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On The Cover

An original work created especially for the 2013-2014

Calaveras County Grand Jury Annual Report

Robins: 1, Worms: 0

Brush, Pen and Ink on 11 x 14, 96 pound Bristol Paper

© By Chuck Grennell

CALAVERAS COUNTY GRAND JURY

Box 1414
SAN ANDREAS, CALIFORNIA 95249

FILED

JUN - 5 2014

2013-2014 GRAND JURY

FINAL REPORT

Clerk of the Court
Superior Court of California
County of Calaveras
By *[Signature]*, Deputy

The 2013-2014 Calaveras County Grand Jury approved this Final Report.

[Signature]

Ann Wathen, Foreperson

Date: 6/4/14

I accept this Grand Jury Report for the year 2013-2014 for filing and certify that it complies with Title V of the California Penal Code.

[Signature]

The Honorable John E. Martin
Presiding Judge of the Superior Court

Date: 6/5/14

Any persons interested in receiving a copy of this 2010-2011 Grand Jury Final Report may do so by contacting the Calaveras County Administrative Office. A copy of the Final Report is available for viewing at the main Calaveras County Library in San Andreas and at all county branch libraries.

The Final Report will be available to the public on June 30, 2014 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>

CALAVERAS COUNTY GRAND JURY

Box 1414
SAN ANDREAS, CALIFORNIA 95249

June 4, 2014

The Honorable John E. Martin
Calaveras County Superior Court
400 Government Center Drive
San Andreas, CA 95249-9794

Dear Judge Martin,

The 2013-2014 Civil Grand Jury, in accordance with Penal Code Section 933(a), respectfully submits its Final Report to the Calaveras County Superior Court.

The Final Report represents the work of 19 dedicated County citizens who collectively spent hundreds of hours in the past year conducting interviews, obtaining sworn testimony, reviewing documents and observing the operations of many areas of County government.

This year's Final Report includes the findings and recommendations of several investigations. The mandated inspections and inquiries into the new and old Calaveras County Jails were completed, as well as other investigations prompted by citizens and Grand Jury members. Responses from the 2012-2013 Grand Jury report are also included.

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

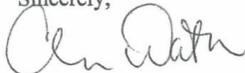
The Grand Jury thanks you and your staff for their assistance throughout the year.

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

I would also like to thank my fellow Grand Jurors and those who couldn't complete the full term of service with the Grand Jury for their dedication to Calaveras County.

The Grand Jury members have found it an honor and privilege to serve with the Calaveras County Grand Jury this year.

Sincerely,



Ann Wathen
Foreperson 2013-2014 Grand Jury

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GRAND JURY INFORMATION

WHAT IS A GRAND JURY?

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

THE GRAND JURY IN CALIFORNIA

The California Constitution, Article 1, Section 23, states, "One or more Grand Juries shall be drawn and summoned once a year in each County." In California every county has a civil Grand Jury. Criminal Grand Juries are seated as necessary.

A civil Grand Jury's function is to inquire into and review the conduct of county government and special districts. The Grand Jury system in California is unusual in that Federal and County Grand Juries in most states are concerned solely with criminal indictments and have no civil responsibilities.

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

A final report is created after many hours of fact-finding investigations conducted by the Grand Jury. This report can disclose inefficiency, unfairness, wrongdoings, and violations of public law and regulations in local governments. The report can also recognize positive aspects of local government and provide information to the public. The Grand Jury makes recommendations for change, requests responses, and follows up on responses to ensure more efficient and lawful operation of government.

CALAVERAS COUNTY GRAND JURY

The Calaveras County Grand Jury is a judicial body sanctioned by the Superior Court to act as an extension of the Court and the conscience of the community. The Grand Jury is a civil investigative body created for the protection of society and enforcement of its laws. The conduct of the Grand Jury is delineated in California Penal Code, Section 888 through Section 945.

Grand Jurors are officers of the Superior Court but function as an independent body. One provision of the Grand Jury is its power, through the Superior Court, to aid in the prosecution of an agency or individual they have determined to be guilty of an offense against the people.

RESPONSIBILITIES OF THE GRAND JURY

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

The Grand Jury is authorized to inspect and audit the books, records, and financial expenditures of all agencies and departments under its jurisdiction, including special districts and non-profit agencies, to ensure funds are properly accounted for and legally spent. In Calaveras County the Grand Jury must recommend an independent Certified Public Accountant to audit the financial condition of the County.

RESPONSE TO CITIZEN COMPLAINTS

The Grand Jury receives formal complaints from citizens who allege government inefficiencies, mistreatment by officials, and who voice 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://calaverasgov.us/Departments/AG/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 <http://calaverasgov.us/Departments/AG/GrandJury.aspx>

Completed forms may be mailed to the above address or faxed to the Grand Jury at 209-754-9047.

MEMBERS OF THE 2013-2014 CALAVERAS COUNTY GRAND JURY

Ann Wathen, Foreperson
Rex Whisnand, Foreperson Pro Tem
Robin Hazelwood, Recording Secretary
Joyce E. Dunham, Correspondence Secretary
Michael Wright, Sergeant-at-Arms

James Bennett
Jerry Chapman
Karol Colopy
Gary Eaton

William Forsyth
Cheryl Fortress
Chuck Grennell
Keith Hafley
Ruth Huffman

Michael Miller
Valentin Pena
Leroy Pyle
Gale Slot
Terry Smith

GRAND JURY CITIZEN COMPLAINT FORM

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

Date _____

1. THIS COMPLAINT IS AGAINST:

2. MY COMPLAINT AGAINST THE ABOVE IS:

3. BEFORE FILLING OUT THIS FORM I HAVE CONTACTED:

4. COMPLAINANT:

Name: _____

Address: _____

Phone: _____

5. 1 REQUEST THE FOLLOWING:

The information in this form is true, correct and complete to the best of my knowledge

Signature

**Instructions for preparing the Citizen Complaint Form
Calaveras County Grand Jury**

I. The Grand Jury Citizen Complaint Form should be prepared after all attempts to correct a situation have been explored and were unsuccessful.

II. Instructions for preparing the Citizen Complaint Form:

1. This Complaint is Against:

- a. Include the name of the individual or organization the complaint is against. Ensure correct spelling of the name(s).
- b. If the complaint is against an individual in an organization, include the individual's title or position in the organization.
- c. Provide the street address (not a P.O. Box), city, state and zip code.
- d. The telephone number of the organization or individual cited should be included on the last line of this block.

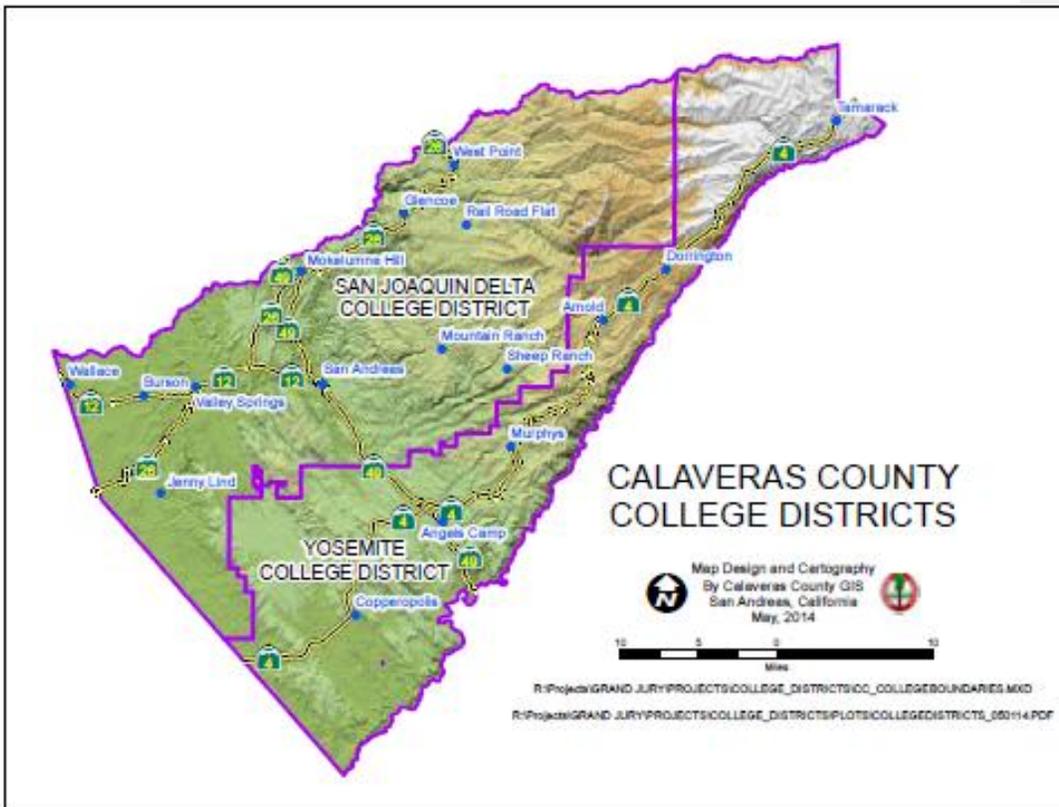
2. My Complaint Against the Above is:

- a. Describe the problem in your own words.
- b. Be as concise as possible, providing dates, times and names of individuals involved.
- c. Cite specific instances as opposed to broad statements.
- d. Attach any available photographs, correspondence or documentation which supports the complaint.
- e. If more room is required, attach extra sheets, and include their number on the last line of the first sheet (i.e. 3 additional sheets attached).
- f. Include your name, street address, city, state, zip code and telephone number (area code also).
- g. Mail this complaint form to the address shown on the front.
- h. Please sign this complaint. (You may file an anonymous complaint if you desire; however, this may make it much more difficult for the Grand Jury to investigate the allegations.)

The Grand Jury will respond to your complaint and advise you whether or not an investigation will be undertaken.

The Grand Jury may contact you during the conduct of an investigation.

SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT BOND MEASURE L



Comment [c1]:

REASON FOR INVESTIGATION:

The Grand Jury received a complaint regarding the San Joaquin Delta Community College District Bond Measure L, which passed in March, 2004. The request was to investigate the use of Measure L Bond funds with regard to the San Joaquin Delta Community College District. Over \$10,958,125 will have been paid by Calaveras County taxpayers into the College District between 2004 and 2029, yet Calaveras County (Foothill area) has not received the benefits as stated in the bond.

The original Bond documentation stated that Bond Measure L funds are to be used “to prepare students for jobs/transfer to four year colleges, repair buildings, improve safety, accommodate growing enrollment by:

- Repairing leaky roofs, decaying walls, electrical wiring;
- Improving fire safety;
- Removing asbestos;
- Expanding/establishing Stockton, Manteca, Tracy, Lodi/Galt, Foothill Area campuses/education centers;
- Upgrading, acquiring, constructing, equipping buildings, sites, classrooms;

Shall San Joaquin Community College District issue \$250,000,000 in bonds at legal rates, with citizen oversight, guaranteed annual audits, and no money for administrators’ salaries?”

Toward the end of the Sample Ballot “Full Text Measure L” it also states “The Bond program is designed to provide facilities which will serve current and expected enrollment. In the event of an unexpected slowdown in development or enrollment of students at the college, certain of the projects described above will be delayed or may not be completed. The District will work with the Citizens’ Oversight Committee on prioritizing those projects in the event factors beyond the District’s control require that project be reconsidered.”

BACKGROUND

Calaveras County is split between San Joaquin Delta Community College District and Yosemite College District (Columbia College). This results in a split electoral vote for the distribution of educational bond monies and a split voice for Calaveras County residents.

The proposition of Bond Measure L was presented to the voters in the March 2, 2004, Consolidated Presidential Primary Election Ballot. Calaveras County is geographically part of the San Joaquin Delta Community College District. Bond Measure L included Calaveras County, described as the “Foothill Area.” The Foothill Center Project is a proposed plan to establish a fully accredited secondary education program in Valley Springs to serve the Foothill region. The project was supported by the San Joaquin Delta Community College District and was included in the Facilities Master Plan in 2007; however, the San Joaquin Delta Community College District Board of Trustees did not include it in the Facilities Master Plan in subsequent years.

ACCOUNTANTS' REPORT + MEETING AND CONTACT INFORMATION

GREED-UPON PROCEDURES + AUDIT STATEMENTS

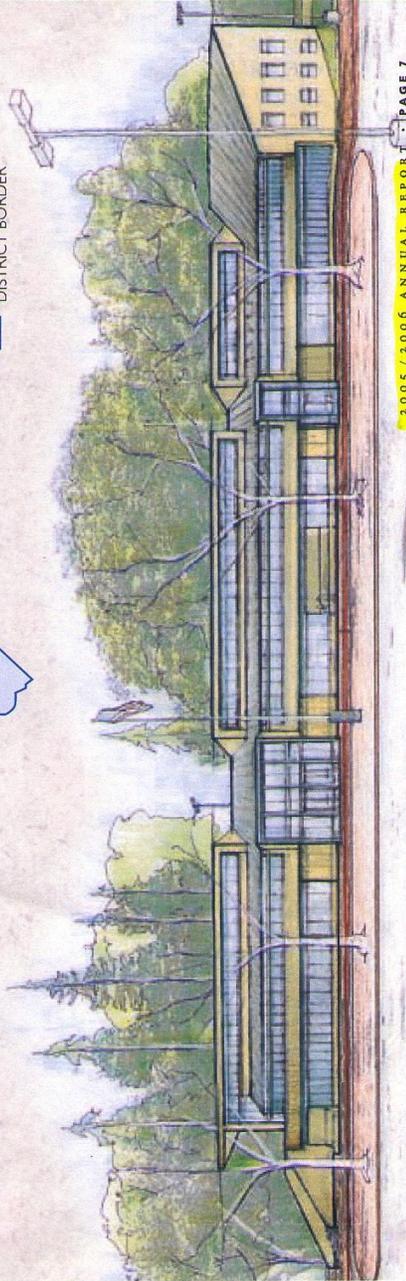
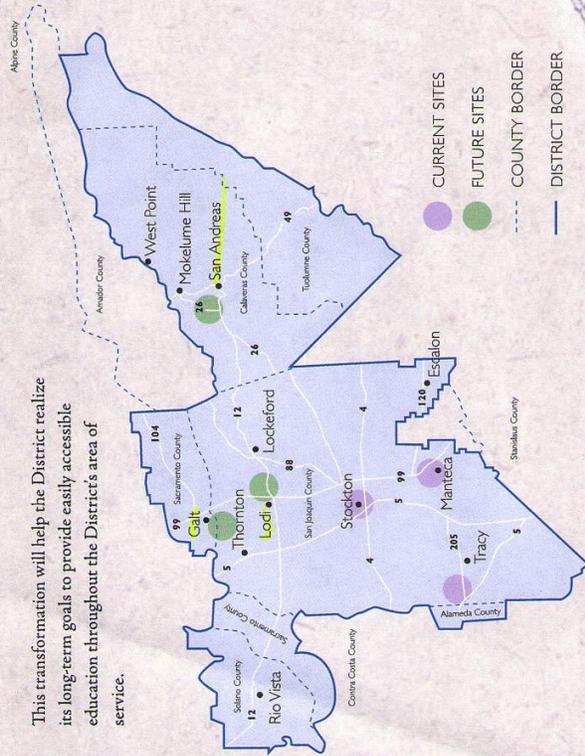
PROJECT SUMMARIES + DISTRICT MAP

This transformation will help the District realize its long-term goals to provide easily accessible education throughout the District's area of service.

to provide an accessible education throughout the District, the District must look to acquire land now (*map right*).

The acquisition of land is a very detailed and time-consuming process. Throughout this process, the District must factor in the community impacts, geographical location, environmental impacts, transportation, and the fiscal impact a candidate site would have on the District.

Several sites have been identified and are currently undergoing feasibility studies and in-depth due diligence in advance of acquisition. These sites include: **VICTOR ROAD, Lodi; LIBERTY ROAD, Galt; THOMAS COE FAMILY PROPERTY, Valley Springs.**





Stockton Campus Infrastructure

Infrastructure work is currently underway to support these new and remodeled buildings. Current projects include: expansion of the central plant capacity; relocation of utilities, water, storm drainage, and gas lines to open up space for construction on the campus; adjustments to roadways on the north side of campus to improve traffic flow and minimize pedestrian-vehicular interaction; and improved electrical and low voltage services for the whole campus.

The new optical fiber and electrical/low voltage infrastructure not only supports new and remodeled facilities, but allows for the installation of an improved security surveillance system throughout the Stockton campus. The enhanced security surveillance system uses "Internet Protocol" based cameras, most of which will have the ability to pan, tilt and zoom. The sophisticated cameras will also adjust to ambient light conditions for optimum image quality. The project includes installation of 44 new security cameras to create one comprehensive state-of-the-art video surveillance system comprised of 80 cameras with digital image storage.



Delta Center at Mountain House

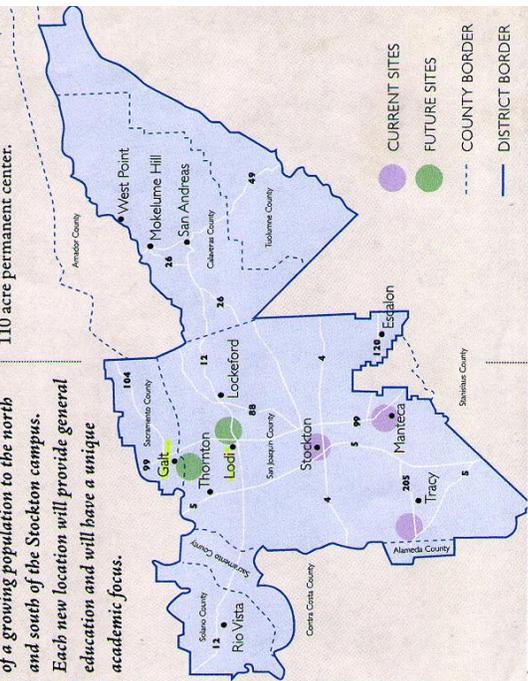
The San Joaquin Local Area Formation Commission (LAFCO) approved Delta College's application for annexation into the Mt. House Community Services District on January 7, 2008, allowing the College to begin construction of interim facilities, now projected to be open in the Fall of 2008.

These interim facilities represent the first step in the development of the 110 acre permanent center.

in response to growing demand and as means allow. The new sites and centers are designed to meet the needs of a growing population to the north and south of the Stockton campus. Each new location will provide general education and will have a unique academic focus.

New Sites and Centers

The mandate for Measure L includes a long term vision for "bringing education to students", starting with the acquisition of land, planning new facilities, and construction of buildings



and lecture space necessary to expand and improve offerings on the main campus. The three story building is currently in the planning stages with design documents being processed by the Department of State Architects. Construction is tentatively scheduled to begin near the end of 2009.

South County Campus at Mountain House

FALL SEMESTER BRINGS with it the opening of the San Joaquin Delta College South Campus at Mountain House. The facility consisting of more than 30,000 square feet of modular classrooms will feature science and math curriculum as well as a substantial general education pattern. The center will offer students

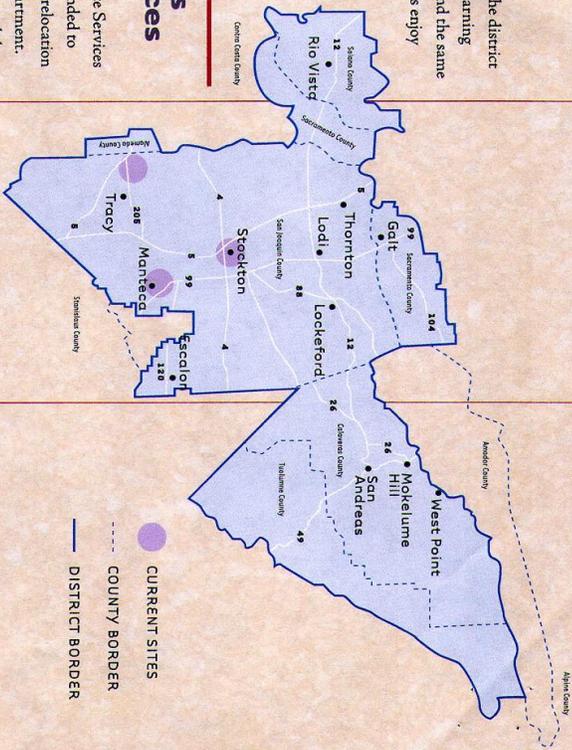
from the southern part of the district technologically advanced learning spaces, excellent teachers and the same quality instruction students enjoy on the main campus but closer to home. With the project in its final stages, the focus is now on landscaping, signage and other finishing touches.

Lourin Phelps Police Services Building

THE LOURIN PHELPS Police Services Department project is intended to provide for a much needed relocation of the Campus Police Department. The new 4,000 square foot modular building is in place with interior

modifications underway. The new Police building will have many features lacking in the current building including a holding cell, an armory and separate locker

rooms for men and women. The new location adjacent to the new District Data Center provides better access to the campus core as well as improved access to high speed network infrastructure. Move in is currently scheduled for early Fall 2009.



Project Summaries

2007/2008 Annual Report Page 7

Bond Measure L is the first San Joaquin Delta College District bond measure since 1969 and required approval by 55% of the vote. Bond Measure L was not passed by Calaveras County residents; yet the College District, as a whole, approved it by 56.8%. The majority of the district voters live in San Joaquin County.

Bond Measure L allows indebtedness from 2004 through 2029 for \$250,000,000 in bonds, at legal rates, with citizen oversight, and guaranteed annual audits. There has never been a Calaveras County representative on the Citizens' Oversight Committee for the approval or direction of expenditures regarding this Bond. Bond Measure L is funded through property taxes on assessed valuation of taxable property within the San Joaquin Delta Community College District.

The Board of Trustees of the San Joaquin Delta Community College District evaluated the District's urgent and critical facility needs, including:

- Safety issues
- Aging facilities
- Enrollment growth
- Class size and availability
- Energy reduction
- Information and computer technology

In developing the scope of projects, the faculty, staff and students have prioritized repairs, job training and health and safety needs so that the most critical are addressed. The Board of Trustees conducted independent facilities evaluations and received public input and review in developing the scope of college facility projects to be funded, as listed in the Facilities Master Plan. This input of faculty, community and business leaders concluded that if these needs are not addressed now, the problems would only get worse.

In the "Full Text Measure L Sample Ballot" under "SAN JOAQUIN DELTA COLLEGE - EDUCATION CENTERS," the fourth bullet point states: "Establish San Joaquin Delta College Education Center in Mother Lode/Foothills Area to Accommodate Growth and Increasing Student Enrollment: Acquire a site(s) in the Mother Lode/Foothills area to provide permanent classrooms, labs, job training and college transfer counseling buildings facilities, and allow local students greater access to an affordable education. Classrooms will be funded from a combination of local bond money and state matching funds."

The San Joaquin County Civil Grand Jury conducted an investigation and issued a report on June 18, 2008, on Delta College's use of Measure L Bond funds. Questions arose regarding the role of the Delta College Board of Trustees, as well as the Citizens' Oversight Committee. After reviewing the San Joaquin Civil Grand Jury report, the State Controller's Office conducted an audit to ensure that bond funds were properly spent.

The San Joaquin Delta College Board was audited by the California State Controller in 2008 and it was determined that there were some funds spent outside of the scope of the Bond. The State Controller's report also stated, in part, "In the November 4, 2008 election, two of the seven board members chose not to run and two were defeated. A fifth board member later

resigned after pleading no contest to a misdemeanor offense of double billing the College for travel expenses.” The Measure L Bond Fund was reimbursed for some of those expenditures.

The 2005-2006 Oversight Committee’s Annual Report Summary of Major Projects shows future projects and sites currently undergoing feasibility studies. Those sites included Victor Road in Lodi, Liberty Road in Galt, and Foothill Center Project Property in Valley Springs (Illustration A). In the 2006-2007 Oversight Committee Annual Report, the Foothill Center Project property is no longer listed as a future site (Illustration B). The 2007-2008 Oversight Committee Annual Report no longer lists any future sites (Illustration C). The annual financial statement dated June 30, 2009, shows the Foothills as a “Closed Out Project.”

First American Title Insurance Company provided “Purchase and Donation Option Agreement & Joint Escrow Instructions (Foothill Center Project)” dated February 12, 2007. The Donation Option Agreement was signed by the former Superintendent/President of San Joaquin Delta Community College District as well as the owner of the Foothill property. It appears the paperwork was in process in 2007; however, it was never completed. There is no signed purchase agreement and no signed deed, and no transfer of property.

PROCEDURE

The Grand Jury reviewed the following documents:

- The Calaveras County Sample Ballot & Voter Information Pamphlet, dated March 2, 2004
- The California State Controller Audit Report from November 2008 on Measure L and Proposition 1D Bond Proceeds – San Joaquin Delta College
- First American Title Insurance Company documents regarding Foothill Center Project Measure L Bond Program Citizens’ Oversight 2005/06, 2006/07, and 2007/08 Annual Reports
- Financial Statements from 2008/09 Annual Report
- Measure L Bond Program Citizens’ Oversight Committee
- Reviewed articles from: *Calaveras Enterprise*, *The Stockton Record*, *The Union Democrat*, *Mymotherlode.com*, *Sacandco.net*, *News10/kxvt.com*
- Revised Notice of Election San Joaquin Delta Community College District
- San Joaquin County Registrar of Voters 2004 Reports
- Critical Issues Review/Feasibility Report – San Joaquin Delta Community College District, May, 2007
- November 12, 2003 San Joaquin Delta Community College District Potential Bond Projects Tally Sheet
- Calaveras Transit Study Service to SJDC
- June 2, 2010 San Joaquin Delta Community College District Master Plan Update
- March 11, 2014 Regular Meeting of Board of Trustees for San Joaquin Delta Community College
- June 30, 2012 Measure L General Obligation Bonds Performance Audit
- December 3, 2010 Calaveras County Community College Foundation Meeting Minutes

- Resolution of the Board of Trustees of the San Joaquin Delta Community College District Ordering an Election
- San Joaquin Delta College Measure L Bond Program Closed Out Projects as of Quarter 01-09
- San Joaquin Delta College Environmental Scan & Strategic Plan, 2008
- Draft Education Master Plan for San Joaquin Delta College: Shaping a Future Together, 2010
- San Joaquin Delta Community College five-year Capital Outlay Plan for 2011-2012 through 2015-2016.
- October 14, 2010 Foothill Center Project Site Study conducted by San Joaquin Delta Community College
- Measure L Bond Program, Citizens' Oversight Committee, 2007-2008 and 2009-2010 Annual Report College District Agenda, Subject C: For the reinstatement of Measure L budget for a North County Center Project
- May 1, 2014 *The Stockton Record* article, "Delta College Classes in Calaveras Libraries"

The Grand Jury interviewed the following:

- Calaveras County Auditor - Controller
- Former Calaveras County Supervisor from District 2
- Calaveras County Supervisors from Districts 1, 2, 3, 4 and 5
- Landowner from Foothill Center Project
- President of the Calaveras Unified School District Board of Education
- Superintendent of Calaveras County Office of Education
- Calaveras County representative to the San Joaquin Delta Community College Board of Trustees Liaison between Calaveras Unified Board of Education and the San Joaquin Delta Community College Board of Trustees
- Former San Joaquin Delta Community College Board of Trustees Candidate
- Former San Joaquin Delta Community College Board of Trustees Member
- Current San Joaquin Delta Community College Board of Trustees Member
- Private Consultant on the Foothill Center Project

RESULTS OF INVESTIGATION

GRAND JURY FINDING 1:

Calaveras County is divided between San Joaquin Delta Community College District and Yosemite Community College District, which results in a split electoral vote for the distribution of educational bond monies and a split voice for Calaveras County residents. Countywide inclusion in a single College District would increase our voting strength.

Education Code 74180 states that reorganization of a Community College District that is located in different counties shall be conducted according to *Education Code 35520 et seq.* Those provisions require a petition to be submitted to the County Superintendents in each County and an election in each County.

GRAND JURY RECOMMENDATIONS:

- 1) The Grand Jury recommends withdrawal from the San Joaquin Delta Community College District and inclusion in the Yosemite Community College District.
- 2) The Grand Jury recommends that the Calaveras County Board of Supervisors support a legal petition requesting secession from the San Joaquin Delta Community College District, should such petition be submitted.

GRAND JURY FINDING 2:

Calaveras County voters are a minority within the San Joaquin Delta Community College District and are therefore bound by a tax measure they voted against, even though it passed.

GRAND JURY FINDING 3:

Since the 2004 Bond Measure L election, residents have not been informed by the San Joaquin Delta Community College Board of Trustees of plans for the future of higher education in Calaveras County.

GRAND JURY RECOMMENDATIONS:

- 1) The Grand Jury recommends that all Calaveras County Supervisors work with County School Boards of Education/Trustees to establish a community action group, including residents and local leaders, focused on higher education in Calaveras County.
- 2) The Grand Jury recommends that the current Calaveras County representative on the San Joaquin Delta Community College Board of Trustees promote Foothill community perspectives as well as report pertinent actions and issues to the county populace monthly in a printed media format.

RESPONSE REQUESTED TO FINDING 3 RECOMMENDATIONS:

Calaveras County Board of Supervisors
Calaveras Unified School District Board of Trustees
Bret Harte Unified School District Board of Education
Calaveras County Office of Education Superintendent
Calaveras County Office of Education Board
Calaveras County Representative on the San Joaquin Delta Community College Board of Trustees
San Joaquin Delta Community College Board of Trustees

GRAND JURY FINDING 4:

There are facilities in Calaveras County that could be utilized for higher education. For example, Toyon Middle School Campus could be used for afternoon, evening and weekend classes of higher education and/or technology. The Bret Harte Unified School District owns land in Copperopolis that could be developed as a Higher Education Learning Center. San Joaquin Delta Community College has held satellite classes at Calaveras High School in the past and is currently offering a few classes pending sufficient enrollment.

The proposed plan for a North County Center to be located near Galt, which is being explored by the San Joaquin Delta Community College Board of Trustees as of March 11, 2014, would not be conveniently located to meet the current and future educational needs of Calaveras County.

GRAND JURY RECOMMENDATION:

- 1) The Grand Jury recommends that San Joaquin Delta Community College Board of Trustees invest in expanding the class offerings within Calaveras County so attendance is more accessible for current and future Foothill residents.
- 2) The Grand Jury recommends that Calaveras County classes be heavily advertised and promoted in all Foothill communities to ensure that enrollment meets State mandated minimums.

RESPONSE REQUESTED TO FINDING 4 RECOMMENDATIONS :

San Joaquin Delta College Board of Trustees

GRAND JURY FINDING 5:

The proposed Foothill Center Project has the potential to serve as a Technical College Campus.

GRAND JURY RECOMMENDATION:

The Grand Jury recommends that the Board of Supervisors support any project that includes a feasible alternative for a local satellite campus.

GRAND JURY FINDING 6:

In 2013, 62% of Bret Harte High School graduates and 58% of Calaveras High School graduates enrolled in either a community college or a vocational/trade school. By necessity, these students travel to Tuolumne, Stanislaus or San Joaquin Counties to attend classes because the offerings within Calaveras County are not sufficient to complete a certification or degree program.

RESPONSES TO THE 2013 - 2014 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 have 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 followup 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 timeframe 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"*

MOKELUMNE HILL FIRE PROTECTION DISTRICT

The 2012-2013 Grand Jury investigated the Mokelumne Hill Fire Protection District based on various complaints that they received. The investigation resulted in five findings and recommendations. Responses, from the Mokelumne Hill Fire Protection District Board of Directors and the Mokelumne Hill Fire Protection District Fire Chief to these findings and recommendations are contained in the 2013-2014 Grand Jury Report.

The 2013-2014 Grand Jury determined that it should follow-up on the Mokelumne Hill Fire Protection District’s progress with the 2012-2013 Grand Jury’s recommendations. This was accomplished by reviewing the responses submitted by the Board of Directors and the Fire Chief. This follow-up process also included attendance to Mokelumne Hill Fire Protection District Board of Directors meetings to monitor progress.

The 2013-2014 Grand Jury members came to the conclusion that, generally, the Mokelumne Hill Fire Protection District seemed to be making a good faith effort to work on improvement in the various areas of concern that were included in the findings and recommendations of the 2012-2013 Grand Jury. The 2013-2014 Grand Jury believes that these efforts remain a “work in progress.”

The 2013-2014 Grand Jury received complaints from members of the Mokelumne Hill Fire Protection District Board of Directors against the 2012-2013 Grand Jury regarding a premature release of information to the public of an investigation into their operation. This was investigated by the 2013-2014 Grand Jury and determined to be unfounded. The information was released; however, it did not come from a member of the 2012-2013 Grand Jury. The source appears to have been from another location. This information was confirmed through a series of interviews that were conducted with a member of the Mokelumne Hill Fire Protection District and a member of the Local Agency Formation Commission (LAFCo).

The 2013-2014 Grand Jury received complaints against the Mokelumne Hill Fire Protection District administration from members of the Mokelumne Hill community. Based on interviews that were conducted, the 2013-2014 Grand Jury came to understand that most if not all of these various complaints were also to be part of an upcoming civil trial. The 2013-2014 Grand Jury determined that these matters would best be settled at trial in the Calaveras County Superior Court by the Judge, Attorneys and/or jury.

GRAND JURY RECOMMENDATION:

None

RESPONSE REQUESTED:

None

CALAVERAS COUNTY ANIMAL SERVICES

REASON FOR INVESTIGATION:

The Grand Jury received a citizen complaint against Calaveras County Animal Services and Calaveras County Environmental Health/Code Compliance Department alleging they did not enforce codes regarding the maximum number of cats a citizen can possess without a kennel license.

PROCEDURE:

The Grand Jury interviewed:

- Director of Environmental Health/ Code Compliance Department
- Animal Services Manager
- Animal Services Officer

GRAND JURY FINDING 1:

Calaveras County Animal Services and Calaveras County Environmental Health/Code Compliance Department had already been contacted before the Grand Jury received the complaint. The Grand Jury followed through by staying in contact with Animal Services until all the cats in question were spayed, neutered, vaccinated and a kennel license was obtained. Calaveras County Animal Services was found to have correctly enforced the codes.

GRAND JURY RECOMMENDATION:

None

RESPONSE REQUESTED:

None

IN-HOME HEALTH SERVICES (IHSS) PUBLIC AUTHORITY PROGRAM

REASON FOR INVESTIGATION:

Two complaints were received regarding the Calaveras County IHSS Public Authority Program; specifically the complaints were that the Program Manager had misused funds appropriated specifically for the direct support of the IHSS Advisory Committee. The complaints state that the Program Manager had purchased tires and obtained repair services for the IHSS van and paid for them with funds from the IHSS Advisory Committee.

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BACKGROUND AND INVESTIGATION:

Funds appropriated for the IHSS Advisory Committee are made available by the State of California for the Advisory Committee's use, provided that those expenditures are used as intended under state statute and meet the federal requirements for the use of Title XIX funds, and in accordance with the Office of Management and Budget (OMB) Circular A-87. As with all county expenditures, each use of these funds must be approved by the local Board of Supervisors.

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PROCEDURE:

Minutes from Calaveras County Board of Supervisor meetings were reviewed and indicate authorization for the Director of Calaveras Works and Human Services to purchase a vehicle for joint use by the Public Authority Program and the Public Authority Advisory Committee. By extension, the authorization to obtain necessary services and repairs to the vehicle is implied.

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Interviews were conducted with the Program Manager and the Office Assistant. They confirmed that all department purchases are handled and paid for by the County Auditor upon approval by the Director of Calaveras Works and Human Services. Further, no one in the Public Authority Program Office has the authority to make purchases not supported by the Board of Supervisors. Minutes from other Board of Supervisors meetings confirm that the vehicle purchased was used by "providers, clients and supporters" of the Public Authority and the Public Authority Advisory Committee.

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GRAND JURY FINDING 1:

Board of Supervisors meeting minutes support authorization for the purchase and provision of necessary services and repair of the vehicle to be used jointly by the Public Authority and the Public Authority Advisory Committee. No evidence of mismanagement of funds by the IHSS Public Authority Program Manager was identified.

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GRAND JURY RECOMMENDATION:

No recommendations.

RESPONSE:

No response requested.

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RITE OF PASSAGE USE PERMIT

REASON FOR INVESTIGATION:

The Grand Jury received a citizen complaint alleging the Rite of Passage Group Home/Sierra Ridge Academy is in violation of County Use Permit #95-55, which allows the facility to operate. The citizen contends that the permit was originally issued to Environmental Alternatives in 1995 and is not valid for continued use by Rite of Passage Group Home/Sierra Ridge Academy.

BACKGROUND:

Rite of Passage is a private, non-profit corporation that provides a variety of residential services to neglected, abused and delinquent juveniles. Rite of Passage has been a leading national provider of programs and opportunities for troubled and at-risk youth for 30 years. The staff has extensive background in human services and meets all State licensing standards.

Sierra Ridge Academy is part of Rite of Passage and is located on Fricot City Road in San Andreas. Sierra Ridge Academy provides educational and counseling services to at-risk male youth ages 14-18. The maximum 100 bed campus includes classroom buildings, administrative and counseling offices, a gymnasium, dining hall, living units, a pool and exterior athletic/recreational fields.

PROCEDURE:

The Grand Jury reviewed all documents submitted with the complaint.

- The Grand Jury reviewed the provisions of County Use Permit #95-55 issued March 16, 1995 and assumed by Rite of Passage in 2000.
- The Grand Jury interviewed Calaveras County Planning Department Officials.
- The Grand Jury interviewed representatives from Rite of Passage.

GRAND JURY FINDING 1:

The Grand Jury finds that County Use Permits stay with the property. Therefore, the Rite of Passage does have the authority and is correctly and legally following the terms of County Use Permit #95-55. The terms of the permit are closely monitored by Calaveras County Building/Planning Departments and the Rite of Passage Corporation.

GRAND JURY RECOMMENDATION:

None

RESPONSE REQUESTED:

None

CALAVERAS COUNTY WATER DISTRICT

REASON FOR INVESTIGATION:

The Grand Jury received several user complaints regarding Calaveras County Water District (CCWD) water and sewage rates, incompetence and incorrect implementation of Proposition 218.

PROCEDURE:

Materials were assembled from a number of sources, including but not limited to the following documents:

1. Newspaper article (*Calaveras Enterprise*) titled: "What is the Purpose of the Calaveras County Water District?"
2. An original bi-monthly water bill from CCWD
3. California Tax Data regarding Proposition 218 requirements for ballot measure
4. Miscellaneous documents comparing rates in the Tri-County Area (Amador, Calaveras, and Tuolumne)

The committee reviewed each complaint. The committee reviewed the materials assembled in items 1-4 (above) and additional information as necessary to evaluate each complaint. The committee then discussed each complaint and unanimously agreed the complaints either had no basis to initiate an investigation, or determined the complaint was unfounded. It was alleged that CCWD used a flawed process for raising rates. The committee determined through an evaluation of the actual requirements of Proposition 218 that CCWD had exceeded all of the requirements of the law related to rate increases.

GRAND JURY FINDING:

None

GRAND JURY RECOMMENDATION:

None

**RESPONSE TO 2012-2013 GRAND JURY REPORT 1 REGARDING
AB 109 AND THE COMMUNITY CORRECTIONS PARTNERSHIP**

GRAND JURY FINDING 1:

CCP Agenda & Minutes Meeting agendas have not been detailed enough to preview what will be covered: introductions, old business, new business, and motion to adjourn are enough to satisfy the Brown Act, but are not useful to a productive meeting.

Minutes have sometimes been presented at CCP meetings in a timely fashion and reflected the essence of the previous meeting. However, many times committee members are asked to amend and approve several sets of minutes at a time. The minutes may be more than a few months old. Some minutes don't exist. The only evidence of those meetings is three or four hour audio recordings. This situation has caused certain controversial issues to be brought up again and again at subsequent meetings because no records of previous solutions were available.

The purpose, frequency and scheduling of meetings are not determined through any formal process voted upon by the CCP. The Calaveras County Plan specified that, "During the first 3 months of the PRCS, CCP meetings will be held hi-weekly to review progress, identify and resolve implementation challenges... make recommendations..." This has never been done. Only one "Monthly Intelligence Meeting" has been held. No CCP meeting has been held since December of 2012, though a meeting has been scheduled as this Grand Jury Report was being written.

GRAND JURY RECOMMENDATION 1:

Agendas should be comprehensive enough to outline the meetings intended content.

Minutes are the historical record of the meeting and must convey an accurate account of what happened. Comprehensive and complete minutes should be made available *before* the following meeting. This allows meeting participants to review and make corrections to them, saving time in two ways. One: minutes can be amended and approved by a vote more quickly. Two: assuring an accurate record of each meeting will reduce repeated discussions on issues already settled at a previous meeting.

The job of the CCP is ongoing. Meetings should be held at predetermined times decided on in advance by a formal vote during a official meeting, not by one person alone.

RESPONSE TO FINDING 1 FROM THE COMMUNITY CORRECTIONS PARTNERSHIP

The CCP agrees with the Finding and Recommendation. Recommendation I has been implemented.

RESPONSE TO FINDING 1 FROM THE INTERIM CHIEF PROBATION OFFICER

"I agree with the Grand Jury's finding and I have begun implementing the recommendation."

GRAND JURY FINDING 2:

CCP Parliamentary Procedures & Mediation CCP meetings have been disorganized, unfocused, repetitious, and hostile at times. No formal structure such as "Robert's Rules of Order" has been followed. Consequently, no process for mediating disagreements between members exists. Misunderstandings, disagreements (sometimes loud), lack of compromise, unresolved differences in philosophy, insults, eye rolling and derisive laughter have rendered meetings inefficient and frequently unproductive. It should be said that these meetings would have been totally non productive had it not been for the long cooperative working association between many of the members of the CCP.

GRAND JURY RECOMMENDATION 2:

The CCP should choose and adopt a formal system of parliamentary procedures. These systems make organization easier during meetings, formalize discussions and help with mediating disagreements.

Considering the current state of discord, it may also be necessary to choose a neutral moderator to run meetings under the chosen parliamentary system. And additional attention to common courtesy when talking to and with fellow committee members would not be out of order.

RESPONSE TO FINDING 2 FROM COMMUNITY CORRECTIONS PARTNERSHIP

The CCP agrees with Finding 2. The recommendation of adoption of parliamentary procedures has not yet been implemented. The CCP would like to thoroughly research types of parliamentary procedures in order to adopt a procedure that will be best suited for CCP meetings. "... Parliamentary procedures will be formally adopted by CCP Executive Committee members no later than the regularly scheduled July 2013 CCP meeting."

The CCP is deferring implementation of the recommendation "to choose a neutral moderator to run meetings" until further analysis has been completed. "The Chief Probation Officer (CPO) recently retired, and an Interim CPO assumed the role of chair of the CCP. With the possibility that the change in the role of chair and the adoption of formal parliamentary procedures might result in a more collaborative atmosphere, Executive Committee members have chosen to

postpone the use of a neutral moderator to facilitate meetings. In the event that future meetings continue to face a state of discord among members, then a neutral moderator ... will be sought ... The timeline for determining the need for a neutral moderator will not exceed six months from the date of the publication of the Grand Jury report."

RESPONSE TO FINDING 2 FROM THE INTERIM CHIEF PROBATION OFFICER

"I agree with the finding." The recommendation of adoption of parliamentary procedures will be implemented no later than the regularly scheduled July 12, 2013 meeting. The choice of a neutral moderator will be postponed to allow for further analysis. A timeline for deciding on a neutral moderator will be made within six months from the date of the Grand Jury's report.

GRAND JURY FINDING 3:

Respecting other county departments Each county department has its own policies and procedures. Departments are frequently required to work together towards a common goal. It is necessary to respect each other's policies and procedures for public and staff safety.

GRAND JURY RECOMMENDATION 3:

For one department to enter another and obtain materials without following proper procedures within that department is not only disrespectful, it may be dangerous to public or staff safety. It should not happen again.

RESPONSE TO FINDING 3 FROM THE INTERIM CHIEF PROBATION OFFICER

"I agree with the finding" that members of the various county government departments must respect each other's policies and procedures. However, the report and this finding are not specific enough to identify the incident(s) alluded to, or the agencies and personnel involved.

The recommendation is also non-specific and appears to be, "it should not happen again." "... without those specifics, no specific action, such as counseling or discipline, can be undertaken."

RESPONSE TO FINDING 3 FROM THE SHERIFF

The sheriff agrees with the finding.

RESPONSE TO RECOMMENDATION 3 FROM THE SHERIFF

The recommendation has been implemented.

The Sheriff's Department has policy upon which evidence is returned to both government agencies and the public. In at least one specific incident a PRCS (Post-Release Community Supervision) offender cut off his ankle bracelet and discarded it in a large trash bin at a mobile home park. This same PRCS offender absconded.

A member of the Probation Department contacted a Sheriff's employee and attempted to recover the ankle bracelet, which was reportedly found and turned over to a deputy sheriff during a call for service. After collecting the ankle bracelet from a non-sworn Sheriff's employee, not normally assigned to returning evidence, the probation employee failed to notify any of the sworn Sheriff's employees to subsequently open a criminal investigation.

It would appear this failure to notify sworn Sheriff employee was done to conceal the activities of the offender.

It would be the recommendation based upon the Grand Jury Report and specifically the finding and recommendation listed under #3, that the Probation Department immediately notify sworn members of the Sheriff's Office whenever an offender removes his/her ankle bracelet and/or absconds.

In turn the Sheriff's Office will notify the Probation Department immediately when an ankle bracelet is recovered.

This will improve both communications and trust between departments.

GRAND JURY FINDING 4:

Working together as equal partner to meet the goals specified by the Calaveras County Plan Neither AB 109, any of the amending Bills or the Calaveras County Plan specified a rank ordering within the CCP beyond that of Probation being named the chair (which is a parliamentary specification). Therefore, each voting member has one vote and each vote has an equal weight. The Calaveras County Plan calls for, " ... the need to collect and analyze data from the inception of the program forward, to serve as an input into the CCP's process for continuous program improvement." In the same section of the Calaveras County Plan, the following are listed among the process goals: creating data tracking methods (software and others) and developing methods for increasing CCP member collaboration and information sharing.

GRAND JURY RECOMMENDATION 4:

The Calaveras County Plan calls for information sharing between the Community Corrections Partnership Members. All of the voting Executive Members must have access to complete data of the Post-release Community Supervision Offenders. All voting Executive Members of the CCP should decide together when and what formal processes need to be developed to achieve this goal immediately. Definitions of terms used must be clear and agreed upon formally, so information, either good or detrimental can't be hidden or fall through the cracks.

RESPONSE TO FINDING 4 FROM THE COMMUNITY CORRECTIONS PARTNERSHIP:

The CCP agrees with Finding 4 and has, therefore, scheduled a meeting on June 21, 2013, at 1:00 p.m. to initiate the discussion of program definitions and outcomes. "The intent of the CCP is to add an amendment to the Calaveras County Plan that specifically addresses local data definitions and outcomes. The CCP acknowledged that in order to fully implement data outcomes, there will be a need for a data management system (software) and the utilization of departmental resources, such as staff, in order to collect the data."

RESPONSE TO FINDING 4 FROM THE INTERIM CHIEF PROBATION OFFICER:

"I agree with the finding. The votes of the CCP Executive Committee members are of equal weight. The CCP is tasked with continuous program improvement, and that improvement can only be accomplished after thoughtful analysis of data such as program outcome measures. The recommendation has not yet been implemented, but at its March 25, 2013, meeting the CCP agreed on a six-month timeframe for implementation."

GRAND JURY FINDING 5:

The Calaveras County Plan specified on page 5 that the "Criminal Justice partners made up of Probation, Sheriff, District Attorney, Angels Camp Police, Parole and California Highway Patrol, will meet monthly (or as needed) with appropriate treatment providers to discuss problematic offenders and what strategies will best address the offender's anti-social behaviors." This meeting was held only once and never repeated. However, the need for this kind of meeting is crucial to public safety as well as the success of reducing new offenses. All CCP voting partners feel they should have access to all the data as the process of Post-Release Community Supervision unfolds. Information such as:

- a. The number and type of technical violations
- b. Searches and the results thereof
- c. In-house sanctions

GRAND JURY RECOMMENDATION 5:

Only one meeting of this type was held. These meetings should resume immediately and be held at prearranged regular intervals. Those intervals should be determined by a vote of the CCP. Members attending should come prepared to share all information from their individual departments concerning current offenders in PRCS. Information should freely be shared among the voting partnership, without partners being expected to answer the question, "Please explain your need for this information."

RESPONSES TO FINDING 5

RESPONSE TO FINDING 5 FROM THE CCP

The CCP partially agrees with Finding 5. It was unclear to the Executive Committee members specifically which meeting the Grand Jury referred to in this finding. "Monthly Intelligence Meetings" that were defined on page 5 of the Calaveras County Plan. It was never intended to include treatment partners, as classified law enforcement information is shared and certain CCP partners are not privy to this type of information.

The recommendation will be implemented as of April 17, 2013. "The CCP will be amending the Calaveras County Plan to delete references to the erroneously titled "Monthly Intelligence Meetings" and to properly detail the newly titled, "AB 109 Monthly Case Review Meeting". The objective of this meeting is to update all partners on all PRCS and Mandatory Supervision offenders. Information about these offenders will be freely shared, including arrests, searches, violations and sanctions, progress in treatment programs, and offender successes."

RESPONSE TO FINDING 5 FROM THE INTERIM CHIEF PROBATION OFFICER

"I agree with the finding ... the recommendation was implemented on April 17, 2013."

DETERMINATION OF GRAND JURY

The Grand Jury finds that all responses are adequate.

**RESPONSES TO 2012-2013 GRAND JURY REPORT NUMBER 2 REGARDING
THE CALAVERAS COUNTY BUILDING DEPARTMENT**

GRAND JURY FINDING 1:

The backlogged non-compliance workload is far too great for the current two officers. It leaves Calaveras County unattended and its resident citizens without resolution.

GRAND JURY RECOMMENDATION 1:

Hire a Code Compliance Office Secretary or Clerk to handle processing complaints, databases, and coordination with other land use departments. This will allow the existing officers to focus on the backlogged cases in the field.

RESPONSE TO FINDING 1 FROM THE BUILDING DEPARTMENT

“I agree with this finding.”

RESPONSE TO RECOMMENDATION 1 FROM THE BUILDING DEPARTMENT

The recommendation has not yet been implemented, but hopefully will be implemented with an approval by the Board of Supervisors for new budgeted positions in the Code Compliance Unit.

RESPONSE TO FINDING 1 FROM THE BOARD OF SUPERVISORS

The Board of Supervisors agrees with this finding.

RESPONSE TO RECOMMENDATION 1 THE BOARD OF SUPERVISORS

The Board of Supervisors agrees with this recommendation. The Board will not implement this recommendation because there is no ongoing source of funding for a position in this budget unit. The FY 2013/2014 recommended budget does not add any new positions that do not have an ongoing non-General Fund source of funding.

Prior to the Fiscal Year 2011-2012 the Building Department and Code Compliance were one budget unit. For Fiscal Year 2011-2012 Code Compliance was separated from the Building Department budget and a specific budget unit was created for Code Compliance. Both the Building Department budget and the Code Compliance budget are self-sustaining budgets, meaning that neither budget unit receives a General Fund contribution.

This recommendation may be implemented if an ongoing funding source is identified.

GRAND JURY FINDING 2:

The Code Compliance Section revenue is substantially greater than that required to support current staff effort. In addition, the excess is a "cash cow" for other County funding needs. These funds should be reserved only for improving the quality of County land use and its condition. Additional Code Compliance officers are needed.

GRAND JURY RECOMMENDATION 2:

The Building Department should as soon as possible complete an economic evaluation to confirm the justification of hiring additional code compliance officers based on the revenue they can generate.

RESPONSE TO FINDING 2 FROM THE BUILDING DEPARTMENT

"I partially disagree with the finding, Potential revenues may be increased with an increase of code compliance staff to process cases. ...There is never an overage of revenue that goes to the General Fund. Code compliance is funded by Nuisance Abatement and Abandoned Vehicle Abatement. As such there is no General Fund dependency. The collection of code compliance revenue is transferred, on a regular basis, to the Nuisance Abatement Fund. The recommendation is to be implemented within the scope of county budget hearings."

GRAND JURY FINDING 3:

For the subject complaint to the Grand Jury, the citation and fine for non-compliance was not followed-up by Code Compliance. The idle threat of a fine encourages those who are not in compliance or who are in the "Permit Avoidance" category. They can "play" on this apparent lack of County personnel.

GRAND JURY RECOMMENDATION 3:

Develop an automatic monitoring and follow-up system. This system would provide an alert when arriving at Code Compliance and Permitting process milestones, also deadlines that are critical to the operation. This will ensure that fines are imposed and taxes are levied on time.

RESPONSE TO FINDING 3 FROM THE BUILDING DEPARTMENT

"I agree with the finding. Implementation is in progress with a new software program for code compliance."

RESPONSE TO FINDING 3 FROM THE CHIEF INFORMATION OFFICER

"I partially disagree with finding 3. Code Compliance recently purchased a software application that includes the "monitoring and follow-up system" being recommended by the Grand Jury. Since the functionality being recommended by the Grand Jury is present within their existing software application, there is no need to develop new software for this purpose."

GRAND JURY FINDING 4:

The Building Department and Assessor's Office needs improved coordination processes to assess inevitable changes in structures and additional buildings on real property.

GRAND JURY RECOMMENDATION 4:

Review coordination processes between the Building Department and the Assessor's Office and make necessary changes to ensure that the Assessor's office is alerted to new Permits and potential re-assessments.

RESPONSE TO FINDING 4 FROM THE BUILDING DEPARTMENT

The Building Official disagrees with this finding and feels that, "... the Building Department is meeting its obligations under the Revenue and Taxation Code section 72 to transmit permit and plan information to the Assessor."

RESPONSE TO FINDING 4 FROM THE ASSESSOR

The Assessor states, "As a preliminary matter, the Assessor's office does not appear on the Building Permit Application Flow Chart... Regardless, the assertion that the Building Department alerts the Assessor to new permits by sending copies via special courier is incorrect. The Building Department alerts the Assessor to new permits by granting the Assessor's Office access to its Permits Plus electronic database. No special courier has been used for approximately ten years. Furthermore, the Assessor's office does not levy taxes. The Assessor appraises property for taxation purposes, but the actual calculation and levying of property taxes is done by the Tax Collector, not the Assessor. Since Finding 4 appears to be based entirely on the inaccurate assumption that a courier was being used to transmit permit information interdepartmentally, the Assessor wholly disagrees with the finding and does not believe that implementation of Recommendation 4 is reasonable or warranted.

GRAND JURY FINDING 5:

It was discovered the imposition of fines is determined by a practice and not a procedure. Code Compliance Officers can impose, at their discretion, up to 50% greater than the normal maximum fine when there are multiple citations without response.

GRAND JURY RECOMMENDATION 5:

The Grand Jury recommends the development of a written procedure for levying of fines exceeding the normal maximum.

RESPONSE TO FINDING 5 FROM THE BUILDING DEPARTMENT

"I partially agree with the finding. The fines are to be considered as potential fines that can be adjusted in accordance of the levels of cooperation by the violator. The administrative costs do not get waived. The fines can by adjusted by the Code Compliance Unit." However, I agree with the recommendation."

RESPONSE TO 2012 - 2013 GRAND JURY REPORT REGARDING MOKELUMNE HILL FIRE PROTECTION DISTRICT

REASON FOR INVESTIGATION:

The Grand Jury received two citizen complaints against the Mokelumne Hill Fire Protection District Board (MHFPD) and the Mokelumne Hill Fire Chief.

Alleged violations:

- The Brown Act
- Fire Protection District Law of 1987
- Occupational, Safety and Health Administration (OSHA)
- California Code of Regulations
- Mokelumne Hill Fire District Policies and Procedures
- Calaveras County Code
- Americans with Disabilities Act (ADA)
- California Health and Safety Code 13800 et seq.

PROCEDURE:

The Grand Jury interviewed the following:

- The majority of present Mokelumne Hill Fire Protection District Board Members
- Past Mokelumne Hill Fire Protection District Board Members
- Present Mokelumne Hill Fire Chief
- Past Mokelumne Hill Fire Chief
- Mokelumne Hill firefighters, past and present
- Citizens of Mokelumne Hill

The Grand Jury also:

- Attended a Mokelumne Hill Fire Protection District Board Meeting
- Visited the fire station

The Grand Jury reviewed the following Mokelumne Hill Fire Protection District documents:

- The Brown Act
- Minutes from Mokelumne Hill Fire Protection District Board Meetings
- The Fire Protection District Law of 1987
- The Fire District's Standard Operating Procedures (SOP)
- The Fire District's Standard Operating Guidelines (SOG)
- Mokelumne Hill Fire Protection District Board's by-laws
- California Health and Safety Code
- California Code of Regulations

GRAND JURY FINDING 1:

There have been several violations of the Brown Act by the Mokelumne Hill Fire Protection District Board:

- Closed session without quorum and agenda
- No board vote for either suspension or reinstatement of firefighter
- Two different agendas for a closed session
- Playing audio recording of closed session
- Disclosing details and the subject of a closed session

GRAND JURY RECOMMENDATION 1:

All Board Members must have Brown Act training shortly after taking office and ongoing training to ensure that board procedures comply with the Brown Act. The law gives uniformity to all public meetings and ensures that the public's needs are met.

MOKELUMNE HILL FIRE PROTECTION DISTRICT RESPONSES TO VIOLATIONS OF BROWN ACT: [Recommendation 1]

“Closed Session without quorum or agenda”

- This is erroneous; there cannot be a Board of Directors meeting without a quorum present, which for the Mokelumne Hill Fire Protection District is three of the five members.

“No board vote for either suspension or reinstatement of a firefighter”

- Correct, there was no board vote for either suspension or reinstatement of a firefighter. The Fire Chief is responsible for personnel matters. Personnel actions by the Fire Chief may only be appealed to the Board of Directors. If the Chief is absent and a situation arises, the Chief will pick a person to momentarily stand in for him to ensure the required paperwork is completed per his orders.

“Two different agendas for a closed session”

- Board meeting agendas are posted inside the firehouse and openly on the notice board at the local post office in Mokelumne Hill. We have no control over that second posting, as anyone could have compromised it.

“Playing audio recording of closed session”

- This is partially correct; the Board Secretary accidentally miskeyed his personal recording device (which he uses as a reminder when writing the minutes) causing it to play less than a complete sentence. Most of the Board Members did not recognize those few words as being from a closed session. Unbelievably, when [*NAME DELETED*] (member of the public) heard those few words, he actually jumped up and blurted out loudly that he recognized the words were from a “closed session!” We expect Board Members to be ethical and abide by their oath of office; however that was not the case in this instance, as one board member secretly tape recorded the closed session to share with others. Board Members undergo Ethics Training every two years.

“Disclosing details of a closed session”

- The current Board Members are and were aware that it is a violation of the Brown Act to disclose the details of a closed session.
- The Board acknowledges that Brown Act training is very important and states that all members have been through several Brown Act classes with the exception of one new Board Member, who will be scheduled to attend in the near future depending on class availability. Furthermore, we acknowledge the Brown Act’s importance; therefore we make no move without checking the rules or being very sure of each and every action.

GRAND JURY FINDING 2:

“Zero-tolerance” and “stand down” procedures are not always enforced when drug/alcohol impairment is suspected. A firefighter who was suspected of being under the influence of alcohol while responding to a call was not asked to “stand down.” This allegation was not reported to the authorities so the proper procedures could be applied, such as a Breathalyzer test.

GRAND JURY RECOMMENDATION 2

The Mokelumne Hill Fire Protection District Board and Fire Chief must agree with and continue to enforce a “zero tolerance” regarding drug and alcohol consumption in the fire and emergency service when responding to emergencies. There should also be a “stand down” policy and the proper authorities must be notified anytime a firefighter is suspected of being under the influence of drugs/alcohol.

MOKELUMNE HILL FIRE PROTECTION DISTRICT RESPONSE TO RECOMMENDATION 2

- The Mokelumne Hill Fire Protection District (MHFPD) has a zero tolerance for drugs or alcohol policy in their Standard Operating Policies. That policy, as well as our “Stand Down Policy,” is enforced. The allegations against a firefighter proved to be nothing more than an attempt at retaliation and were unfounded.

MOKELUMNE HILL FIRE PROTECTION DISTRICT FIRE CHIEF'S RESPONSE TO RECOMMENDATION 2

The allegation that a firefighter responded to a call while under the influence of alcohol was formally investigated by a committee appointed by the Chair of the Board of Directors at the request of Fire Chief [NAME DELETED]. The committee consisted of one Board Director and one Battalion Chief. The Board of Directors was, at the time, the only element of the chain of command senior to the accused firefighter, as the Fire Chief was out of the country; the Chair therefore acted for the Fire Chief, not for the Board.

- The Board Director on the committee was chosen because of his expertise in investigation, earned as a California Highway Patrolman. The Battalion Chief is a career firefighter, currently a Captain on the Hayward Fire Department, chosen for his knowledge of the subject and for his ability to protect the interests of accused firefighters.
- Every effort was made to conduct the investigation with due respect for the rights of all of the members involved, as set out in the Department's SOPs and applicable State law.
- The conclusion of the investigation was that there was no evidence of violation of the District's policies or procedures. The Fire Chief reviewed the process and conclusions of the investigating committee and determined that there was no cause for action, and the Fire Chief rescinded the suspension of the firefighter in question.
- Suspension of a Firefighter for any reason, including responding while under the influence, is an operational decision within the authority of the Fire Chief. The Board of Directors does not suspend Firefighters; the Board of Directors acts only to review the decisions of the Fire Chief. No request was made to the Board of Directors for a review by any firefighter or other person. The Fire Chief reported to the Board concerning his review of the suspension and his determination that the suspension should be lifted at the next regular Board meeting.
- Mokelumne Hill Fire Protection District has had a written Alcohol and Drug use policy in its SOPS since at least 2009. Firefighters are trained about that policy at least annually.
- As stated above, a "zero tolerance" policy is not feasible for volunteer departments because it would require members to abstain at all times in anticipation of an alarm that could occur at any time of the day. The Policy Statement of the Fire Chiefs Association, while feasible for full time career departments, is a guideline, not a mandate
- Nevertheless, the Board of Directors and the Fire Chief are currently reviewing our Drug and Alcohol Policy, with the intention of setting measurable standards that can be enforced. We are examining the policies of other volunteer departments and the standards set by the Federal and State Departments of Transportation and will incorporate their standards in our policy.
- The Stand-Down Policy remains in effect as before. Any member may remove any other member when drug or alcohol use is suspected, without fear of reprisals. The reasons for the removal and the actions taken are then investigated by the Fire Chief, and appropriate action will be taken by the Fire Chief if he deems it necessary to do so.

GRAND JURY FINDING 3:

In July 2012 when OSHA did an onsite inspection of the fire station, Mokelumne Hill Fire Protection District was cited with these violations:

- Did not establish, implement and maintain an effective injury and illness prevention program (IIPP)
- Did not establish, implement and maintain an effective control of hazardous substances
- Did not provide a medical evaluation to determine the employee’s ability to use a respirator
- Did not provide effective heat illness training
- Shall make available Hepatitis B vaccinations and blood borne pathogen post-exposure evaluation and follow-up

GRAND JURY RECOMMENDATION 3:

The preceding violations have been corrected. The Mokelumne Hill Fire Protection District Board is working on adopting changes and notifying OSHA. Fines of \$600.00, per violation are still pending and are being appealed. To maintain a safe work environment, the district should ensure that they are compliant with current OSHA regulations.

MOKELUMNE HILL FIRE PROTECTION DISTRICT RESPONSE TO RECOMMENDATION 3 “OSHA”

- The MHFPD has an IIPP program which was used to train firefighters. The written policy which was used was generic and simply did not have Mokelumne Hill Fire Protection District’s name written into it. It has since been rewritten to include Mokelumne Hill Fire in the body of the policy.
- Other policies which were updated were the Blood Borne Pathogen, Heat Illness and Respiratory fit and training programs.
- Hepatitis vaccinations had already been available to the firefighters years before, and new recruits are usually already vaccinated as a school requirement; however no formal “policy” existed. A new upgraded policy was established using a contract with Calaveras County Health Department.

MOKELUMNE HILL FIRE PROTECTION DISTRICT FIRE CHIEF’S RESPONSE TO RECOMMENDATION 3

- At the time of the OSHA inspection the Mokelumne Hill Fire Protection District had in its SOPs policies taken from other fire departments, and the Department trained on those policies. The policies did not conform to the requirements of OSHA in that they were not specifically labeled as the policies of the Mokelumne Hill Fire Protection District (they still had the name of the originating department on them), and the Department's record keeping was found to be inadequate (written records exist, but were not easily accessible). The advice of our attorney, however, is that the policies themselves were adequate and should have sufficed whether or not they were written under the name of this Department.
- Subsequent to the citations issued by OSHA the Fire Chief undertook a complete revision of the Departments SOP's for its Injury and Illness Prevention Policy (IIPP), Bloodborne Pathogen

Protection Policy (BPP), Heat Injury Prevention Policy (HIPP), and Respiratory Protection Policy. These policies were completed and adopted by the Board of Directors in February and March of 2013, and are currently in effect. All firefighters have been trained on these policies, and annual training will take place. All firefighters have been offered immunization against Hepatitis-B in compliance with OSHA mandate.

GRAND JURY FINDING 4:

Fire District Standard Operating Procedures and Standard Operating Guidelines are still in the process of being revised.

GRAND JURY RECOMMENDATION 4:

These procedure and guideline revisions must be completed in a timely manner (6 months) and be reviewed and updated on an annual basis.

MOKELUMNE HILL FIRE PROTECTION DISTRICT RESPONSE TO RECOMMENDATION 4: SOP's & SOG's

- MHFPD Board agrees with the recommendation which states that policies should be upgraded annually, however that is not frequent enough. Because policies may change more frequently, the SOP's and SOG's are updated when new policies are adopted by the Board of Directors in their monthly meetings.

MOKELUMNE HILL FIRE PROTECTION DISTRICT FIRE CHIEF'S RESPONSE TO RECOMMENDATION 4

- SOPs are presently and continually under review. SOPs of other Fire Districts are used as models for the SOPs of this Department. The review process is an important part of the duties of the Fire Chief, who will complete a review of all SOPs annually. An SOP committee of the Board of Directors exists to oversee and assist in this process.

GRAND JURY FINDING 5:

Currently the Mokelumne Hill Fire Protection District has a "storage only" occupancy permit for the second floor and cannot use the addition for residential use. The upstairs of the fire station is not compliant with the Americans with Disabilities Act (ADA) as there is no elevator. The second floor needs to be accessible to all individuals, not just firefighters, under the ADA.

GRAND JURY RECOMMENDATION 5:

The District should seek a waiver of ADA related issues through the California Division of the State Architect (DSA) in order to minimize costs of compliance.

MOKELUMNE HILL FIRE PROTECTION DISTRICT RESPONSE TO RECOMMENDATION 5: UPSTAIRS ADDITION

- The Board agrees with the Grand Jury's recommendation to seek a waiver from the State Architect in order to finish the upstairs living quarters without having to install an elevator for the second floor. The Board of Directors is looking into that issue at this time. The cost of installing an elevator would put an undue burden on the District's finances and negatively impact emergency services, proving a disservice to the entire District's emergency needs.

ADDITIONAL INFORMATION PROVIDED BY MOKELUMNE HILL FIRE PROTECTION DISTRICT FIRE CHIEF THAT IS NOT A RESPONSE TO A GRAND JURY FINDING OR RECOMMENDATION

- Before addressing the Recommendations specifically, as Fire Chief, I wish to address several factual inaccuracies in the Report.
- On page two of the Report, beginning at line 22, the report states that, "...the Fire District is comprised of a Fire Chief, two full-time firefighters, and several volunteer firefighters. Full-time firefighters are fully compensated for their services. MHFPD is a fire district that has both full-time and volunteer firefighters. In this way, a station is staffed full-time."
- Mokelumne Hill Fire Protection District has *no full-time firefighters*. The Fire Chief is the only salaried member of the department.
- The District employs *two part-time firefighters* for station coverage and maintenance. The station is covered by one *firefighter* at a time, for eight hours each day, three days each week during the winter months, and by one firefighter at a time, eight hours each day, six days a week during the summer fire season.
- The Station has never been staffed full-time. Mokelumne Hill FPD is an entirely volunteer Department (with the exception of the Chief), and volunteers staff the Station for all incidents. Average response is 4 firefighters per call.
- On page 3 of the Report, at line 40, the Report references the Policy Statement of the International Fire Chiefs Association on "Zero Tolerance for Alcohol (etc.)." This Policy Statement is a *guideline*, not a statute or mandatory policy. For Fire Districts and Fire Departments with paid, full-time employees who staff their stations for extended periods of time, *such a policy is* feasible because their firefighters are on-duty and in their facilities 24 hours a day during their shifts. For volunteer departments such as Mokelumne Hill, requiring a total ban on alcohol use twenty-four hours a day, seven days a week, on the chance that an alarm might come in is not feasible.
- Our current Standard Operating Procedures (SOPs) already have (and have had since at least 2009) a written standard for response while under the influence of drugs or alcohol requiring that no firefighter may respond while under the influence. The Department also has a written "stand-down" policy requiring that any member must stand down if asked to do so by any other member. We train on this policy at least annually.

DETERMINATION OF GRAND JURY :

The 2013-2014 Grand Jury received and reviewed all responses.

RESPONSES TO 2012-2013 GRAND JURY REPORT REGARDING GILLAM ROAD STUDY

REASON FOR INVESTIGATION:

The Grand Jury received a citizen's complaint regarding Calaveras County Public Works Department's failure to obtain the necessary permits from State and Federal agencies to maintain Gillam Road in Valley Springs. The complaint addressed the poor condition of Gillam Road, which at times has been impassable.

CONDITION ON THE ROAD:

The current condition of Gillam Road is due in part to the use of materials approved by the responsible agencies. Large rocks, known as shot rock, are used on parts of Gillam Road in lieu of road base. The shot rock used on Gillam Road is free of chemicals and does not exceed 1 1/2 inches in diameter. The large rock is used to avoid eroding smaller material into Young's Creek, which runs through Gillam at the bridge. The rock provides a permeable road surface that allows percolation of the groundwater. The shot rock has caused undercarriage as well as tire damage to vehicles and slows traffic to less than 10 miles per hour. In some places Gillam Road is only 10 feet wide. Emergency responders avoid Gillam Road because of the current condition. Fire trucks, water tenders and school buses cannot travel through Gillam Road in part due to the 7-ton weight limit of the bridge.

FEASIBILITY STUDY:

A feasibility study was obtained by Calaveras County to determine an alternate route through the wetlands and circumvent the endangered species habitat, in 2006.

PROCEDURE:

The Grand Jury reviewed the following documents:

- Letters from Calaveras County Farm Bureau
- Letters from Fire Protection Districts
- Newspaper articles
- Stantec Wetland Delineation Report On Gillam Road (Feasibility Study)
- Maps, including Topographical, Realignment, Site and Assessor Parcel

The Grand Jury interviewed current and/or former parties from the following:

- Director of Public Works
- Property owners on Gillam Road
- Board of Supervisors
- Project Consultants
- U.S. Army Corp Of Engineers
- CA Highway Patrol

- Amphibian Biologist
- Local Developer

The Grand Jury traveled Gillam Road with different vehicles under varying conditions. The Grand Jury also traveled the longer route from Toyon to downtown Valley Springs to Paloma.

DISCUSSION:

Gillam Road in its current location is in a federally protected watershed, regulated by the Clean Water Act. Additionally, Gillam Road runs through a protected habitat for endangered species. Gillam Road is a five mile short cut to Hwy 12 for communities of Paloma, portions of Valley Springs and Toyon.

"I know for a fact the District's larger structural firefighting equipment will not be able to negotiate this route. Most importantly, 'no' water tender will be able to make the trip straight through... This agency is responsible for the quick and decisive response to life and property emergencies." wrote one fire chief to a Supervisor in regards to Gillam Road. The Fire Chief concludes the letter by asking for a long-term solution for Gillam Road.

A new road would serve the communities of Paloma and Valley Springs. Gillam Road is the most direct route from Paloma Road to Hwy 12. Fifty-four residents on or near Gillam Road have submitted a signed petition requesting improvement.

GRAND JURY FINDING 1:

Gillam Road runs through a protected habitat and designated wetlands and as such it is under the jurisdiction of State and Federal agencies.

RESPONSE FROM CALAVERAS COUNTY PUBLIC WORKS FOR FINDING 1

Public Works concurs with this finding.

RESPONSE FROM CALAVERAS COUNTY BOARD OF SUPERVISORS FOR FINDING 1:

The Board of Supervisors agrees with this finding

GRAND JURY FINDING 2:

The U.S. Army Corp of Engineers regulates Calaveras County's ability to maintain Gillam Road where it intersects the wetlands and the protected watershed. Representatives of the U.S. Army Corp of Engineers (USACOE) have been to Gillam Road three times to address the maintenance issues of the road.

RESPONSE FROM CALAVERAS COUNTY PUBLIC WORKS FOR FINDING 2:

Public Works is unaware of how many times the Corp has done field reviews of Gillam Road within the past year or longer. We concur that the USACOE has regulatory authority over sensitive habitat and has placed limits on what the County can do regarding maintenance of Gillam Road, and that County standard procedures cannot be followed for this road.

RESPONSE FROM CALAVERAS COUNTY BOARD OF SUPERVISORS FOR FINDING 2:

The Board of Supervisors agrees that the USACOE regulates the County's ability to maintain Gillam Road. The USACOE operates under the authority of the Rivers and Harbors Act of 1890 and 1899 and the Federal Water Pollution Control Act. Both of which have been amended since their inception. The Rivers and Harbor Acts of 1890 and 1899 currently designate the authority over wetlands to the USACOE. The USACOE regulates the maintenance work that the County is able to perform on Gillam Road. The Board is not aware of the number of times that the USACOE has visited Gillam Road to address the maintenance issues of the road.

GRAND JURY FINDING 3:

A wider, stronger, more passable road for emergency vehicles and school buses would shorten the trip between Hwy 12 and Paloma Road. A feasibility study to find an alternate route avoiding the wetlands and protected habitat of Gillam Road was conducted by Stantec Consulting, Inc. They recommended two alternate routes that would avoid some of the permitting problems.

RESPONSE FROM CALAVERAS COUNTY PUBLIC WORKS FOR FINDING 3:

Public Works concurs with this finding. The alternate routes that Stantec Engineering recommended would realign the roadway away from the existing environmentally sensitive area, which would reduce permitting for that reach. However, a new alignment would require crossing the existing creek, which would necessitate an environmental analysis, permits, and likely mitigation measures. These activities increase the complexity and cost of a road project. A new alignment would avoid some of the permitting process, but permitting would still be required.

RESPONSE FROM CALAVERAS COUNTY BOARD OF SUPERVISORS FOR FINDING 3:

The Board of Supervisors partially disagrees with this finding. Although the alternate routes would avoid the wetlands, neither route avoids crossing Young's Creek which is also a protected waterway. The building of any bridge would require the County to follow the National Environmental Policy Act environmental process, and the USACOE permitting process. The road surface would require less permitting to maintain but the bridge itself would require permits from USACOE and Federal and State Fish and Wildlife. There is also the possibility that the County would be responsible for mitigation measures for the creek if a bridge were to be built.

GRAND JURY RECOMMENDATION:

The county should consider all options including an alternate route of Gillam Road, away from the streambed. Permits or approvals need to be obtained for any roadwork on Gillam Road from the aforementioned Federal and State agencies. Calaveras County may consider applying for Federal and State funds to correct the situation.

RESPONSE FROM CALAVERAS COUNTY PUBLIC WORKS:

Public Works concurs with the spirit of the recommendation, but the recommendation will not be implemented because it is not reasonable given the limitations of our Department's resources. Unfortunately, due to the scarcity of resources and funds within the Roads Division of the Public Works Department, the Department focuses on immediate safety needs. Public Works has prioritized projects that address deficiencies on existing County roads with high accident rates and fatalities (up to 17-times the State average). Projects such as those on Mountain Ranch Road and Murphys Grade Road, where there is a confirmed safety issue as demonstrated by high accident rates and the number of fatalities takes precedence over projects that increase capacity through widening or realignment. The ability to work on roads that do not have a demonstrated safety issue (fatalities) is further complicated due to the recent cuts to the Roads budget, which has eliminated funding for non-critical projects and maintenance. State and Federal Grants normally require a local match of between 10%-20%. Due to limited resources and recent budget cuts, the Roads Division cannot demonstrate the ability to fund the required match for new improvement projects that do not directly reduce accidents and fatalities.

RESPONSE FROM CALAVERAS COUNTY BOARD OF SUPERVISORS:

The recommendation will not be implemented because it is not reasonable. Public Works has reviewed the alternative routes that were studied. Realigning Gillam Road is not the highest priority for the County. The County's transportation needs exceed the available funding, including local, State and Federal sources, including grants. Public Works must prioritize road projects across the entire County. To accomplish road projects Public Works reviews and prioritizes road work based on safety needs, congestion, circulation improvements and available sources of funding and available staff. These projects require the limited resources of the County.

The County secures Federal and State grant funds for many of the road projects. The required County match for these funds has been increased over the past years and can be as high as 20% of the grant. As the County budget tightens there is less discretionary money that the County can use to match grant funds reducing the projects that the County can do.

DETERMINATION OF GRAND JURY 2013-2014

The 2013-2014 Grand Jury received and reviewed all responses; the responses are adequate.

RESPONSES TO 2013-2013 GRAND JURY REPORT REGARDING CALAVERAS COUNTY TECHNOLOGY SERVICES DEPARTMENT

REASON FOR INVESTIGATION:

The Grand Jury received a citizen's complaint regarding the irresponsible use of taxpayer dollars and leadership negligence in the Technology Services Department (TSD). The TSD is responsible for computerized Communications, Mail, and Geographical Information Systems (GIS) for almost every department. (Some people refer to this department as the Information Technology or the IT Department or Tech Services.)

BACKGROUND:

Document Management System

In early 2005, the Document Management Committee was formed to research products and make recommendations for a countywide document management system. Representatives from several departments made up the committee including Administration, Assessor, Auditor-Controller, Building, Cal Works & Human Services, Clerk-Recorder, Planning, Public Works, Sheriff, Treasurer/Tax Collector, and Technology Services. Twelve months later Questys was chosen by the committee, citing price, ease of use, and initial training.

The benefits of the new document management system would save time and money to nearly every department. The new system promised to be space saving, would route and archive documents more efficiently, and provide better coordination between departments. For example, the building department could speed the permit approval process.

A memorandum from the Chief Information Officer (CIO) to the Board of Supervisors (BOS) dated February 10, 2006 recommended the Questys system. The recommendation was for the BOS to *"approve a resolution authorizing the purchase of a County-wide enterprise document management system from Questys, necessary computer hardware, and related budget transfer."* The BOS approved costs not to exceed \$400,000.

The aforementioned memorandum suggested that the funds for the project should come out of two nondepartmental sources: \$300,000 from TEETER and \$100,000 from the Land Use Fund. The TEETER fund was discretionary money derived from property taxes. The Land Use Fund is generated from the Building Department's permit fees and fines. Questys was a countywide project utilizing countywide funds.

The BOS approved the purchase in March 2006, and Questys was installed in August 2006. The Questys software is a document management system, which is a computerized file cabinet where documents are stored electronically to save time, money and space.

Within six months a technician in the TSD discovered a security flaw that might expose the county's internal network to hackers. Official documents could be altered by employees or members of the public. The company, Questys, acknowledged the security flaw and offered to repair it with "patches."

A year later, and after spending almost \$400,000, the project was abandoned. The decision to abandon the countywide project was made by the CIO, who did not share this information with his superiors, or request a refund from Questys.

A refund was never requested nor were any other arrangements made with Questys. There was no financial compensation to Calaveras County. Nearly \$400,000 was spent and there is still no workable document management system.

Calaveras County cannot provide a copy of a contract with Questys. However, language was provided by the CIO making it possible to purchase Questys without a contract and was included in BOS Resolution NO. 06-072 which states, "BE IT FURTHER RESOLVED that authorization be given to the Chief Information Officer to purchase the aforementioned software from Questys, and related computer hardware for a price not to exceed \$400,000."

No one from Questys, past or present, could produce a copy of a contract with Calaveras County. The Questys Company has been sold twice, once in 2008, and again in 2012, making continuity difficult. In lieu of a digital document management system, the County continues to pay approximately \$7,000 a year to physically store documents. The goal of quickly processing and retrieving internal records for Calaveras County has not been met.

Leadership Issues within the TSD

The CIO indicated his management philosophy is that *his staff understands what they need to know and do*. The CIO admits to not having done cross training with his staff and considers them "one deep", meaning only one person has all the knowledge in a particular position.

Personnel difficulties within the department resulted in dissension. This problem continued until four employees of the TSD approached the Director of Human Resources for help. This personnel issue required the Human Resources Director who retained an outside attorney to investigate the issue.

The BOS expects the department heads to know how to conduct County business within their departments.

Performance Reviews

The CAO has not conducted any performance reviews of the CIO in his sixteen years of employment. The CIO, in turn, rarely does performance reviews on his employees, the TSD staff.

After Hours Technical Assistance

There is no plan or schedule for 24-hour technical assistance. On occasion, deputies have arrived at the private residences of technicians in the middle of the night with a technical emergency in their vehicle. Some of the TSD staff have made repairs in their pajamas without compensation. This situation has continued for several years.

PROCEDURE:

The Grand Jury reviewed the following documents:

- BOS Meeting Minutes and Agendas from 2006-present
- Memorandum recommending Questys as the Document Management System
- Emails from 2006 to present
- Memoranda on personnel issues in the TSD
- Invoices for Questys and other miscellaneous spending in the TSD
- Calaveras County Purchase Policy

The Grand Jury interviewed current and/or former personnel from the following:

- Technology Services Staff
- Technology Services Management, including the CIO
- Chief Administrative Officers
- County Counsels
- County Supervisors
- Department Heads
- Technical Staff and CAO from San Joaquin County
- Questys Staff and Management, including original representative

The Grand Jury requested and never received a signed Questys purchase contract between Calaveras County and Questys.

DISCUSSION:

Document Management System

Currently, Calaveras County does not have a document management system. As a result, it takes more time to retrieve files, and there are additional costs to store documents. Communications between departments are hindered and counterproductive.

A refund from Questys was never requested. The CIO violated the Calaveras County Purchase Policy when he did not report to the Purchasing Agent the security flaw once it was discovered. The Purchase Policy states (3.28.50 F) "Department Heads receiving merchandise deliveries from a vendor shall be responsible to inspect such merchandise without delay, and report to the Purchasing Agent any deficiencies."

Leadership Issues within the TSD

The BOS recognizes the TSD is important and necessary to the functionality of the county. Supervisors expect department heads to have expertise and knowledge.

A personnel issue in the TSD escalated to the point that the Director of Human Resources hired an outside legal firm to resolve the personnel issue.

The CAO, the Director of Human Resources, the Auditor-Controller and the CIO now together make the hiring and firing decisions of three positions in the TSD. These positions are still assigned to the TSD, but the day to day management of authority over these positions will now be by the Auditor-Controller, Director of Human Resources, and the CIO.

Performance Reviews

The CIO never received a performance review. Performance Reviews communicate to the employee their strengths and weaknesses, reveal when more training is needed and can be a motivational tool.

After Hours Technical Assistance

There is no plan for after-hours technical emergencies.

RESULTS OF THE INVESTIGATION

GRAND JURY FINDING 1:

Currently, Calaveras County does not have a computerized countywide document management system.

RECOMMENDATION:

Outsource a temporary, qualified project manager to be responsible for all components of establishing a successful document management system from start to finish.

GRAND JURY FINDING 2:

Hundreds of thousands of taxpayer dollars were spent on the document management system, Questys. After Questys was found defective, reimbursement to the County was never requested.

RECOMMENDATION:

The Board Clerk should calendar formal updates on major purchases over \$100,000 on the BOS agendas. The Board Clerk would calendar in the meeting agendas for a follow up review after a period of 3 months, 6 months, one year, and beyond as appropriate.

GRAND JURY FINDING 3:

The CIO has never received a performance review in 16 years as the department head.

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**The 2013 – 2014 Calaveras County Grand Jury
would like to say farewell to
the old Calaveras County Jail
and acknowledge the opening of the
new jail facility.
Oh, what a difference!**

