

*Calaveras County*  
*2010-2011 Grand Jury*  
*Final Report*



*On the Cover:*

*"Twisted Oak"*

*Photo by: Rick E. Martin*

*Courtesy of: Calaveras Visitors Bureau*

# CALAVERAS COUNTY GRAND JURY

Box 1414  
SAN ANDREAS, CALIFORNIA 95249

June 6, 2011

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

Dear Judge Martin:

The 2010-2011 Civil Grand Jury, in accordance with Penal Code Section 933(a), respectfully submits its Final Report to the Calaveras County Superior Court.

The Final Report represents countless hours of dedicated work performed by this jury of 19 Calaveras County citizens, including conducting interviews, gathering testimony, researching and reviewing documents and observing county agencies.

This year's Final Report includes the results of 17 separate investigations into both county matters and those prompted by citizen complaints, as well as the mandated inspections and inquiries into the operation and condition of the County Jail and the Animal Shelter and the annual review of the County Management (Audit) Report. Also during this past year, the Grand Jury had occasion to issue an interim report and that report has already produced positive results.

I want to thank the extraordinary men and women of the 2010-2011 Grand Jury for their outstanding service to Calaveras County. I would like to thank the officers of this grand jury for their efforts this past year, with special thanks to Jurors Michele Ladley and Lydia Testa for their additional contributions and to Juror Elisa Garin for assuming the responsibility of chairing multiple committees as the situation dictated.

I offer my gratitude and appreciation to County Counsel Jim Jones, to Pamela James and the staff of the Superior Court, to Karen Osborn and the staff in County Administration as well as to all county department heads and elected officials who met with us throughout the year.

It has been my honor and privilege to serve as Foreperson; and I sincerely thank you, Judge Martin, for the guidance, support and courtesy extended to me during my term of service.

Sincerely,



Jim Pendergrass, Foreperson  
Calaveras County Grand Jury

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**FILED**

JUN - 9 2011

M.B. TODD, Clerk of the Court  
Superior Court of California  
County of Calaveras

By *[Signature]* Deputy

2010-2011 GRAND JURY

**FINAL REPORT**

The 2010-2011 Calaveras County Grand Jury approved this Final Report.

*[Signature]*  
Jim Pendergrass, Foreperson

Date: 1 June 2011

I accept this Grand Jury Report for the year 2010-2011 for filing and certify that it complies with Title V of the California Penal Code.

*[Signature]*  
The Honorable John E. Martin  
Presiding Judge of the Superior Court

Date: June 6, 2011

Any persons interested in receiving a copy of this 2010-2011 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 2, 2011, via the local newspaper with the largest distribution in Calaveras County and will be published on the Grand Jury website:

<http://www.co.calaveras.ca.us/cc/Departments/GrandJury.aspx>

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## **A. 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 bringing their unique personalities 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 overseeing appointed and elected officials.

A final report is created after many hours of fact-finding investigations conducted by the Grand Jury. This report can disclose inefficiency, unfairness, wrongdoings, and violations of public law and regulations in local governments. The report can also recognize positive aspects of local government and provide information to the public. 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 formal complaints 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 Calaveras County Grand Jury website:

<http://www.co.calaveras.ca.us/cc/Departments/GrandJury.aspx>

## **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

A Citizen's Complaint Form may be requested by calling 209-754-5860. The form is also available at all county libraries and for download on the Grand Jury website at [www.co.calaveras.ca.us/cc/Departments/GrandJury.aspx](http://www.co.calaveras.ca.us/cc/Departments/GrandJury.aspx). Completed forms may be mailed to the above address or faxed to the Grand Jury at 209-754-9047.

## **MEMBERS OF THE 2010-2011 CALAVERAS COUNTY GRAND JURY**

Jimmy Pendergrass, Foreperson  
Karen LeBlanc, Foreperson Pro Tem  
Michele Ladley, Recording Secretary  
Lydia Testa, Correspondence Secretary  
Rick Branham, Sergeant-at-Arms

Aaron Brown  
Suzanne Coe  
Elisa R. Garin  
Dell Jackson  
Mary Ann Jackson  
Thomas Kilbride

Ellen Madison  
Dan McPherson  
Karen Moon  
Sherri L. Oliver  
Dave Richards  
Mark Wheeler  
Marquita Williams

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**1.1 JENNY LIND FIRE PROTECTION DISTRICT  
2010 – 2011 CALAVERAS COUNTY GRAND JURY**

**INTERIM REPORT**

**REASON FOR INVESTIGATION**

California Penal Code Section 925 states in part "...investigations may be conducted on some selective basis each year." The Grand Jury elected to investigate the Jenny Lind Fire Protection District (JLFPD) due to publicity in the *Valley Springs News* of turmoil and discord. Subsequently, a formal complaint was received.

**BACKGROUND**

The Jenny Lind Fire Protection District is largely a volunteer fire department located in the western part of Calaveras County. It is comprised of an Interim Chief and Division Chief who are paid part-time employees and 23 firefighters, two of whom are paid employees who work day shifts. The department was established in 1948 in the community of Jenny Lind, and over time the department has grown to three stations, all on donated land. Growth in the Jenny Lind area necessitated the construction of a modern fire station, now referred to as Station 1, which was completed in 2003. At that same time a water tender and two engines were purchased, as were radio and extrication equipment. The department responds to both fire and medical emergencies.

**PROCEDURES**

The Grand Jury attended the JLFPD Board of Directors' meetings and conducted interviews with both paid and volunteer staff, chief officers, board members, and members of the general public who reside in the district. The Grand Jury also conducted a visual review of the Station 1 building and parking lot.

**RESULTS OF INVESTIGATION**

**Finding 1**

During the course of the interviews with department staff, it became clear that a hostile workplace environment exists. The interviews elicited descriptions of physical altercations, sexual harassment, discrimination, and battery upon a subordinate by a superior officer, none of which were appropriately documented.

**Recommendation 1**

The Grand Jury recommends the following:

- A. The JLFPD adopt a zero-tolerance policy for any acts of physical violence, discrimination, and harassment.
- B. The entire staff of the JLFPD, including chief officers and the Board of Directors, receive formal training, conducted by outside professionals, in workplace conduct and behavior and interpersonal relationships.
- C. That any acts of physical violence or inappropriate or unwelcome sexual behavior be immediately reported to local law enforcement authorities for investigation.
- D. The Board of Directors adopt a strictly-enforced protocol for reporting, handling and documenting all internal complaints and grievances.

## **Finding 2**

Attendance by the Grand Jury at JLFPD Board meetings revealed unstructured, chaotic shouting matches involving board members, staff, and the public. There were Brown Act (Government Code Section 54950) violations and little adherence to any formal rules of order.

## **Recommendation 2**

The Grand Jury recommends the following:

- A. The Board of Directors be trained in and strictly adhere to the requirements of the Brown Act.
- B. The Board adopt and follow Roberts' Rules of Order, with an emphasis on reasonable public participation.
- C. The JLFPD Board meetings be conducted in an organized, transparent and impartial fashion.

## **Finding 3**

JLFPD staff and members of the Board of Directors regularly violate the chain of command as described in the District's Policies and Procedures Manual, which is outdated.

## **Recommendation 3**

The Grand Jury recommends that the JLFPD Policies and Procedures Manual be updated and that adherence to the rules and chain of command be strictly enforced.

## **Finding 4**

Typically, training of staff and volunteers is conducted on a regularly scheduled basis. Mandatory and refresher training sessions are provided for firefighters, management, and combined staff; however, during the investigation it was revealed that training was not properly documented, making it impossible to verify attendance.

## **Recommendation 4**

The Grand Jury recommends that the JLFPD develop, enforce and document a consistent mandatory training program.

## **Finding 5**

There is a public perception that the JLFPD station is no longer a community meeting place where members of the taxpaying public are welcome. There is also a perception that the public is not welcome at the board meetings. Meeting dates and times have been changed with little prior notice.

## **Recommendation 5**

The Grand Jury recommends the following:

- A. The JLFPD staff, auxiliary, and particularly the Board of Directors encourage more active community participation, such as department tours, apparatus and fire safety demonstrations at local schools and public events.
- B. Even though JLFPD is in technical compliance with the law by posting meeting notices by the front door of Station 1, the Grand Jury recommends that a signboard be placed in front of the station of adequate size to be seen by the public driving both ways on Jenny Lind Road. The sign should prominently display board meeting dates, times, and updated to reflect last minute changes.

**Response Requested**

Jenny Lind Fire Protection District Board of Directors  
District Chief

Note: Responses to this report submitted to the Grand Jury prior to April 1, 2011, will be included in the 2010-2011 Grand Jury Final Report. This Interim Report will be included in the Final Report as required by law.

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**1.2 RESPONSES TO 2010-2011 CALAVERAS COUNTY GRAND JURY  
INTERIM REPORT FROM JENNY LIND FIRE PROTECTION DISTRICT  
BOARD OF DIRECTORS AND DISTRICT CHIEF**

**REASON FOR INVESTIGATION**

California Penal Code Section 925 states in part "...investigations may be conducted on some selective basis each year." The Grand Jury elected to investigate the Jenny Lind Fire Protection District (JLFPD) due to publicity in the *Valley Springs News* of turmoil and discord. Subsequently, a formal complaint was received.

**Finding 1**

During the course of the interviews with department staff, it became clear that a hostile workplace environment exists. The interviews elicited descriptions of physical altercations, sexual harassment, discrimination, and battery upon a subordinate by a superior officer, none of which were appropriately documented.

**Recommendation 1**

The Grand Jury recommends the following:

- A. The JLFPD adopt a zero-tolerance policy for any acts of physical violence, discrimination, and harassment.
- B. The entire staff of the JLFPD, including chief officers and the Board of Directors, receive formal training, conducted by outside professionals, in workplace conduct and behavior and interpersonal relationships.
- C. That any acts of physical violence or inappropriate or unwelcome sexual behavior be immediately reported to local law enforcement authorities for investigation.
- D. The Board of Directors adopt a strictly-enforced protocol for reporting, handling and documenting all internal complaints and grievances.

**RESPONSE**

- A. "The JLFPD agrees that violent acts, illegal discrimination and illegal harassment should not, and cannot be tolerated by the District. The JLFPD has existing policies regarding Rules of Conduct. Those policies were reviewed with administration and members on March 10, 2011 and appropriate modifications will be made in the future regarding violence, illegal discrimination, and illegal harassment." Additionally, arrangements were made with the California Highway Patrol to conduct training in workplace conduct, behavior, and interpersonal relationships.
- B. "The Board of Directors agrees that training is important not only for the line personnel, but also for the leadership, including the Board Members themselves. The JLFPD is currently contacting training professionals in these three disciplines and will be scheduling training for Board Members, employees, and volunteers regarding workplace conduct, workplace behavior, and interpersonal relationships. Specifically, this training will focus on prevention of workplace violence, illegal discrimination, and illegal harassment. Additionally, District policies are being reviewed and, where appropriate will be modified or new policies developed to ensure that this sort of training is a regular part of the Districts training program.
- C. "The District agrees that violent acts, illegal discrimination, and illegal harassment must be immediately reported to the proper investigative authority. Further the District agrees that policies, available to all employees and volunteers, should clearly identify the reporting procedures for these situations. The JLFPD is reviewing its current policies regarding reporting and investigating violence, illegal discrimination,

and illegal harassment (including inappropriate and/or unwelcome sexual behavior). Where appropriate, policies will be modified to be consistent with statutes and good business practices. Training will be provided to Board Members, employees, and volunteers regarding the District's policies and member's obligations regarding reporting and investigating violations of these policies.

- D. "The JLFPD agrees that grievance/complaints should be promptly reported and investigated; and that documentation should be maintained pursuant to written policy. The JLFPD is reviewing and analyzing its current policies regarding the reporting, investigating, responding to, and documenting employee and volunteer complaints/grievances. Where appropriate, policies will be modified to be consistent with statutes and good business practices. Board Members, employees, and volunteers will be provided copies of these policies and trained in the procedures for complaint and grievance handling."

## **Finding 2**

Attendance by the Grand Jury at JLFPD Board meetings revealed unstructured, chaotic shouting matches involving board members, staff, and the public. There were Brown Act (Government Code Section 54950) violations and little adherence to any formal rules of order.

## **Recommendation 2**

The Grand Jury recommends the following:

- A. The Board of Directors be trained in and strictly adhere to the requirements of the Brown Act.
- B. The Board adopt and follow Roberts' Rules of Order, with an emphasis on reasonable public participation.
- C. The JLFPD Board meetings be conducted in an organized, transparent and impartial fashion.

## **RESPONSE**

- A. "The Board agrees that all Board Members should be familiar with the purpose and general provisions of the Ralph M. Brown Act (California Government Code section 54950 et. seq.). The Board has set a goal that all current and new Board Members receive formal training regarding the open meeting requirements that is appropriate to their role as Board Members. Three members of the Board of Directors and the Board secretary completed an online class on March 8, 2011. Additionally, Board members and the Board secretary have taken classes in previous years.
- B. "The Board agrees that simple, yet comprehensive Parliamentary Procedures are a prerequisite to conducting the Board Meetings in a fair and efficient manner. In the past the Board has attempted to follow Robert's Rules of Order, and in fact current Board Policy requires that it be followed in most circumstances. However, the Board has found that set of Parliamentary Procedures to be overly burdensome and difficult to apply to a district of its size and complexity. The Board is actively exploring alternative Parliamentary Procedures that will meet four basic goals: (1) establish order, (2) clear rules, (3) user-friendly rules, and (4) enforce the will of the majority and protect the rights of the minority. The Board believes that a set of rules that meets these goals, drafted in light of the open meeting laws, will provide for efficient conduct of meetings while providing for maximum public participation.
- C. "The Board agrees that Board Meetings need to be conducted in an organized, transparent, and impartial manner. While addressing the recommendations in A and B above, the Board will keep in mind this recommendation (C). The Board believes

that in addressing the recommendations in A and B above the recommendation here (C) will also be addressed.”

### **Finding 3**

JLFPD staff and members of the Board of Directors regularly violate the chain of command as described in the District’s Policies and Procedures Manual, which is outdated.

### **Recommendation 3**

The Grand Jury recommends that the JLFPD Policies and Procedures Manual be updated and that adherence to the rules and chain of command be strictly enforced.

### **RESPONSE**

“The Board of the JLFPD agrees that policies and procedures should be reviewed and updated periodically to ensure compliance with changes in laws and regulations, as well as changing dynamics and resources in the public sector in general and the fire service in particular. The JLFPD is undertaking a comprehensive review of all of its current policies and procedures. This review will analyze the policies and procedures in light of legal standards and regulatory compliance, as well as best practices in similarly situated fire departments. Once this review and any changes have been completed, all Board Members, employees and volunteers will be trained on the applicable policies and responsibilities. The Fire Department operational and administrative organizational structure is being reviewed and will undergo substantial changes. The goals of this review and these potential changes is to make the ‘chain-of-command’ more clear and enforceable.”

### **Finding 4**

Typically, training of staff and volunteers is conducted on a regularly scheduled basis. Mandatory and refresher training sessions are provided for firefighters, management, and combined staff; however, during the investigation it was revealed that training was not properly documented, making it impossible to verify attendance.

### **Recommendation 4**

The Grand Jury recommends that the JLFPD develop, enforce and document a consistent mandatory training program.

### **RESPONSE**

The JLFPD agreed that not only is training a necessary element of every fire department, but also documentation of that training is of high priority. The JLFPD is currently evaluating several options to improve the quality and quantity of training for its employees and volunteers. This evaluation includes the potential of conducting joint training with other fire departments, which would allow firefighters additional opportunities to attend training exercises and required training sessions. The JLFPD is reviewing its policies regarding training requirements and will revise those policies as appropriate. Additionally, “The JLFPD has adopted an automated program to document training provided and needed. The information in this program is now current. JLFPD policies and procedures will be reviewed to ensure that the documentation of training provided and training needed is performed consistently and maintained regularly.”

### **Finding 5**

There is a public perception that the JLFPD station is no longer a community meeting place where members of the taxpaying public are welcome. There is also a perception that the

public is not welcome at the board meetings. Meeting dates and times have been changed with little prior notice.

### **Recommendation 5**

The Grand Jury recommends the following:

- A. The JLFPD staff, auxiliary, and particularly the Board of Directors encourage more active community participation, such as department tours, apparatus and fire safety demonstrations at local schools and public events.
- B. Even though JLFPD is in technical compliance with the law by posting meeting notices by the front door of Station 1, the Grand Jury recommends that a signboard be placed in front of the station of adequate size to be seen by the public driving both ways on Jenny Lind Road. The sign should prominently display board meeting dates, times, and updated to reflect last minute changes.

### **RESPONSE**

- A. "The Board of Directors agrees that active community participation is vital to the strength and vitality of any volunteer organization, particularly this volunteer fire department. The Board of Directors has directed the Fire Chief to identify methods and mechanisms to increase community awareness and participation, to increase the focus of the District on serving its community. Where appropriate those methods and mechanisms will be incorporated into the JLFPD Policies and Procedures Manual.
- B. "The Board agrees that increased communication to the community and its citizens is of paramount importance to both the District and the community. In an effort to increase that communication the District will explore several options including posting meeting notices / agendas at public locations other than Station #1, emailing meeting notices to community members requesting such notices, ensuring that media outlets receive meeting notices, and installation of a bulletin board or sign visible from the street in front of Station 1."

### **GRAND JURY DETERMINATION 2010-2011**

The Grand Jury finds that all responses are adequate.

## **1.3 JENNY LIND FIRE PROTECTION DISTRICT**

### **ADDITIONAL FINDINGS**

#### **REASON FOR INVESTIGATION**

California Penal Code Section 925 states in part "...investigations may be conducted on some selective basis each year." The Grand Jury elected to investigate the Jenny Lind Fire Protection District (JLFPD). As the result of the investigation, an Interim Report was published in January 2011. Subsequently, the Grand Jury conducted additional investigations.

#### **PROCEDURES**

The Grand Jury attended the JLFPD Board of Directors' meetings and conducted interviews with both paid and volunteer staff, chief officers, board members, and members of the general public who reside in the district. The Grand Jury also conducted a visual review of the Station 1 building and parking lot.

#### **BACKGROUND**

The Jenny Lind Fire Protection District is largely a volunteer fire department located in the western part of Calaveras County. It is comprised of an Interim Chief and Division Chief who are paid part-time employees and 23 firefighters, two of whom are paid employees who work day shifts. The department was established in 1948 in the community of Jenny Lind, and over time the department has grown to three stations, all on donated land. Growth in the Jenny Lind area necessitated the construction of a modern fire station, now referred to as Station 1, which was completed in 2003. At that same time a water tender and two engines were purchased, as were radio and extrication equipment. The department responds to both fire and medical emergencies.

#### **RESULTS OF INVESTIGATION**

##### **Finding 1**

The Grand Jury found that Department of Motor Vehicles reports and Department of Justice Live Scans were being conducted on all applicants for positions with the JLFPD; however, credit reports were not obtained.

##### **Recommendation**

The Grand Jury recommends that the JLFPD obtain credit reports on all applicants for any position with the JLFPD.

##### **Finding 2**

The Grand Jury found that there was inconsistent documentation supporting expenditures, prolonging both the bookkeeping and auditing functions.

##### **Recommendation**

The Grand Jury recommends that the JLFPD improve the documentation of receipts for expenditures.

##### **Finding 3**

The Grand Jury found that the audits of previous years' budgets were taking as long as 12 months to complete, delaying any necessary corrections to bookkeeping procedures.

**Recommendation**

The Grand Jury recommends that the annual audit be completed in a timely manner, which may require a search for a new auditor.

**Finding 4**

The Grand Jury found that the building, identified as Station 1, will be paid off in 2011, and that the equipment loan for the purchase of the pumper truck will be paid off in 2012. This would result in funds being available for additional personnel.

**Recommendation**

The Grand Jury recommends that the District investigate the feasibility of hiring additional personnel so that JLFPD Station 1 will be staffed 24 hours a day.

**Response Requested**

Jenny Lind Fire Protection District Board of Directors  
District Chief

## **2. CALAVERAS COUNTY JAIL**

### **REASON FOR INVESTIGATION**

In accordance with California Penal Code Section 919(b), the Grand Jury shall visit and inspect the condition and management of public prisons within the County of Calaveras.

### **SCOPE OF INVESTIGATION**

The investigation focused on the daily operation, staffing, facilities and the procedures of the county jail.

### **PROCEDURES**

The Grand Jury conducted site visits and inspections of the Calaveras County Jail at the Government Center in San Andreas. The Grand Jury observed the Sheriff's deputies and staff members in their daily routines. The Grand Jury inspected the booking area, men's and women's cell areas, exercise yards, visitors' center, nurse's station and kitchen/food preparation areas. It is worth noting that kitchen personnel continue to produce excellent food in spite of budget reductions and staff cuts.

The Grand Jury also met with the Sheriff and jail command staff, who presented an overview of the current jail operations and a description of the new facilities, which are scheduled to be occupied in approximately two years. Site work has begun for a new jail, sheriff's headquarters, 911 emergency dispatch center and courts building. When the new facilities are completed, the old jail will be torn down. Since the current jail was constructed utilizing asbestos, it cannot be used for any other purpose.

The Grand Jury inquired about the existing emergency backup generator. The Jail Commander advised that the emergency electrical backup generator is automatically tested every Monday morning. The generator is in good working condition and functions properly.

### **RESULTS OF INVESTIGATION**

#### **Finding 1**

Since the jail is scheduled to be replaced, the Grand Jury is not commenting on the physical condition of the building.

#### **Recommendation**

None

#### **Finding 2**

The Grand Jury found the jail to be clean and organized. The staff appeared to be well trained although inadequate in number; however, morale appears to remain at a high level. Budget cuts have resulted in remaining staff being spread too thin. The duty sergeant, responsible for supervising all aspects of jail operations on shift, has been relegated to clerical functions previously performed by non-sworn staff. Also, the jail is out of compliance with State Board of Corrections regulations on a regular basis because of inadequate staffing levels.

#### **Recommendation**

The Grand Jury recommends that the Sheriff and Board of Supervisors review the current jail staffing levels and make appropriate personnel increases to consistently meet the State

Board of Corrections regulations. Failure to meet those regulations constitutes a serious public safety issue.

**Finding 3**

The previous Grand Jury (2009-2010) recommended the implementation of a “credit card/kiosk” system for dealing with inmate personal funds. That system has been put in place and the jail commander advised that it has been a benefit to both jail staff and inmates. As noted in the prior Grand Jury report, the system is a no-cost item to the county, with operation and maintenance provided by the vendor and it has resulted in increased jail staff efficiency.

**Recommendation**

None

**Response Requested**

County Sheriff

Board of Supervisors

### **3. CALAVERAS COUNTY ANIMAL SHELTER**

#### **REASON FOR INVESTIGATION**

California Penal Code Section 925 states in part "...investigations may be conducted on some selective basis each year." The Grand Jury continues to assess the condition of the facility, animal health and welfare, safety and overall operation of the animal shelter.

#### **PROCEDURES**

The Grand Jury made an unscheduled visit to the Calaveras County Animal Shelter located at the County Government Center on Mountain Ranch Road in San Andreas.

#### **RESULTS OF INVESTIGATION**

The Grand Jury met with the Sheriff's sergeant in charge of the shelter. Jurors visited all areas of the shelter facility. It was found to be clean and orderly. The animal housing units were well maintained and the animals appeared to be well fed and cared for properly. Contract veterinary services are available for any animal requiring medical care.

Much of the day-to-day cleaning, feeding and other care is provided by a staff of volunteers. Regular paid staff, including field personnel necessary to respond to animal-related calls for service, has been dramatically reduced as a result of cumulative budget reductions of approximately 45% over the last three annual budget cycles. This has created a situation where animal control officers can only respond to emergency calls.

An access road for construction of the new county jail is currently being prepared. As of the date of this report, it is unknown if that road will actually bisect the animal shelter site, causing some buildings to be moved, which in turn will result in a major disruption in the delivery of animal services and the care of animals housed there.

#### **Finding 1**

Although a relatively new modular building serves as the office space for the shelter, most of the facility is old and inadequate. In spite of that, the buildings are well maintained and have a good appearance. The sergeant in charge and the staff, both paid and volunteer, have done a very good job in creating a safe and healthy environment for the animals.

#### **Recommendation**

The Grand Jury continues to recommend that the Board of Supervisors allocate funds and proceed with previously approved plans to construct a new animal shelter and staff it accordingly.

#### **Response Requested**

Board of Supervisors  
Sheriff's Department

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## **4. ANGELS CAMP POLICE DEPARTMENT**

### **REASON FOR INVESTIGATION**

California Penal Code Section 925 states in part "...investigations may be conducted on some selective basis each year." This year the Grand Jury selected the Angels Camp Police Department for review.

### **PROCEDURES**

The Grand Jury conducted a site visit to the Angels Camp Police Department, located at 200 Monte Verda Street, Angels Camp.

### **RESULTS OF INVESTIGATION**

The Grand Jury met with the acting chief at the police department. The building housing the police department is shared with the Angels Camp Fire Department, which uses part of the building as a storage facility for equipment and engines.

The part of the building utilized by the police department as office and headquarters was found to be very clean and organized. There appears to be adequate space for records, dispatch, interviews, briefings, officers' gear and both visitor and patrol vehicle parking.

The acting chief is one of two sergeants in the department, which is currently short-staffed due to budget cuts and the fact there is currently no permanent police chief.

At this time, dispatch duties are handled by office staff from 8 a.m. to 5 p.m. Monday through Friday. For all other times, dispatch is transferred to the Sheriff's Department. Eventually, full-time dispatch will be contracted with the Sheriff's Department.

The Grand Jury also toured the evidence room, which was found to be quite secure and very well organized. The evidence officer also performs part-time duties in dispatch and functions as the department's crime prevention officer.

The Angels Camp Police Department also has an active K9 unit, which is available to other law enforcement agencies in the county for drug detection, suspect apprehension and search and rescue.

### **Finding 1**

The Angels Camp Police Department was found to be small, but well organized with a dedicated staff. The office is well maintained and efficient.

### **Recommendation**

The Grand Jury recommends that a search for a full-time chief be initiated and officers lost due to budget shortfalls be restored.

### **Response Requested**

Angels Camp City Council

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## 5. CALAVERAS COUNTY DEPARTMENT OF PUBLIC WORKS (DPW)

### REASON FOR INVESTIGATION

California Penal Code Section 925 states in part "...investigations may be conducted on some selective basis each year." This year the Grand Jury selected the Calaveras County Department of Public Works (DPW) for review.

### PROCEDURES

The Grand Jury conducted an interview with the Director, Department of Public Works.

### RESULTS OF INVESTIGATION

The DPW is responsible for maintaining the county roads and bridges, including snow removal operations, and maintaining and upgrading the vehicles within the fleet. Most of the 692 miles of roadway are asphalt, but there are some gravel and dirt roads. There are four maintenance yards and a current staff of 32.

#### Finding 1

Full-time employees supplemented by seasonal "extra hires" provide snow removal for public safety.

#### Recommendation

None

#### Response Requested

None

#### Finding 2

The California Air Resources Board mandates that certain diesel engines be replaced or refurbished within specific time frames. These requirements have proven to be a monetary challenge for the county, even though some of the replacement money comes from state and federal funding. In some cases it is more cost effective to purchase new equipment rather than refurbish existing equipment.

#### Recommendation

The Grand Jury recommends that the DPW continue to make cost effective decisions when dealing with these regulations.

#### Response Requested

None

#### Finding 3

The DPW is using all of the Federal Stimulus Funds allotted to the county. This has funded several road projects and created more jobs within the county. The DPW has other projects ready to be funded and they are pursuing unused monies from surrounding counties.

**Recommendation**

The Grand Jury recommends that the DPW continue to pursue additional funding for the county road system.

**Response Requested**

None

## **6. COPPER COVE ROCKY ROAD COMMUNITY SERVICES DISTRICT (CCRRCSD)**

### **REASON FOR INVESTIGATION**

The Grand Jury received a citizen's complaint regarding the Copper Cove Rocky Road Community Services District (CCRRCSD) for failure to maintain the culvert and ditches in a driveway encroachment within the Community Service District.

### **PROCEDURES**

The Grand Jury interviewed the following:

- CCRRCSD President
- CCRRCSD board member

The Grand Jury reviewed the following:

- CCRRCSD Policy Manual
- Minutes of the September 2010 meeting
- Agendas for October and November 2010 meetings
- Financial and budget statements for October and November 2010
- Checking account statements and checks written for the months of October and November 2010

### **BACKGROUND**

The CCRRCSD was formed in 1985 and is comprised of five elected board and two paid staff members. One is a secretary and the other assesses road conditions and has the ability to spend up to \$2,000 in repairs without board approval. Any other repairs are contracted by a competitive bid process. The 16 miles of roads in the CCRRCSD are owned by the homeowners, who pay \$300 per year, per lot, for road repairs, as well as insurance for the roads. These fees also pay for weed spraying, office rent and employee salaries. The district office is located in the Lake Tulloch Shopping Center.

### **Finding 1**

Not all homeowners are aware of their responsibilities as outlined in the policies and procedures of the CCRRCSD. The board members interviewed were not aware whether the policy manual is given to new homeowners when purchasing property, unless they apply for an encroachment permit. Therefore, homeowners may not be aware that they are responsible for cleaning out their own culverts.

### **Recommendation**

The Grand Jury recommends that a copy of the policy manual be made available to both new and existing property owners as well as being posted in a conspicuous place.

### **Finding 2**

There is a lack of attendance at the monthly board meetings. Agendas are not provided to homeowners prior to the monthly board meetings, nor the minutes after the meetings occur.

**Recommendation**

The Grand Jury recommends that the CRRRCSD ensure that all homeowners receive copies of the agenda before the meetings and copies of the minutes after each meeting by mail or electronically. This may encourage more community involvement.

**Finding 3**

The board meetings are held on the third Wednesday of each month; however, the date posted on the office window states that the meetings are on the third Thursday of the month.

**Recommendation**

The Grand Jury recommends that the notice of monthly board meetings be posted correctly.

**Finding 4**

The roads in the service area were in very good condition; however, the roadside ditches were full of rock and debris. Many culverts under driveways were also full of silt.

**Recommendation**

The Grand Jury recommends that CRRRCSD contract for ditch cleaning and notify the individual property owners of their responsibility to maintain their own culverts.

**Response Requested**

Copper Cove Rocky Road Community Services District

## **7. CALAVERAS COUNTY SCHOOL DISTRICTS' SUPERINTENDENTS OFFICES**

### **REASON FOR INVESTIGATION**

Penal Code Section 925 states in part "... investigations may be conducted on some selective basis each year." The Grand Jury chose to review the superintendents' offices in each of the four school districts within the county for efficiency and collaboration. Our focus was specifically on how each school district operated and the efficiency of the three school districts serving the southern portion of the county.

### **PROCEDURES**

The Grand Jury interviewed the Superintendent of each district and the Calaveras County Office of Education (CCOE) Superintendent of Schools.

### **BACKGROUND**

Calaveras County is served by four school districts: Calaveras Unified School District (CUSD), Bret Harte Union High School District (BHUHSD), Vallecito Union Elementary School District (VSD), and Mark Twain Union Elementary School District (MTSD).

CUSD serves the northern half of the county, grades kindergarten through 12, with a staffing level of 10.5 employees in the superintendent's office.

The southern portion of the county is composed of three districts. BHUHSD serves the southern half of the county, grades 9-12, with a staffing level of seven in the superintendent's office. VSD serves the southeast portion of the county, grades kindergarten through eight, with a staffing of five full-time and two part-time employees in the superintendent's office. MTSD serves the southwest portion of the county, grades kindergarten through eight, with a staffing level of four in the superintendent's office. Students from VSD and MTSD will continue their high school education at BHUHSD.

The state's mandated testing, Academic Performance Index (API), was the only objective means the Grand Jury had to compare school districts beyond their per student allotment.

### **RESULTS OF INVESTIGATION**

#### **Finding 1**

CUSD operates on a budget of approximately \$4,985 per student per year with an approximate enrollment of 3,378. The district consists of six elementary schools, one middle school, one high school and one alternative education high school. All elementary students advance to Toyon Middle School, then to Calaveras High School. CUSD scored a range of 707-809 at the elementary and middle school level on the API, 789 at Calaveras High School, with the alternative school being the anomaly at 670. The funding of this district was the lowest per student in the county while serving the largest student population. Since this district serves students from kindergarten through high school, there is little collaboration with the other districts but they do maintain standards and curriculum within the district and grade levels in all the schools.

The CUSD works on par with State API standards despite limited funds. The Superintendent has less time to be personally involved with each school site because of the size of the district. The Superintendent's office is run efficiently with minimal staffing and serves its students well.

**Recommendation**

None

**Response Requested**

None

**Finding 2**

BHUHS operates on a budget of approximately \$9,305 per student per year with an approximate enrollment of 821 students. The district is comprised of 1 high school, 1 alternative high school and 1 special education high school. Bret Harte High School's API was 773, with the other two schools scoring 736 and 524, respectively. The Superintendent's office located adjoining Bret Harte High School has a highly visible presence within the school.

VSD has a budget of approximately \$8,972 per student per year with an approximate enrollment of 683. The district is comprised of 2 elementary schools and one middle school. Their API scored a range of 834-891. Upon completion of VSD, the students transfer to BHUHS. The Superintendent is able to have a presence at each school.

The budget for MTSD is approximately \$6,791 per student per year with an approximate enrollment of 803 students. The district is comprised of two schools, one elementary and one school serving as an elementary and middle school combination. API scores are 783 and 826. The Superintendent's office is located adjacent to Mark Twain Elementary School and she spends time at Copperopolis Elementary School as well. After completion of Mark Twain School, students continue on to Bret Harte High School.

The three school districts currently do much collaboration with each other and with CCOE on transportation, after school care, curriculum, technology and special education among many other items. It appears that each district has a distinct desire to remain independent and no studies or public meetings have been held since the 1970's to unify these into one district with CUSD but never as a unified school district separate from CUSD. Some concerns expressed by the Superintendents were local control, aligning benefits between the different union represented employees and whether unification would actually create a savings in money and benefit the student population.

**Recommendation 1**

The Grand Jury found each district to be well funded, functioning well and collaborating to a great extent to share resources. They also work well together on assuring the students from each middle school are prepared for the curriculum at the high school. The Grand Jury found the cooperation between the schools to be efficient.

**Response Requested**

None

**Recommendation 2**

The Grand Jury understands that all the districts have declining funding and enrollment but would like to see an independent study on the benefits and drawbacks of unification and a series of public meetings to see if there is support to combine Bret Harte, Mark Twain and Vallecito School Districts.

**Response Requested**

Bret Harte Unified High School District  
Vallecito Union School District  
Mark Twain Union Elementary School District  
Calaveras County Office of Education.

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## **8. CALAVERAS COUNTY BOARD OF EDUCATION ALTERNATIVE EDUCATION PROGRAMS**

### **REASON FOR INVESTIGATION**

California Penal Code Section 925 states in part "...investigations may be conducted on some selective basis each year." This year the Grand Jury selected the Alternative Education Programs administered by the Calaveras County Board of Education for review.

### **PROCEDURES**

The Grand Jury conducted site visits to Oakendell Community School, located at 3585 Hawver Road, San Andreas; Mountain Oaks School, located at 150 Old Oak Road, San Andreas; and Calaveras River Academy, also located at 150 Old Oak Road, San Andreas.

### **RESULTS OF INVESTIGATION**

The Grand Jury met with the principal of Oakendell Community School and Calaveras River Academy, who is also Director of Alternative Programs at Mountain Oaks School. At Oakendell Community School we met with the teacher as well as with the founder of the facility. At Mountain Oaks School and Calaveras River Academy we met with the Superintendent of Calaveras County Schools and with the Administrator of Mountain Oaks School.

#### **Oakendell Community School**

This resident school states its purpose to be:

"Serves as a resident school for male students in grades seven through twelve who are wards of the court and/or the State Social Welfare Department. The young men come from various parts of the state and live on-site at the Oakendell Community Home. The curriculum is individualized with a weekly contract being the means of monitoring and assessing student progress."

The facility is located on 124 acres in a rural area of Calaveras County. The one-room schoolhouse accommodates 18 young men. There is one teacher and a teacher's aide who work with the students for six hours each day. The students receive one-on-one instruction so they are able to work at their own pace. There is a bank of computers and students must learn to work as teams when using the computers. Technology classes are offered at the Board of Education two times a week as well as special education classes one-and-a-half days a week in a separate room located at the school. There is an honor roll system with acknowledgement of those students each quarter. When all educational requirements are met, the students graduate at a school ceremony and their engraved names are placed on a perpetual sign in front of the facility.

The residential portion of the school consists of two homes with 24-hour supervision. An in-house psychologist meets one-on-one with each young man on a regular basis. The main house provides a home environment for 12 young men—two per bedroom and four per bathroom. The house supervisors prepare meals and do laundry but the boys are responsible for keeping the house clean. The smaller residence is a transitional home for boys close to graduation. They do their own housekeeping, laundry and meal preparation. There is 24-hour "sleeping parent" supervision.

**Finding 1**

Oakendell Community School was found to be a very efficient, well maintained and well organized operation with a dedicated staff.

**Recommendation**

None

**Response Requested**

None

**Mountain Oaks School**

Mission statement:

“Mountain Oaks mission is to support homeschooling families so that students develop the academic, personal, social skills and qualities of lifelong learners.”

Mountain Oaks School is a K-12 charter school for families seeking a non-traditional education. The school serves three counties: Calaveras, Amador and Tuolumne, with a total enrollment of approximately 400 students. The Mountain Oaks staff consists of approximately 25 credentialed teachers and 23 classified staff. The main resource center in San Andreas consists of a well-planned campus with a comprehensive library including six computer stations. There is an art room with two kilns, a full-size gymnasium with a stage for school events, weight/exercise room and science lab.

The school term is 180 days a year and conforms to state standards. The students must be in contact with the school at least once a week. Parents are required to sign a contract upon admission committing to at least 20 hours per week of home education. The students come to the school for tutoring and testing. The school also has core classes for remedial teaching as well as a variety of supplementary labs for all students. There is also a robotics class for science and math and the students compete statewide in “robot wars.”

**Finding 1**

Mountain Oaks School was found to be a very efficient, well maintained and well organized operation with a dedicated staff.

**Recommendation**

None

**Response Requested**

None

**Calaveras River Academy (CRA)**

Calaveras River Academy (formerly Mountain Ranch Community School) describes itself as:

“Calaveras River Academy serves as an alternative school for students in grades six through twelve who reside in Calaveras County. The focus of the Community School is to remediate identifiable weaknesses with the students known strengths while building self-image and personal worth.

“CRA believes in the worth of each student and strives to meet each individual’s needs. Emphasis is also placed on community services and

numerous activities are organized which involve students directly with community projects.”

The campus is located on the same site as Mountain Oaks School but is a totally separate facility. The two schools share the gymnasium with separate scheduling and controlled access.

Although most of the students placed in this alternative school have shown disciplinary or academic problems at mainstream schools, it must be noted that not all the students have those challenges. Some students prove responsible enough for independent study and meet weekly with a teacher to set goals and assignments. Some students are so happy with the teachers and class sizes that they choose not to transfer to traditional or other alternative programs. Currently there are 60 students in attendance.

There is an intensive drug and alcohol intervention program with a counselor for at-risk students four days a week. The school also assists families of students with socio-economic issues.

The cleanliness of the campus was noticeable. One homeroom each week is responsible for clean up of the common area after breaks and lunch period. The students learn to monitor themselves and build self-esteem in being responsible for the appearance of their school.

There is a positive incentive program wherein students earn “points” which allow them privileges such as using the weight room. Students who repeatedly disrupt class are disciplined by assisting the custodial staff in cleaning the entire facility.

There are numerous community services and activities in which the students participate. A banner near the entrance states the goal of the school to be: “Help Kids Not to Fail.”

**Finding 1**

Calaveras River Academy was found to be a very efficient, well maintained and well organized operation with a dedicated staff that meets the needs of the students.

**Recommendation**

None

**Response Requested**

None

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## 9. CALAVERAS COUNTY ASSESSOR'S OFFICE

### REASON FOR INVESTIGATION

The Grand Jury received a citizen's complaint regarding the lowering of the "base year value" of a home purchased by the Acting Calaveras County Assessor. The complaint also alleged the Acting Assessor received subsequent reductions of the assessed value of the property following the purchase.

### PROCEDURE

The Grand Jury interviewed the Calaveras County Assessor.

### Finding 1

It is not uncommon for a property to be assessed at a lower value than the purchase price when the purchase price is more than the actual market value of the property. In this case, the Assessor's staff determined the purchase price was higher than the assessed value of comparable properties. This determination was made without input from the Acting Assessor.

### Recommendation

None

### Response Requested

None

### Finding 2

Reassessment of properties is allowed when values decline. Property owners, who have purchased property in the past several years when values were high, have had their property values reassessed. Property reassessment is common in economic downturns. There was no evidence of wrongdoing or special treatment of the Acting Assessor.

### Recommendation

None

### Response Requested

None

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## **10. CALAVERAS COUNTY OFFICE OF AUDITOR-CONTROLLER AND DEPARTMENT OF TECHNOLOGY SERVICES**

### **REASON FOR INVESTIGATION**

California Penal Code Section 925 states in part "...Investigations may be conducted on some selective basis each year." The Grand Jury selected the Office of Auditor-Controller and the Department of Technology Services for review to ascertain if the computerized financial functions of the county have been fully integrated.

### **BACKGROUND**

The Grand Jury reviewed the Bi-Tech software system in the 2003-2004 Grand Jury report. Specifically the report addressed the implementation of the Human Resource software module into the Bi-Tech financial software system. Adding the Human Resource module was a way to segregate departmental duties, automate the County's payroll function and reduce the amount of staff time used to manually produce payroll checks. The Human Resource software module went live in July of 2005 and as of 2007-2008 the system was working effectively.

Bi-Tech Software currently is called ONE Solution. ONE Solution software has been upgraded and now includes more modules that can integrate additional functions/departments into the software system.

### **PROCEDURES**

The Grand Jury interviewed the Calaveras County Auditor-Controller and the Director of the Technology Services Department.

### **RESULTS OF INVESTIGATION**

#### **Finding 1**

The Grand Jury finds that the core financial and county payroll functions are currently computerized, integrated and working effectively.

#### **Recommendation**

None

#### **Response Requested**

None

#### **Finding 2**

The Grand Jury finds that not all county departments are utilizing the same financial software system. Many county departments have purchased stand-alone software products due to the differing needs of those departments. The stand-alone systems are not able to communicate with each other or share financial information directly with the Auditor-Controller's office.

#### **Recommendation**

The Grand Jury recommends that the County explore the possibility of purchasing the Community Planning Module from ONE Solution to integrate the Building, Planning and Business License functions into the county's computerized financial system. In addition to providing financial accounting functions, the Community Planning software module included

in the ONE Solution system has other capabilities, which include management of the Planning, Building and Business Licensing departments. The plan checking function can reduce staff time when rechecking plan changes, can easily catch unexpected plan changes, bill for the changes and as staff become more proficient can reduce or eliminate the reliance on contract or extra hire work when departmental volume increases. The cost of the module can be offset over time by salary savings and collection of currently missed fees.

**Response Requested**

Director, Building Department  
Director, Planning Department  
Director, Technology Services  
County Auditor-Controller  
County Administrative Officer  
Board of Supervisors

**Finding 3**

Investigation revealed that a majority of the county's purchasing function is still performed manually. Purchase request forms are routed through various departments for authorization and processing. The current paper system makes it difficult at any point in time to track purchases, account for the county's expenditures and identify newly acquired fixed assets. In many cases the Auditor-Controller's office only becomes aware of newly acquired fixed assets at the end of the fiscal year; however, it is still required to account for and depreciate these assets. By automating the process, the county can better track purchases moving through the system, control county expenditures, expedite the process and account for new fixed assets in a more timely fashion.

**Recommendation**

The Grand Jury recommends that the county automate the purchasing process.

**Response Requested**

Director, Technology Services  
County Auditor-Controller  
County Administrative Officer  
Board of Supervisors

**Finding 4**

Funds received by county departments are deposited in a complex and labor-intensive manner at the offices of the Auditor-Controller and Treasurer. Currently each county department physically takes deposits to the window at the Auditor-Controller's office where the deposit is verified and a receipt is issued. The receipt and deposit are then taken to the Treasurer's office. After the Treasurer's office signs off on the deposit, the receipt is taken back to the Auditor-Controller's office.

**Recommendation**

The Grand Jury recommends that the county explore a more efficient, less labor intensive, method of depositing departmental funds.

**Response Requested**

County Auditor-Controller

County Treasurer

County Administrative Officer

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## **11. CALAVERAS COUNTY OFFICE OF AUDITOR-CONTROLLER**

### **REASON FOR INVESTIGATION**

California Penal Code Section 925 states in part "...Investigations may be conducted on some selective basis each year." The Grand Jury chose to investigate the Auditor-Controller's Office to determine the effects of staff reductions and whether the department's personnel will have the education, credentials, and experience to operate effectively, produce the county's financial documents and adhere to generally accepted accounting principles (GAAP).

### **BACKGROUND**

Due to the downturn in the economy, several positions within the department have been eliminated or reduced from full to part-time for salary savings. The Auditor-Controller's job description changed from one requiring a CPA certification with the authority to certify the county's financial documents to one without certification. The department had two Accountant Auditor II positions. One position was eliminated, and the remaining Accountant Auditor II left county employment. As a result, the county lost the person with the knowledge to produce the county's Comprehensive Annual Financial Report (CAFR). Therefore, the 2009-2010 CAFR was completed by the county's outside auditing firm, Gallina LLP, at a cost to the county of \$20,000.

### **PROCEDURES**

The Grand Jury conducted interviews with both the outgoing and the newly elected Auditor-Controller.

### **RESULTS OF INVESTIGATION**

#### **Finding 1**

The department must be able to perform the county's financial transactions, produce financial reports, and have the ability to segregate duties to prevent fraud and errors. The department currently has eight employees who perform the county's financial functions and at the current staffing level the segregation of the financial duties seems adequate.

#### **Recommendation**

The Grand Jury recommends that no additional cuts be made to the department. In addition the department hire an additional full-time Accountant Auditor II to perform audits of the various county departments and assist with compiling the county's financial reports. If a full-time position is not possible, then at least hiring a half-time employee would eliminate the necessity of outsourcing the CAFR in the future.

#### **Response Requested**

County Auditor-Controller  
County Administrative Officer  
Board of Supervisors

**Finding 2**

The department has subsequently hired an Accountant Auditor II who is a Certified Public Accountant. By hiring a CPA, the county now has someone on staff who can certify the county's financial documents, thereby avoiding the cost of contracting the duties to an outside vendor.

**Recommendation**

The Grand Jury recommends the Auditor-Controller's office continue to recruit, test and hire employees who meet the job specifications including professional degrees and certifications. The Grand Jury also recommends the department have a Certified Public Accountant on staff at all times.

**Response Requested**

County Auditor-Controller  
County Administrative Officer  
Board of Supervisors

**Finding 3**

The department has lost a valuable knowledge base due to economic downsizing, job changes and retirements. The department was not fully prepared to complete the county's mandatory financial reports because one employee retained most of that knowledge. It also was determined that in the past, staff has been moved into positions without adequate prior training.

**Recommendation**

The Grand Jury recommends the department establish a formal cross-training program. Cross training all employees will enable the department to effectively move job tasks around as the workload fluctuates and have the personnel ready to perform even when the unexpected happens, eliminating the need for outsourcing.

The Grand Jury also recommends the establishment of a formal succession plan for the department. A formal plan will increase the likelihood of having experienced and capable employees who are prepared to assume positions as the positions become available.

**Response Requested**

County Auditor-Controller  
County Administrative Officer  
Board of Supervisors

## **12. REPORT ON THE CALAVERAS COUNTY MANAGEMENT REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2010**

### **REASON FOR INVESTIGATION**

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

### **PROCEDURES**

The Grand Jury reviewed the County of Calaveras Management Report for the Year Ended June 30, 2010, prepared by Gallina LLP Certified Public Accountants.

### **RESULTS OF INVESTIGATION**

Gallina LLP conducted a review of the handling of receivables by the Calaveras County Probation Department. Receivable reports should indicate all amounts due including those delinquent (aged) in 30-day increments up to 180 days. This would enable management to identify delinquent accounts and make timely decisions about collection actions.

Gallina LLP recommended, "... the department investigate the ability to modify the software's receivable report to include the date of the original receivable and its aging or to filter the report so that accounts requiring attention are easily identified."

Following is a summary of the implementation status of Gallina LLP's comments and recommendations from prior year audits.

### **Recommendation**

None

### **Response Requested**

None

## COUNTY OF CALAVERAS

### Management Report – Current Year Comments and Recommendations For the Year June 30, 2010

#### **PROBATION – Receivable Report**

##### Criteria

Receivable reports should include aged listings of all amounts due. Reports should easily indicate accounts which are delinquent against agreed upon repayment terms and aged in 30 day increments up to 180 days. Such reports enable timely decisions by management about which collection actions should be pursued by department staff.

##### Condition

The Probation department uses specialized software to manage its caseload including its outstanding receivable balances. During our visit to the department we noted the receivable report printed on January 26, 2011 was 165 pages long and was limited to the following information:

- Case ID
- Name
- Original amount
- Balance left to pay
- Last payment amount
- Date of last payment

The department's receivable balance totaled \$3,977,078 and accounts shown on the report were not aged. The original date of the receivable was not indicated on the report. Nor did the report distinguish between accounts which are in good standing (i.e. current payments being made as agreed) or not in good standing (i.e. no payments made or late payments).

##### Cause

The report generated from the software does not include an aging feature. The report we examined did not filter accounts or group them based on the degree of compliance with payment terms.

##### Effect of Condition

Management cannot easily evaluate collectability of individual accounts or determine collection actions in response to delinquent accounts because the report is not aged or filtered to easily indicate those accounts which require attention.

**COUNTY OF CALAVERAS**

Management Report – Current Year Comments and Recommendations  
For the Year June 30, 2010

**PROBATION – Receivable Aging Report (continued)**

Recommendation

We recommend the department investigate the ability to modify the software's receivable report to include the date of the original receivable and its aging or to filter the report so that accounts requiring attention are easily identified.

Management Response

Probation agrees with the finding and we are currently working with our vendor to correct the report and add the information recommended.

**COUNTY OF CALAVERAS**

Status of Prior Management Report Comments  
As of June 30, 2010

Fiscal Year Ended June 30,	Recommendation	Status/Comment
<b>ADMINISTRATION</b>		
2005	<p><u>Construction-in-Process – Written Accounting Policies and Procedures</u></p> <p>We recommend that the County Administration along with the Auditor-Controller develop standard accounting policies and procedures for construction projects. Consideration should be given to making this an amendment to the County’s existing policy document concerning capital assets.</p>	Not Implemented
<b>AUDITOR-CONTROLLER</b>		
2006	<p><u>Financial Statement Preparation, Staffing and Turnover</u></p> <p>The County should examine and look for creative ways to recruit and retain qualified staff, including whether additional staffing is needed to manage the workload commensurate with increases in the volume of transactions managed by the department. We recommend that the County review its processes to determine whether others in the department can be cross trained to assist in the preparation of the financial report.</p>	Not Implemented. Budgetary constraints prohibit adding additional staffing resources
2008	<p><u>Timeliness of the Annual Financial Report</u></p> <p>We recommend hiring additional accounting staff so that those responsible for financial reporting will have more available time.</p>	Not implemented. Budgetary constraints prohibit adding additional staffing resources
<b>PLANNING</b>		
2003	<p><u>Trust Accounts</u></p> <p>We recommend that trust funds be reconciled at least monthly to the Auditor-Controller’s records.</p>	Ongoing efforts being made to resolve unidentified variances

**13. CALAVERAS COUNTY BEHAVIORAL HEALTH SERVICES  
SUBSTANCE ABUSE PROGRAM (SAP)  
CALAVERAS WORKS AND HUMAN SERVICES AGENCY  
CHILD PROTECTIVE SERVICES PROGRAM (CPS)**

**REASON FOR INVESTIGATION**

The Grand Jury received a citizen complaint regarding the Calaveras County Substance Abuse Program (SAP) for allegedly: 1) releasing confidential information without consent, 2) changing or applying contradictory standards during treatment and 3) failure to comply with written policies and procedures. It was also alleged that staff failed to provide these documents to a participant when requested. Calaveras Works and Human Services Agency, Child Protective Services Program (CPS) staff was also cited in the complaint for the breach of confidentiality.

**PROCEDURES**

The Grand Jury interviewed the following:

- Director of Behavioral Health Services
- Director of CPS
- CPS Social Services Worker

The Grand Jury reviewed the following documents:

Substance Abuse Program

- Organizational Chart
- Mission Statement
- Statement of Philosophy and Purpose
- Program Description
  - Intensive Outpatient Program
  - Primary Intervention Program
  - Drug Court Program
- Statement of Program Objectives
- Program Participant Admission Agreement
- Dress Code
- What is Considered A Positive Test
- Individual and Group Sessions
- Table of Administrative Organization
- Policy and Procedure: Informing Clients of Their Rights
- Client Complaint Policy and Procedure
- Physician Permission to Coordinate Treatment
- Participant Permission to Coordinate Treatment
- Participant Use of Prescribed Medication
- Residential Treatment Placement
- Substance Abuse and DUI Intake Packets
- 42 CFR (Code of Federal Regulations) Part 2-Confidentiality of Alcohol and Drug Abuse Patient Records

Child Protective Services

- California-DSS-Manual-CWS, Manual Letter No. CWS-93-01, Issued 7/1/93, Child Welfare Services Program

- Your Rights Under California Welfare Programs
- A Parent's Guide, Orientation to CPS
- Calaveras Works and Human Services Agency, Children's Services, Policy and Procedures

## **BACKGROUND**

### **SUBSTANCE ABUSE PROGRAM**

The mission of this program is to address the comprehensive needs of chemically dependent individuals and their families with education, treatment, and support through group and individual counseling, educational seminars, life skills training, relapse prevention, drug testing, and aftercare planning. Treatment is offered through a variety of programs such as Intensive Outpatient, Driving Under the Influence, and Substance Abuse Education. The instruction is conducted and overseen by professional and paraprofessional staff trained in the human behavior fields. Participants enter the programs as self-referrals, court-mandated adults and youth, or dual-diagnosed clients.

All of the individuals entering the program begin with an orientation in which a technician sits down with the client to describe the program, to discuss their rights and responsibilities, and to complete an extensive intake packet that includes release of information forms, a complaint/grievance form, permission to photograph, tracking sheets, and a personal history regarding drug and alcohol usage, mental and physical health status, arrests or convictions, children, spouses, abuse, and other violence issues. Most of the forms include information on confidentiality that each applicant signs or initials but the release of all information is limited by the standards set forth in federal regulations (Part 2 of Title 42 CFR) and HIPAA (Health Insurance Portability and Accountability Act).

### **CHILD PROTECTIVE SERVICES PROGRAM**

This agency is responsible for investigating confidential reports of suspected child abuse or neglect in the home to determine if a child's health or safety is at risk. Anyone from the public can contact CPS with a concern but some individuals such as day care custodians, health practitioners, photo processing workers, employees of child protection agencies and child visitation monitors are mandated to report suspected cases of abuse or neglect directly to CPS for investigation and intervention. Abuse or neglect occurring outside the home is generally handled by law enforcement as a criminal matter with CPS support in further investigation and placement. Children can be physically removed from the home for suspected abuse or neglect and placed in a foster home or with an approved caregiver such as a family member. Once the children have been removed from the home, parents can participate in a program for return of the children. CPS conducts an evaluation of the child's needs and makes referrals for social services, substance abuse treatment, parenting classes, transportation, bus passes, and domestic violence intervention.

Parents subject to CPS investigation are given a copy of a brochure called "Your Rights Under California Welfare Programs" and asked to sign a Universal Release of Information form. Because of the nature of their investigations, CPS does not fall under HIPAA regulations for release of medical information; however, they do protect medical information gathered in their cases. CPS workers must also report the results of the investigations to the mandated reporters of the abuse such as health practitioners.

## **RESULTS OF INVESTIGATION**

### **Finding 1**

The Grand Jury finds that Substance Abuse Program employees are governed by both the Code of Federal Regulations and HIPAA regarding the release of information and confidentiality. Both of these statutes impose stringent limitations on what types of information can be shared between agencies, with families, other professionals, or the public. Behavioral Health Services has an extensive application packet and protocols that are discussed and signed by each new participant. Orientation includes information on confidentiality, program rules, treatment expectations, release of information, and the process for filing a complaint. The policies and procedures utilized by this agency appear to be sufficient to protect client confidentiality.

The Grand Jury finds that Child Protective Services employees are required to investigate allegations of child abuse or neglect. As part of these investigations they may need to interview the children, neighbors, law enforcement personnel, health practitioners, teachers, and other interested parties. In their efforts to ascertain facts, ensure the safety and wellbeing of children, and to make effective referrals, they must deal with personal and delicate subjects on parenting, alcohol and drug use, as well as potential physical and mental abuse of the children involved. They also have an obligation to communicate investigation results to those alleging abuse as mandated reporters. Parents subject to investigation sign a Universal Release of Information form. The CPS staff interviewed appeared to be very professional and demonstrated a good understanding of confidentiality and the release of information during an investigation. CPS is developing a consumer brochure for the initial family visit to explain the process.

### **Recommendation**

Both of these agencies deal with highly charged, emotional issues, fraught with difficult decisions and requiring an extraordinary effort by all parties involved. Confidentiality requirements, complaint or grievance procedures, and departmental policies should be included in all new employee orientation, reviewed annually, and staff should be monitored for compliance.

The new CPS consumer brochure, once developed, should also address the complaint procedure for parents concerned with privacy, discrimination, staff interaction, and other issues relevant to their case.

### **Response Requested**

Director of Behavioral Health Services  
Program Manager, Child Protective Services

### **Finding 2**

The Grand Jury finds no evidence of partiality or inconsistency in either program and both agencies have specific prohibitions against discrimination of all types. The Substance Abuse Program has specific treatment protocol but admits that curriculum is designed to be flexible and can be tailored to meet individual needs. The written program rules and expectations include language to promote positive results, respect between staff and participants, and allow some flexibility for missed meetings, poor test outcomes, and other issues. Since CPS is generally an investigative body, there is no presumption of confidentiality.

**Recommendation**

None

**Response Requested**

None

**Finding 3**

The Grand Jury finds that SAP staff willingly and promptly provided copies of the program policies and procedures when requested. In addition, as part of the intake process and orientation, all program participants review and acknowledge with their signature an understanding of the Rules of the Program, the Complaint Policy and Procedure, and Client Rights.

**Recommendation**

Policies and procedures should continue to be provided to participants and the public in a timely manner.

**Response Requested**

Director of Behavioral Health Services

## **14. CALAVERAS WORKS AND HUMAN SERVICES AGENCY CALAVERAS COUNTY VETERANS SERVICES PROGRAM**

### **REASON FOR INVESTIGATION**

The Grand Jury received a citizen complaint regarding the Calaveras Works and Human Services Agency, Calaveras County Veterans Services Program (CCVSP) in response to the 2009-2010 Grand Jury report. The complaint alleges that while many veterans must regularly commute to Tuolumne County for health care, they do not hear about the services provided in Calaveras County. The trip to the adjacent county is burdensome or infeasible for some, and the location of the current CCVSP office in San Andreas at the Calaveras Works and Human Services Agency building discourages veteran access. The complainant is also concerned that the existing Veterans Services Officer (VSO) position is only funded as a part-time position.

### **PROCEDURES**

The Grand Jury interviewed the following:

- Calaveras Works and Human Services Director
- Calaveras County Veterans Services Officer

The Grand Jury reviewed the following documents:

- State of California Department of Veterans Affairs Division of Veterans Services Semi-Annual Report 07/01/2009 to 12/31/2009
- Veterans Services Activity Reports for August, September and October 2010
- Calaveras County Veterans Services outreach poster and flyer
- Calaveras Works and Human Services Agency brochure, "Need Assistance? Don't Know where to Go? We Are Here to Assist You!"
- Copy of a Letter of Commendation, dated 2/24/2010, to Calaveras County Board of Supervisors from Roger Brautigan, Secretary, California Department of Veterans Affairs, regarding support and funding for local Veterans Services Office.

### **BACKGROUND**

The CCVSP office was created to assist veterans, their dependents and the general public in obtaining federal, state and local benefits as well as advocacy in dealing with agencies and Veterans Affairs. The program is currently staffed with a half-time eligibility worker who offers benefit counseling, claim preparation, submission and follow-up, provides information, referrals and assists in the appeals process. Veteran benefits include compensation, survivors benefits, pensions, housebound/aid and attendance allowances, admission to the State Veterans Homes, requests for military records and decorations, benefit verification for other agencies, medical and dental benefits, vocational rehabilitation, home loan certification, educational benefits, life insurance and burial benefits.

### **RESULTS OF INVESTIGATION**

The program gets referrals directly from veterans' organizations, social services agencies, and the individuals that contact the office. There are very few applicants who simply walk into the office. Benefit counseling is provided in one of the following methods: over the phone, by appointment during a one-on-one interview in the CCVSP office, at one of the outreach offices located throughout the county, in their homes, or in any community setting depending on client need and disability. The VSO has been given a flexible schedule to make appointments for the convenience of applicants; but community outreach has been

limited because evening meeting attendance requires overtime, day meetings take away from regularly scheduled duties, and weekend events impact personal obligations. A short explanation of the veterans program has been included in the Cal Works general information handout called "Need Assistance? Don't know where to go? We are here to assist you". The VSO has also developed a professional looking brochure and a flyer-sized placard that can be posted or used as a handout describing the program, benefits, and the office contact number.

### **Finding 1**

During this investigation the VSO was very accessible by phone, returned calls in a timely manner, and appeared to be compassionately assisting and advocating for disadvantaged veterans needing benefits and services. Staff should also be commended for the attractive brochure and flyer developed to describe the program. While the program has proven beneficial to the individuals referred, it appears less visible to the veterans' community at large, as evidenced by the complaint. The VSO reports that the new flyers and brochures have been provided to the Veterans of Foreign Wars (VFW) posts and other veterans' organizations.

The VSO position is currently only funded as half time. The limited hours provide only enough time to answer phone calls and process benefit applications from veterans in the greatest need. Staff has begun to look for volunteers to hand out materials at public events.

### **Recommendation**

The Grand Jury recommends staff routinely follow up with veterans' organizations on the posting and need for more materials. Flyers should be posted in other public locations frequented by potential applicants such as post offices, libraries, laundromats, churches, senior centers, in the entry windows of the government center, at the Veterans medical clinic in Sonora and on community bulletin boards.

The VSO should work closely with veterans' organizations of the need for volunteers to hand out information and provide materials for use at parades, booths and other public events.

### **Response Requested**

Director, Calaveras Works and Human Services Agency

### **Finding 2**

A proposal was circulated to supply a van and driver that would transport veterans to the VA Clinic in Tuolumne County. A vanpool was scheduled to begin operation in the fall of 2010, but funding cuts have made the likelihood of a veterans' van uncertain.

### **Recommendation**

The Grand Jury recommends the VSO continue to investigate volunteer transportation opportunities such as those provided by the Volunteer Center of Calaveras County, potential volunteers from the various veterans' posts, Calaveras Transit (discounted fare for seniors and the disabled program), and other agencies. The county should develop a list of potential volunteer resources and post the information on the Veterans' Services Website.

### **Response Requested**

Director, Calaveras Works and Human Services Agency

**Finding 3**

In order to access the Veterans Services Office, applicants must enter through the lobby of the Calaveras Works and Human Services Agency. Immediately to the right of the entrance is a door leading to the reception area for Human Services. Because of the stigma of applying for social services rather than obtaining entitled benefits, many veterans are put off by approaching the Human Services counter. The VSO also reports that group meetings cannot be held in the building because of security and privacy concerns.

**Recommendation**

The Grand Jury recommends management install a sign inside the lobby directing veterans upstairs to the VSO's reception desk.

**Response Requested**

Director, Calaveras Works and Human Services Agency

**Finding 4**

Some counseling and support services are being extended to Calaveras County from the VA Clinic in Sonora. Clinic staff oversees a Post Traumatic Stress Disorder (PTSD) group three times per week in San Andreas, West Point, and Valley Springs.

**Recommendation**

The Grand Jury recommends management work with the Sonora VA Clinic to expand medical services within Calaveras County.

**Response Requested**

Director, Calaveras Works and Human Services Agency  
County Administrative Officer  
Board of Supervisors

**Finding 5**

Many of the issues associated with community outreach are hampered by the limited funding for this program. Cal Works has applied for a three-year grant to fund an additional full-time Veterans Services employee. At the time of the interview it was unclear what activities the new employee would undertake.

**Recommendation**

The Grand Jury recommends that a full-time employee be hired to not only process applications but also conduct a comprehensive outreach program.

**Response Requested**

Director, Calaveras Works and Human Services Agency

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## **15. CALAVERAS COUNTY IN-HOME SUPPORTIVE SERVICES PROGRAM**

### **REASON FOR INVESTIGATION**

A review was conducted pursuant to California Penal Code Section 925, which states in part "...investigations may be conducted on some selective basis each year ...". This year the Grand Jury selected the Calaveras County In-Home Supportive Services Program (IHSS) to determine the mission of this program, what type of services are being offered, who makes up the target population, and eligibility requirements.

### **PROCEDURES**

The Grand Jury interviewed the following:

- Calaveras Works and Human Services Agency (CalWorks), Director
- CalWorks, Social Services Supervisor

The Grand Jury attended the following meetings:

- IHSS Advisory Committee monthly meeting

The Grand Jury reviewed the following documents and websites:

- In-Home Supportive Services Handbook, CalWorks
- Calaveras County In-Home Supportive Services webpage
- Sacramento County In-Home Supportive Services webpage

### **BACKGROUND**

The IHSS program was transferred to the state and counties in 1974 after being part of a long- term care program through Social Security and the Federal government. California's IHSS program is now the largest in the United States. The program's mission is to provide long-term domestic and non-medical personal services in a cost-effective manner to aged, blind, or disabled persons in order to allow them to remain independent and at home.

In order to qualify for the program, a person must complete an application, provide identification, participate in a needs assessment, be receiving SSI/SSP benefits, have at least one personal care or paramedical service need, have a disability that is expected to last twelve months or longer, and be either 65 years old or older, blind, permanently disabled, or a disabled child. The Calaveras County IHSS is currently serving approximately 258 clients ranging from children to elderly adults. Most of the referrals are provided to the program by physicians, discharge planners from hospitals or skilled care facilities, as well as neighbors, social services, and financial institutions (help with check writing, bill paying, etc.). Staff provides outreach for the program by distributing brochures at local events, speaking for community organizations, and networking with other social services agencies.

The county has historically been staffed by five social workers who evaluate clients for IHSS, act as the public guardian, represent payees and act as SSI advocates. Currently, only four employees perform these tasks. The actual in-home services are conducted by 278 care providers paid by the State of California. Eighty to eighty-five percent of the providers are friends or family members but "independent providers" can also be hired by each "consumer" from an employee pool called the Public Authority. All providers including friends and family must attend an initial provider orientation training program and background screening. Providers are finger printed to ensure that they have not been convicted within the last 10 years of crimes involving elder abuse, child abuse, or medical

fraud. Approximately 125 cases are reviewed on paper each year as part of a quality assessment and 25 random home visits are conducted each year to ensure quality of care, need, and other issues.

Upon completion of the IHSS application each new applicant is assessed by a social worker to determine their need and eligibility for hours of service based on a functional index from one through five, with one requiring very little help and five requiring extensive assistance. Workers are allowed to provide domestic and some paramedical support services with IHSS approval. Domestic services include cooking, aid with dressing, transportation to medical appointments, shopping, errands, hair care, grooming, ambulation, laundry, assistance with medication, as well as occasional yard abatement and snow/ice removal. Examples of paramedical assistance include administration of insulin and wound care. Applicants ineligible due to financial status are referred to other agencies for assistance.

An IHSS Advisory Board was also established in 2003 to give voice to the needs and concerns of the participants and providers. The Board is made up of several consumers, a provider, a social worker, and community representatives.

## **RESULTS OF INVESTIGATION**

The IHSS program provides a mechanism for blind, elderly, disabled, and disadvantaged participants who are unable to perform daily living activities or remain safely in their homes without assistance. This cost-effective program reduces out-of-home stays in hospitals, nursing homes, and other institutions as well as enhances the quality of life for participants. Need for the program in Calaveras County appears to be high; but in the past few years stricter eligibility requirements have forced some clients with modest incomes to be eliminated from the program. The reduction in staff from five to four social worker positions has resulted in the loss of a dedicated person to IHSS. It appears that current budget shortfalls may necessitate further reductions in service that could force some of these clients into the very situations that in-home care prevents.

### **Finding 1**

IHSS accepts referrals from a number of agencies and is conducting outreach with social organizations.

### **Recommendation**

Outreach should be extended to identify new sources of referral such as schools, church groups and law enforcement.

### **Response Requested**

CalWorks, Social Services Supervisor

### **Finding 2**

The IHSS Advisory Committee, designed to advocate for providers and consumers, meets monthly; but this organization appears to be so limited by participation and budget mandates that it does little to disseminate information or solicit need.

**Recommendation**

The IHSS Advisory Committee should investigate providing regular updates and information to consumers and providers. Training, newsletters and other announcements should be distributed to clients, providers, and families through an electronic database whenever possible to expedite release of information, reduce postage and handling, and save money.

**Response Requested**

Board of Supervisors  
IHSS Advisory Board

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## 16. CALAVERAS COUNTY PUBLIC AUTHORITY

### REASON FOR INVESTIGATION

The Grand Jury received a citizen's complaint regarding the Public Authority structure, quality of services and cost effectiveness of the present program.

### PROCEDURES

The Grand Jury interviewed the Director of Public Authority.

The Grand Jury reviewed:

- Calaveras County Public Authority Budget 2010-2011
- Calaveras County Public Authority website
- Provider supplemental trainings 2008-2010

### BACKGROUND

In 1999, Assembly Bill 1682 required that each county establish an "employer of record" for In-Home Supportive Services (IHSS) personnel. The Calaveras County IHSS Advisory Committee chose the option of establishing a Public Authority to operate as the "employer of record" and delivery method for In-Home Supportive Services.

Public Authority was established with the following goals:

- Provide consumer and provider voice in IHSS and Public Authority policy, program development and operations
- Advocate for IHSS improvements at the local, state and federal level
- Develop and manage IHSS provider registry
- Investigate qualifications and background of potential providers
- Establish a system for referral of providers to consumers
- Provide access to training and support for providers and consumers
- Create a mechanism for negotiating wages and benefits for providers by acting as an "employer of record" for Individual Provider mode workers
- Protect IHSS consumers' right to select, terminate, train and direct the work of any IHSS personnel providing services for them

### RESULTS OF INVESTIGATION

#### Finding 1

The Grand Jury finds the Public Authority is accomplishing the basic goals.

#### Recommendation

None

#### Response Requested

None

#### Finding 2

The Public Authority final budget adopted for fiscal year 2010-2011 is \$395,927, which includes \$142,947 in salary and benefits to administer the program and \$25,718 for office rents and related expenses. The program office is located in the CalWorks building and staffed by a director and one clerical employee.

**Recommendation**

The Grand Jury recommends that the IHSS Advisory Committee explore whether the Public Authority continues to be an efficient and cost effective way to deliver services and training under the IHSS program.

**Response Requested**

IHSS Advisory Committee  
Director, CalWorks  
Board of Supervisors

**Finding 3**

Public Authority provides training to consumers and providers of In-Home Supportive Services. From 2008 to 2010, the Public Authority provided 21 classes in subjects such as First Aid/CPR, Stress Management, Nutrition and Cooking, Fall Prevention and Prescription Management, and Disaster Preparedness. The current budget provides approximately \$3,000 for both consumer and provider training.

**Recommendation**

The Grand Jury recommends that the Public Authority expand the number of classes offered, explore web-based training as a way to provide training to more consumers and providers in the county, and expand training topics to include current issues, public health and safety.

**Response Requested**

IHSS Advisory Committee  
Public Authority Director

## B. RESPONSES TO 2009-2010 GRAND JURY REPORT

The Grand Jury releases its final report at the end of its term. Most, if not all, of the responses are received after the new Grand Jury has been seated and these responses become its responsibility. Unlike many counties, the Calaveras County Grand Jury has five or six holdovers who return to assist the new Jury in the way the Grand Jury conducts business and aid in the analysis of the responses. To assure continuity, it is important to carefully track and evaluate responses.

Responses are tracked to inform the public, ensure follow up, promote solutions, and reduce the number of unresponsive answers. Public scrutiny of the responses can improve the impact of the Grand Jury's reports and recommendations as well as increase the credibility of the elected officials and department heads whose areas were investigated.

The new Grand Jury reviews the findings and recommendations of the prior year's Jury and the ensuing responses. When necessary, these responses are discussed with the appropriate standing committees for follow-up comments. If it is determined that more information is needed, Jury members may meet with the respondents to discuss specific responses.

The Grand Jury refers to the California Penal Code (CPC) for follow up, summarization, and analysis of the responses from the responding officials and departments. Pursuant to CPC §933 and §933.05 there are time limits for responses and each Finding and Recommendation may either require or request a response from the party addressed. Specifically worded responses are limited by the CPC. Responses may include additional information to clarify a specific response.

### RESPONSE TIME LIMITS CPC §933 (c)

***"...No later than 90 days after the Grand Jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and every elected county officer or agency head for which the grand jury has responsibility pursuant to §914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years."***

RESPONSE TO FINDINGS CPC §933.05 (a)

1. ***“The respondent agrees with the finding.”***
2. ***“The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reason therefore.”***

RESPONSE TO THE RECOMMENDATION CPC §933.05 (b)

1. ***“The recommendation has been implemented, with a summary regarding the implemented action.”***
2. ***“The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.”***
3. ***“The implementation requires further analysis, with an explanation and the scope and parameters of an analysis or study and a time frame for the matter to be prepared for discussion by the officer or head of the department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.”***
4. ***“The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.”***

## **R1. RESPONSES TO GRAND JURY REPORT 2009-2010 FROM THE BOARD OF SUPERVISORS (BOS), ASSESSMENT APPEALS BOARD (AAB), AND ACTING ASSESSOR REGARDING POLICY AND PROCEDURE FOR REASSESSING PROPERTY VALUES**

### **REASON FOR INVESTIGATION**

California Penal Code Section 925 states in part "...investigations may be conducted on some selective basis each year." This year the Grand Jury selected for review the Assessor's office policy and procedures for reassessing property values.

#### **Finding 1**

A property owner's reassessment request is due by November 30.

### **RESPONSE FROM CALAVERAS COUNTY ACTING ASSESSOR**

The Acting Assessor responded: "I agree with the finding. However, I would like to clarify that the November 30 deadline refers to filing an assessment appeal (Application for Changed Assessment) which is different from a reassessment request."

#### **Finding 2**

The Grand Jury finds that if a property owner disagrees with the assessment decision, he has the right to an appeal hearing. The burden of proof is entirely on the property owner. In late 2009 the Board of Supervisors appointed an independent Assessment Appeals Board (AAB) to accelerate the review process. The AAB has, by law, up to two years to hear and decide an appeal. The Board of Supervisors was averaging 15 months for final resolutions; it is hoped the AAB will reduce the response time.

### **Recommendation**

The AAB should make every effort to facilitate these appeal hearings in a timely manner.

### **RESPONSE FROM CALAVERAS COUNTY BOARD OF SUPERVISORS**

The BOS responded: "The Board of Supervisors disagrees with the finding regarding the burden of proof, agrees with the balance of the Grand Jury's finding and the recommendation has been implemented. The Board Clerk is scheduling monthly Assessment Appeals Board hearings in coordination with the Assessors Office which has reduced the backlog and review response time."

### **RESPONSE FROM CALAVERAS COUNTY ASSESSMENT APPEALS BOARD**

The AAB responded: "The Assessment Appeals Board partially disagrees with Finding 2. The burden of proof in the assessment hearing is not always on the property owner. The party having the burden of proof is dependent on various factors. ..."

### **RESPONSE FROM CALAVERAS COUNTY ACTING ASSESSOR**

The Acting Assessor responded: "I disagree partially with the finding. The burden of proof is dependent on a number of factors including the reason for the appeal and the property type.

"The recommendation has been implemented. Following appointment of the Assessment Appeals Board (AAB), the Assessor's Office has been working with the Clerk of the Board to schedule hearings so that the backlog is reduced without impacting the Assessor's Office

staff. The AAB is now hearing applications that were filed eight months ago, an improvement over the 15 month delay that was previously experienced.”

### **Finding 3**

The Assessor’s Office has 14 full-time employees and one part-time employee. The workload can be handled with existing staff until the housing market recovers. Staff is also charged with assessing all new construction and resale of county property in addition to Proposition 8 reassessments.

In 2009, the Assessor’s Office reviewed 15,906 parcels of which 9,986 were reduced. The Grand Jury finds that the financial impact to the County revenue for 2009 was a reduction to the assessed valuation of approximately \$75,000,000. This would result in a potential reduction to 2009 County revenue of approximately \$792,000.

### **RESPONSE FROM THE CALAVERAS COUNTY ACTING ASSESSOR**

The Acting Assessor partially disagrees with the Finding 3 and responded: “I do not have a copy of the document where the Grand Jury shows a reduction of the \$75 million due to declines in value. I believe the figure is much higher than that. Also, the county’s share of the property tax dollar is roughly 17.5%. If the \$75 million figure is correct, the reduction to the **county** revenue is closer to \$131,250.”

### **GRAND JURY DETERMINATION 2010-2011**

The Grand Jury finds that all responses are adequate.

## **R2. RESPONSES TO GRAND JURY REPORT 2009-2010 FROM THE BOARD OF SUPERVISORS (BOS) AND SHERIFF REGARDING COUNTY ANIMAL SHELTER**

### **REASON FOR INVESTIGATION**

California Penal Code Section 925 states in part "...investigations may be conducted on some selective basis each year." The Grand Jury continues to assess the condition of the facility, animal health and welfare, safety, and overall operation of the animal shelter.

### **Finding 1**

The Grand Jury noticed that all kennels and pens were clean and well organized. The building was maintained in good appearance. The additional kennels and new construction provide much-needed additional space until a new shelter is built.

### **Recommendation**

The Grand Jury continues to recommend that the Board of Supervisors implement the previously approved plans for a new animal shelter with a specific time line. The Board of Supervisors should allocate the necessary funding to proceed with the project.

### **RESPONSE FROM THE CALAVERAS COUNTY BOARD OF SUPERVISORS**

The BOS responded: "The Board of Supervisors agrees with the finding but disagrees with the recommendation as it is not economically feasible. The Board can not commit to financing a new animal shelter within a specific time line due to continued economic uncertainty and insufficient funds. ...The Board has committed to finding a suitable location for a future animal shelter and is working with the Calaveras County Humane Society and other interested parties in support of raising funds for a future building."

### **RESPONSE FROM THE SHERIFF**

The Sheriff's Office agrees with the finding. They are, along with the County Administrative Office and other representatives, in the process of identifying a location to build a new shelter. Upon receipt of a commitment of funding, the Sheriff is prepared to assign all available resources to the project.

### **GRAND JURY DETERMINATION 2010-2011**

The Grand Jury finds that all responses are adequate.

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### **R3. RESPONSE TO GRAND JURY REPORT 2009-2010 FROM SHERIFF REGARDING CALAVERAS COUNTY JAIL**

#### **REASON FOR INVESTIGATION**

In accordance with California Penal Code Section 919 (b), the Grand Jury shall visit and inspect the condition and management of public prisons within the County of Calaveras.

#### **Finding 1, 2, 3**

No recommendations/ No responses required.

#### **Finding 4**

The Grand Jury inquired about the process for handling inmates' money, both at the time of arrest and for money received by inmates while they are in custody. Currently, the Sheriff maintains a cash account for each inmate. During each shift, the on-duty Deputy counts the cash and balances each account so that the appropriate amount of money can be returned to each inmate upon release. The Grand Jury was informed by the Sheriff's Department that it had researched a program that provides inmate debit accounts through a commercial bank, a suggestion made by the 2008-2009 Grand Jury, but the idea had not been supported by the Auditor-Controller's office.

#### **Comment**

The Grand Jury met with the County Auditor-Controller who agreed that an inmate debit account program was possible but that there were questions as to the operation of such a program and the computer software that would be required.

The Grand Jury also met with the County Undersheriff who supports the inmate debit account program. The Grand Jury was given an overview of a company that specializes in such programs for jails throughout the nation and a presentation was arranged for representatives of the Sheriff's Department, the County Auditor-Controller's Office and the Grand Jury.

The activation of such a program is a no-cost item to the County, with operation and maintenance provided by the vendor. Both the Sheriff's Department and the Auditor-Controller appear to be in favor of the program. Increased efficiency of jail staff may also result.

#### **Recommendation**

The Grand Jury recommends that the Sheriff and County-Auditor initiate the inmate debit account program.

#### **RESPONSE FROM SHERIFF**

The Sheriff's Office agrees with the finding of the Grand Jury and has entered into an agreement with its current commissary vendor for an inmate banking program using a debit card system. The Board of Supervisors passed a Minute Order on July 13, 2010, authorizing a local bank to be used in conjunction with the inmate banking program. This will eliminate the need for Correctional staff to handle cash at the time of booking, release, filling commissary orders, and family/friend deposits into an inmate's commissary account. The contract took effect on July 01, 2010, for a three year period, expiring June 30, 2013. This banking and kiosk program will have no additional cost to the county; the Sheriff's

Office anticipates the two inmate commissary kiosks, which will be located in the front lobby and booking counter, will be delivered and become operational within the next six weeks.

**GRAND JURY DETERMINATION 2010-2011**

The Grand Jury finds that all responses are adequate.

**R4. RESPONSES TO GRAND JURY REPORT 2009-2010 FROM CALAVERAS UNIFIED SCHOOL DISTRICT (CUSD), CALAVERAS UNIFIED SCHOOL DISTRICT BOARD OF TRUSTEES, BRET HARTE UNION HIGH SCHOOL DISTRICT (BHUHSD), MARK TWAIN UNION ELEMENTARY SCHOOL DISTRICT (MTSD), MARK TWAIN UNION ELEMENTARY SCHOOL DISTRICT BOARD OF TRUSTEES, THE BOARD OF SUPERVISORS (BOS), THE COUNTY ADMINISTRATIVE OFFICER (CAO) AND THE DIRECTOR OF HUMAN RESOURCES REGARDING THE BUDGET REDUCTION PROCESS OF COUNTY SCHOOL DISTRICTS AND COUNTY OPERATIONS**

**REASON FOR INVESTIGATION**

Penal Code Section 925 states in part "...investigations may be conducted on some selective basis each year." The Grand Jury decided to address the effects of the current financial crisis on County government and school districts with regard to their abilities to provide services.

**NOTE**

The Grand Jury during this investigation was concerned that the State of California allows a disparity in per-student educational funding between school districts. It seems discriminatory that certain districts receive between \$8,000 and \$9,000 per student each year while others receive less than \$5,000 determined by a student's geographic location within the County. Previous court rulings have directed the State to close this funding gap; however, it is clear that this promise of parity has not materialized.

**Finding**

Budgetary woes continue to plague local agencies that depend on direct tax support for their operations. Next year the County government and all County school districts will be making program and/or service reductions in order to balance their budgets. These reductions will not only change levels of service to our citizens, they will also result in the loss of jobs through layoffs or not filling vacant positions. This will further exacerbate an already dismal unemployment picture in the County.

The reasons for these budget reductions and corresponding service cuts are many in number and include:

- reductions in State support as California wrestles with its budget shortfall
- lowered assessed values of local properties which has reduced property tax revenues from these properties
- inability of the County to implement the annual allowed 2% tax increase to properties as the CPI did not increase enough to permit this increase under Proposition 13 regulations. In fact, since the CPI was negative this past year, properties will be reassessed downward producing a 7% to 10% savings to property owners and a further gap in agencies' funding.
- Many agencies received federal Stimulus dollars that had allowed them to stave off immediate budget cuts and save programs and jobs. These funds were issued on a one-time basis and have essentially been exhausted as they were used to fund ongoing expenses.

The BOS and County management as well as the Boards of Trustees and administrators of the school districts must make difficult decisions as budgets for the 2010-2011 fiscal year are developed. Budget reductions must be made. County residents will not receive the

same service levels as in the past from County agencies, and children and parents of school districts will see educational and co-curricular program cuts as well as increased class sizes.

The Grand Jury commends agencies that have developed strategic plans, such as County government, or that have identified core values or budget priorities as many of the school districts have, to guide them in their budget development.

**Recommendation 1**

The Grand Jury recommends that the CUSD Board of Trustees continue to examine the viability of small schools where per-student costs exceed the per-student allocation of under \$5,200 per-student.

**RESPONSE FROM CALAVERAS UNIFIED SCHOOL DISTRICT BOARD OF TRUSTEES**

The CUSD Board of Trustees agrees with the recommendation and is moving toward closing one of its small schools.

**GRAND JURY DETERMINATION 2010-2011**

The Grand Jury finds that the response is adequate.

**Recommendation 2**

The Grand Jury recommends that CUSD work to eliminate budget deficits in programs such as after-school childcare, food service, and preschool programs that create an encroachment on the general instructional budget.

**RESPONSE FROM CALAVERAS UNIFIED SCHOOL DISTRICT BOARD OF TRUSTEES**

The CUSD Board of Trustees agrees with the recommendation, and they will continue to analyze and make adjustments to contain costs in the programs cited.

**GRAND JURY DETERMINATION 2010-2011**

The Grand Jury finds that the response is adequate.

**Recommendation 3**

The Grand Jury recommends that the CUSD Administration carefully consider the equity of implementing a home-to-school transportation fee in an environment where the district's transportation department operates within its state budget allocation.

**RESPONSE FROM CALAVERAS UNIFIED SCHOOL DISTRICT**

The CUSD agrees with the recommendation and is taking into consideration the equity element, as well as other potential areas of impact, should they move in that direction.

**GRAND JURY DETERMINATION 2010-2011**

The Grand Jury finds that the response is adequate.

**Recommendation 4**

The Grand Jury recommends that the CUSD Board of Trustees and Administration carefully define in District policy and implement the legally-defined eligibility requirements for students to qualify for special education transportation.

## **RESPONSE FROM CALAVERAS UNIFIED SCHOOL DISTRICT AND BOARD OF TRUSTEES**

The CUSD and the CUSD Board of Trustees agree with the recommendation, and are working on drafting and implementing revised eligibility criteria and processes.

### **GRAND JURY DETERMINATION 2010-2011**

The Grand Jury finds that the response is adequate.

#### **Recommendation 5**

The Grand Jury recommends that the (BHUHSD) Board of Trustees use its recently identified core values as a guide to budget cuts and personnel reductions.

## **RESPONSE FROM BRET HARTE UNION HIGH SCHOOL DISTRICT**

The BHUHSD agrees with the recommendation, and will schedule a study session in the month of August to develop their Core Values.

### **GRAND JURY DETERMINATION 2010-2011**

The Grand Jury finds that the response is adequate.

#### **Recommendation 6**

The Grand Jury recommends that the MTSD Board of Trustees, staff and community refrain from using comparisons to other districts in budget development due to differences in funding types and levels.

## **RESPONSE FROM MARK TWAIN UNION ELEMENTARY SCHOOL DISTRICT**

The MTSD partially disagrees with the recommendation. Although the District does not intentionally compare their funding levels with those of other districts, comparisons are necessary when asked by community and staff why other districts can afford what they cannot. The discrepancy in funding, along with a dire economy, has resulted in their having to explain the differences more so than in the past; and they feel they owe it to both the community and staff to respond as honestly as possible.

### **GRAND JURY DETERMINATION 2010-2011**

The Grand Jury finds that the response is adequate.

#### **Recommendation 7**

The Grand Jury recommends that the BOS use its new Strategic Plan to guide budgetary decisions as opposed to listening to the most vocal constituents during these difficult financial times.

#### **Recommendation 8**

The Grand Jury recommends that the BOS not rely on balancing the entire County budget through layoffs and concessions from bargaining units. Conversely, local bargaining units must be willing to make some concessions, such as paying an increased amount of the California Public Employees' Retirement System contributions. This shared sacrifice model will provide true public service to the residents of the County.

## **RESPONSE FROM THE BOARD OF SUPERVISORS**

The BOS responded, "The Board of Supervisors agrees with the finding and partially disagrees with Recommendations 7 and 8. The Board disagrees with some of the recommendations because they seem to imply that the Board makes decisions to balance

the county budget based only on hearing from the most vocal of constituents and on layoffs and concessions from bargaining units. In fact, the Board has utilized a plethora of budget reduction strategies, inclusive of non-personnel reductions and personnel reductions, to balance the budget. The Board utilizes its stated vision, mission, values and budget principles to guide its budgetary decision-making as well as shape county policy. Given the depth and breadth of budget cuts over the past three years, the Board agrees that routine service delivery is seriously challenged and that routine ways of conducting business may change. Developing the County's capacity to use new technologies to deliver public services requires staffing, analysis and funding for program implementation. For the past several years, the shared governance model has been implemented. Local bargaining units and the Board have negotiated in good faith to reach agreements necessary to balance the budget and stabilize the county's financial foundation. The Board supports and acknowledges the importance of a shared governance model with its employees in an effort to prevent additional job loss, unemployment and disruption for county residents and their families."

#### **RESPONSE FROM THE COUNTY ADMINISTRATIVE OFFICER**

The CAO responded, "The County Administrative Officer agrees with Finding 1 yet partially disagrees with Recommendation 8 in that it implies that the Board of Supervisors has relied entirely upon layoffs and concessions to balance the county's budget deficit. As a point of clarification, the Board of Supervisors (BOS) made significant reductions in non-personnel costs in addition to personnel related cost reductions in an effort to balance the budget and save jobs. The magnitude and depth of the nation's economic decline and slow recovery impacts the amount of state and local revenue available for local public services. A shared sacrifice model has been in place for the past year as local bargaining units negotiated in good faith and agreed to concessions in an effort to reduce employee layoffs and expenditures as necessary to stabilize the county's finances. The County Administrator agrees that shared sacrifices between management and labor is not only a preferred model but financially necessary in order for the County to reduce fiscal uncertainties and continue to provide public services to its residents."

#### **RESPONSE FROM THE DIRECTOR OF HUMAN RESOURCES**

The Director of Human Resources responded in part ... "In response to the Grand Jury's recommendation, it is agreed that local bargaining units, while not the total solution, can assist during these difficult fiscal times by making concessions to aid resolving the budget deficit.

"The County has progressively been reducing expenses by streamlining operations, implementing technology improvements, delaying infrastructure projects, and reducing or eliminating services. Solutions utilized by the County to control costs have been Voluntary Time Off, Retirement Incentive, not refilling and/or deleting vacant positions, and layoffs.

"Changes to wages, health care and pension/retirement benefits are a mandatory subject of bargaining pursuant to collective bargaining laws. The County has made it a priority to reduce employee costs and will continue implementation efforts subject to applicable statutes governing collective bargaining.

"The County has been in the process over the last three years and will continue to negotiate, approve and implement considerable cost containment measures so that employee financial obligations are sustainable."

**GRAND JURY DETERMINATION 2010-2011**

The Grand Jury finds that all responses are adequate; however, the County should recognize that the employee sacrifices being made to resolve the current budget shortfalls should be considered a temporary and not a permanent solution.

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**R5. RESPONSE TO GRAND JURY REPORT 2009-2010 REGARDING COUNTY OF CALAVERAS SCHOOL DISTRICTS**

**REASON FOR INVESTIGATION**

Penal Code Section 925 states in part "...investigations may be conducted on some selective basis each year." This year the Grand Jury selected the Calaveras County school districts' emergency policies and procedures.

**Finding 1**

All school districts have sufficient emergency policies and procedures in place that are supported by continuous updating and regular training. In addition, the County Office of Education, with the use of Readiness and Emergency Management for Schools (REMS) grant money, is coordinating with the County Office of Emergency Services, the Calaveras County Sheriff's Office and local fire officials to improve and standardize the emergency plans and procedures for all school districts throughout the County.

**Finding 2**

Safety equipment for all school districts in Calaveras County is inspected and repaired in a timely manner.

**Response Requested**

None

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**R6. RESPONSE TO GRAND JURY REPORT 2009-2010 REGARDING Foothill  
FIRE PROTECTION DISTRICT**

**REASON FOR INVESTIGATION**

The Grand Jury received a citizen complaint regarding the Foothill Fire Protection District Auxiliary operating as a political action group and not being registered with the State of California Fair Political Practices Commission. It also alleged that employee spouses were in charge of the Auxiliary.

**RESULTS OF INVESTIGATION**

**Finding 1**

The Grand Jury finds that the Auxiliary, as an organization, was not involved in the campaign process. There were members of the Auxiliary who were involved in the campaign process, but they did so as individuals and not as representatives of the Auxiliary.

**Finding 2**

The Grand Jury finds that the employees' spouses were not in charge of, or even members of, the Auxiliary.

**Response Requested**

None

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## **R7. RESPONSES TO GRAND JURY REPORT 2009-2010 FROM CALAVERAS COUNTY ADMINISTRATIVE OFFICER, LAFCO EXECUTIVE OFFICER, AND LAFCO COMMISSIONERS REGARDING CALAVERAS COUNTY LOCAL AREA FORMATION COMMISSION**

### **REASON FOR INVESTIGATION**

California Penal Code Section 925 states in part "...investigations may be conducted on some selective basis each year." This year the Grand Jury selected the Local Area Formation Commission (LAFCO) for review.

### **Finding 1**

In conducting its State-mandated business involving annexation and boundary changes of various types, service area diagrams, and other maps prepared and maintained by the County are affected. For example, it was noted that delays from the time a boundary change involving an annexation is approved by the LAFCO to the time a revised map comes back from the State to the County Technology Services Department (IT), as much as a year might have passed. In the meantime, taxes and elections may have been affected by the changes. Other County offices use the County's IT maps in conducting their work. Taxes can be retroactively adjusted through extra work, but elections may have come and gone.

### **Recommendation**

The Grand Jury recommends that the LAFCO, the County Administrative Officer, and the Director of IT meet to discuss the impacts to County residents of the timing problem and seek a solution.

### **RESPONSE OF CALAVERAS LOCAL AGENCY FORMATION COMMISSION**

The California State Board of Equalization (BOE) assigns Tax Rate Areas (TRA) based on the changes made by each organization. The TRA changes should not create a problem for the Assessor because the LAFCO changes of organization become effective for property tax purposes on a specific lien date and are placed on the following year's assessment roll. Typically, the Assessor and Auditor work together to ensure that the BOE does not assign a new TRA when one already exists with the same district configuration. The LAFCO Executive Officer, the Assessor, Auditor, Clerk, Elections Clerk, and Technology Services meet at least one time annually to review and coordinate efforts.

LAFCO staff will meet with the County Administrative Officer and the Technology Services Director to ensure that everyone understands these issues so that discrepancies in the election process and other county/district matters are resolved in a timely manner.

### **RESPONSE OF CALAVERAS ADMINISTRATIVE OFFICER**

The County Administrative Officer partially disagrees with the findings as stated. The LAFCO's actions affect service area diagrams and other maps but the State's delays in sending the County approved revised maps do not affect taxes or elections. The County Assessor's Office, not the Technology Services Department, is responsible for maintaining the TRA's which become effective on the following lien date for property tax purposes. Thus, there should not be a problem with TRA changes affecting taxes because they are completed before the Assessor completes the annual assessment roll each year.

The County Administrative Officer disagrees that elections are impacted by the State's delays in sending the county revised maps. The County's Registrar of Voters and Elections Department staff is notified when LAFCO has taken an action which changes boundaries

and IT staff is able to make changes to county maps from which voter precinct information is derived for election purposes.

LAFCO staff, the County Administrative Officer, and the Director of IT have agreed to meet within the next few months to discuss the impact of State's delays upon various parties. Since the Assessor, Auditor-Controller, Clerk-Recorder/Elections Official and LAFCO staff meet periodically to share information and improve coordination among the entities, the concerns raised by the Grand Jury will be added to the next meeting agenda to be discussed with all parties involved.

### **Finding 2**

It is noted that Commissioners serving on the LAFCO find themselves making decisions and recommendations on issues – for example, a specific type of special district service – while having little knowledge of the regulatory and legal issues governing, and perhaps limiting, the operation and delivery of that service to the public. The Executive Officer's experience is therefore critical in educating the Commissioners to assure public policy issues are properly addressed.

### **Recommendation**

The Grand Jury recommends that prior to taking an action on a given type of service, the Executive Officer provide Commissioners with some background on the governing regulations/codes affecting the operation and delivery of the specific service.

### **RESPONSE OF CALAVERAS LOCAL AGENCY FORMATION COMMISSION**

There are about 40-50 distinct principal acts, which may be used to form and operate a specific special district. The Commissioners are not expected to memorize the content of the principal acts. After research on a particular subject, the Executive Officer explains the relevant information and background in an Executive Officer's report. The Commission is charged with reviewing the report and making an informed decision.

### **Finding 3**

While attending the LAFCO meetings, it was observed that Commissioners questioned previous steps and procedures undertaken by the agencies before them. Municipal Services Reviews provide one opportunity for remarking on operational deficiencies of those agencies.

### **Recommendation**

The Grand Jury recommends that the Commissioners formulate for the Executive Officer the level of background information and procedural validation they expect to see prior to their deliberations. Simultaneously, the Grand Jury recommends that the Executive Officer guide the Commissioners on their responsibilities relative to the agencies coming before them.

### **RESPONSE OF CALAVERAS LOCAL AGENCY FORMATION COMMISSION**

The level of background information will vary depending upon the type of change requested and other factors brought before the Commission in the review of a specific proposal. The LAFCO staff report is formatted so there is a background discussion and an analysis of factors required in Government Code Section 56668 and relevant Calaveras LAFCO policies.

**Finding 4**

Related to Finding 3, it was noted that a number of scheduled LAFCO meetings over the 2008-2010 period were ultimately cancelled due to lack of applications or other formal items for the Commissioners to deliberate.

**Recommendation**

The Grand Jury recommends that rather than canceling meetings, they be used for informational and educational purposes.

**RESPONSE OF CALAVERAS LOCAL AGENCY FORMATION COMMISSION**

Workshops prior to scheduled public hearings on specific matters before the Commission normally occur. It is the role of staff to provide any relevant background information so the Commission can sit in its Legislative capacity. Training on LAFCO related matters is included in the LAFCO budget and is available to LAFCO staff. It is not uncommon meeting agendas will contain educational items such as new legislation or a given procedure change as a result of litigation.

**Finding 5**

The LAFCO has committed itself to completing certain studies. For example, in its last Municipal Services Review summary report on sewer services, the LAFCO specified studies relating to possible integration of certain services would be undertaken. In addition, in that same report the LAFCO required specific agencies to complete specified activities of their own.

**Recommendation**

The Grand Jury recommends that a table of study/report and other commitments be prepared and placed on the LAFCO website and available at its meetings. It is also recommended that the LAFCO prepare its own goals and objectives each year which could include responses to the Commission's study commitments. The Grand Jury further recommends that the LAFCO report to the public its accomplishments relative to the Commission's goals and objectives.

**RESPONSE OF CALAVERAS LOCAL AGENCY FORMATION COMMISSION**

LAFCO prepares an annual work plan for its March or April meeting. The work plan shows work to be completed as well as projects to be initiated, continued or completed. This work plan is posted on the LAFCO website along with all the completed reports and studies.

**Finding 6**

Many areas within the County are undergoing a lengthy planning process to update the County's General Plan. The LAFCO will have a significant say in whether a community's plans can move forward. The Grand Jury asks whether providing insight to these communities in advance of or concurrent with local residents making significant plans is not wiser than waiting for local planning to be rejected or significantly delayed during the LAFCO application stage. It is possible local planning recommendations cannot be implemented under current or projected service area capabilities and boundaries approved by the LAFCO.

**Recommendation**

The Grand Jury recommends that the greatest benefit to the County would result if the LAFCO were to become a partner in the local planning process at the very earliest stages.

### **RESPONSE OF CALAVERAS LOCAL AGENCY FORMATION COMMISSION**

The LAFCO responded, "LAFCO agrees that it should become a partner in the local planning process during the early stages of a project or plan. Coordination between the County and LAFCO needs to occur. LAFCO has not yet been invited as a partner even though LAFCO has a significant role in the provision of services in unincorporated areas. The Commission determines how much to involve LAFCO staff with the City and County Land Use Planning Efforts. At a minimum, as required by state law, the County should forward LAFCO copies of draft General Plan Documents and Environmental Documents and LAFCO should comment."

### **GRAND JURY DETERMINATION 2010-2011**

The Grand Jury finds that all responses are adequate.

## **R8. RESPONSE TO GRAND JURY REPORT 2009-2010 FROM CALAVERAS WORKS AND HUMAN SERVICES AGENCY AND COUNTY ADMINISTRATIVE OFFICER (CAO) REGARDING CALAVERAS COUNTY VETERANS SERVICES**

### **REASON FOR INVESTIGATION**

The Grand Jury pursuant to California Penal Code Section 925 which states in part "... investigations may be conducted on some selective basis each year." This year the Grand Jury selected the Calaveras County Veterans Service Program (CCVSP). In light of the number of military service personnel, the committee has chosen to investigate CCVSP to determine the scope of its activity, identify the population served, and to evaluate whether or not the program is effectively serving the veterans of Calaveras County.

### **Finding 1**

The veteran populations in the adjoining counties of Amador and Tuolumne are similar in number to those of Calaveras. With two full-time employees, Tuolumne County processed 679 applications for services in 2008-2009 for a population of 7,200, while Calaveras, with one part-time employee, processed 149 applications for a veteran population of almost 6,000. Far fewer applications are processed here compared to a neighboring county with a similar veteran population. While the State pays approximately 80% of the wage for the allocated County VSO position, it is not evident whether 80% of the employee's time is allocated to VSO duties. Improving visibility and outreach would utilize additional hours while serving more veterans, thus expanding services rather than reducing subsequent annual income from the State. The County is requesting only 60% of this year's allocation, presumably anticipating a reduction in claims, with an accompanying reduction rather than an increase in employee hours dedicated to veterans affairs.

Although the VSO for Calaveras County is housed in the Human Services Agency in San Andreas, this employee is scheduled by appointment at various community medical clinics to provide veterans eligibility services. Inquiries by phone are answered by a Human Services representative and forwarded directly to the VSO or to an answering machine in the VSO's program office. Conversations with some members of one VFW post revealed that while these members knew that the County employs a VSO, they did not know where or how to obtain veterans services in the County. Several of the reception workers in medical clinics, when contacted by phone, were unaware of the CCVSP and unable to provide referrals to the VSO. Management from Palo Alto Veterans Health Services reported that regular video conferences provide training and networking opportunities to veterans staff but they have never had contact with the Calaveras County VSO. An interview with the veterans services representative in Tuolumne County also revealed that many eligible veterans from Calaveras County report that they contact or present themselves to the Tuolumne County office because of its set hours, the accessibility to full-time staff, and its non-affiliation with the welfare system. The combined position can be seen to make good use of the State funds and encourages the employment of workers with a broader knowledge of the many services available from Federal, State, and local programs. However, the limited visibility of the veterans services program and its office location within the Human Services Department hamper referrals and discourage applicants, thus reducing State income to Calaveras County.

### **Recommendation**

The Grand Jury recommends that the VSO implement a more visible presence in the community, regularly attend program-related meetings in Sonora, visit veterans posts, and

conduct outreach at public events where veterans or Human Services activities are spotlighted. The VSO should be equipped with a County-provided mobile communication device to pick up messages and answer questions while working at offsite locations. Human Services staff in San Andreas should be provided with the VSO's mobile number and daily work schedule so that the public can receive responses from the VSO in a timely manner. The message on the office answering machine should also be programmed daily to provide the VSO's mobile number and daily work schedule.

#### **RESPONSE FROM DIRECTOR OF CALWORKS AND HUMAN SERVICES AGENCY**

The Director agrees with the finding to increase services for veterans residing in Calaveras County but disagrees with the reimbursement and requested allocation percentages stated in the Grand Jury's Final Report.

The Director also disagrees with the Grand Jury's recommendation that the VSO maintain a more visible presence in the community. Veterans have the option of choosing any VSO office for their services. Although the Department has reduced its staff by 28% over the last three years, it has maintained and increased its overall service to veterans. Video conferences offered by Palo Alto Veterans Health Services are available but the notifications have not been timely and have thus far conflicted with the VSO's schedule. The Department has a phone system that allows employees to pick up messages from any location and provides mobile phones for staff use in the field. The Department is obtaining posters with the County VSO contact information to be placed in VFW's and other appropriate sites.

#### **RESPONSE FROM THE COUNTY ADMINISTRATIVE OFFICER**

The CAO partially disagrees with the finding and the recommendation because it appears to be based on an inaccurate understanding of the state's methodology for the allocation and reimbursement of funding. The Department is attempting to maximize its funding by seeking other federal and state funding resources. While the CAO is supportive of increasing services to veterans, state and local budget deficits prohibit expansion of services and staff visibility at this time.

The VSO has been given the capacity to check phone messages while in the field. The CAO and Department Director agree that it is reasonable to return phone calls within a day and have reviewed with staff the Department's policy regarding timeliness of response. The Department has begun to implement a review of the Veterans Services Program's outreach material. At the suggestion of the Grand Jury, the Department is increasing its dissemination of informational materials throughout the county.

#### **Finding 2**

County veterans have access to a new primary care clinic in Sonora, however many are not able to utilize the services because they have no transportation. The Sonora facility also provides a free shuttle to Palo Alto and Livermore Medical facilities for those who can leave from Sonora. Volunteer transportation to participate in Sonora's program is available in the County through the Volunteer Center in San Andreas.

#### **Recommendation**

In conjunction with Sonora administrators, the VSO needs to develop a plan to transport eligible veterans to Sonora for services and shuttle transport to other facilities within the VA regional system.

**RESPONSE FROM DIRECTOR OF CALWORKS AND HUMAN SERVICES AGENCY**

The Director partially agrees with Finding 2. Transportation for needy veterans would be ideal but the Department lost its agency transporters several years ago due to budget cuts. The County is presently pursuing discussions with Veterans groups to staff, fund, and insure a vehicle and volunteer driver pool.

**Finding 3**

The Grand Jury attempted to schedule meetings and request budget information, made multiple phone calls, and waited over two months for answers from the VSO, ultimately receiving confusing and inaccurate data. Phone inquiries were returned many days after the initial contact or not at all. The slow reply and necessity of rescheduling reflects on the responsiveness and accessibility of the VSO.

**Recommendation**

The Grand Jury recommends that a procedure should be developed to ensure that the VSO checks answering machines and e-mail messages frequently. Policy should mandate a verbal or written acknowledgement of messages within one work day of receipt to foster communication with community agencies and inquiring veterans.

**RESPONSE FROM DIRECTOR OF CALWORKS AND HUMAN SERVICES AGENCY**

The Director agrees with Finding 3. Telephone calls should be returned and budgetary information should be submitted in a timely manner.

**RESPONSE FROM THE COUNTY ADMINISTRATIVE OFFICER**

The CAO agrees with the finding and recommendation. The CAO and Department Director agree that departmental policy regarding timeliness of response is important and has been reviewed with staff.

**GRAND JURY DETERMINATION 2010-2011**

The Grand Jury accepts the responses but will follow up and refer these issues to the appropriate committee.

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## **R9. RESPONSES TO GRAND JURY REPORT 2009-2010 FROM CALAVERAS COUNTY ENVIRONMENTAL MANAGEMENT AGENCY (EMA), CALAVERAS COUNTY ADMINISTRATIVE OFFICER (CAO), AND CALAVERAS COUNTY BOARD OF SUPERVISORS (BOS) REGARDING COUNTY ENVIRONMENTAL MANAGEMENT AGENCY REPORT**

### **REASON FOR INVESTIGATION**

California Penal Code Section 925 states in part "...investigations may be conducted on some selective basis each year." The Grand Jury selected the County Department of Environmental Health, specifically the Environmental Management Agency (EMA), for review, in part to ascertain the effects of the current difficult economy.

### **Finding 1**

The operation of the EMA is dependent on a limited number of staff knowledgeable in the specific areas they serve including an understanding of Federal, State, and public health regulations and mandates. To fully carry out the stated missions, especially the education and outreach components, additional staff would be needed. Some programs are on hold due to budget constraints, which, over time, could have negative impacts on these programs' benefits to County residents.

### **Recommendation**

The Grand Jury recommends that, especially in carrying out its education and outreach components, the EMA explore a variety of options for program support. Some options include obtaining grant funds from private sources and seeking out college and university programs that provide students practical experience to supplement the EMA's limited staff.

### **RESPONSE FROM ENVIRONMENTAL MANAGEMENT AGENCY**

The EMA disagrees in part with this recommendation. While the EMA would fully embrace additional staff, current staff is meeting program goals, meeting state mandates and attending outreach events. Regarding the use of College and University programs to supplement EMA's limited staffing, there has been some consideration of bringing in a Geographic Information (GIS) student. This can be problematic due to the steep learning curve and short period of time within a semester.

The Environmental Health Department has been very successful in obtaining public grant funding throughout the years and would be interested in obtaining grant funds from private sources if and when available.

### **RESPONSE FROM COUNTY BOARD OF SUPERVISORS**

The BOS partially disagrees with Finding 1 and the recommendation as stated. The BOS acknowledges that additional staff may help increase education and outreach efforts to residents; however, the EMA staff has been very successful to date at obtaining grants (i.e. Farm and Ranch, Waste Tire Cleanup, West Nile Virus, EPA Groundwater Protection, among others) that provide outreach and educational opportunities for residents. The BOS encourages the EMA to continue to seek additional revenue and different avenues of grant support to supplement constrained program budgets.

### **Finding 2**

Air pollution control is heavily controlled by Federal and State regulations. The EMA's work in this area is largely informational. The EMA also provides coordination between the

County and fire agencies. A permit to burn is required, and a significant task for this single-person division is to enforce the requirement for a permit. The chief difficulty in managing this area is that the conditions that are cited as good burn days – high humidity, low winds – are precisely those that can create maximum air pollution from burn particulate matter. There does not appear to be a solution to this conflict. With increasing emphasis on monitoring air quality being handed down from the State, this division looks to other agencies for staff support to perform its duties. This one-person work group cannot effectively monitor air pollution from burn days approved throughout the entire County. However, simply accepting air quality hazards as a fact of life is not acceptable.

### **Recommendation**

The Grand Jury recognizes the inherent conflicts between burn days and air quality. The Grand Jury asks whether permanent “automatic” air quality monitoring devices – or resident volunteers trained to use such equipment - could be established in areas of the County where, due to geography, air quality issues frequently arise. If these devices or volunteers were able to send air quality information to the EMA, staff could more effectively coordinate with fire-control agencies about burning when air quality is or could become a health-related issue. The Grand Jury recommends that the EMA find ways to use technology and interested community members for monitoring.

### **RESPONSE FROM ENVIRONMENTAL MANAGEMENT AGENCY**

The EMA disagrees with this recommendation. The District has the authority to shut down burning activity whether residential or large burns conducted under a conditioned Smoke Management Plan (SMP), even during permissive burn days. Permission to burn is given by the State Air Pollution Control Board (ARB) and is based on meteorological conditions. ARB designates burn, no-burn or marginal burn days. As the district is conservative, even marginal burn days are considered no burn days locally.

The District does not have the fiscal resources to purchase and maintain the proposed devices that can cost as much as \$20,000 per unit. Training and coordinating volunteer groups is not realistic and would not aid the District.

The recommendation will not be implemented, as it is not physically and fiscally reasonable.

### **RESPONSE FROM COUNTY BOARD OF SUPERVISORS**

The BOS partially agrees with Finding 2 in that there is an increasing emphasis on air quality monitoring. However, the BOS disagrees with the recommendation as the County does not have the funding to purchase automatic air monitoring devices and there is not staff capacity to train and monitor volunteers.

### **RESPONSE FROM COUNTY ADMINISTRATIVE OFFICER**

The CAO agrees with Finding 2 that air pollution is heavily controlled by federal and state regulations.

The CAO disagrees with the recommendation to use air monitoring devices and volunteers; this will not be implemented due to the lack of funding.

### **Finding 3**

The Department of Agriculture of the EMA includes Weights and Measures and provides local implementation of a host of statewide regulatory programs. The activities are varied including registration of apiaries, checking weighing/measuring devices, and inspecting

gasoline stations for compliance with vapor recovery requirements (under contract to the EMA's Air Pollution Control division). A number of staff members in this division are seasonal, working specifically with agriculture and the associated pests and chemicals involved in food production and delivery. A number of this division's duties involve registering vendors, growers, and suppliers – e.g., certifying “organically grown” - and maintaining statistics. However, a number of the duties require site visits – a test purchase program at retail establishments where weights and measures are involved, the aforementioned vapor recovery program, the egg inspection program, nursery inspection, weighmaster certification, and the like. Recurring visits for all the activities under the authority of the EMA cannot be frequently performed based on EMA staffing.

### **Recommendation**

As small-scale agriculture continues to develop within the County, the need for education and monitoring will increase. The Grand Jury recommends the EMA monitor business licenses obtained through the County Clerk's office that require the Department of Agriculture's attention. The Grand Jury recommends the EMA explore the use of trained volunteers for some of its work until such time as the County's budget would allow additional staff.

### **RESPONSE FROM ENVIRONMENTAL MANAGEMENT AGENCY**

The EMA disagrees partially with this recommendation. The Department of Agriculture and Weights & Measures currently monitors new business licenses and has the authority to place additional restrictions on any applicant as necessary.

A volunteer, unless holding specific certifications, cannot perform the duties of an Agriculture Biologist. The EMA is considering volunteers where specific certifications are not required and County liability is limited.

It should be noted that the Grand Jury states that recurring visits cannot be accomplished when in fact the department is meeting its state mandated and statutory requirements.

### **Finding 4**

Environmental Health undertakes a wide range of programs including health inspections of facilities used by large numbers of people such as the jail, public pools, organized camps, and any permanent cosmetic business (including tattooing and piercing). It also is responsible for monitoring hazardous materials housed and used within the County and those properties identified as “brownfields,” which are properties that need significant remediation before re-use is possible. The group regulates liquid waste haulers and the disposal of waste from septic systems. The group issues permits for wells and septic systems and the assessment of abandoned mines, including their locations and their effects on the County's groundwater. It is also responsible for vector control – organisms that carry disease such as fleas, mosquitoes, and ticks. According to the EMA's Department Head, County funding for this latter area is “dramatically underfunded.”

The overall operation of the EMA depends upon limited staff knowledgeable in their specific areas of assignment including Federal and State regulations, public health guidelines, and County policy. Health threats from such varied sources as illegal dumping to unhealthy well water to increases of disease-carrying insects brought about by poor drainage are not likely to decrease. Also unlikely to be reduced are the Federal and State regulations imposed on local jurisdictions along with local requirements to implement them. Such unfunded mandates increase County costs. In order to fully carry out its stated missions, especially

the education and outreach components, additional staff will be needed by the EMA. Some programs are on hold due to budget constraints which will have negative impacts on these programs intended to benefit the health and safety of County residents. With this year bringing more rain than the County has seen in several years, vector control is of particular concern.

### **Recommendation**

The Grand Jury recommends that the issues of additional funding and staffing be addressed as the County experiences growing concerns such as:

- air quality and its effect on health
- groundwater supplies affected by septic systems
- insect and animal-borne diseases affecting both humans and crops
- foodstuffs contaminated by various means along the food chain.

### **RESPONSE FROM ENVIRONMENTAL MANAGEMENT AGENCY**

The EMA disagrees with this recommendation. While staff agrees that additional funding and staffing will ultimately be required as the County experiences growing concerns, today's economy does not allow for additional staffing and general fund contributions.

### **RESPONSE FROM COUNTY BOARD OF SUPERVISORS**

The BOS agrees partially with Finding 4 but disagrees with the recommendation for additional funding and staffing. The County must prioritize its use of limited funding, and does not have the resources to allocate County General Funds to pay for unfunded state mandates.

### **AGENCY CONCLUSION**

While it is true that the Agency has a limited number of staff, state mandated obligations continue to be met through cross training and multi tasking within and across Agency departments. While volunteers may work in some circumstances, most activities within the Agency require registrations, certifications and licenses and therefore volunteer activity would be limited.

### **GRAND JURY DETERMINATION 2010-2011**

The Grand Jury finds that all responses are adequate.

## **R10. RESPONSE TO GRAND JURY REPORT 2009-2010 REGARDING CALAVERAS COUNTY MANAGEMENT REPORT**

### **REASON FOR INVESTIGATION**

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

### **PROCEDURES**

The Grand Jury reviewed the County of Calaveras Management Report for the Year Ended June 30, 2009, prepared by Gallina LLP Certified Public Accountants.

### **RESULTS OF INVESTIGATION**

Gallina LLP reported, "We did not identify any deficiencies in internal control that we consider to be material weaknesses ... ." "However, in prior year audits we became aware of opportunities to strengthen internal control and operating efficiency."

### **Response Requested**

None

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**R11. RESPONSES TO GRAND JURY REPORT 2009-2010 FROM THE BOARD OF SUPERVISORS (BOS), DIRECTOR OF THE BUILDING DEPARTMENT, THE PLANNING DIRECTOR AND THE AIRPORT MANAGER REGARDING CALAVERAS COUNTY AIRPORT/MAURY RASMUSSEN FIELD**

**REASON FOR REVIEW**

The review was conducted pursuant to California Penal Code Section 925, which states in part: "...investigations may be conducted on some selective basis each year." Records of past Calaveras County Grand Juries show that the airport has not recently been subject to a review.

**Finding 1**

As of March 2010 a fire protection plan has been submitted to the County Planning Department to allow for future expansion. Plans for additional hangar space are being submitted to the Building Department.

**Recommendation**

The County Planning Department should adopt or modify the proposed fire protection plan to allow future expansion. The County Building Department should complete its review of the hangar plan so that bidding and construction can move forward.

**RESPONSE FROM THE BOARD OF SUPERVISORS**

The BOS responded, "The Board wants to clarify the county entity responsible for the receipt, review and approval of the fire protection and suppression plan for the airport. The Building Department, not the Planning Department, is responsible for review and approval of the fire protection plan and implementing the recommendation. The recommendation has been implemented. The Building Official collaborated with the Airport's engineer of record and the San Andreas Fire Protection District to review and approve a National Fire Protection Agency (NFPA 1142) Rural Water Supply Fire Protection system with on-site water storage for the intended Fire Suppression Plan. The engineered design for a proposed on-site water storage installation for fire suppression was approved April 15, 2010 which allows for the proposed expansion of hangars at the airport. The fire suppression water supply system was installed and became operational in June 2010. In August 2010, the Board approved a federal grant and loan to fund construction of additional hangars at the airport. The Board also awarded the bid to proceed with construction of the new hangars. Construction is expected to begin in fall 2010."

**RESPONSE FROM THE DIRECTOR OF THE BUILDING DEPARTMENT**

The Director of the Building Department responded that a National Fire Protection Agency (NFPA 1142) Rural Water Supply Fire Protection system with on-site water storage for the intended Fire Suppression Plan has been reviewed and approved. The Building Department is waiting for the final revised plans and construction documents for additional airport hangars. Upon final review of these documents, the building permit can be issued.

**RESPONSE FROM THE PLANNING DIRECTOR**

The Planning Director does not agree with the recommendation. It is not the responsibility of the Planning Department to adopt or modify the proposed fire protection plan.

**RESPONSE FROM THE AIRPORT MANAGER**

The Airport Manager agrees with the recommendation. The water supply fire protection system was put in place, the bid for the 22-unit hangar project was awarded, and completion is expected by year-end 2010, weather permitting. Per their bid agreement, the contractor has until mid February 2011 to complete the project.

**GRAND JURY DETERMINATION 2010-2011**

The Grand Jury finds that all responses are adequate.

## **R12. RESPONSE TO GRAND JURY REPORT 2009-2010 FROM PUBLIC WORKS ROADS AND BRIDGES DEPARTMENT (RBD)**

### **REASON FOR INVESTIGATION**

Penal Code Section 925 states in part "...investigations may be conducted on some selective basis each year." This year the Grand Jury selected the Roads and Bridges Department (RBD) for a review.

### **Finding 1**

The Grand Jury found that there is a laxity in supervising the work force hours. Workers report promptly at 7:00 AM and meet in the individual corporation yard offices until approximately 8:00 AM. They start checking the equipment, loading it on trailers if necessary, or loading the dump trucks. Between 8:00 AM and 8:15 AM they proceed to the work site, averaging one-half hour travel time. After unloading equipment and setting up traffic signs, they begin work. Employees take one-half hour for lunch. The workers start taking down the signs and reloading the equipment and at approximately 2:45 PM they drive back to the yard. The work day ends at 3:30 PM. This typically results in five-and one-half hours of work at the job site.

### **Recommendation 1**

A diligent effort should be made by RBD supervision to maximize productive working hours.

### **RESPONSE FROM PUBLIC WORKS ROADS AND BRIDGES DEPARTMENT**

The RBD responded, "There are three separate issues associated with this finding. The first is the time spent at the beginning of the shift in the office. While this time is used for safety meetings, project briefings, equipment assignments, and normal pre-job assignments, one hour may or may not be the appropriate time allotted for these activities. Management will work with the superintendents and supervisors to minimize the time spent at the yard and to be as efficient as possible in pre-job meetings. The Street Superintendent will also do spot checks at the various road yards to verify that pre-job activities are being performed as efficiently as possible, and make corrections as necessary to ensure that the time in the field is maximized.

"The second issue is that the road crews begin clearing the job site forty-five minutes before the end of their shift. The time allotted to clearing a job site and returning to the yard for equipment cleanup and maintenance varies depending on the distance from the construction site to the road yard. Management will make spot checks at the various road yards to verify that proper work hours are being observed and the time in the field is maximized. The Road Superintendent will make corrections to working procedures as needed to ensure that productive work time is maximized.

"Management will instruct the Road Supervisors to have their crews complete all preparation and equipment pre-operation inspections within half an hour of the starting time and not to return to the road yard until fifteen minutes before the end of the shift."

### **Finding 2**

The Grand Jury looked at a sampling of equipment usage. This sample included six backhoes, five graders and an asphalt paving machine. The hour meter on heavy equipment is similar to an odometer on an automobile except that it measures actual hours of run time instead of miles driven. Engine hour readings on the machines showed the

usage to be about 11% of working hours. In looking at the past five years' usage, the percentages and hours remained the same. Equipment has been purchased within the past few years that appears to have received little use. The need for the current fleet of equipment seems excessive based on the actual usage.

### **Recommendation 2**

The RBD has an existing database capable of accurately tracking equipment usage. It is recommended that the use of this database be implemented as soon as possible in order to determine the need for equipment and future replacements. It is recommended that the RBD explore alternatives to purchasing heavy equipment.

### **RESPONSE FROM PUBLIC WORKS ROADS AND BRIDGES DEPARTMENT**

The RBD responded, "The County maintains roads over a large area with population centers and roads spread throughout. In order to serve the residents more efficiently, the County has four maintenance districts and maintenance yards at locations that serve the population centers and road maintenance needs. Due to the long distance between the respective yards and the seasonal nature of road maintenance work, the County must duplicate some pieces of equipment, having one at each yard in order to perform the specific maintenance task at the specific time of year. During the spring and fall, grading and graveling operations are performed. Each facility uses the same equipment during these operations, precluding sharing a single piece of equipment. Graders, backhoes, and dump trucks are used during the summer months for paving prep work and normal patching operations, again not allowing for sharing between facilities. The County has one grader and one backhoe assigned to each facility with an older extra backhoe and grader in reserve. During winter months the grader from San Andreas and Glencoe are utilized for snow removal operations.

"The County has been utilizing grant funds for paving operations during the summer maintenance season, which has diverted crews from their usual road maintenance activities thereby reducing the amount of time spent using the respective maintenance equipment. This trend is expected to continue as road maintenance funding continues to be reduced and project specific funding from grants continues to increase. Staff continues to actively seek additional grants for projects to ensure that existing failing roads are rehabilitated and new projects are constructed, but with the continued reduction in normal maintenance funds this trend of diverting maintenance assets to projects is expected to increase. One indication of this change is the County's purchase of a paving machine, which has seen additional use as funding for paving has increased. This is another trend that is expected to continue.

"The County has not explored the feasibility of using outside contractors for emergency call-outs such as trees falling down, rocks in the roadway, flooded roads, or similar emergency responses. Through normal contracting experience, management has determined that it is improbable that there are enough licensed contractors in each of the road districts that would be willing or able to respond to an emergency, such as a two hour call-out at 3:00 AM, and still be competitive with County work forces. A survey of local contractors will be done by staff to determine if additional assistance is available from the contracting community.

"The Road Department works with the Equipment Service Center (ESC) on the maintenance, purchase, and replacement of equipment. The ESC also provides information on equipment use and offers guidance on the needs of the various road yards. Additionally, the ESC has been utilizing the database for tracking equipment usage over the last three

years and has used this information in developing a fleet management plan. This plan tracks use, fuel, air quality replacement requirements, and has allowed the Department to reduce the size of the overall fleet by identifying equipment that can be shared between road yards. The Department has surplused thirty pieces of road equipment (trucks, trailers, and heavy equipment) over the last two years. Of these, seven were replaced with newer equipment, for an overall reduction of 23 pieces of equipment.

“The Department continues to use the latest available technology to gain additional efficiencies in fleet management and expects further reductions in the Road and Bridge Department Fleet to match the County’s needs.”

### **Finding 3**

On February 10, 2010, the Grand Jury observed repair of a gravel road executed by staff from the Jenny Lind corporation yard. Two 5-ton dump trucks loaded gravel from the yard and hauled it to the road under repair. This involved a one-and-one half hour round trip. Employees dumped the load and returned another four times during the day. The grader on the site promptly graded the ten tons delivered in a few minutes then waited more than an hour for the trucks to return. The machine is capable of spreading hundreds of tons per hour. The road repair was made by simply spreading the rock. No water or compaction roller was used. It appeared that equipment and manpower were being used inefficiently. Questions arise as to whether this repair methodology could result in a road that would experience almost instant washboarding.

### **Recommendation 3**

It is recommended that the Department compare its existing policies, procedures, and repair methods with current codes for repair/maintenance of gravel roads and implement necessary changes. It is also recommended that staff training and supervision policies and practice be reviewed for proper implementation to ensure high quality and efficient performance. Similarly, it is recommended that coordination for the most efficient use of equipment and personnel be evaluated and improved.

### **RESPONSE FROM PUBLIC WORKS ROADS AND BRIDGES DEPARTMENT**

The RBD responded, “Public Works staff cannot confirm the specifics of this observation as a search of time cards cannot verify that any work was being done on any gravel roads during the month of February. However, in March some minor maintenance work was being performed on Hogan Dam Road in response to a complaint, specifically filling of pot holes.

“In response to the concerns on the methodology used by maintenance staff on the repair of gravel roads, a short brief on winter maintenance of gravel roads would be of benefit, using the Hogan Dam Road repair as an example. Gravel was hauled to the pot holed areas and distributed by spreading with a dump truck and back dragged with a backhoe, not a grader as stated in the Jury report. When grading or doing small spot patching with gravel, a dump truck is typically used as a compactor in lieu of a steel drum roller.”

The RBD response continued, “Use of a water truck in these instances is not warranted in staff’s professional opinion. According to the weather almanac, there was sufficient rain during the months of February and March to have eliminated the need for a water truck. This is consistent with other agencies that do similar work in other jurisdictions. Calaveras County road maintenance crews are consistent with maintenance crews in other jurisdictions in that only minimal repairs on unpaved roads are done in the winter months due to weather. Staff cannot predict with any accuracy when and how much rainfall will occur during winter

months. Too much moisture will cause a grader to break through the crust of a roadway creating a muddy mess, requiring more gravel to be hauled to cover the mud. This would be an inefficient use of both personnel and materials. Current grading practices are comparable to other local agencies, and Public Works recommends no changes to these practices.”

**GRAND JURY DETERMINATION 2010-2011**

The Grand Jury finds that all responses are adequate.

## **R13. RESPONSE TO GRAND JURY REPORT 2009-2010 FROM WALLACE COMMUNITY SERVICES DISTRICT (WCSD) BOARD OF DIRECTORS REGARDING WALLACE COMMUNITY SERVICES DISTRICT**

### **REASON FOR INVESTIGATION**

California Penal Code Section 925 states in part "...investigations may be conducted on some selective basis each year." The Grand Jury has in the past studied one or more special districts. This year the Grand Jury selected the WCSD for review.

### **NOTE**

"The current Board of Directors took office on December 5, 2009 with four new members and one incumbent resulting from the Election held in August 2009. Therefore, the responses are from the newly elected Board and are not responses from the Board members who held office prior to December 5, 2009."

### **Finding 1**

The Grand Jury noted irregularities in Board activities. In violation of the Brown Act, items were initiated and voted upon which were not shown on the Board's agenda.

### **Recommendation 1 for Findings 1, 5, and 6**

The Grand Jury recommends that the Board of the WCSD clarify its responsibilities and obligations under the state's Community Services District law, specifically Part 3, Chapter 1, Section 61100, and review/revise its Governance Guidelines in keeping with the law.

### **RESPONSE FROM WCSD BOARD OF DIRECTORS**

The WCSD Board of Directors responded, "The Board is familiar with the requirements and intent of the Brown Act and has no intention of initiating or voting upon items that are not on the published meeting agenda. WCSD Legal Counsel provided the latest "A Public Official's Guide to The Brown Act" for each director in January 2010."

### **Finding 2**

The WCSD Board appeared concerned about liability and insurance issues, yet the Grand Jury found the WCSD had no idea of the insurance consequences related to Board meetings being held on the property of and in a facility owned by a Board member. Several of the Directors-elect questioned the lack of due diligence by the sitting Board members in forming pre-determined opinions about will-serve cases rather than researching each individual circumstance and discussing the cases with the Board and the public in open session.

### **Recommendation 2 for Findings 2 and 4**

The Grand Jury notes that issues involving an analysis of risk and the assignment liability appear to be of particular concern in operations of the WCSD. The Grand Jury recommends the Board receive training in – or obtain the assistance of someone trained in – risk management and risk transfer issues. General calls to the WCSD insurer do not take the place of specific review and analysis of each situation.

### **RESPONSE FROM WCSD BOARD OF DIRECTORS**

The WCSD Board of Directors responded, "The monthly meeting place was relocated to the historical school house in Wallace, California providing easier public access and ending any potential conflict of insurance issues with past or current Board members. Each Board

member is encouraged to research agenda items and bring their independent thoughts and analysis to Public meetings.”

### **Finding 3**

It appeared that WCSD Board members had little knowledge of California Department of Public Health or State Water Resources Control Board mandated certification requirements for persons working in water and wastewater treatment, distribution, and related services. Board members were known to have had access to, if not engaged in, the handling of facilities for which State certifications are required. In addition, WCSD’s General Manager did not have the certification necessary to operate WCSD’s wastewater plant. An arrangement was necessary for him to work under the license of an individual no longer on the WCSD payroll until the required on-the-job hours needed for certification could be documented. Though such an arrangement is allowed, on-site supervision requirements exist.

### **Recommendation 3 for Findings 3 and 6**

Various requirements exist from federal and state regulations that require documentation to be prepared. The Grand Jury recommends WCSD ensure its regulatory-required documents are complete. It also recommends that WCSD Board receive additional training on the employee certifications required to perform the duties necessary to operate the treatment plants and oversee WCSD’s services, and the limitations placed on those who do not hold the proper certifications.

### **RESPONSE FROM WCSD BOARD OF DIRECTORS**

The WCSD Board of Directors responded, “Upon learning of deficiencies with State mandated certification requirements the Board terminated all services with the General Manager as of December 24, 2009 and contracted with Calaveras County Water District to provide General Manager services and all water, waste water, and sewer plant operational services.”

### **Finding 4**

During its meetings the Board presented a confusing arrangement for hiring its General Manager. The Board contracted with an engineering company to assign a specific individual as General Manager to WCSD. Questions arose relative to the status of liability and workers compensation under such an arrangement, and written clarification of these issues did not exist. Typically a contractor is held to strict liability coverage requirements. It is not known whether WCSD sought assurance that the engineering company was properly licensed to provide such services.

### **Recommendation 4 for Findings 4 and 7**

The Grand Jury recommends that Board Members obtain training in – or the assistance of someone trained in – public contracting requirements to ensure transparency in the expenditure of public funds, including efforts to obtain the best value possible for the WCSD.

### **RESPONSE FROM WCSD BOARD OF DIRECTORS**

The WCSD Board of Directors responded, “The insurance and worker’s compensation issues mentioned were essentially eliminated by the Calaveras County Water District contractual arrangement.”

### **Finding 5**

While reviewing a water service connection issue involving one of the sitting Board members, a reference was made that the affected Board member had provided in-kind services to the District over many years. The Board cited these services as its reason for waiving the fee associated with the service connection in question. The public could have a negative perception of such decisions, perceiving favoritism and a lack of fiduciary responsibility by the Directors of WCSD in carrying out the duties charged to them by the voters.

### **RESPONSE FROM WCSD BOARD OF DIRECTORS**

The WCSD Board of Directors responded, "Upon receipt of the Grand Jury Report the Board researched the activities associated with this Finding and at its July 15, 2010 meeting, requested the General Manager to document the facts and circumstances, and recommend to the Directors any future actions that may be necessary."

### **Finding 6**

The WCSD has developed a number of guidance documents necessary to operate the District including Governance Guidelines for the Board of Directors, an Annual Service Plan, administrative and financial procedures, as well as written operating procedures for the plants; however, a number of the documents were found to be only partially developed or incomplete.

### **RESPONSE FROM WCSD BOARD OF DIRECTORS**

The WCSD Board of Directors responded, "The Board will examine documents noted in the Finding and will complete those guidance and operational documents that are deficient."

### **Finding 7**

Board members reported having obtained bids for services such as paving through a word-of-mouth method that included only select providers rather than through a broader, more formal process with public notices.

### **RESPONSE FROM WCSD BOARD OF DIRECTORS**

The WCSD Board of Directors responded, "It is the intent of the current Board to utilize the services of the Calaveras County Water District to search for, and when required, produce request for bids or proposals. As part of this process the WCSD issued a RFP for Audit Services obtaining 5 responses to provide these services. After reviewing the responses the Board selected the audit firm that seemed the most appropriate in terms of District needs."

### **Finding 8**

Recently an expansion of Wallace Lake Estates was proposed by a developer who had purchased property and plans from the entity responsible for the original development. The new owner had requested that the District honor the costs and rates agreed upon with the prior developer. Questions arose whether an apparently favorable response to the new developer's proposal was communicated by a Board member prior to the proposal being discussed in open session. A problem with actual approval of the prior expansion plan later surfaced.

### **Recommendation 5 for Finding 8 and 9**

The Grand Jury recommends that the WCSD ensure that it has responded to all LAFCO recommendations. It is further recommended that the WCSD formulate a procedure for

listing and tracking its obligations, including regularly required events and reports, as well as obligations that are forthcoming from the District's involvement with other agencies, associations, and community-related commitments.

#### **RESPONSE FROM WCSD BOARD OF DIRECTORS**

The WCSD Board of Directors responded, "The current Board is under no obligation to honor the costs and requirements in a prior developer's Will Serve Agreement that were offered to the developer in question who was never publically vetted. This particular Will Serve Agreement may be terminated without cause at anytime by either party. (Will Serve Agreement 2005-1 Section T 1)

"Further the current board intends to require new applicant/builders to make an initial public presentation before the full board and deposit appropriate security deposits to cover WCSD legal and engineering expenses in order to initiate a Will Serve contract."

#### **Finding 9**

Related to Finding 8, it was discovered the previous expansion application process had not been completed through Local Area Formation Commission (LAFCO). In its 2004 services review, LAFCO had advised WCSD to prepare a capital improvement plan, to perform an analysis of its rate structure, and to consider exploring sources of surface water to provide a long-term reliable water supply to the area. WCSD has acted upon all of these recommendations. LAFCO also urged WCSD to consider outside management assistance.

#### **RESPONSE FROM WCSD BOARD OF DIRECTORS**

The WCSD Board of Directors responded, "The WCSD does not currently intend to seek expansion of the District's sphere of influence until such time as surface water or other proven additional water resources are available to the District. See response for Finding 3."

#### **Finding 10**

During the meetings, corrections to WCSD bookkeeping and balances were regularly pointed out by audience members. Inter-fund loans and transfer matters were presented for vote without clear or accurate information relative to terms or status of either fund. A confusing discussion was held regarding compensation for the General Manager and the individual under whose State certification the General Manager would be working. It is uncertain whether accurate documentation detailing the outcome was ever prepared for the record following Board discussion of the topic.

#### **Recommendation 6 for Finding 10**

The Grand Jury recommends that the WCSD thoroughly review its policies and procedures relative to financial matters. Procedures regarding inter-fund transfers specifically need to be addressed, including but not limited to authorized limitations to transfers, any interest paid on funds borrowed by one fund from another, timetables for paying back borrowed funds, and the tracking and reporting of all such activities.

#### **RESPONSE FROM WCSD BOARD OF DIRECTORS**

The WCSD Board of Directors responded, "The monthly financial report has been revised for easier understanding and will conform to the appropriate accounting standards set forth for Community Services Districts. Additionally, the Board through its Finance Chairperson intends to issue quarterly financial reports to all customers on a quarterly basis. The first report was issued for the period ending March 31, 2010.

“Essentially the WCSD Directors concur with all the Grand Jury recommendations and has already remedied, completed or will in the near future seek to resolve any outstanding issues.”

**GRAND JURY DETERMINATION 2010-2011**

The Grand Jury finds that the response is adequate.