig, Basler, & Ray (BB&R) was under contract to examine the financial statements of Calaveras County and provide an opinion on the accuracy and reliability of these financial statements for the year ending June 30, 2006. As a normal function of this audit, BB&R submitted a document entitled, "*County of Calaveras Management Report for the Year Ended June 30, 2006,*" (*Management Report*) to all County Departments. It is the responsibility of the departments, where named in the *Management Report*, to provide a written response to recommendations within 60 days and prior to final publication of *Management Report*. The Grand Jury reviewed the *Management Report* along with the Calaveras County's "*Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2006.*" County Auditor-Controller, Sheriff's Department Animal Control Officer, and the County Administrative Officer were interviewed to verify findings and recommendations.

AUDIT FINDINGS & RECOMMENDATIONS

AUDITOR-CONTROLLER

Financial Statement Preparation, Staffing And Turnover

BB&R cited "problems with excessive workload of the accounting staff". This condition exists in part because one individual is given the task of preparing the County financial statement, along with other daily accounting duties. The report recommends the Auditor-Controller recruit additional staff and cross-train existing staff where appropriate.

Management Response

The Auditor-Controller concurs with the recommendation and will propose a process to rectify the condition through an office reorganization and hiring plan.

Recommendation

The Grand Jury recommends the Auditor-Controller recruit and retain additional qualified staff to more efficiently manage the workload. Additionally, the Grand Jury recommends departmental cross training.

RESPONSE FROM AUDITOR-CONTROLLER

Financial Statement Preparation, Staffing and Turnover

I would like to emphasize that the workload in the Auditor-Controller's Office remains excessive. I conducted a study session on April 10, 2007 with the Board of Supervisors, where I presented a formal plan to reorganize the Auditor-Controller's Office. During this session I supported my request for additional staffing by providing a 10-year period of workload history and outside influences that impact the Auditor-Controller's Office. For example, the 10-year indicators disclosed Special District claims processing increased more than 317%, while the Countywide rate increased 145%, and County employees continually increased, while Auditor-Controller staff remained the same for the past 6 years.

Even with planned advancements in technology that will eventually distribute data entry of claims to Departments, I anticipate that the workload in the Auditor's Office will not be lessened. In fact, audit processes will consume more time as multiple County staff will need ongoing problem resolutions and clarification. With staff turnover in the Departments, there will be a constant need to respond to questions while trying to impart accounting logic. Adherence to the constant accounting and auditing proclamations and promulgations will continue to exponentially impact time commitments to ensure full and complete public disclosure.

Earlier this fiscal year, we began cross-training at the highest management levels, which came to an immediate halt within a few weeks due to numerous reporting deadlines. It is imperative that the staffing level in the Auditor-Controller's Office be expanded to lessen the burden on those who must constantly work substantial overtime to complete assigned and/or mandated tasks. I am in agreement with the Grand Jury and Bartig, Basler, & Ray, LLP that additional staff is warranted in the Auditor-Controller's Office to meet the ever-increasing demands of maintaining internal controls, while meeting the expectations of other County employees, Special Districts, Departments, and the public.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

ANIMAL CONTROL REPORT 2006-2007 RESPONSE

Segregation Of Duties

BB&R noted the same person collecting payments was also posting deposits into the department accounting system. An alternative control would be to require supervisory personnel to review daily collections.

Management Response

A log to track collections has been implemented and reviewed by a supervisor on a monthly basis with plans to review the new log weekly in the future.

Grand Jury Recommendation

The Grand Jury recommends weekly supervisory review of collections and deposits be instituted by August 1, 2007.

RESPONSE FROM CALAVERAS COUNTY SHERIFF

Segregation of duties regarding deposits:

Deposits are collected and posted in the department accounting system on a weekly basis, and the Animal Shelter Supervisor (Sheriff Sergeant) currently reviews the deposit report and receipt of fees on a weekly basis. When reviewing the report, the Animal Shelter Supervisor checks for accuracy, and places her initials on the report, prior to the deposit being made.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

Accounts Receivable

The department's accounting software does not produce an aging report showing outstanding receivables and delinquency. The report recommends using a Chameleon software feature, "Crystal Reports", to remedy this deficiency.

Management Response

The department reported the "Crystal Reports" software has been installed but training in the use of the software had yet to be given to staff.

Grand Jury Recommendation

The Grand Jury recommends training in use of the software be completed by August 1, 2007.

RESPONSE FROM CALAVERAS COUNTY SHERIFF

Accounts Receivable:

The Chameleon Software feature "Crystal Reports" has not yet been implemented; however, Animal Services Staff has been trained in the use, and is familiar with the use of the software. A Chameleon Software Upgrade is

scheduled to occur on August 02, 2007. Training and implementation of the upgraded software will occur within 30 days of the upgrade installation.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

CALAVERAS COUNTY BUILDING DEPARTMENT LAND USE TRUST FUND REPORT 2006-2007 RESPONSE

REASON FOR INVESTIGATION

The Grand Jury received a complaint alleging Calaveras County had misappropriated Building Department generated funds to the General Fund and not to the Building Department as specified by California State Health and Safety Code Section §17951.

PROCEDURES

The Grand Jury interviewed Director of Community Development, Principal Administrative Analyst, County Counsel, and Auditor/Controller. Reviewed were the California Health and Safety Code §17951, and Board of Supervisors Resolutions 04-235 and 90-356.

RESULTS OF INVESTIGATION

FINDING 1

The 1990 & 2004 Board of Supervisors resolutions, 90-356 & 04-235, addressing Building Department revenue and appropriation by the establishment of a Land Use Department Trust Fund are not strictly in compliance with California Health and Safety Code §17951.

FINDING 2

California Health and Safety Code §17951 (c) states “The amount of the fees prescribed pursuant to subdivisions (a) and (b) shall not exceed the amount reasonably required to administer or process these permits... and shall not be levied for general revenue purposes”. Fees collected, which exceed expenditures, can be carried over to the next fiscal year but are to be allocated only to the Building Department. The intent of the code is to prevent additional taxation when fees are collected and used for purposes other than to fund Building Department operations.

Through the Supervisors resolution of 1990, 90-356, the Land Use Trust Fund could be used to “fund various expenditures associated with the operations of the Surveyor, Planning, Building and Environmental Health Departments”, as well as the Building Department, in violation of California Health and Safety Code §17951.

FINDING 3

In 2004 the Board passed Resolution 04-235 which amended 90-356, effectively allowing funds which had been deposited only into the Land Use Trust Fund to go into the General Fund. The amendment was a violation of the California Health and Safety Code §17951.

FINDING 4

In 2006 at the behest of the Director of Community Planning, the County Administrator's Office began drafting a resolution intended to bring the funding process into compliance with California Health and Safety Code §17951. The resolution is expected to be presented to the Supervisors before the end of the 2006-2007 fiscal year.

In addition, the Administrator's office has the task of researching budgets since 1996 to determine funds which should be returned to the Building Department budget. This research is to include the establishment of all Building Department costs not charged in the budget. An accounting standard, A87 charges, allows for recovery of indirect costs not originally included in department budgets.

RECOMMENDATION

The Calaveras County Grand Jury recommends the Board of Supervisors adopt a resolution which will place any and all funds generated in excess of costs directly back into the Building Department budget for the new fiscal year to bring county accounting practices into full compliance with California Health and Safety Code §17951.

RESPONSE FROM CALAVERAS COUNTY BOARD OF SUPERVISORS

The Board of Supervisors adopts the Response provided by the Administrative Office regarding these recommendations.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM CALAVERAS COUNTY COUNSEL

This office concurs that steps be taken to clearly and accurately determine the correct amounts to be charged for building permits and to assure that the revenue from fees be retained for use within the Building Department budget.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM CALAVERAS COUNTY AUDITOR/CONTROLLER

It was noted during past budget hearings, mainly during the mid to late 1990s, that an informal agreement between local developers and the County compelled excess funds, based on the 1990 Resolution, for all pre-determined Land Use Departments, be placed in a Trust Fund. The idea was to use these funds to supplement Land Use Departments when revenues were less than anticipated, with any excess to support structural accommodations.

In a cursory review of the Land Use Trust for the 10-year period beginning July 1, 1998 through June 30, 2006, it appears that Trust expenditures to the Building Department and on behalf of the Building Department for vehicles, structural improvements, and office furniture acquisitions, far exceed the revenue transfers into the Trust. Regardless of the Resolutions that determined the underlining calculations, the Building Department appears to have been the largest beneficiary of Trust expenditures and more than likely complies with California Health and Safety Code § 17951. I am in agreement the Resolution needs to be amended in conformity with California Health and Safety Code § 17951.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM CALAVERAS COUNTY ADMINISTRATOR

On August 13, 1990, the Board of Supervisors adopted Resolution 90-356 establishing a Land Use Departments Trust Fund. The intent of this resolution was to merge trust funds for all Land Use Departments (Building, Planning, Surveyor and Environmental Health) into one comprehensive Land Use Trust Fund. The basis of funding for this trust fund was the difference between the total revenue received versus total revenue appropriated, with the exception of Environmental Health where the basis of funding was limited to only "land use" revenue line items. Additionally, according to this resolution, any expenditure from the Land Use Trust Fund for Land Use Departments, required pre-approval from the Board of Supervisors.

On August 2, 2004, the Board of Supervisors adopted Resolution 04-235 amending the basis of funding for the Land Use Trust, only so far as to allow the transfer of funds into the Land Use Trust to occur only if departmental revenues exceeded their expenditures for the fiscal year. All transfers to and from the Land Use Trust Fund have been made in accordance with current Board policy under the authority of Resolutions 90-356 and 04-235.

Prior to the adoption of the fiscal year 2007-08 Calaveras County Final Budget, questions arose regarding the basis of funding for the Land Use Designated Fund as adopted under the above resolutions. The County Administrative Office, County Counsel, the Director of the Community Development Agency, the Auditor-Controller's Office, and a Board Supervisor met on several occasions in an effort to resolve this issue. It was determined that a resolution amending the basis of funding for the Land Use Designated Fund would be brought to the Board of Supervisors for adoption prior to fiscal year end, June 30, 2007. This resolution would eliminate the Surveyor, Environmental Health, and Planning

Departments from the Land Use Designated Fund. Furthermore, the basis of funding would be determined by the difference between total actual revenue received versus total actual expenditures for the fiscal year. It was also noted that expenses associated with the County Cost Allocation Plan (A-87) must be

included in the Building Department's total expenditures to accurately reflect the costs of doing business versus revenues received.

The Community Development Director and the County Administrative Office are continuing to work on the required language of the resolution to amend the Land Use Designated Fund. While this was not brought to the Board of Supervisors prior to fiscal year end as planned, there will be no impact to the Building Department or the Land Use Designated Fund, as Building Department expenditures exceeded revenues for fiscal year 2006-07. The Community Development Agency is undergoing an audit of their current fee structure. It was the request of the Community Development Agency Director to bring the resolution amending the Land Use Designated Fund to the Board with the new fee structure recommendations. This will occur once the Community Development Agency receives the final report from the outside consulting firm doing the fee audit. The County Administrative Office concurred with this request.

Although some preliminary work has been done, it is the intent of the County Administrative Office, working in conjunction with the Auditor-Controller's Office, to do a complete review of all transfers to and from the Land Use Designated Fund from all Land Use Departments since July 1, 1998.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

CALAVERAS COUNTY GENERAL PLAN UPDATE REPORT 2006-2007 RESPONSES

REASON FOR INVESTIGATION

In 2006 the Calaveras County Board of Supervisors (BOS) initiated an update to the Calaveras County General Plan. California law requires each county and city to adopt a general plan for its future development (Government Code §65300). The Calaveras County Grand Jury selected the Calaveras County General Plan revision and update process for review as a part of its oversight function.

PROCEDURES

The Grand Jury interviewed BOS members, County Director of Community Development, County Planning Department, Calaveras County Water Department (CCWD) Manager, special district board members, and Local Agency Formation Commission Manager. Reviewed current General Plan, Community Development Agency (CDA) update plan, and planning consultant work program. Attended the BOS General Plan update and moratorium meetings.

RESULTS OF INVESTIGATION

FINDING 1

The current General Plan, adopted in 1996, does not meet the statutory requirements of the state Government Code. California requires each county and city to adopt a general plan for its future development (Government Code §65300). In 2006, the BOS decided to initiate a General Plan update. The plan update is anticipated to take two to three years; during that time a quasi-moratorium is in place to curtail certain types of development.

FINDING 2

At this time within the County there are two general viewpoints regarding the proposed General Plan:

- 1.) A community vision to guide decisions about development and land use.
- 2.) A State mandated, legally defensible document of land use restrictions.

Both viewpoints are incorporated within the proposal submitted by contracted planning consultants, Mintier and Associates (Mintier).

FINDING 3

Costs to the county for the update have been estimated to be \$1,350,000, which includes the estimated consultant fee of \$1,000,000. This estimate is most likely unrealistic since real costs for the update do not tabulate all of the direct and indirect costs to all of the county agencies involved in the process. Cost estimates also do not include overruns generated by possible litigation.

FINDING 4

After reviewing the work plan proposed by CDA and Mintier, the Grand Jury concludes that ample consideration for land use planning has been given to the Calaveras County general public. Input regarding the general vision for planning as well as specific input by special interest groups and individuals is part of the Public Input sections of the draft.

FINDING 5

Special interest requests have already come to the BOS during the kickoff meeting with the public. Two basic approaches to the update process are planning either from the general to specific or from specific to the general. Working from the general to specific (community and special interest planning) is the approach represented by Option 2 work plan supported by the CDA.

SUMMARY

Community development as represented by the General Plan is a lengthy and contentious process. It is the opinion of the Grand Jury that the public would be better served with a General Plan starting from a general overall vision and moving to specific community planning. Delays created by planning starting with specific and local needs can cause significant delays and therefore increased costs to the citizens.

Obtaining public input on a vision for the county general plan is planned during the public comment process. That overall vision statement is currently lacking in the current General Plan draft. Vision is a generalized statement regarding land use and future of the county. Specifics of the plan can grow out of a general vision.

RECOMMENDATION

The Grand Jury recommends the BOS adopt and support Option 2 of Mintier and Associates and proceed with the County General Plan update in a timely and comprehensive manner. Public comment regarding a vision for county needs to be sought and reflected in the outcome. The Grand Jury further recommends the process and progress be monitored by future Grand Juries to assure individual community plans are reflected in the final document.

RESPONSE FROM CALAVERAS COUNTY COMMUNITY DEVELOPMENT AGENCY

The Board of Supervisors has indicated the update of the County's general plan is one of its highest priorities. It adopted a general plan update work plan in December 2006, and Phases 1 and 2 of the work plan are nearing completion. Phase 3 will begin in August, and involves the visioning process identified by the

Grand Jury as a priority. The County thus far has engaged the community as part of the orientation process for the overall general plan update (Phase 1) and to facilitate collection of baseline information (Phase 2), but has not yet made a decision as to when or how the community plans will be processed. A Board meeting relative to community plan processing is scheduled for August.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM CALAVERAS COUNTY BOARD OF SUPERVISORS

The Board of Supervisors notes at the outset that compliance with the "statutory requirements" of State law is a technically and legally complex issue that ultimately can only be determined by the court. For that reason, the Board is unable to agree with Finding 1, that the current General Plan "does not meet the statutory requirements" of State law.

The Board does acknowledge that portions of the General Plan are outdated, and that in general the time has come for a comprehensive review and revision of the document.

Finding 2: (page 33)

The Board of Supervisors agrees that there are a variety of viewpoints regarding the "proposed General Plan" including the two mentioned in this Finding.

Finding 3: (pages 33-34)

The Board acknowledges that there have been a variety of estimates for the ultimate cost of a General Plan Update. The Board is unable to agree that these estimates are "most likely unrealistic".

Finding 4 (page 34)

The Board of Supervisors is unable to respond to this finding at the present time. The determination that "ample consideration has been given" is necessarily a highly subjective matter of opinion.

Finding 5: (page 34)

The Board of Supervisors generally agrees that the issue of inclusion of community planning be a part of the General Plan Update has been widely discussed.

Recommendation (page 34)

The Board of Supervisors appreciates and respects the thoughtful recommendations provided by the Grand Jury regarding the best way to approach the General Plan Update process.

However, the Board is unable to defer to the Grand Jury in connection with issues that fall within the legislative authority of the Board. In that regard, the current Board direction to County staff is that the General Plan Update process will proceed with consideration to the possible inclusion or incorporation of certain community plans, but that the timely completion of the General Plan work must not be delayed by community or specific planning.

GRAND JURY DETERMINATION 2007-2008

The response by the Board of Supervisors does not adequately meet the recommendation of the 2006-2007 Grand Jury. It is the Grand Jury's understanding from testimony it has received that the justification for producing a new General Plan was that the existing plan did not conform with State law and therefore left the County vulnerable to lawsuits. The Grand Jury questions why the production new General Plan at a large cost to the county was necessary if "the Board is unable to agree with Finding 1, that the current General Plan "does not meet the statutory requirements" of State law."

CALAVERAS COUNTY DEVELOPMENT PLANNING PROCESS REPORT 2006-2007 RESPONSES

REASON FOR INVESTIGATION

The Grand Jury received several complaints citing the County Planning, Building, and special districts with inconsistencies and irregularities in development plan approval processes.

PROCEDURES

Interviewed the County Director of Community Development, County Planning Director, Calaveras County Water District (CCWD) Manager, and special district board members, and Local Agency Formation Commission Manager (LAFCO). Reviewed Draft Agency Proposal, application process (Exhibit A).

RESULTS OF INVESTIGATION

FINDING 1

The 14 step application process being refined and proposed (Exhibit A) by the Community Development Agency (CDA) appears to have instituted key steps in an effort to resolve misconnects which may have developed during the process in the past. Those steps involve infrastructure and service aspects of a development.

FINDING 2

The Pre-application meeting (step 2, Exhibit A) between the developer and county planning staff is intended to assist in the completion of the application, to expedite the process and issues, which might arise on the application itself. It does not imply acceptance, merely to resolve questions in the application process.

FINDING 3

After a site visit by the Planning Department and the application is deemed complete for processing (step 4 and 5 Exhibit A), the recently added Technical Advisory Committee (TAC) meeting (step 6 Exhibit A) is to be held. The purpose for adding the TAC meeting is to bring all "impacted/involved" agencies and special districts together with the developer in order to identify and discuss all aspects of the plan on the infrastructure. "Only County" agencies are required to be present.

FINDING 4

The remaining steps 7 through 14 complete the process with public input included in Planning Commission and Board of Supervisor reviews, steps 13 and 14.

SUMMARY

In general, the process as being proposed by the Community Development Agency appears to streamline the application process with several refinements. If actual positive results come from the innovative step 6 TAC meeting, many past problems of infrastructure and service district misconnects could be resolved.

The process requests “impacted/involved” agencies attend the meeting but further states only county agencies are required to attend TAC meetings. Infrastructure and service district input is critical to orderly development. Inadequate long term planning by service districts can be illuminated through this process.

RECOMMENDATION

While the process proposal appears to have met the “streamlining and simplifying” goals, the Grand Jury believes infrastructure and service district input is still lacking in the process. The TAC meeting step should include review by all impacted/involved special districts within the county, not just County agencies. Impact of development on infrastructure such as roads, schools, and even law enforcement must also be considered and adequate long term planning by all special districts within the county be required. The Grand Jury recommends these infrastructure consideration steps be strengthened and the Board of Supervisors adopt the procedure.

RESPONSE FROM CALAVERAS COUNTY COMMUNITY DEVELOPMENT AGENCY

The Community Development Agency established new processing guidelines in early 2007, and these included the formation of a Technical Advisory Committee (TAC). The purpose of TAC is to identify early in the process project requirements and challenges, including infrastructure needs, and to ensure the project description is accurate and comprehensive before beginning the environmental review. Agency participation in TAC is voluntary, and invitations are sent out to those agencies in the development area for the project, so attendance will vary at each meeting. Although not every district has had a project-related reason to attend one of the three TAC meetings held so far, a number of agencies have participated, including Planning, Building, Public Works, Environmental Management, the Sheriffs Department, the Calaveras County Water District (CCWD), Foothill Fire Protection District, Murphy’s Sanitary District, and Union Public Utility District. It is important to note that participation, or lack of participation, in TAC meetings does not change an agency’s ability to comment on a project. Although the County does not have jurisdiction over outside agencies, and cannot make their attendance mandatory, CDA believes participation in TAC will voluntarily increase as the process becomes more established.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate. Response FROM

CALAVERAS COUNTY BOARD OF SUPERVISORS

All Findings (pages 35-36)

The Board of Supervisors concurs with the response provided regarding this issue by the Community Development Agency. In particular, the Board agrees that the participation of all interested agencies in the TAC process should be encouraged.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

Exhibit A
 DRAFT AGENCY PROPOSAL – January 30, 2007

<p>1. Pre-Application- Could be a phone call just to verify their zoning or a drop in at the counter. Review if general plan/zoning change and/or use permits are required for the use.</p> <p>a. Non discretionary permit – entitled project under zoning</p> <p>b. Discretionary use permit – needs some sort of conditions to be met.</p>
<p>2. Pre-Application meeting – Planner meets with applicant to discuss the project; may include Planning Director or Community Development Director. Planner will assist the applicant with preliminary information needed to fill out application, then it is given to applicant to identify additional needs and complete remaining items prior to coming in with the completed application. Planner will help identify which items need to be submitted with the application and which can be submitted after application.</p>
<p>3. Application submitted – Stamped as received, but not considered complete until additional review is completed.</p>
<p>4. Planning site visit – Completed by the same planner from the pre-application meeting to make sure everything on the application and plans is reflected on site. Identify any environmental issues.</p>
<p>5. Application accepted as complete. County has thirty days to deem complete for processing, beginning the date application is submitted and fees are paid. (Government Code Section 65920)</p>
<p>6. Technical Advisory meeting – To bring impacted/involved agencies together to identify and discuss all issues. Potential participants include Planning, Building, Public Works, CDF, Environmental Health, Water District, Sewer District, Fire Districts, Fish & Game, and Army Corp. Only County agencies will be required to be there.</p>
<p>7. Applicant commissions additional studies. Based on results of staff and technical advisory meeting.</p>
<p>8. Initial agency circulation of project – Notification sent out to all agencies involved letting them know about project and giving them the opportunity to comment on proposed environmental review.</p>
<p>9. Initial comments received & additional studies approved.</p>
<p>10. Preparation of Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report.</p>
<p>11. Public circulation of environmental documents - Circulated to agencies and the public; publish a public notice.</p>
<p>12. Staff report prepared. Report includes project and environmental documents, and a recommendation of approval or denial.</p>
<p>13. Planning Commission – Reviews public records and takes public testimony. Basis of decision/recommendation has to be based upon substantial facts.</p>
<p>14. Board of Supervisors – Additional step required for general plan changes, zoning changes & ordinance changes. Final approval.</p>

CALAVERAS COUNTY JAIL REPORT 2006-2007 RESPONSES

REASON FOR INVESTIGATION

In accordance with Penal Code Section 919 (b), the 2006/2007 Grand Jury shall inquire into the condition and management of public prisons within the county.

SCOPE OF INVESTIGATION

The investigation focused primarily on the jail, condition of confinement, daily operation, staffing, and the safety and security of staff and inmates.

PROCEDURES

The Grand Jury conducted a physical inspection of the Calaveras County Jail, located in the Government Center adjacent to the Calaveras County Superior Court in San Andreas. The Grand Jury observed the performance of duties by staff and the inter-action of staff and inmates as well as physical conditions of the facility.

The County Sheriff, Under-sheriff, custodial staff, support staff, Calaveras Air Pollution Control Officer, Inspector for the Environmental Management Agency, representatives of the Calaveras Public Health Department, and some inmates were interviewed.

The 2006 *Local Detention Facility Health Inspection Report*, Fire /Life Safety Inspection Report, Fire Inspection Report training logs, the Calaveras County Sheriff's Department inmate discipline reports, inmate grievances/complaints, and 2005/2006 Calaveras County Grand Jury final report were reviewed.

RESULTS OF INVESTIGATION

FINDING 1

The jail itself continues to be inadequate and obsolete due to the increase in crime. The jail was constructed in the early 1960's to house an inmate population of 47. The crime rate of Calaveras County continues to grow at a rapid pace with no expansion feasible within the existing jail structure. A court order mandates the capacity of the jail not to exceed 65 inmates. As a result, some inmates are periodically released on a case-by-case basis, taking into consideration public safety prior to the completion of their respective jail terms.

It is further noted that this adult jail facility in San Andreas is the only jail within the county serving City of Angels Police Department, the Sheriff's Department as well as the local arrests initiated by the California Highway Patrol, Department of Fish and Game, and other State and Federal agencies.

FINDING 2

Security and safety issues exist due to the physical layout of the jail. Blind spots hamper officers from maintaining visible observations of inmate and staff movement in certain locations within the jail. Other locations would not provide an ingress or egress route in an emergency situation should a fire erupt or during an inmate related disturbance. Additional manpower required to monitor inmates arrested for substance abuse offenses restricts staff from monitoring the remainder of the inmates.

FINDING 3

Regarding the overall daily operation of the jail, the Grand Jury found the condition of confinement under Federal, State and local laws is being met. The kitchen was observed to be clean and healthy dietary nutrition is being provided to the inmate population with a cost per meal of approximately \$1.30.

Medical services are being provided with medical personnel on site with quick response or transfers to a medical facility in an emergency situation.

Inmate recreation is provided via the enclosed recreation yard, writing materials, television, and library books. Providing various activities has resulted in the utilization of additional deputy support from the field to meet compliance. This does impact police response in the community in order to maintain inmate control within the jail.

The outer perimeter of the jail constitutes a security and safety issue. There is no secure area outside the jail when moving inmates to and from vehicles and the courthouse.

RECOMMENDATION FOR FINDINGS 1-3

The Grand Jury recommends Calaveras County build a new jail. The Sheriff must continue to submit Federal and State grant requests to assist in this effort. The Board of Supervisors must present a complete funding plan to be released to the public by December 1, 2007.

RESPONSE FROM CALAVERAS COUNTY BOARD OF SUPERVISORS

Findings 1-3 (pages 38-39)

In general, the Board of Supervisors agrees with the information contained in the Findings. The jail facility is obviously old and in need of replacement. The Board believes that safety and security issues have been appropriately addressed by a variety of measures, primarily the cap on the jail inmate population. Nonetheless, a new jail facility would accommodate a larger inmate population and would provide more efficient ways to deal with safety and security issues.

Recommendations for Findings 1-3; (page 39)

The Board of Supervisors agrees that Calaveras County should build a new jail facility. Very extensive efforts have been made by the Sheriff and other County Officials to seek state and federal assistance in the needed funding. Additionally, the Board has approved a ballot measure for the November 2007 ballot seeking voter approval of a bond measure to provide for the county share of jail funding.

At this point the decision regarding a new jail for Calaveras County is primarily in the hands of county residents, and also will depend on the availability of state funding (AB 900).

Findings 4-5; (page 39-41)

The Board of Supervisors believes that these findings have been appropriately addressed in the response from the Sheriff's Office and the Board adopts those responses.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM CALAVERAS COUNTY SHERIFF

Obsolete Jail Facility and Security. Findings 1 through 3:

The Sheriff's Office has reviewed and agrees with the Grand Jury's findings and recommendation for the need to build a new modern jail facility. The Sheriff's Office is currently pursuing Assembly Bill 900 for funding of a 240 bed facility. On July 07, 2007, the Sheriff's Office took another step forward in this pursuit by assigning a full time Sheriff's Office Captain as the new jail project manager. The Project Manager is working with the jail building architect, and State and Federal representatives connected to this project.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

FINDING 4

Jail staff expressed concern to the Grand Jury about airborne exposure to asbestos because inmates poke holes in the ceiling. Asbestos left undisturbed is not considered a problem. However, when tampered with, asbestos becomes airborne and a potential health risk when tiny fibers are inhaled.

A state certified asbestos consultant in March 7, 2005 report found "the jail contains a sprayed acoustical ceiling which is considered Friable-Hazardous Material that will require enclosure or abatement as soon as possible to prevent and alleviate exposure to asbestos airborne fibers to inmates tampering with it." The Sheriff reports the ceiling was sealed and continues to be maintained. The county's annual jail inspection report did not identify any asbestos related health risks.

RECOMMENDATION

The county should immediately make a current definitive assessment of health risks due to possible asbestos exposure at the jail. In addition, a state certified asbestos consultant should re-inspect the jail for asbestos conditions.

RESPONSE FROM CALAVERAS COUNTY SHERIFF

The Calaveras County Sheriff's Office recognizes the potential dangers caused by asbestos when disturbed by the inmates. The Sheriff's Office has brought the presence of asbestos to the attention of the county building and grounds personnel, and it was determined that they did not meet required qualifications to mitigate the problem; the correction must be done by a licensed professional contractor. The Calaveras County Administrative officer has been consulting with National Analytical Laboratories, Inc. (NAL) to develop a plan for abatement.

In May of 2007, NAL, the County Administrative Officer, and Sheriff's Office personnel conducted a tour of the jail and determined the areas of concern. At the time of the tour, all areas containing or possibly containing asbestos were identified and a multi phase plan for the removal of the asbestos was discussed. NAL is in the process of developing a scope of work plan, and it is anticipated that the plan from NAL will be received mid July 2007.

The Sheriff's Office is prepared to house the inmates in a safe area during the removal process, and there are no foreseen problems involving the normal operations of the jail at the time of the removal.

After the scope of work has been determined by NAL, the County Administrative Officer will determine a contractor to perform the removal, which is estimated to be completed by late August 2007.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM CALAVERAS COUNTY ADMINISTRATOR

1. The Administrative Office has proposed a new maintenance project for the Fiscal Year 07-08 Final Budget for the removal of the asbestos in various areas of the County Jail.
2. The Sheriff Department, County Administrative Officer, the Environmental Consultant (National Analytical Laboratories), and a member of the Board of Supervisors will review the project with a projected completion date of August, 2007.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM CALAVERAS COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

While this finding addressed the Environmental Management Agency-Environmental Health Department, the Air Pollution Control District, also part of Environmental Management also has input on local asbestos concerns.

In response to the finding that the County make a definitive assessment of health risks due to possible asbestos exposure, the Department and District will or have already undertaken the following actions:

Environmental Health Department

Environmental Health staff performed a special inspection to review the asbestos concern at the jail. The results of the inspection were discussed with the County Health Officer and Jail Commander at a scheduled joint quarterly meeting. The Jail Commander indicated that asbestos remediation efforts will commence in August or September of 2007.

Air Pollution Control District

The District will continue to coordinate with the County Administrative office on conducting mandated asbestos inspections. Recommendations for long term solutions to countywide asbestos problems are always shared with the consultant in each case where the District is requested to inspect buildings potentially containing asbestos. The Air Pollution Control District inspection of the Jail is currently pending. Lakhmir Grewal (Air Pollution Control Officer) will tour the facility and make appropriate observations and issue a follow up report.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

FINDING 5

Although staff is vigilant in the performance of their duties, two locations have a high volume of paper products, which may constitute a fire hazard:

1. The storage area in the kitchen, next to an exit door, has an accumulation of empty cardboard boxes.
2. Control Center has a large quantity of paper products stored in this secured area. In the event of a fire in this location, it could lessen deputies' ability to control other areas within the jail.

Only two air packs were on hand.

Insufficient staffing continues to be a matter of concern, especially during the late evening and early morning shift with only two deputies on duty:

1. One in communications control
2. One to respond in case of an emergency situation, i.e. fire evacuation

The evacuation maps on the control room window are very small. Although staff may be familiar with exit procedures during an emergency situation (i.e. fire) visitors might have difficulty reading the small exit map.

High employee turnover has been attributed to conditions of the jail facility.

RECOMMENDATION

The Grand Jury recommends paper products next to exit doors be removed. The large amount of paper products in the control room needs to be evaluated and if not required, removed to minimize combustible items within the area. An assessment should be conducted to determine if more air packs are needed for staff. Safety concerns require additional staff for the early morning shift need to be provided. Appropriation of one additional staff should be considered. Evacuation maps should be more visible.

RESPONSE FROM CALAVERAS COUNTY SHERIFF

Potential fire hazard areas:

1. Storage area in kitchen next to outer door.
2. Control Center

The areas of concern have been cleared of any potential fire hazard materials; the areas in question no longer pose a potential safety threat.

Only two air packs in jail:

Two SCBA (Self Contained Breathing Apprentices) are required by the State of California for this facility; additional units will be secured in the future.

After hours staffing and evacuation maps:

Additional Correctional Officers have been hired which brings the Jail staffing to 100%; these additional officers will relieve the insufficient staffing. The enlarging of evacuation maps throughout the Jail facility are being enlarged by 25% in order to be better read.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM BOARD OF SUPERVISORS

The Board of Supervisors believes that these findings have been appropriately addressed in the response from the Sheriff's Office and the Board adopts those responses.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

SUMMARY

The 2006-2007 Grand Jury agrees with past Grand Jury findings that the only viable solution is to construct a new jail. The Board of Supervisors and the Sheriff have initiated the primary steps in an effort to construct a new jail. A proposal in the form of an architectural program and conceptual design for an adult detention facility and sheriff's administration building was designed by TRG Consulting Firm, Indian Wells California and was submitted to the Calaveras County Board of Supervisors and Sheriff on December 8, 2006. This proposal provided for the construction of a new 240-bed adult detention facility, a new sheriff's administration building, and the associated site development.

The Sheriff has submitted grants at the Federal and State level to offset the cost for the construction of a new jail. If the county is successful in obtaining state funding, notification will be in November 2007. If state funding is achieved, the allocation will not cover the total cost of a new jail and Calaveras County will be required to provide the additional funding necessary to build the new jail.

CALAVERAS COUNTY ANIMAL SHELTER FACILITY REPORT 2006-2007 RESPONSE

REASON FOR INVESTIGATION

The 2006-2007 Grand Jury continues to assess the condition of the facility, animal health and welfare, safety, and overall operation of the animal shelter.

BACKGROUND

The Calaveras County Sheriff has the responsibility and accountability for the management and daily operation of the County Animal Control Department. The Board of Supervisors has the task of ensuring the fiscal resources are available.

A veterinarian consultant is contracted to ensure the animals confined within the shelter are properly sheltered and provided with medical care; evaluate the health of the animals and recommend to staff the steps necessary for the proper care of the animals.

The Animal Control Department has a dual role, specifically, the animal shelter and animal control. While both operations have separate responsibilities, they function in concert within the animal shelter department.

PROCEDURES

Members of the Grand Jury conducted an inspection and tour of the animal services facility including a review of facility procedures. The 2006-2007 budgetary allotments for animal services facility were examined. Animal services staff and a representative from the Calaveras County Humane Society were interviewed.

RESULTS OF INVESTIGATION:

FINDING 1

A facility upgrade recommended by a special audit in 2006, remains unresolved. The proposed plan submitted by Nacht & Lewis Architects to the County Administrator includes acquisition of space, construction of a new animal shelter, and repairs to the existing facility. A timeline to review the plan has not been developed. Repair and renovations to the existing facility have not been made because the Board of Supervisors has not allocated funding.

RECOMMENDATION

The Grand Jury recommends the Sheriff develop and the Board of Supervisors approve a plan with a designated time line to implement the corrections needed. The Board of Supervisors allocate the necessary funding.

RESPONSE FROM CALAVERAS COUNTY BOARD OF SUPERVISORS

The Board of Supervisors concurs with the response by the Sheriff's Office in connection with this Finding. The funding for this needed work is currently not available.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM CALAVERAS COUNTY SHERIFF

The plans submitted by Nacht and Lewis were initial plans only, and the Sheriff's Department has contacted the County Administrative Officer to determine the financial means to construct a shelter. Possibilities include impact fees which may generate the revenue required to construct an approximate 10,000 square foot shelter. Once a revenue source has been identified, a full plan will be constructed as a multiple phase plan inclusive of remodeling the existing shelter, building a new addition, and transitioning staff.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

FINDING 3

Not all kennels have been replaced or repaired and no time frame has been designated to complete the projects. The heating element in the kennel floors is inoperable. Staff reported that three standing heaters have been ordered but as of the date of the Grand Jury tour, the heaters were not in place.

The Plexiglas fixture to cover the front panel of the quarantine kennel had not been completed and continues to need repair.

RECOMMENDATION

The Grand Jury recommends that a corrective action plan be developed to repair the identified deficiencies before November 1, 2007.

RESPONSE REQUESTED CALAVERAS COUNTY SHERIFF

The Sheriff's Department has ordered and received a total of sixteen kennels to replace the existing dog kennels on the interior of the shelter. The new kennels will exceed the current standards of the existing kennels, and will further reduce the stress of confined animals via the use of the side panels which prevent the animals from seeing each other. Installation of the new panels is expected to begin within the next 60 days.

The Plexiglas fixture which is affixed to the front of the quarantine kennel was replaced as stated in the previous response. The Plexiglas fixture is an expendable item, as it is not uncommon for the animals that are confined to the

cages to chew or otherwise damage the Plexiglas. The Calaveras County Sheriffs Department will ensure that the cover is at all times functional and in place, and that any repairs or replacements are made in a timely fashion.

Heating:

As previously stated in the 2006-2007 (April) Response, the Shelter had purchased five standing heaters which were used to maintain the interior temperature of the western end of the shelter at a constant 68 degrees Fahrenheit. Subsequent to the acquisition of the five heaters, the existing wall and roof heaters have been repaired, and the auxiliary heaters are no longer required. Several thermometers have been installed within the shelter to ensure that the temperature is maintained at 60 degrees Fahrenheit. The previously purchased five heaters are available for back-up use, in the event that the existing heaters fail.

The floor heaters within the kennel floors are still inoperable, as the replacement of the piping which provides the heat would require the shutting down of 5 kennels and the medical room during construction. Additionally, replacement of the piping which runs through the floor of the Shelter could cause the majority of the shelter's cement slab to be removed, resulting in a total shutdown of the shelter. Minimally, the loss of the use of the five kennels would significantly reduce the capacity of the already overcrowded facility, and would prohibit the shelter's ability to place additional time holds on potentially adoptable animals. The cost of the replacement floor heaters would be significant, while sufficient heat is provided through the existing wall or roof heaters. All animals which are placed in the kennels with concrete floors are provided with a bed which provides them with insulation from the cement floor.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

FINDING 4

Written procedure manuals have been developed to standardize procedures in the areas of:

- Safety Training and Universal Precautions
- Euthanasia policy
- Staff dress code, grooming, and equipment
- Feline shelter protocol
- Pet of the Week procedure

A problem exists in maintaining the procedure manuals in a centralized location and in the proper format. These procedures should be reviewed as needed, revised on an annual basis and approved by the Sheriff. Three of the existing procedures are in proper format and contain signature approval of the Sheriff.

The Pet of the Week procedure is in proper format but does not contain signature block for the Sheriff. The Feline Shelter protocol is not in proper format and does not have a signature block for the Sheriff approval. The procedure manuals were not located in a centralized location, available for all staff. Although the procedure manuals have been developed, there is no indication staff has been provided training or read these procedures to ensure they are familiar with the requirements of these procedure manuals.

RECOMMENDATION

The Grand Jury recommends the Sheriff develop a training program for staff assigned within Animal Control, including a method of written substantiation that this training is being provided on an annual basis and part of orientation for newly hired staff.

Policies and procedures should be reviewed and revised annually as needed in a consistent format. All policies and procedures should contain the Sheriff signature for approval prior to implementation. The policies and procedures should be available as follows:

1. Master copy in the Sheriff's office
2. Centralized location in the Animal Control office
3. Copies for staff as needed

RESPONSE FROM CALAVERAS COUNTY SHERIFF

The Pet of the week policy will be provided to the Sheriff in a format which includes a signature block for signature. The Feline Shelter protocol will also be placed in format consistent with other policies, and will be provided to the Sheriff for signature.

Currently, staff is provided with a compact disk which contains Calaveras County Sheriff Department personnel policies, and each member of staff is required to complete a quarterly review of the policies, and sign a form indicating that they have read and understood such policy. Computers within the shelter facility are used for the viewing of the policy manual on compact disk.

The Calaveras County Sheriffs Department will place one complete policy manual in the Sheriffs Department Briefing Room, and will place a second complete copy in the front office of the Animal Shelter Facility. Hard Copies of the policy manual will be provided to shelter staff upon request.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

FINDING 5

A review of the visitor logbook revealed that not all volunteers are signing in as required.

RECOMMENDATION

The Grand Jury recommends the logbook be maintained for all volunteers. All volunteers should be required to sign in and out including time entered and time left. This practice would ensure the accountability of volunteers gaining access into the facility and provide staff with a resource document for future reference.

RESPONSE FROM CALAVERAS COUNTY SHERIFF

All volunteers are currently required to sign the logbook with information including their name, time entered, and time of departure.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

CALAVERAS COUNTY SCHOOL DISTRICTS 2006-2007 RESPONSES

REASON FOR INVESTIGATION

As part of its ongoing responsibility, the 2006-2007 Grand Jury selected for review all Calaveras County School districts. The primary purpose of this investigation was to review policies and procedures concerning the safety and welfare of the students, teachers and staff in the County school districts, with special attention to school bus inspection records.

PROCEDURES

The Grand Jury interviewed the County Superintendent of Schools and District superintendents of Bret Harte Union High School, Calaveras Unified, Mark Twain Union Elementary, and Vallecito Union school districts.

Transportation directors, bus drivers, and mechanics were interviewed regarding bus safety. In addition principals, teachers, counselors, custodial, and maintenance personnel were interviewed. The Calaveras County Public Works Deputy Director of Operations and Maintenance was interviewed. The Deputy Sheriff School Resource Officer was interviewed.

The safety and welfare goals and programs designed to achieve these goals for each district were examined. Bus maintenance and driver records were audited. Also examined were procedures and programs instituted to respond to concerns reported by students, staff, the school resource deputy sheriff, and the counselor/social worker. Bus routes were reviewed and buses were ridden by the Grand Jury.

RESULTS OF INVESTIGATION

FINDING 1

County school districts are now developing and implementing action plans to manage current safety and welfare issues based on the 2005 California Healthy Kids Survey and observations by staff and teachers. This survey was conducted at Bret Harte and Calaveras high schools.

Deputy Sheriff School Resource Officer, teachers and administrators interviewed reported the major problem is alcohol and marijuana abuse. Incidents of harassment, theft from lockers, and unattended purses were also reported.

Bret Harte Union School District received a \$455,225 grant provided by the state departments of Justice and Education, to fund programs to prevent school violence. The district has started a character education program that includes peer counseling, group and individual counseling and after-school activities designed to create an atmosphere of tolerance and respect on campus and to reduce or eliminate harassment in all its forms. The counselor/social worker at Bret Harte is directing these programs. Bret Harte has also hired a substance abuse counselor to work with individuals or with groups. The grant is also paying

for a Calaveras County sheriff's deputy to spend time on the Vallecito High School campus observing, enforcing, and interacting with students.

Two programs with newly trained leaders have been introduced: "Reconnecting Youth" at Vallecito High and "Too Good for Drugs and Alcohol" at Bret Harte High. They focus on developing self-management skills and on learning to make good decisions.

According to counselor reports, Bret Harte High is recognizing the potential for the existence of gang activity. District superintendents and Deputy Sheriff School Resource Officer report that the districts have not yet experienced gang-like violence. Gang colors and attire are not allowed on campuses.

Administrators acknowledge that training and resources for aides and teachers are needed to enable them to manage harassment, disruptive, and anti-social behavior in the classroom and on campus.

RECOMMENDATION

All districts are encouraged to continue evaluating school violence and harassment issues and to apply for grants such as those administered by the state departments of Justice and Education that might be available to fund appropriate programs.

RESPONSE FROM SUPERINTENDENT OF BRET HARTE UNION HIGH SCHOOL DISTRICT

I have received and read a copy of the 2006-07 Grand Jury Report and support the Grand Jury's recommendations regarding school safety. The Bret Harte Union High School District is committed to providing a safe learning environment for all students. As a result, it will continue to analyze current trends and behaviors and actively seek outside funding to support appropriate programs.

If you require additional information, please do not hesitate to contact me.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM SUPERINTENDENT OF CALAVERAS UNIFIED SCHOOL DISTRICT

The Calaveras Unified School District in conjunction with the Calaveras Sheriffs Department did apply for the aforementioned grant. Unfortunately we were denied funding. In the future we will pursue grants to fund school safety activities when we feel that the grant will meet our needs and that we meet the granting agencies criteria. Meanwhile, we work with all diligence to create a safe and orderly environment in our schools. Calaveras High will host a student assembly to focus on the negative affects of student bullying. Students violating

our strict codes of conduct will continue to be referred to an administrative hearing panel through our office of Child Welfare and attendance. Through this process offenders can be placed on contract, and referred to appropriate community support services or they are placed in a more restrictive alternative educational placement. In addition, this next year we have added a part-time position that will monitor all aspects of school safety to insure that school safety plans are updated and that the schools physical plan is safe and safety equipment is operational.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM CALAVERAS COUNTY SUPERINTENDENT OF EDUCATION

Jim Frost, Superintendent of Calaveras Unified School District, has informed me that he has submitted a response to this item.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

FINDING 3

The Grand Jury became aware of bus route and bus stop safety problems within the county. The Grand Jury selected the Pettinger Road bus route for detailed observation and found excessive patching causing a rough uneven road with unsafe shoulders. Heavy traffic between Jenny Lind and Highway 12 during morning bus travel intensifies the danger. Transportation Director of the Calaveras Unified School District and bus drivers report the road to be unsafe. The Calaveras County Public Works Deputy Director of Operations and Maintenance reported that road safety is their main concern and that no complaint had been received from the Calaveras Unified School District. Therefore only routine attention was being paid to this road. The Deputy Director reports, equipment to monitor peak usage of this road will be set up and attention will be given as to whether the condition of the road and usage deserve priority for possible resurfacing or repair.

RECOMMENDATION

The Grand Jury recommends that Calaveras County Public Works Department increase the safety for school transportation by allocating funds for resurfacing, widening the road, and repairing the shoulders on Pettinger Road. Transportation personnel should report unsafe bus route road conditions to the County Public Works Department.

RESPONSE FROM CALAVERAS COUNTY BOARD OF SUPERVISORS

The Board of Supervisors concurs with the response submitted by the Department of Public Works.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM SUPERINTENDENT OF CALAVERAS UNIFIED SCHOOL DISTRICT

Working with our District Director of Transportation we will develop an ongoing process where transportation personnel can report unsafe road conditions to the County Department of Public Works.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM CALAVERAS COUNTY PUBLIC WORKS DEPARTMENT

Pettinger Road is currently in similar repair as the majority of the County's roads. The safety of the roadway is more a function of the speed at which vehicles travel than the patching on the roadway. Although there may be a lack of aggregate base shoulders along the roadway, the road is generally at the same elevation as the surrounding land. There are no areas with a pronounced drop-off from the edge of the pavement.

The Department of Public Works is responsible for the maintenance of almost 700 miles of County roadways/ including bridges. Note that 150 of the 700 miles of County Maintained roads are unpaved (dirt) roads that are not in any schedule for paving. The funds allocated for roadway maintenance come from available funding collected from federal and state sources, including Highway Gas Tax and Motor Vehicle License Fees. The County also has local funding sources/ such as the Road Improvement Mitigation Fee and various benefit basin fee programs.¹ The cost of any type of reconstruction would utilize all available funding on a single project to the detriment of all other maintenance throughout the County. Instead of deferring short-term maintenance which would affect all roadways, large projects are deferred until sufficient funding is obtained through various federal and state grant programs. Improving Pettinger Road, as recommended by the Grand Jury, would be a multi-million dollar endeavor complicated by a lack of right of way and other physical constraints. Unfortunately/ the County does not have the funds available at this time for such an undertaking. Due to these monetary constraints/ we are forced to limit current maintenance to patching areas/ fixing potholes/ and clearing brush from culverts.

The County is actively involved in pursuing various funding measures to address repairs on this and many other of our County roads. Additionally/ me County has various maintenance strategies including a Countywide Pavement Management System to help prioritize projects and roadway funding on the existing infrastructure. If the transportation directors for a particular school district find that they cannot safely drive on the roadway/ they should feel free to communicate their concerns with Public Works so that we can re-evaluate scheduling priorities.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

RESPONSE FROM CALAVERAS COUNCIL OF GOVERNMENTS

Under the heading of CALAVERAS COUNTY SCHOOL DISTRICTS, Finding 3; safety concerns surrounding the condition of Pettinger Road were discussed with specific recommendations proposed.

The CCOG is the County's Regional Transportation Planning Agency (RTPA) and as such, our focus is regional in nature. Our transportation planning and funding dollars are not allocated for the types of local improvements suggested in the report. The CCOG stands ready to assist in any way we can with technical assistance, coordination with planning efforts or in any other capacity consistent with our purpose in Calaveras County.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

SUMMARY

School district personnel appear aware and proactive in integrating new approaches to deal with school violence and safety. Continued vigilance is required and commended. New resources for providing programs and services beneficial to safety and welfare of students appear available in the form of grants and should be given appropriate priority by districts not currently using these funds.

CALAVERAS COUNTY LIBRARY SYSTEM REPORT 2006-2007 RESPONSES

REASON FOR INVESTIGATION

As part of its ongoing responsibility, the 2006-2007 Grand Jury selected for review the Calaveras County Library.

PROCEDURES

The Grand Jury interviewed the County librarian and branch librarians to determine priority of needs with special emphasis on computer usage, how staffing determines hours and days of library operation, and space limitations of branch libraries.

RESULTS OF INVESTIGATION

FINDING 1

All computers in the branches and main headquarters have Internet DSL connectivity through the libraries' computer system. Proposed wireless service is anticipated to allow the public to connect their personal computers to the Internet. A request for wireless connectivity is to go to the Board of Supervisors for approval for San Andreas, Murphys, and Mokelumne Hill libraries.

RECOMMENDATION

The Grand Jury recommends the Board of Supervisors approve the request for wireless service at the libraries.

RESPONSE FROM CALAVERAS COUNTY BOARD OF SUPERVISORS

The Board of Supervisors agrees that it would be desirable to provide additional internet availability and expanded hours to county residents. However, the general fund is unable to provide all the added money needed for these services, while at the same time achieving a balanced budget.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.

FINDING 2

Libraries reported a need for increased hours of operation, which requires increased staffing. In lieu of finding millions of dollars for new libraries, Friends of Library and Library Commissioners are seeking grants of \$200,000 to \$300,000 to move seven employees from part-time to full-time to provide more hours of operation at San Andreas Library. An additional professional librarian position, additional clerical assistants, and trained volunteers are needed at Central Library. Additional funding for increased staffing is also requested at branch libraries to increase hours of operation.

Data from the 2006 California Library Statistics publication showed that in 2005-2006 Tuolumne County with a population of 58,504 allocated \$679,813 for library

staff salaries and benefits whereas Calaveras County with a population of 44,796 allocated only \$407,190. In previous years, no increase has been provided for additional staffing. Status quo funding for library books and materials has been in effect for several years, the librarian reports.

RECOMMENDATION

The Grand Jury recommends the Calaveras County Board of Supervisors allocate funding for additional staff in the Library system to improve and expand service to the public.

RESPONSE FROM CALAVERAS COUNTY BOARD OF SUPERVISORS

The Board of Supervisors agrees that it would be desirable to provide additional internet availability and expanded hours to county residents. However, the general fund is unable to provide all the added money needed for these services, while at the same time achieving a balanced budget.

GRAND JURY DETERMINATION 2007-2008

The Grand Jury determines this response is adequate.