



**Calaveras County**  
**2011-2012 Grand Jury**  
**Final Report**

**On the cover:**

**"Autumn at Calaveras Big Trees State Park"**

**Photo by: Alan Beymer**

**Courtesy of: Calaveras Big Trees Association**

June 13, 2012

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

Dear Judge Martin

The 2011-2012 Civil Grand Jury, in accordance with Penal Code Section 933(a), respectfully submits its Final Report to the Calaveras County Superior Court.

This report is the product of many hours of research and hard work by the Grand Jury which was impaneled on July 1, 2011 as a diverse group of nineteen citizens from all areas within this county.

This year's Final Report includes the findings of ten separate investigations into County Government and other elected organizations. Included are the mandated inspection and inquiry into the County Jail, as well as other investigations prompted by citizens and Grand Jury members. Responses from the 2010-2011 Grand Jury report are included.

The Grand Jury wants to thank the elected official and the employees of Calaveras County for working with us on the investigation and research into areas of this report and the responses from last year's report. We would also like to thank the individuals who interviewed for the investigations.

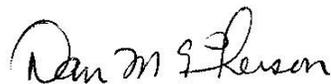
The Grand Jury thanks you and your staff for their assistance throughout the year.

We would also like to thank the District Attorney and the County Counsel for their help and answering all our questions.

I would like to thank my fellow Grand Jurors and those who couldn't complete the full year's service for serving with me and their dedication to Calaveras County.

The Grand Jury feels it was an honor and privilege to serve on the Calaveras County Grand Jury this year.

Sincerely,



Dan McPherson  
Foreperson 2011-2012 Grand Jury

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**FILED**

JUN 21 2012

Clerk of the Court  
Superior Court of California  
County of Calaveras

By *[Signature]* Deputy

**2011-2012 GRAND JURY**

**FINAL REPORT**

The 2011-2012 Calaveras County Grand Jury approved this Final Report

S/: *[Signature]*  
Dan McPherson

Date: June 18, 2012

I accept this Grand Jury Report for the year 2011-2012 for filing and certify that it complies with Title V of the California Penal Code.

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

Date: June 21, 2012

Any persons interested in receiving a copy of this 2011-2012 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 June 29, 2012 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 offence 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 2011-2012 CALAVERAS COUNTY GRAND JURY**

Dan McPherson, Foreperson  
Suzie Coe, Foreperson Pro Tem  
Lydia Testa, Recording Secretary  
Sherry Marsh, Correspondence Secretary  
John Darroch, Sergeant-at-Arms

Geoff Antus  
Nancy Barton  
Michael Bayha  
Ron Braidman  
Leanne Bryan  
Marcy Crawford  
Harriet Johns

Monique Johnson-Wolfe  
Karen LeBlanc  
Jim Lewis  
Karen Moon  
Dave Richards  
Kris Wilmot

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## **1. MARK TWAIN HEALTHCARE DISTRICT INTERIM REPORT**

### **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 investigate the Mark Twain Healthcare District due to publicity in the Calaveras Enterprise of turmoil and discord within the healthcare system of Calaveras County.

### **PROCEDURES**

The Grand Jury began their investigation by acquiring the following public documents:

1. Minutes of the Mark Twain Healthcare District Board meetings for the years 2010 and 2011
2. All leases between the Mark Twain Healthcare District, the Mark Twain St. Joseph's Healthcare Corporation and Catholic Healthcare West
3. The Mark Twain Healthcare District Bylaws
4. The annual independent audits for the Mark Twain Healthcare District for the years 2009 and 2010. The Grand Jury also requested the "Management's Discussion and Analysis" (MD&A) for those audits. The Chief Financial Officer said they were unavailable because they were not done for those years even though the inclusion of MD&A is accepted practice for annual audits.
5. The 2005 LAFCO report on the Mark Twain Healthcare District. The Mark Twain Healthcare District could not locate their responses to the recommendations made in that report.
6. The 2010 Tax Return for the Mark Twain St. Joseph's Healthcare Corporation, which operates the Mark Twain St. Joseph's Hospital in San Andreas, CA.

The following interviews were conducted:

1. All five members of the Mark Twain Healthcare District's Board of Directors
2. Three members of the Mark Twain St. Joseph's Healthcare Corporate Board
3. The CFO of Mark Twain St. Joseph's Hospital and the CFO of Mark Twain Healthcare District Board; the same person serves as CFO of both
4. Physicians who have left Mark Twain St. Joseph's Hospital in the last two years as well as those who still practice there

Members of the Grand Jury observed regular monthly meetings of the Mark Twain Healthcare District Board that were open to the public. One meeting was a joint session of the Corporate Board and the District Board. Also present at the joint meeting was the attorney of record for each board.

### **BACKGROUND**

#### **HISTORY OF THE MARK TWAIN HEALTHCARE DISTRICT AND HOSPITAL**

- In 1945 the Healthcare District Law was passed by the State of California.
- By 1946, in a special election, the Mark Twain Hospital District was formed. The first Board of Directors was appointed by the County Board of Supervisors.
- In 1947 the hospital was proposed at the first joint meeting of the new Mark Twain Hospital District Board (District Board) and the County Board of Supervisors.
- In 1948 a bond issue was passed by county voters to start building Mark Twain Hospital.
- In 1951 Mark Twain Hospital was finished and dedicated. The first patient was admitted on September 9<sup>th</sup>.

#### WHAT VOICE DID THE VOTERS HAVE BACK THEN?

Since 1946 the members of the District Board have been elected by the voters of Calaveras County to four year terms. The elections are staggered every two years to maintain continuity. The hospital administration was handled through public meetings of the District Board. Any concerned voter could go to the District Board for redress. Until 1990 the voters of Calaveras County had some oversight of the hospital through their elected officials on the District Board.

#### MARK TWAIN HOSPITAL GROWS

By 1990 small independent hospitals found it almost impossible to function on their own. To provide quality medical care they needed to join with other health care systems. The Mark Twain Hospital District, now called the Mark Twain Healthcare District, formed a partnership with St. Joseph's Regional Healthcare System in Stockton. This partnership with a private non-profit corporation became the Mark Twain St. Joseph's Healthcare Corporation we know today.

In 1997 St. Joseph's Hospital became a part of the Catholic Healthcare West (CHW) system, known today as Dignity Health, instead of an independent "stand alone" hospital. As part of that change, a separate contract was made between the Mark Twain St. Joseph's Healthcare Corporation and Catholic Healthcare West to provide senior management including Chief Executive Officer (CEO) and Chief Financial Officer (CFO). CHW also managed the day-to-day operations of the hospital and its related services.

#### HOSPITALS HAVE "LICENSED BEDS"

By 1997 the Mark Twain St. Joseph's Hospital was licensed for 48 beds. A "licensed bed" does not refer to a real bed. A "licensed bed" is a legal term that gives the hospital the right to admit a patient and provide all the services necessary during their hospital stay. A hospital with 48 "licensed beds" may choose to keep some of those beds in reserve until needed.

If a hospital decides they need additional beds, they must apply to government agencies. No beds are possible without a license. It is a lengthy and complex process.

#### WHERE DID THE HOSPITAL'S "LICENSED BEDS" GO?

In 2010 the Corporate Board decided to give up 23 of those 48 "licensed beds" to receive a better financial reimbursement from government health insurance. This allowed the hospital to become a **Critical Access Hospital**. The title of Critical Access Hospital may only be applied for by small rural hospitals with no more than 25 "licensed beds". A Critical Access Hospital sounds very important but changed the hospital very little. The hospital still sees the same kind of patients they have always seen but the length of time a patient stays in the hospital is now determined by government regulations, which limit how many "licensed beds" this kind of hospital may have. If the hospital wants to return to a 48 bed facility, it must reapply for those 23 beds. Applying to increase the number of "licensed beds" may or may not be granted and the process takes about a year to complete.

#### WHERE DID OUR HOSPITAL'S DOCTORS GO?

During the years 2009 and 2010 a number of physicians, who had privileges to care for their patients in the hospital, left Mark Twain St. Joseph's Hospital. The physicians who were interviewed by the Grand Jury left due to conflicts with management over concerns about the quality of patient care. They indicated recent changes by hospital management involving patient care and operational procedures were their reasons for leaving. The physicians felt they no longer had any substantive input in the daily running of the hospital. They stated that they left after trying every avenue within the system to solve the problems they faced.

## WAS ANYONE AWARE OF THESE PROBLEMS AS THEY WERE HAPPENING?

Based on conducted interviews, the hospital senior management was aware of the physicians' concerns as they were happening. When the physicians were unable to have a constructive dialog with senior management through procedures outlined in the Medical Staff bylaws, they tried to approach the Mark Twain St. Joseph's Healthcare Corporate Board. The physicians were told by the Corporate Board that they could not have access to the Board directly but must go through senior management instead. Several physicians then went to the District Board but were told that it was the senior management who were responsible for resolving those issues. The Mark Twain District Board believed they had no "right" to an opinion about anything that happens within the hospital or the Corporate Board. Having no other avenue, the doctors left looking for places to practice where their concerns would be heard.

## ACCESS TO THE MARK TWAIN HEALTHCARE DISTRICT BOARD

In July 2011 the Grand Jury made multiple attempts to locate the names of current elected members of the Mark Twain Healthcare District. They first tried to find a website for the District but could not find one. Next, they tried to find information on District Board members on the official Calaveras County website and none was available. A phone call to the Local Agency Formation Commission (LAFCO) located a few names of members who were no longer on the District Board. The Grand Jury then telephoned the Calaveras County offices looking for a contact person for the District Board. They were given the name, phone number and address of a secretary. The address was the Mark Twain St. Joseph's Healthcare Corporate Office. The Grand Jury subsequently discovered that the Mark Twain Healthcare District did not and still does not have a separate office. The Mark Twain Healthcare District uses the same office as the hospital administration and Corporate Board. The Grand Jury contacted the secretary and received the names of the District Board members.

It was discovered that the required public notices of District Board meetings and agendas were only posted on the bulletin board in the hallway of the administrative portion of the hospital outside the Corporate and Administration offices.

## WHAT VOICE DO VOTERS HAVE IN CALAVERAS COUNTY HEALTHCARE?

It needs to be noted here that the District Board members are still elected by the citizens of Calaveras County every four years and the District is still charged with the responsibility to levy taxes to support healthcare in the county.

Mark Twain St. Joseph's Healthcare Corporation is a private non-profit corporation whose board meetings are **not** open to the public. They do not answer to the District Board and are not subject to the Healthcare District's bylaws.

## HOW DOES THE MARK TWAIN ST. JOSEPH'S HEALTHCARE CORPORATE BOARD CHOOSE ITS MEMBERS?

The current Corporation bylaws specify that their board will be made up of eight members. The membership is comprised as follows:

- Two (2) from the Catholic Healthcare West organization
- One (1) citizen from the County chosen by Catholic Healthcare West
- One (1) citizen from the County chosen by Mark Twain Healthcare District Board
- Two (2) who can be either District Board members or citizens of the County
- One (1) citizen from the County chosen by the above six members of the Corporate Board
- One (1) Chief of Staff (physician) who is elected by the Medical Executive Committee of the hospital

The three members chosen by the District Board serve **only** as long as the Corporate Board's bylaws permit. The District Board members who represent the voters can be removed anytime the Corporation changes its bylaws to exclude them.

It is the Corporate Board's bylaws that control the makeup of the Corporate Board. This private non-profit corporation is **not** accountable to Calaveras County voters. The Mark Twain Healthcare District Board

members are elected by and accountable to the voters.

The Corporate Board meetings are private and what goes on is not made public unless a statement is issued. The Brown Act **may or may not** apply to these meetings.

The Calaveras County voters have a voice in how their hospital is run as long as the Corporate Board allows the three members of the Mark Twain Healthcare District Board to sit on the Corporate Board.

In 2019 the future of healthcare in Calaveras County will be decided for our citizens. This is the year the partnership contract runs out between Catholic Healthcare West, the Mark Twain St. Joseph's Healthcare Corporation and Mark Twain Healthcare District. A new arrangement between the parties will be constructed or new partners will be chosen.

## **RESULTS OF THE INVESTIGATION**

### **Finding 1**

The Mark Twain Healthcare District Board has had a limited turnover in its elected members. Since there are no term limits it is possible for a District Board member to serve for decades if reelected.

### **Recommendation**

The Grand Jury recommends that the District Board incorporate term limits within their bylaws to bring new and fresh perspectives to the board at regular intervals.

## **RESPONSE REQUESTED**

Mark Twain Healthcare District Board

### **Finding 2**

The Mark Twain Healthcare District's office (CEO, CFO, secretarial help, financial committee), website and telephone number are identical to that of the Mark Twain Healthcare Corporation. Even the District Board's files are archived within the Corporate offices. This has allowed the Corporation to control access to the elected District Board and its records.

### **Recommendation**

The Grand Jury recommends separating the District Board's office, staff, telephone number, document storage facilities, and website from that of the Mark Twain St. Joseph's Healthcare Corporation and Senior Management (CHW) of the hospital.

## **RESPONSE REQUESTED**

Mark Twain Healthcare District Board

### **Finding 3**

Information from the private Corporate Board was either incomplete or not communicated to the full District Board until it was too late for the District Board to have any influence even though two elected District Board members sit on the Corporate Board. Since elected District Board members are the legal liaison between the District Board and the Corporate Board, they are responsible for all communication pertaining to public issues on healthcare within the county.

**Recommendation**

The Grand Jury recommends information move freely and readily in both directions between the District Board and the Corporate Board. Some mechanism should be devised by the boards to assure that this happens such as, but not limited to, Corporate Board meeting minutes being shared with the full District Board.

**RESPONSE REQUESTED**

Mark Twain Healthcare District Board

**Finding 4**

The Mark Twain Healthcare District has three seats on the Corporate Board only as long as the Corporate Board's bylaws read the way they currently do. If the bylaws were rewritten to exclude the District Board's representation on the Corporate Board, the electorate would lose its voice concerning healthcare in this county.

**Recommendation**

The Grand Jury urges both Boards to create a structure that guarantees the District Board a place on the Corporate Board regardless of changes in power or personalities.

**RESPONSE REQUESTED**

Mark Twain Healthcare District Board

**Finding 5**

The District Board's Financial Committee or their CFO submitted incomplete information to the independent auditors for the annual audit. The Management's Discussion and Analysis (MD&A) as required by law was never prepared.

**Recommendation**

All pertinent and legal financial requirements should be followed by agencies handling public funds.

**RESPONSE REQUESTED**

Mark Twain Healthcare District Board  
The Financial Committee of the District Board  
The CFO of the District Board

**Finding 6**

The public has lost confidence in the healthcare provided in the county.

**Recommendation**

The Grand Jury recommends that the Calaveras County Board of Supervisors receive an annual report from the District Board on the state of healthcare in the county and the hospital. The Management's Discussion and Analysis (MD&A) portion of the annual independent audit is an overview of the Healthcare District's financial health and should be included in this annual report. This report should be made public.

**RESPONSE REQUESTED**

Mark Twain Healthcare District Board  
Financial Committee of Healthcare District Board  
Board of Supervisors

**Finding 7**

The Grand Jury finds that the required public notices of District Board meetings and agendas were only posted on the bulletin board in the administrative area of the hospital. Although this minimally meets the requirements of the Brown Act, it limits public access to those notices.

**Recommendation**

The Grand Jury recommends that the Mark Twain Healthcare District post the date, time and agenda of the District Board meetings in the newspaper and in public places such as the Post Office or Library.

**RESPONSE REQUESTED**

Mark Twain Healthcare District Board

## **2. 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 visited the Calaveras County Animal Shelter located at the County Government Center on Mountain Ranch Road in San Andreas.

### **BACKGROUND**

The Grand Jury met with the Sheriff's sergeant in charge of Animal Services. 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 properly cared for.

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 reduced as a result of cuts in the last three annual budgets of 10%, 10% and 17½%. This has resulted in such a dramatic reduction in staff that only one animal services officer is in the field four days a week and the shelter is open three days a week. Animal related calls are prioritized so that calls relating to public health and safety, such as vicious or rabid animals are handled first, and barking dogs and strays are handled last. At the time of the Grand Jury's investigation, the sergeant stated that 450 calls for service were pending.

In the past, low security misdemeanor county jail inmates were utilized to assist in kennel cleaning, however because jail bed space is now taken up by felons, trustee inmates are no longer available to perform such tasks.

A local veterinarian volunteers spay and neuter services and a veterinary hospital provides emergency care. Animal Services was previously able to provide as many as nine rabies clinics a year throughout the county but because of budget cuts that has now been reduced to a single clinic annually.

The shelter has a program for placing an identity chip in animals for a reasonable fee of \$15 and works with other organizations to place adoptable animals in foster homes. Both of these programs function to reduce the number of animals subject to euthanasia.

### **RESULTS OF THE INVESTIGATION**

#### **Finding 1**

A relatively new modular building serves as the office space for the shelter; however most of the facility is old and inadequate. In spite of that, the buildings are well maintained and have a good appearance. Although hampered by extremely limited resources, the sergeant, staff and volunteers 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 at the Government Center and staff it accordingly.

**Response Requested**

Board of Supervisors  
Sheriff's Department

**Finding 2**

Animal Services is managed by sworn officers of the Sheriff's Department. A sergeant and a lieutenant are performing Animal Services duties instead of law enforcement duties.

**Recommendation**

The Grand Jury recommends that the county recruit a professional animal services manager and return Sheriff's staff to law enforcement duties.

**Response Requested**

Board of Supervisors  
Sheriff's Department

### 3. CALAVERAS COUNTY ASSESSOR

#### REASON FOR INVESTIGATION

The Grand Jury received a citizen complaint of possible violation of the Revenue and Taxation Code.

#### PROCEDURE

The Grand Jury interviewed the following:

- Assessor
- Complainant
- Treasurer
- County Assessment Appeals Board Clerk
- Board of Equalization Attorneys

The Grand Jury reviewed the following documents:

- Revenue and Taxation Code sections
- Unsecured Personal Property Tax Assessment Roll spreadsheets 2010/2011, 2011/2012

#### BACKGROUND

From the Assessor's website: "The Assessor is the elected official who is responsible for all assessment activities. The office staff locates describes and values all taxable property. This information is maintained on the property tax assessment roll. The office processes requests for exemptions, address changes, requests for value changes, current ownership, property identifications, addresses and other written or verbal inquiries."

Four years ago the Assessor's Office was staffed with 19 positions and 2 extra hires. Due to declining revenues the authorized positions have been reduced to 11. Personnel perform various functions such as Management, Mapping, Assessment, Auditor/Appraiser and Assessment Technician.

The Assessor is responsible for the property tax rolls which include the Unsecured Personal Property Tax Roll encompassing businesses, vessels and aircraft. The unsecured property tax roll as of the 2010/2011 tax year was valued at \$1,072,346 and 2011/2012 was valued at approximately \$1,000,000. This revenue is distributed to various public entities within the county but the largest percentage goes to county schools. Schools would be allocated approximately \$600,000 per year, the county approximately \$178,000 and the remainder to special districts.

Revenue and Taxation Code Section 441 provides that "Each person owning taxable personal property, other than a manufactured home ... having an aggregate cost of one hundred thousand dollars (\$100,000) or more for any assessment year shall file a signed property statement with the assessor ... Failure of the assessor to request or secure the property statement does not render any assessment invalid ... The assessor may accept the filing of a property statement by the use of electronic media."

As part of a cost saving measure in 2010 the Assessor reduced the number of personal property tax forms (571L) sent to business and vessel owners. In 2011 no notices were sent and business and vessel owners were directed to file statements online. According to the Assessor, the decision to not mail statements saved \$3,000 to \$5,000 in printing costs and two weeks of staff time.

Revenue and Taxation Code Section 463 provides that "if any person who is required by law ... to make an annual property statement fails to file an annual property statement within the time limit specified ... a penalty of 10 percent of the assessed value of the unreported taxable tangible property of that person ... shall be added to the assessment made on the current roll."

Revenue and Taxation Code Section 463 also provides for an appeal process and states that “If the assessee establishes to the satisfaction of the county board of equalization or the assessment appeals board that the failure to file the property statement within the time required ...was due to reasonable cause and not due to willful neglect, it may order the penalty abated, provided the assessee has filed with the county board written application for abatement of the penalty within the time prescribed by law for the filing of applications for assessment reductions.”

## **RESULTS OF INVESTIGATION**

### **Finding 1**

For 2010 and 2011 Unsecured Personal Property Tax Roll, the Assessor did not have the authority within the Revenue and Taxation Code to waive or not apply tax penalties. The wording of the Revenue and Taxation Code states that a 10% penalty shall be added to assessments for late or non-filers and the code does not give an Assessor any leeway to deviate.

Calaveras County has established an Assessment Appeals Board and the Appeals Board is the proper venue to address tax appeals which would include improper application of tax penalties.

Waiving or not applying the tax penalties have cost the county approximately \$500,000 for each of the 2010 and 2011 tax years.

### **Recommendation**

The Grand Jury recommends the Assessor properly apply the Revenue and Taxation Code.

### **Response Requested**

Assessor  
Board of Supervisors

### **Finding 2**

Due to staffing budget reductions by the Board of Supervisors, the Assessor decided not to support the Unsecured Personal Property Tax Roll. By not supporting the Unsecured Personal Property Tax Roll, county schools lose approximately \$600,000 each year and Calaveras County will also lose \$178,000 in uncollected revenue. The financial gain to the county could have more than paid to staff this position.

### **Recommendation**

The Grand Jury recommends the Board of Supervisors provide funding to the Assessor’s office to staff all revenue generating functions.

### **Response Requested**

Assessor  
County Administrative Officer  
Board of Supervisors

## 4. CALAVERAS COUNTY BOARD OF SUPERVISORS

### REASON FOR INVESTIGATION

The Grand Jury received a citizen's complaint regarding a member of the Calaveras County Board of Supervisors (BOS) citing conflict of interest, appearance of impropriety and breach of ethics. During the course of the investigation, the Grand Jury elected to expand the investigation to include other issues associated with the Board of Supervisors.

### PROCEDURE

The Grand Jury's investigation consisted of the following:

- Interviewed 18 witnesses
- Attended several BOS meetings
- Reviewed minutes of the BOS meetings pertaining to this complaint
- Reviewed Form 700 and Form 460 for all Supervisors pertaining to conflict of interest and campaign contributions
- Attended several LAFCO meetings
- Reviewed LAFCO Policies and Procedures
- Reviewed LAFCO Bylaws
- Reviewed 2009-2011 LAFCO agendas and minutes
- Reviewed City of Angels Sphere of Influence (SOI) documents and Assessor's maps regarding the proposed boundary line changes
- Reviewed 2009-2011 City of Angels agendas and minutes
- Reviewed City of Angels planning documents regarding land use and proposed SOI updates
- Reviewed 2009-2011 agendas and minutes for CCOG and viewed two years of video recordings of CCOG meetings
- Reviewed documents for the Wagon Trail Project
- Reviewed documents for Highway 4 Bypass
- Reviewed documents for the proposed Highway 49 Bypass routes

### BACKGROUND

#### The Board of Supervisors

There are five Supervisorial districts within Calaveras County and the voters of each district elect a Supervisor to represent them for a four year term. Supervisors are elected on a staggered basis, i.e., two in one election cycle and three in the next election two years later. Since there are no term limits, a Supervisor can remain in office until such time as they are voted out. Current Supervisors have served anywhere from 2 years to nearly 30 years.

All Supervisors are required to complete ethics training every two years. The Board may approve optional classes and training upon request by a Supervisor. There are neither bylaws nor policies and procedures for Supervisors to follow while in office, however, they must abide by the Brown Act. County Counsel is present at BOS meetings to advise the Board on State laws and County Codes.

When a Supervisor takes office, they assume the committee and board assignments of the Supervisor they have replaced. There are 37 BOS assignments for 2012 which include a wide variety of agencies, commissions and public boards that have varying terms of appointments. Supervisors' assignments rarely change once the duties are inherited. It takes a majority vote of three for a Supervisor to be reappointed or reassigned. This can be done simply because of a Supervisor's personal interest or expertise.

LAFCO (Local Agency Formation Commission) and CCOG (Calaveras Council of Governments), two of the most influential agencies in the county, each require two Supervisors to sit as board members with voting rights. While LAFCO operates as an independent agency, CCOG and other agencies are influenced by the BOS. This can occur when county funding is involved. As an example, the BOS sets transportation priorities that are presented to CCOG where two Supervisors have voting authority as CCOG board members. Another opportunity to impact decisions presents itself when those same Supervisors vote on county transportation funding associated with CCOG projects at a BOS meeting.

#### LAFCO

In the 1950's the California State Legislature formed LAFCO to oversee government efficiency and land use issues as urban sprawl became a costly problem for cities and counties. LAFCO is an independent oversight commission. LAFCO is required to periodically review SOIs after conducting a municipal services review. Two Supervisors are voting members of the seven-member board.

#### CCOG

CCOG was formed in January 1998 under a Joint Powers Agreement as the Regional Transportation Planning Agency for the County of Calaveras and the City of Angels. CCOG was formed as a way to bring in State and Federal tax money for Calaveras County's transportation projects. Two Supervisors are voting members of this seven-member board.

### **RESULTS OF INVESTIGATION**

#### **Finding 1**

There are no term limits for Supervisors. They may be re-elected for multiple terms, therefore some Supervisors have been in office for nearly 30 years.

#### **Recommendation**

The Grand Jury recommends that term limits be considered to prevent stagnation and undue influence by lengthy time in office.

#### **Response Requested**

Calaveras County Board of Supervisors  
County Counsel

#### **Finding 2**

The only required training for Supervisors is a short course in ethics every two years.

#### **Recommendation**

The Grand Jury recommends that the BOS consult with other counties or professional organizations to develop a mandatory training program including comprehensive training on the Brown Act.

#### **Response Requested**

Calaveras County Board of Supervisors

#### **Finding 3**

There appears to be a pattern of some Supervisors retaining committee appointments to the exclusion of others. This prevents a fair and even distribution of representation from all districts of the county. The current minimal rotation of committee assignments increases the potential for undue influence and impropriety when Supervisors remain on the same committees over multiple terms.

**Recommendation**

The Grand Jury recommends the BOS review committee assignments annually and must be rotated regularly.

**Response Requested**

Calaveras County Board of Supervisors

**Finding 4**

Witnesses testified to numerous examples of violations of the Brown Act, including failure to recuse, cronyism and attempts to influence other Board members in their voting decisions outside public meetings.

**Recommendation**

Supervisors need to actively monitor themselves to prevent violations of the Brown Act and recuse themselves when appropriate to avoid any appearance of impropriety.

**Response Requested**

Calaveras County Board of Supervisors

**Finding 5**

The Grand Jury witnessed examples of and heard testimony regarding unprofessional behavior by some Supervisors during BOS and other agency meetings. This includes shouting at other board members and the public, refusing to abide by the agenda structure in order to suppress public comments, and making sarcastic, inappropriate remarks.

**Recommendation**

The Grand Jury recommends that all Supervisors conduct themselves in a professional manner. Supervisors have a responsibility to set an example of professionalism and maintain focus on the task of efficient county governance.

**Response Requested**

Calaveras County Board of Supervisors

**Finding 6**

The Grand Jury heard testimony from numerous employees who described working under hostile conditions as a result of being frequently pressured by current and former Supervisors. Some witnesses stated that they left public employment because of intimidation and inappropriate influence, causing a disruption of services to the public and an increased financial impact of hiring and training replacement employees.

**Recommendation**

The BOS does not directly supervise all county employees. The Grand Jury recommends the BOS follow appropriate protocol and respect the chain of command.

**Response Requested**

Calaveras Board of Supervisors

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## 5. CALAVERAS UNIFIED SCHOOL DISTRICT

### REASON FOR INVESTIGATION

The Grand Jury received a citizen's complaint regarding the Calaveras Unified School District's (CUSD) contract bidding process.

### PROCEDURE

The Grand Jury interviewed the complainant, the CUSD Assistant Superintendent of Business and the Supervisor of Maintenance and Operations for the school district. The Grand Jury reviewed Calaveras Unified School District Board of Trustees minutes covering January 2011 through June 2011, as well as District policies and procedures and the California Public Contract Code (PCC).

### BACKGROUND

School districts must follow PCC Sections 20110-20118.4 and 22030-22045 in all contracts exceeding \$30,000. The PCC bidding regulations are broken down into two monetary limits, \$30,000 to \$125,000, and over \$125,000. Any contract below \$30,000 is not regulated by code and falls under school district policies and procedures.

The district uses three methods to categorize their processes. Quotes are obtained for contracts under \$15,000, informal bids for contracts from \$15,000 to \$100,000, and formal bids for contracts exceeding \$100,000. The District sets lower dollar amounts than code requires so that their process is within the PCC limits.

The Supervisor of Maintenance and Operations has established a list of contractors who wish to do business with the District. Any contractor can request to be placed on this list. For quotes on contracts estimated to be under \$15,000, the Supervisor calls several contractors from the list who specialize in the appropriate field and requests a written quote. There is no required response deadline and quote selection is at the discretion of the Supervisor. For contracts estimated to be between \$15,000 and \$100,000, the Supervisor mails bid requests to all qualified contractors on the list, requiring all interested contractors to attend a walk-through of the job and submit a sealed bid by a specific date. The bids are publicly opened and reviewed to make sure they meet all requirements and specifications for the job. The contractor with the lowest qualifying bid is awarded the contract. The formal bid process is regulated by PCC code and not at the discretion of the District.

### RESULTS OF THE INVESTIGATION

#### Finding 1

The District follows all PCC codes and no improprieties were found; in fact, the lower contract limits used by the District ensure that PCC monetary limits are not exceeded.

#### Recommendation

None

#### Finding 2

The District has established procedures for contracts under \$15,000 that are not regulated by PCC that ensure fairness and are in the best fiscal interest of the District.

#### Recommendation

None

#### Response Requested

None

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## **6. CALAVERAS COUNTY HUMAN RESOURCES DEPARTMENT**

### **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 assess the Calaveras County employee job performance appraisal process.

### **PROCEDURES**

The Calaveras County Ordinance Code states, in part,

"It is the responsibility of the appointing authority to complete ...performance appraisals in a timely manner and to ensure that such appraisals are properly placed in the employee's personnel file in the county administrative office" (Ordinance Code 2.64.585 - Employee performance appraisal-Purpose).

"All regular employees should receive, at least annually, performance appraisal and evaluation on forms approved by the CAO" (Ordinance Code 2.64.590- Employee performance appraisal-Procedure).

The Calaveras County Human Resources & Risk Management Department web site lists under Department Responsibilities (among many) ... "performance appraisals/due process".

The Grand Jury visited the Calaveras County Human Resources Department and requested a list of all Calaveras County employees by job classification, hire date, and employee ID number. At the time of the request, there were 431 County employees; 80 were randomly selected via employee ID number and job classification and those were subsequently reviewed for compliance with the above cited County Ordinance Code sections.

### **RESULTS OF THE INVESTIGATION**

The Grand Jury audit of the 80 randomly selected personnel files revealed that only 17.8 % contained current appraisals as prescribed by County Ordinance. It was found that over the last three years, of the remaining files, some had two appraisals, some had one appraisal and others were missing appraisals altogether.

#### **Finding 1**

Employee performance must be quantitatively and qualitatively assessed on a regular basis in order to ensure the highest level of productivity in service to the public. Furthermore, employee morale and development require supervisory attention and review.

#### **Recommendation**

The Grand Jury recommends that the Human Resources Department require county department heads to bring all employee appraisals up to date and to notify all department heads when appraisals are due on every employee prior to the annual review date.

#### **Response Requested**

Human Resources Director  
Chief Administrative Officer  
Board of Supervisors

**Finding 2**

The current language of County Code Section 2.64.590 states “should receive” in reference to annual appraisals. This wording is ambiguous and more specific language is needed to assure compliance.

**Recommendation**

The Grand Jury recommends that the Board of Supervisors amend the County Code (Section 2.64.590) to make this a mandatory procedure.

**Response Requested**

Board of Supervisors

## **7. 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, and a review of the new jail currently under construction.

### **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 and storage areas.

During the course of the visit, the Grand Jury was also afforded the opportunity to review the plans for the new jail, sheriff's headquarters and 911 dispatch center. The Grand Jury visited the construction site to see what progress has been made on the new facilities.

### **BACKGROUND**

An unusually dry winter has allowed the new jail project and sheriff's facilities to move forward on or ahead of schedule, with completion anticipated for spring of 2013. Site work for the courthouse, to be constructed next to the new jail, will begin soon. The plans also call for the utilization of electronic technology to monitor inmate activity and to reduce prisoner movement by way of remote video arraignments. In addition, when completed, the jail and courthouse buildings will be connected by a hardened corridor which will dramatically improve security during prisoner movements for mandatory court appearances.

The new jail complex will adhere to contemporary, state-of-the-art custodial facility design standards, which include utilization of "direct supervision" methods to prevent violence and control inmate behavior. However, current and predicted staffing shortfalls resulting from budget restrictions will negate the design benefits, causing inmate supervision by staff to revert to the "indirect" as opposed to "direct" method in the new jail. Direct supervision places a deputy in each housing unit, allowing deputies to be constantly aware of inmate attitude and demeanor, which translates into the ability to predict and prevent inmate violence against other inmates and staff members. The indirect supervision method will require deputies to remotely monitor multiple units which potentially creates safety issues for both inmates and deputies. This situation is further exacerbated by AB 109, which places additional inmates in county jails.

### **RESULTS OF THE INVESTIGATION**

#### **Finding 1**

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

#### **Recommendation**

None

**Finding 2**

The jail appears clean and well organized although very worn. The staffing levels are minimally adequate and the jail continues to be out of compliance with State Board of Corrections standards on a regular basis.

**Recommendation**

The Grand Jury recommends that the Board of Supervisors review the current jail staffing levels and make appropriate funding allotments for personnel increases.

**Response Requested**

Board of Supervisors

**Finding 3**

Predicted staffing shortfalls resulting from budget restrictions will cause inmate supervision by staff to revert to the “indirect” as opposed to “direct” method in the new jail.

**Recommendation**

The Grand Jury recommends that the Board of Supervisors review the future jail staffing levels and make appropriate funding allotments for personnel increases to utilize “direct supervision” methods to prevent violence and control inmate behavior.

**Response Requested**

Board of Supervisors

**Finding 4**

A facility referred to as a “dormitory” has been deleted from jail construction plans. The dormitory would house sentenced inmate workers, known as “trustees”, dramatically reducing the movement of such inmates in and out of the regular jail facility and thereby eliminating the potential introduction of contraband to the “high risk” regular jail population.

**Recommendation**

The Grand Jury recommends that the Board of Supervisors review the need for a dormitory, particularly in light of the impact of AB 109.

**Response Requested**

Board of Supervisors

## **8. JENNY LIND VETERANS MEMORIAL DISTRICT**

### **REASON FOR INVESTIGATION**

The Grand Jury received a citizen complaint regarding the Jenny Lind Veterans Memorial District (JLVMD).

The complainant alleged that the bid process for the new Community Hall was improperly conducted.

The complainant further alleged that the building completed was not the original design. The original design was commissioned at a cost of \$40,000. The complainant asserted that the design fees were wasted.

The complainant stated that bids were received improperly and after the deadline according to the bid specifications.

The complainant felt that the winning bid was improperly awarded to a friend of a Board Member.

### **PROCEDURES**

The Grand Jury conducted interviews with:

- Current and past Board of Directors Presidents.
- Current and past Board members
- Secretary of JLVMD.
- Current & Past General Managers.
- County Counsel
- Representative of the General Contractor.

The Grand Jury reviewed:

- The Digital Bid package provided by JLVMD to all prospective bidders
- Copies of required newspaper Solicitations for Bid.
- Minutes of Board of Director meetings relevant to the Bid Process.
- Copies of all submitted bids.
- Financial records of JLVMD related to construction.

The Grand Jury also attended a JLVMD Board meeting and inspected the new facility and reviewed with JLVMD staff the bid handling process.

### **BACKGROUND**

The bid process was plagued with inconsistencies from the start. The bids for the original design came in much higher than the District could afford. The design was modified eliminating superfluous and cosmetic amenities from the original design and resubmitted for bid.

In order to solicit competitive bids, one Board Member was asked to contact a manufacturer of steel buildings to solicit another bid.

There was a conflict between the bid times posted in the newspaper and the times that were put on the CD bid package. According to the newspaper, bids were due at noon. According to the CD, they were due at 3:00 PM.

On the day the bids were due, three bids were delivered to the District office by noon and placed in a locked file cabinet. The fourth, which came in via fax to a Board Member, was delivered to the Board President at his home soon after 2:00 PM.

The bids were opened during a closed session of the Board the next week and the contract was awarded to the lowest bidder, which was the one delivered via fax. There was a misunderstanding of the project between the winning contractor and the District which resulted in an additional cost for a change order. The building's ultimate cost was still lower than the other bids.

## **RESULTS OF INVESTIGATION**

### **Finding 1**

The complainant was correct that the bid process was flawed. This was due to a lack of understanding of the process by the Board. They did solicit advice during the process from County Counsel but did not properly disseminate that information to all bidders.

### **Recommendation**

In the future, the Board needs to solicit advice of County Counsel before putting projects out to bid and to follow that advice.

### **Response Requested**

JLVMD Board

### **Finding 2**

The final building was not the vision of the complainant; however the complainant needs to understand that sacrifices have to be made given the current state of the JLVMD budget. The current building will meet the needs of the District.

### **Recommendation**

None

### **Finding 3**

The ultimate aim of the bid was to build the community a multipurpose place to gather. Though there were irregularities in the bidding process, the Grand Jury could find no inappropriate actions by the Board or bidders. The contract was awarded to the lowest bidder.

### **Recommendation**

None

### **Finding 4**

The Board member who delivered the faxed bid had no connection with the winning bidder except to receive and deliver the bid. The Grand Jury could find no evidence of cronyism or bid tampering.

### **Recommendation**

None

**9. REPORT ON THE CALAVERAS COUNTY MANAGEMENT REPORT  
FOR THE FISCAL YEAR ENDED JUNE 30, 2011**

**REASON FOR THE 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, 2011, prepared by Smith and Newell, Certified Public Accountants.

**RESULTS OF INVESTIGATION**

Smith and Newell conducted a review of the reporting of the County's Cash and Investments. They determined that the Treasurer's Monthly Investment Report did not accurately reflect the cost and description of investments owned by the County as reflected on the County general ledger.

Smith and Newell recommended, "... all cash and investments be included on the Monthly Investment Report prepared by the Treasurer, and that the information be reviewed prior to issuance to verify accuracy of costs and descriptions."

Smith and Newell also reviewed the County's reporting of taxable salaries as reported in the payroll tax returns and employee W-2s. They determined that the auto allowance benefit was not included in the employee's taxable wages or FICA/Medicare wages.

Smith and Newell recommended that the County review its payroll process to ensure that all required benefits are reported correctly on the payroll tax returns and W-2s.

Following is the Schedule of Findings and Recommendations prepared by Smith and Newell. As this was the first year of Smith and Newell's contract, they did not include a report on the status of prior year recommendations.

**RECOMMENDATION**

None

**RESPONSE REQUESTED**

None

**COUNTY OF CALAVERAS  
Management Report  
Schedule of Findings and Recommendations  
For the Year Ended June 30, 2011**

**11-MC-01 Cash and Investment Reporting**

**Condition**

During our audit we noted that the Treasurer's Monthly Investment Report did not accurately reflect the cost and description of investments owned by the County as reflected on the County general ledger.

**Cause**

The Monthly Investment Report was not reviewed for accuracy of cost and description of investments.

**Criteria**

Good internal control and reporting requires that the cost and description of investments agree to the actual cost and description of investment purchased.

**Effect of Condition**

Information included on the Monthly Investment Report as of June 30, 2011, did not agree to the general ledger or the actual investments owned by the County.

**Recommendation**

We recommend that all cash and investments be included on the Monthly Investment Report prepared by the Treasurer, and that the information be reviewed prior to issuance to verify accuracy of costs and descriptions.

**Corrective Action Plan**

The Auditor will be coordinating with the Treasurer on including the cash and investments on the Monthly Investment Report.

**11-MC-02 Reporting of Taxable Salaries on Employee W-2s**

**Condition**

At the time of our fieldwork we noted that the auto allowance benefit was not included in the employee's taxable wages or FICA/Medicare wages as listed in the payroll tax returns or reported on the employee's W-2.

**Cause**

The County was not aware of the reporting requirement.

**COUNTY OF CALAVERAS**  
**Management Report**  
**Schedule of Findings and Recommendations**  
**For the Year Ended June 30, 2011**

**11-MC-02 Reporting of Taxable Salaries on Employee W-2s (Continued)**

**Criteria**

The IRS requires that auto allowance benefits be included as income on payroll tax returns and employee's W-2.

**Effect of Condition**

The value of the auto allowance was not included in the County's payroll tax returns or employee's W-2.

**Recommendation**

We recommend that the County review its payroll process to determine that all required benefits are reported correctly on the payroll tax returns and the W-2s.

**Corrective Action Plan**

This has already been implemented as of the 2011 tax year.

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## 10. CALAVERAS COUNTY PUBLIC WORKS DEPARTMENT

### REASON FOR INVESTIGATION

The Grand Jury received a citizen complaint regarding Public Works' failure to return phone calls, being impolite, unhelpful and not responding to a written complaint.

### PROCEDURE

The Grand Jury interviewed the following:

- Director of Public Works
- Permit Technicians

The Grand Jury reviewed the following documents:

- Public Works Mission Statement
- Handouts from the last customer service training in 2008

### BACKGROUND

Public Works maintains county roads and bridges. This department is also responsible for commercial grading permits, county landfills, transfer stations, recycling operations, transportation planning, and public transit.

### RESULTS OF INVESTIGATION

#### Finding 1

Written service requests are not responded to in a consistent manner. Some are given a written response, others a phone call and some are not provided a response at all. Even though the department has templates for written responses, not all technicians are aware of them.

#### Recommendation

To promote consistency within the department, a written procedure should be established on how to respond to customer service requests and provide training to staff.

#### Response Requested

Director of Public Works

#### Finding 2

It has been several years since Public Works has conducted customer service training.

#### Recommendation

Provide customer service training this year to all staff that have contact with the public and continue training annually.

#### Response Requested

Director of Public Works

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## C. RESPONSES TO 2010-2011 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.”*

### **R1.3 RESPONSE TO 2010-2011 GRAND JURY REPORT REGARDING JENNY LIND FIRE PROTECTION 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 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.

#### **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.

#### **RESPONSES**

##### **Jenny Lind Fire protection District Board of Directors and the District Chief (Joint response)**

"The DISTRICT is reviewing its current policies and practices regarding 'background checks' for members and potential members" and "will revise its policies and practices as necessary to meet the needs of the DISTRICT while avoiding unnecessary intrusion into member's and potential member's privacy."

#### **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.

#### **RESPONSES**

##### **Jenny Lind Fire protection District Board of Directors and the District Chief (Joint response)**

"The DISTRICT is reviewing its current policies and practices regarding fiscal control in general. Where policies and practices exist that are sufficient, the DISTRICT is reviewing those policies and practices with members to ensure that members are sufficiently trained and that those policies and practices are consistently followed. Where policies or practices are insufficient, and to the extent possible with the small staff of the DISTRICT, the DISTRICT will develop fiscal control policies to reduce the potential for error, and increase the relevant documentation of 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.

**RESPONSES**

**Jenny Lind Fire protection District Board of Directors and the District Chief** (Joint response)

“The DISTRICT has entered into a contract with a different auditor. This contract specifies completion deadlines for the auditor to meet. The DISTRICT is confident that future audits will be completed in a much more timely fashion with this new auditor and contract language.”

**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.

**RESPONSES**

**Jenny Lind Fire protection District Board of Directors and the District Chief** (Joint response)

“The DISTRICT must prioritize its resources as it sees fit to best meet its obligations. While paid staff is a priority of the DISTRICT, it is not the only priority. The DISTRICT will weigh the needs of the DISTRICT and prioritize its resources accordingly.”

**DETERMINATION of GRAND JURY 2011-2012**

The Grand Jury finds that all responses are adequate.

## **R2. RESPONSE TO 2010-2011 GRAND JURY REPORT REGARDING THE 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**

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.

### **RESPONSE**

#### **County Sheriff**

“The Sheriff’s Office agrees with the findings of the Grand Jury regarding the staffing level’s being spread thin due to budget cuts. Although at the time of the Grand Jury Jail inspection, the Jail was operating on a minimum staffing level compliant with Title 15, Section 1027. However, from July 01, 2011, to August 13, 2011, because of certain layoffs of sheriff personnel, and the subsequent elimination of the Extra Hire Correctional Officers (as a result of the above-mentioned personnel actions), the Jail, had been operating without the Extra Hire Correctional Officers. This created an issue as it related to compliance regarding minimum staffing levels.

“The Sheriff’s Office had brought this to the attention of the County prior to the July 01, 2011, layoffs requesting a written decision. The County’s response was received by the Sheriff’s Office on August 05, 2011. Due to internal Sheriff’s Office personnel actions, the laid off Correctional Officer and Extra Hire Correctional Officers returned to work on August 13, 2011. At this time, the Jail’s minimum staffing is now in compliance.”

#### **Board of Supervisors**

“The Board agrees with the Grand Jury’s recommendation. The Board appropriated adequate funding for jail operations in FY 2010/11 including funding for personnel costs necessary to ensure compliance with minimum jail staffing standards. The State Corrections Standards Authority (CSA), in their September 29, 2010 letter to the Sheriff acknowledged the efforts by the County and Sheriff to address jail staffing issues and indicated that the CSA’s 2008-20 10 biennial inspection report (per Penal Code 6031) was revised to reflect the county’s full compliance with CCR, Title 15 Minimum Standards for Adult Facilities.”

#### **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

**DETERMINATION of GRAND JURY 2011-2012**

The Grand Jury finds that all responses are adequate.

### **R3. RESPONSE TO 2010-2011 GRAND JURY REPORT REGARDING 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.

#### **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.

#### **RESPONSES**

##### **Board of Supervisors**

"The Board of Supervisors partially disagrees with the recommendation as it is economically not feasible. The Board of Supervisors supports the Calaveras Humane Society, and other interested parties, in raising funds to build a new animal shelter and earlier this year in conjunction with the CHS, identified a potential suitable location for a future new shelter. The County continues to experience significant declines in general purpose revenue (property tax, among others) which constrains the Board from funding a new shelter and hiring additional staff."

##### **Sheriff's Department**

The Sheriff's Office agrees with the findings of the Grand Jury. Although staff cuts have resulted in the closure of the Animal Shelter three days a week, volunteers and jail inmates are being utilized in the care of the animals and cleaning of the facilities.

"The Calaveras Humane Society has approached the County of Calaveras with a proposed public/private partnership for the construction of a new shelter facility. This process is in the preliminary beginnings and much work is still needed until fruition."

#### **DETERMINATION of GRAND JURY 2011-2012**

The Grand Jury finds that all responses are adequate.

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**R4. RESPONSE TO 2010-2011 GRAND JURY REPORT REGARDING  
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.

**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**

**Angels Camp City Council**

"At their July 19, 2011 City Council meeting, the City council approved the promotion of Interim Police Chief Todd Fordahl to full-time Chief."

"There are a total of six police officers and one (1) K-9 working full time for the Angels Camp Police Department serving a population of about 3,700. The City is currently working on closing a budget deficit of approximately \$200,000.00. Many compromises and concessions have been made on the part of all the employees. There have been significant funding cuts to community agencies and the City's operations as a whole. With an improved economy, the city may look at reinstating officers in the next budget cycle (FY 2012/2013)

**DETERMINATION of GRAND JURY 2011-2012**

The Grand Jury finds that all responses are adequate.

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**R5. RESPONSE TO 2010-2011 GRAND JURY REPORT REGARDING  
THE 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.

**Background**

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

**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.

**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.

**DETERMINATION of GRAND JURY 2011-2012**

No responses were requested.

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**R6. RESPONSE TO 2010-2011 GRAND JURY REPORT REGARDING  
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.

**Procedure**

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.

**RESPONSE**

**CCRRCSD**

"The policy manual is available at the office to all that are interested in reviewing it."

**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 CCRRCSD 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.

**RESPONSE**

**CCRRCSD**

“With CCRRCSD’s extremely small budget it is cost prohibitive, not financially feasible to send out the agenda and minutes of each meeting. The agenda is always posted at least seventy two hours before the meeting time in the office window as well as a minimum of three other conspicuous areas in the community. The minutes of the meeting are posted in the office window after the Board has approved them.”

**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.

**RESPONSE**

**CCRRCSD**

“Notice of monthly meeting is posted in the office window correctly. The agendas are posted in the office window and in a minimum of three other areas in the community. Enclosed with this response correspondence is a copy of the annual newsletter which also contains meeting day, time, and, location.”

**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 CCRRCSD contract for ditch cleaning and notify the individual property owners of their responsibility to maintain their own culverts.

**RESPONSE**

**CCRRCSD**

“As per our annual letter, property owners are notified of their responsibility to keep their culverts clean. Some ditch cleaning is scheduled for this year and is done annually as cost/ budget allows.”

**DETERMINATION of GRAND JURY 2011-2012**

The Grand Jury finds that all responses are adequate.

**R7. RESPONSE TO 2010-2011 GRAND JURY REPORT REGARDING  
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.

**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 subjective means the Grand Jury had to compare school districts beyond their per student allotment.

**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 Superintends 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.

**RESPONSES****Bret Harte Union High School District**

"A public study session was held and it was decided to continue providing services in a collaborative manner with each district superintendent reporting annually on the collaborative efforts to maximize services to our students."

**Vallecito Union School District**

“The Vallecito Union School District has experienced declining funding and enrollment. As a response, the administration team has been reduced by one position. The county superintendent and the superintendents’ from each of the county districts meet on a monthly basis to discuss pertinent information including shared services, common calendar, special education, professional development and financial outlooks. Considering the current level of collaboration with the neighboring districts, the Vallecito Union School District currently does not support allocating funds towards an independent study determining the benefits or drawbacks of unification.”

**Calaveras County Office of Education (CCOE)**

This office “orchestrated a meeting comprised of all three school boards to address the topic of consolidation and coordination of services. This meeting was held on November 9<sup>th</sup>, 2010 ...It was open to the public...There was very few community members in attendance at this meeting”

“At the time, due to low interest by public and costs associated with the study, the study was put on hold... As a result of the work that has been done on this issue and the work currently being done by districts to collaborate and consolidate services when feasible, CCOE does not support doing an independent study on the benefits or drawbacks of unifying” the school districts.

**DETERMINATION of GRAND JURY 2011-2012**

The Grand Jury finds that all responses are adequate.

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**R8. RESPONSE TO 2010-2011 GRAND JURY REPORT REGARDING THE 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.

**Procedure**

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

**Oakendale Community School**

**Finding 1**

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

**Recommendation**

None

**Mountain Oaks School**

**Finding 1**

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

**Recommendation**

None

**Calaveras River Academy**

**Finding 1**

Calaveras River Academy was found to be very efficient, well maintained, and well organized operation with dedicated personnel.

**Recommendation**

None

**DETERMINATION of GRAND JURY 2011-2012**

No responses were requested.

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**R9. RESPONSE TO 2010-2011 GRAND JURY REPORT REGARDING  
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

**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

**DETERMINATION of GRAND JURY 2011-2012**

No responses were requested.

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**R10. RESPONSE TO 2010-2011 GRAND JURY REPORT REGARDING 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.

**Procedures**

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

**Background**

The Grand Jury reviewed the Bi-Tech software system in the 2003-2004 Grand Jury report. 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.

**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.

## **RESPONSES**

### **Director, Building Department**

“The Grand Jury findings appear to be accurate. Purchasing and depositing of departments as described is in the manner depicted by the Grand Jury report. Department deposits are tallied and hand carried to the offices of the Auditor-Controller and the Treasurer, sometimes more than once a day. The Building Department agrees with the Grand Jury recommendation for more automated Processing.”

### **Director, Planning Department**

The Planning Department does not currently have a separate software program. Currently all Planning Department files are kept in an Access database however this database is not used for any financial information pertaining to the Department. The Planning Director is willing to explore the use of the ONE Solution software and to coordinate with the County Administrative Officer and Technology Services Director to determine if this software would be beneficial to the operation of the Planning Department.

### **Director, Technology Services**

I agree with the finding. The Technology Services Department is already working on the technology component to automate the purchasing process and will continue to work closely with the County Administrative Officer and the Auditor-Controller on this project. The respondent believes that that this recommendation is achievable during the 2011-12 fiscal year.

### **County Auditor-Controller**

I agree with this finding. The recommendation requires further analysis to determine overall cost to the County with regards to implementation and departmental scope and return on investment based on that cost. Consolidation and integration of software can greatly improve efficiencies of County business functions. Currently, the Auditor Controller's office receives paper requests that require Auditor staff to manually update our financial system. Integrated software would feed automatically reducing the manual labor and risk of error we are currently exposed to.

### **County Administrative Officer**

“The County Administrative Officer agrees with the finding and partially agrees with the recommendation. County departments have not been able to utilize the same software tools to manage their business functions due to specific departmental business and reporting requirements, software limitations, and cost considerations. The County strives to purchase and utilize software programs that are compatible with the county's core financial system to improve universal access, data compatibility, and integrated financial and statistical reporting.

“Technology Services Department (TSD) staff will explore ONE Solution applications to determine if specific modules can meet both the operational and financial needs of various county departments. Staff will review the costs and benefits associated with purchasing and maintaining new software modules and will make recommendations to the County Administrative Office and the Board of Supervisors regarding future purchases.”

### **Board of Supervisors**

“The Board of Supervisors partially agrees with the recommendation. The Board agrees that staff should explore both the programmatic and financial feasibility of software applications and modules as they become available to determine if specific applications are able to integrate with the county's financial system to reduce inefficiencies and save money. Periodic reviews and analyses are necessary to determine cost-benefits as new modules become available and technology changes. The cost of investing in purchasing and implementing new technology is often significant necessitating thorough planning prior to purchasing and implementing new software applications.”

**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.

**RESPONSES****Director, Technology Services**

"I agree with the finding. The Technology Services Department is already working on the technology component to automate the purchasing process and will continue to work closely with the County Administrative Officer and the Auditor-Controller on this project. The respondent believes that this recommendation is achievable during the 2011-12 fiscal year."

**County Auditor-Controller**

"The recommendation requires further analysis. The automation of County Purchasing would reduce the amount of work performed in the Auditor's Office. Auditor staff manually tracks the purchase orders and contracts. If purchases involve a qualifying asset, that asset must be manually tracked as well. In order to automate this function, a sub-committee would be required to review the purchasing policy. This updated purchasing policy would need Board of Supervisor approval and the automation effort would be guided by that policy.

"The Administration Department, being the Purchasing Agent, would need to direct this effort. No such sub-committee has been formed."

**County Administrative Officer**

"The County Administrative Officer agrees with the finding and recommendation. The County Technology Services Department is currently working on implementing an automated purchasing module with the Administrative Office and Auditor-Controller. It is expected that implementation of an automated purchasing system will streamline operations, reduce staff time and track assets more efficiently. Staff estimates completion of this project in FY 2011/12."

**Board of Supervisors**

"The Board of Supervisors agrees with the recommendation. The Board expects to review staff recommendations regarding automating the purchasing process include adopting revisions to the County's purchasing policy/ordinance during FY 2011/12."

**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.

**RESPONSES****County Auditor-Controller**

“The recommendation has not yet been implemented, but will be implemented in the future. The current deposit process is extremely cumbersome. The Auditor's Office has actively been working with Technology Services and the Treasurer to get this prioritized. This effort began in April 2011. After speaking with Technology Services they are attempting to have this completed within the 2011-2012 fiscal year.”

**County Treasurer**

“I agree with the Recommendation and at the present time, the Auditor's Office, Technology Services and my department, are in the process of implementing a new cashiering system. The new method of handling deposits will be more efficient and less labor intensive. We expect the new system to be fully implemented within the coming months.”

**County Administrative Officer**

“The County Administrative Officer agrees with the finding and recommendation. The Treasurer-Tax Collector, Auditor-Controller, and Technology Services Departments are currently in the process of implementing a new cashiering system. The new system will reduce redundancy, save staff time, and improve reporting. This project will be complete in FY 2011/12.”

**DETERMINATION of GRAND JURY 2011-2012**

The Grand Jury finds that all responses are adequate.

## **R11. RESPONSE TO 2010-2011 GRAND JURY REPORT REGARDING 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).

### **Procedure**

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

### **Background**

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.

### **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.

### **RESPONSES**

#### **County Auditor-Controller**

The Auditor-Controller's office reduced staffing has resulted in the inability of the Auditor's office to meet all required mandates and instead relies on outsourcing. "The office has very minimal highly trained staff to perform the County's fiscal operations ... This poses an enormous risk to the County as a whole. Additionally, this below minimum staffing level requires the Auditor Controller to be involved in daily operational workloads. This has caused a gap in the County's ability to be compliant with GASB requirements and Audit required changes have been foregone."

#### **County Administrative Officer**

The County Administrative Officer partially agrees with the recommendation. The Administrative Officer supported the Auditor-Controller's recommendations to outsource the CAFR because it was the most cost effective and timely means to complete the report as required by the state.

**Board of Supervisors**

The Board of Supervisors partially disagrees with the recommendation that hiring a full-time or half-time employee will eliminate outsourcing the CAFR. Outsourcing may be the most cost effective way to complete the report in a timely manner.

**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.

**RESPONSES****County Auditor-Controller**

County Auditor-Controller's office responds that the recommendation requires further analysis due to difficulty finding CPAs that have governmental experience and are willing to accept the county's pay scale.

**County Administrative Officer**

The County Administrative Officer supports having a CPA on staff while recognizing "that at times outsourcing is the most cost-effective means of accomplishing a necessary task with limited resources."

**County Board of Supervisors**

The Board of Supervisors partially agrees with the recommendation. "The Board supports the goal of hiring a CPA but cannot commit to having a CPA on staff at all times due to recruitment challenges and financial constraints."

**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.

## **RESPONSES**

### **County Auditor-Controller**

“The recommendation has not yet been implemented, but will be implemented in the future. In order to facilitate this, the Auditor-Controller’s Office is moving and consolidating physical offices into 1 ... Additionally, the County Supervisors have approved the CalPERS partial retirement plan. This option will allow my office to use this for succession should any staff decide they are interested in this option.”

### **County Administrative Officer**

The County Administrative Officer partially disagrees with the recommendation. This office supports training needs within available resources and competing priorities. “The ability to dedicate adequate staff and money to establish a formal, as opposed to informal, cross training program is hampered ... Outsourcing is one administrative tool that may be most appropriate to accomplish what is necessary in a timely and cost-effective manner.”

### **Board of Supervisors**

“The Board of Supervisors partially disagrees with the recommendation because a formal cross-training program may cost more than the County is able to afford ... The Board supports cross training and succession planning within available resources. The Board encourages management staff to support different means of staff development, within and across related disciplines, to attract and retain qualified employees for the future.”

### **DETERMINATION of GRAND JURY 2011-2012**

The Grand Jury finds that all responses are adequate

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**R12. RESPONSE TO GRAND JURY REPORT 2010-2011 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, 2010, prepared by Gallina LLP Certified Public Accountants.

**RESULTS OF THE 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.

**Response Requested**

None

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**R13. RESPONSE TO 2010-2011 GRAND JURY REPORT REGARDING  
THE CALAVERAS COUNTY BEHAVIORAL HEALTH SERVICES SUBSTANCE ABUSE  
PROGRAM (SAP) AND THE 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.

**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**

**Director of Behavioral Health Services**

”The Director of Behavioral Health Services has received the Grand Jury Report and agrees with its findings and recommendations.”

**Program Manager of Child Protective Services**

“The first section of the recommendation has been implemented. Confidentiality requirements, complaint procedures and departmental policies are already included in all new employee orientations, and are already monitored for compliance. They are also reviewed during annual mandated Civil Rights training.

“The second section of the recommendation has not yet been implemented, but will be implemented no later than January 1<sup>st</sup>, 2012.”

**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

**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****DIRECTOR OF BEHAVIORAL HEALTH SERVICES**

“The Director of Behavioral Health Services has received the Grand Jury Report and agrees with its findings and recommendations.”

**DETERMINATION of GRAND JURY 2011-2012**

The Grand Jury finds that all responses are adequate.

**R14. RESPONSE TO 2010-2011 GRAND JURY REPORT REGARDING CALAVERAS WORKS AND HUMAN SERVICES AGENCY AND 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.

**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 the 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.

## **RESPONSES**

### **Veterans Services Officer and Director's Response**

"We respectfully disagree partially with the finding. The VSO provides veterans benefits services not only to veterans in great need, but veterans and their families regardless of need. The VSO sees veterans based upon request, whether in her office, outstations or in the home of the veterans and their families. She does not provide counseling over the phone other than to establish reason for request, including items veterans would need to bring and what forms are appropriate for the VSO to bring to the interview. The VSO prefers to provide benefits and counseling in person. The VSO currently is funded at .6 FTE which is a .2 increase from last year."

### **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.

## **RESPONSES**

### **Director, Calaveras Works and Human Services Agency**

"The recommendation is being implemented with modifications. Sierra Non-Profit is an organization providing information services in Tuolumne and Calaveras Counties under Operation Welcome Home funding. The Calaveras VSO works closely with them. The group provides information about services available through the Calaveras VSO. They are providing outreach at community fairs and events on behalf of Calaveras VSO. Additionally they are paying for signage on the Calaveras Transit, advertising the VSO and her contact information.

"CWHSA received a one year grant from the Federal Office of Community Services to increase public access to public benefits. Community presentations to agencies, organizations and groups include contact information on the VSO and services offered. Information about Veterans Services is continuously available at the Senior Center. The grant activities are focused on the use of formal and informal dissemination points. Veterans Services is listed on the Agency's outreach service flyers which are also available via the county library system. Churches are a target group under the OSC Public Access grant. Veterans Services will be listed in the school flyer going to the homes of school age eligible children in the fall of 2011.

"Calaveras VSO has its own page in Infonet, which is a community internet resource offered through the Amador Tuolumne Community Action Agency. The agency will be cosponsoring a Community Services meeting in the fall and dissemination of Veterans Services information will also be highlighted."

### **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.

**RESPONSES**

**Director, Calaveras Works and Human Services Agency**

“The recommendation will not be implemented as it is not within the purview of CWSHA.”

**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.

**RESPONSES**

**Director, Calaveras Works and Human Services Agency**

“The Director partially disagrees with the finding. Calaveras Works and Human Services has a listing on the wall outside of reception that lists veterans services as being on the second floor of the building with an arrow. Additionally the Sequoia Room is available for community use Monday - Friday, 8:00 AM to 4:30 PM on a first come, first served basis. Reservations can be made up to three months in advance.”

**Recommendation**

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

**RESPONSES**

**Director, Calaveras Works and Human Services Agency**

“The Department agrees to explore mechanisms for increasing visibility of the Veteran Services signage before the new calendar year.”

**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.

**RESPONSES**

**Veteran’s Services Officer and Director, Calaveras Works and Human Services Agency**

“The Department will not be implementing recommendation 4 as it is outside the scope of the County Department. Medical Services for veterans are presently slated to be provided by the Mobile Medical outreach Van. The current schedule has scheduled dates and locations in Calaveras County between July and November 2011. Since 4/11/11 the Calaveras Veterans Services Officer has attended all but one of the VA Rural Mobile Outreach days within Calaveras County, filing claims and health care

enrollment. Additionally the Calaveras County Department of Behavioral Health applied for funding to serve veterans. The county VSO is cooperatively working with this department in its application for funds.”

**County Administrative Officer**

“The County Administrative Officer does not have sufficient information to agree or disagree with the findings. The Sonora VA Clinic is not a county entity and the Sonora VA Clinic staff does not report to Calaveras County management. Unfortunately, funding for veterans services is extremely limited. Several county departments, CalWorks and Human Services and Behavioral Health Services, are assisting veterans’ access services and continue to pursue funds in support.”

**Board of Supervisors**

“The Board supports efforts by the VA to bring more services to Calaveras veterans and their families. The Board of Supervisors has no legal jurisdiction in the VA’s business affairs as the VA is a state agency.”

**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.

**RESPONSES**

**Director, Calaveras Works and Human Services Agency**

“The recommendation will not be implemented at this time as funding for a second Veterans Services Representative was withdrawn by the State Legislature and there are no current funds available to hire a full time employee to process claims and do outreach activities outside of the activities listed here. The Department has been able to procure clerical help two days per week through the Senior Employment Resource Program which has increased the VSO’s time in direct service to the Veterans and their families in Calaveras County.”

**DETERMINATION of GRAND JURY 2011-2012**

The Grand Jury finds that all responses are adequate

**R15. RESPONSE TO 2010-2011 GRAND JURY REPORT REGARDING  
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.

**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.

**RESPONSES**

**CalWorks, Social Services Supervisor** agrees

**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.

**RESPONSES**

**Calaveras County Board of Supervisors**

The Board of Supervisors agrees with the recommendation provided limited resources are used in an efficient manner and costs are contained.

### **IHSS Advisory Board**

- The IHSS Advisory Committee participants are volunteers, the majority of whom are consumers of IHSS and are elderly, disabled or blind.
- Members of the committee participate on ability to so; some members are more active than others.
- The committee has started an e-mail list of providers to send out committee meeting agendas and minutes. Unfortunately many consumers and providers do not have access to e-mail.
- Working with the Public Authority we will be sending out a survey to consumers and providers and in this survey we will be asking who has access to the internet and e-mail. This survey will be distributed by December 31, 2011.
  
- The committee, this past year, sent the following letters to consumers and providers:
  - Information of IHSS budget cuts.
  - A form for them to share their stories and why IHSS is important to them, which was delivered to every legislator in the state
  - A thank you letter for their participation, and a copy of a "Story Book", a compilation of stories from across the state, produced by the California In-Home Supportive Services Consumer Alliance (CICA).

### **DETERMINATION of GRAND JURY 2011-2012**

The Grand Jury finds that all responses are adequate

## **R16. RESPONSE TO 2010-2011 GRAND JURY REPORT REGARDING THE CALAVERAS 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.

### **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

#### **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.

### **RESPONSES**

#### **IHSS Advisory Committee**

The IHSS Advisory committee agrees.

#### **Calaveras County Board of Supervisors**

The BOS agrees with the finding.

**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.

**RESPONSES**

**IHSS Advisory Committee**

The IHSS Advisory Committee will continue to explore this effectiveness in service, delivery and training.

**Calaveras Works and Human Services Agency**

The recommendation requires further analysis. The Board of Supervisors requested a study session on the Public Authority and its funding and budget at the preliminary budget hearings in June 2011.

**Calaveras County Board of Supervisors**

The BOS agrees with this finding. The Board held one study session in FY 2010-11 regarding the IHSS Program and its relationship to the Public Authority. A second study session is scheduled for the fall of FY 2011-12 regarding the Public Authority’s governance structure and budget concerns among other issues.

**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.

**RESPONSES**

**IHSS Advisory Committee** agrees.

**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.

**RESPONSES**

**The IHSS Advisory Committee** finds that the Public Authority has been an efficient and cost effective way to deliver services and training under the IHSS program with a total of two employees.

- The IHSS Advisory Committee will coordinate trainings with the Public Authority.
- E-mail and internet access will be looked at when we send out a survey to consumers and providers.

**Public Authority Director**

The Public Authority Director agrees with the findings. The PA will work to expand the number of classes offered, explore web-based training and expand training topics to include current issues, and public health and safety.

**DETERMINATION of GRAND JURY 2011-2012**

The Grand Jury finds that all responses are adequate