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**PLACER COUNTY
GRAND JURORS 2006 – 2007**

Foreman: John Wallauch Granite Bay

Pro-tem: Frances Tally Hale Auburn

Gordon (Pete) Blakeman	Roseville
Ruth Braun	Lincoln
Linda Fazo	Auburn
Judy Green	Lincoln
Mary Grivna	Rocklin
James Hare, Jr.	Auburn
Jonathan S. Mason	Auburn
Shari O’Dette	Auburn
Bethany Overhoff	Newcastle
Tina Payne	Lincoln
Nick Rohrer	Colfax
Delta Wilson-Ricky	Auburn
Robert Smith	Roseville
Jon Skinner	Roseville
Randi Swisley	Auburn
Robert Zimmerman	Granite Bay

Retiring Grand Jury Members

Herb Boyer
Craig Furman
Eric Hill
Robert Mock

Placer County Grand Jury 2007



From left to right, back row: Jon Mason, Randi Swisley, Pete Blakeman, Ruth Braun, Bethany Overhoff, Frances Hale, Bob Zimmerman, and Nick Rohrer; from left to right, front row: Delta Ricky, Shari O'Dette, Linda Fazo, Judy Green, Tina Payne, Mary Grivna, Loren King, and James Hare; not pictured are Jon Skinner, John Wallauch, and Bob Smith.

Abstracts

Lincoln Water District

The Placer County Grand Jury investigated two complaints into water and wastewater rate increases by the City of Lincoln to determine if the increases were in violation of Proposition 218. The Grand Jury reviewed both Proposition 218 and documentation provided by the City of Lincoln in support of its rate increases. Proposition 218 specifically excluded fees for water, sewer and refuse collection services from the voter approval requirement of Proposition 218. For four years the City of Lincoln elected not to pass on rate increases by Placer County Water Agency resulting in a shock to the community when the cumulative 70% increase in water rates was imposed. Wastewater rate increases are attributable to improvements to the existing wastewater treatment plant and operating costs of a new wastewater treatment and reclamation facility. Even though the cost of construction was borne by developers, the new facility has generated increases in operating costs. It appears that revenue generated as a result of increases in wastewater rates will be allocated exclusively to the operation of the wastewater treatment and reclamation facility. The Grand Jury concluded that water and wastewater rate increases by the City of Lincoln were adopted in compliance with Proposition 218 and no vote of the public was required.

Roseville Transit

The Grand Jury conducted an investigation into the operation of Roseville Transit as part of its overall responsibility to confirm that taxpayers are receiving the maximum value for tax revenues spent to support the public transportation system. The Grand Jury found there is a large disconnect between the size of the buses in use and the actual number of riders aboard them.

The Grand Jury also concludes and recommends that agencies and local governments responsible for oversight of Roseville Transit should require increases in average fare box recovery rates for the fixed routes within the systems. Currently, Roseville Transit relies upon a disproportionate amount of the total average fare box recovery from the commuter bus routes which potentially can be impacted and displaced by the expansion of light rail.

Auburn Police Department

The Grand Jury conducted its annual inspection of the Auburn Police Department. The Department is in compliance with California Penal Code Section 919(b). A commendation letter to the Chief of Police was sent following the on-site inspection.

Burton Creek Substation

The Grand Jury conducted its annual inspection of the Placer County Sheriff's Burton Creek Substation. This facility has been recognized to be inadequate for more than ten years. With the existing facility there is inadequate space to house all the essential functions of the Sheriff's administration, jail/booking facility, investigations, records and dispatch offices. Burton Creek has found it necessary to expand the facility to keep up with the growth of its department and anticipates a move to a new location in the near future. Given the condition of the facility, the Grand Jury was

pleased with the administration, maintenance and staffing of this facility. The employees at Burton Creek are a credit to the community they serve.

Rocklin Police Department

The Grand Jury conducted its annual inspection of the Rocklin Police Department. The Rocklin Police Department moved into a new and larger facility, which was designed to handle its growth. The Grand Jury was pleased with the maintenance and staffing of this facility.

Roseville Police Department

The Grand Jury conducted its annual inspection of the Roseville Police Department. The Grand Jury was pleased with the maintenance and staffing of this facility. The Roseville Police Department has found it necessary to expand the facility to keep up with the growth of its department.

Lincoln Police Department

The Grand Jury conducted its annual inspection of the Lincoln Police Department. The Grand Jury was pleased with the maintenance and staffing of this facility. The Lincoln Police Department has found it necessary to expand the facility to keep up with the growth of its department and anticipates a move to a new location in the near future.

Placer County Main Jail

Placer County's main jail is located in Auburn and is operated by the Sheriff's Department. This facility houses prisoners from all law enforcement agencies located in Placer County. The Grand Jury inspected the facility and determined that it is being operated in an efficient and professional manner by a well-trained staff. During the past year improvements have been made to reduce prisoner traffic in the medical unit waiting area by sending medical personnel to the holding areas. Facility construction problems as noted in the 2005-2006 Grand Jury report still exist.

Citizen Complaints/ Follow Up

The 2003-2004 Placer County Grand Jury made recommendations to the Auburn, Lincoln, Rocklin, and Roseville Police Departments, as well as the Placer County Sheriff's Office regarding their citizen complaint processes. No follow-up was done on the processes in subsequent years until the 2006-2007 Grand Jury revisited the various law enforcement agencies and ascertained that they are maintaining citizen complaint files in a well-organized manner.

Quimby Act

The Grand Jury investigated a complaint into the alleged inappropriate use of Quimby Act funds by the Auburn City Council for rehabilitation at Recreation Park in the City of Auburn. The Grand Jury determined, based on California Government Code Section 66477, the Auburn City Council did not violate the act in the use of these funds. Upon reviewing the law, the Grand Jury found that the use of Quimby Act funds was appropriate for the repair and rehabilitation of Recreation Park.

Sewer Lift Station Upgrade

During 2006, the City of Auburn Public Works Department upgraded an existing sewer lift station on Canyon Drive which resulted in numerous complaints from residents. The City of Auburn installed a larger generator, more equipment and diesel fuel storage. As a result of residents' complaints, the Public Works Department has agreed to build a roof and wall over the lift station equipment. The City will also landscape the area to reduce sound and aesthetically improve the lift station site.

County Auditor/Controller

The Grand Jury has looked into the operations of the Office of the Auditor/Controller for the County of Placer. An examination was also made of accounting procedures and the ability of this office to fulfill its responsibilities to other county departments and to the county's citizens and taxpayers. The procedures and capabilities of the outside auditors to perform their functions were reviewed. The Grand Jury has concluded that this office and its outside auditors are highly qualified to perform their assigned tasks.

The Grand Jury has also found it to be in the county's best interest to form an Audit Committee. That committee would oversee the functions of the county's external auditors.

Placer County Juvenile Detention Facility

The Grand Jury conducted its annual inspection of the Placer County Juvenile Detention Facility and found it to be well maintained and staffed.

Community Development Resource Agency

The Placer County Community Development Resource Agency purchased a land use management system. Four years and one million dollars later, . . .this system still has not been fully implemented.

Placer County purchased a software package to expedite its land use management practices in 2003, with the system going live early in 2004. It was reported to the Grand Jury that between the purchase price, ongoing software maintenance and user education, the county has invested over a million dollars in this solution. To date, the Building Department has successfully implemented the record keeping function, but few other features are used. County management insists the delay is due to a complicated interface that makes the system difficult to use. The system doesn't support Placer's multi-layered permit fee structure, and until recently, an ambiguous county ordinance. While the Community Development Resource Agency and Information Technology (IT) have invested hundreds of hours in user training and process modification, there is scant evidence that Placer County is getting value received for its money.

Placer County Office of Education

An employee of Placer County Office of Education (PCOE) believes that PCOE employees are being discouraged from filing child abuse reports. All PCOE employees are required by law to report any suspected child abuse. The Grand Jury found several process and procedure improvements that could be

implemented to better assist PCOE employees in filing these mandatory reports. The Grand Jury may become involved in criminal activity associated with child abuse and child abuse reporting if requested do so by the District Attorney, but criminal activity is not pursued independently by the Grand Jury.

Auburn Union School District

The service provided to the community by the Auburn Placer County Library (Library) is routinely disrupted by some parents and students of E.V. Cain Middle School (School). In addition, Library property has been vandalized by School students. Problems occur when students arrive and depart from the School campus through Library property. This report recommends immediate cooperative action, led by Auburn Union School District (AUSD) to solve a crucial situation which is negatively impacting the Library and potentially endangering children coming and going to the School. A task force comprised of key leaders in the community should be established to solve problems caused by students, their parents and caregivers who approach and leave the School through Library property. The task force should provide a united front to enforce legal behavior on Library property. The united front of the task force should deal swiftly and consistently with the specific individuals who violate the law and who violate Library rules on Library property.

Newcastle Fire Protection District

The Placer County Grand Jury conducted an extensive investigation into the operations of the Newcastle Fire Protection District following the receipt of a citizen's complaint about violations of California's Brown Act and staffing at the Scotts Flat Substation. During its investigation of the initial complaint, the Grand Jury identified several other management issues such as a disunited board of directors, a dilapidated physical plant, and morale issues among the fire fighters.

FUNCTIONS AND HISTORY OF THE GRAND JURY

HISTORY - The eleventh century holds claim to formation of juries. In 1215 the jury theory had progressed into a pledge expressed in the Magna Carta, that no free man would be “imprisoned or dispossessed or exiled or in any way destroyed . . . except by the lawful judgment of his peers . . .”

In 1635, the Massachusetts Bay Colony impaneled the first grand jury to consider cases of murder, robbery and wife beating. The U.S. Constitution’s Fifth Amendment and the California Constitution call for grand juries. Grand juries were established throughout California during the early years of statehood. As constituted today, the criminal and civil grand jury is a part of the judicial branch of government, an arm of the court system.

The criminal grand jury may conduct hearings to determine whether there is sufficient evidence to bring an indictment charging a person with a public offense. However, the district attorney usually calls for empanelment of a separate jury drawn from the petit (regular trial) jury pool to bring criminal indictments. The civil and criminal grand jury has the power to subpoena.

FUNCTIONS – The grand jury is an investigative body created for the protection of society and the enforcement of the law. The grand jury in California is unique in that its duty includes investigation of county government as provided by statutes passed in 1880. Only a few other states require grand jury investigation beyond alleged misconduct of public officials. Although the responsibilities of a juror are many and diverse, the three predominant functions include:

CIVIL WATCHDOG RESPONSIBILITIES – This is the major function of present day California grand jurors and considerable effort is devoted to these responsibilities. The grand jury may examine all aspects of county and city government and special districts to ensure the best interests of Placer County citizens are being served. The grand jury reviews and evaluates procedures, methods and systems utilized by county government to determine whether more efficient and economical programs may be employed. The grand jury is also authorized to:

- Inspect and audit books, records and financial expenditures to ensure that public funds are properly accounted for and legally spent.
- Inspect financial records of special districts in Placer County.
- Inquire into the conditions of jails and detention centers.
- Inquire into charges of willful misconduct in office by public officials or employees.

Most grand jury “watchdog” findings are contained in reports describing problems encountered and making recommendations for solutions. In order to accomplish the county watchdog functions, committees are normally established. During its term, the grand jury issues final reports on the operations of government in Placer County.

The governing body of the public agency, whether city or county, which was the subject of the report, must respond to the grand jury's findings and recommendations in a timely manner, as prescribed by California law.

CITIZEN REQUESTS – As part of the civil function, the grand jury receives many letters from citizens alleging mistreatment by officials, suspicious misconduct, or governmental inefficiencies. Requests received from citizens are investigated for their validity. Such requests are kept confidential.

CRIMINAL INVESTIGATIONS – The criminal grand jury holds hearings to determine whether evidence presented by the district attorney is of sufficient nature to warrant persons having to stand trial in court. A minimum of 12 jurors must vote for an indictment in any criminal proceeding.

QUALIFICATIONS Prospective grand jurors must possess the following qualifications (Penal Code Section 893):

- Be at least 18 years old.
- Be a resident of California and Placer County for at least one year immediately prior to selection.
- Be in possession of his or her natural faculties, of ordinary intelligence, of sound judgment and fair character.
- Possess sufficient knowledge of the English language to communicate both orally and in writing.

A person is NOT competent to act as a grand juror if any of the following apply:

- The person is serving as a trial juror in any California court.
- The person has been discharged as a grand juror in any California court within one year of the beginning date of service, July 1.
- The person has been convicted of malfeasance in office or any felony or other high crime.
- The person is serving as an elected public official.

Desirable qualifications for a grand juror include the following:

- Be in good health.
- Be open-minded with concern for the views of others.
- Have the ability to work with others.
- Have genuine interest in community affairs.
- Have investigative skills and an ability to write reports.

SELECTION – In the spring of each year the Presiding Judge selects persons at random from the list of volunteers, who have been interviewed and determined to have met the above qualifications.

Volunteers can expect that a criminal records check will be conducted. Applications are reviewed for consideration and an interview is scheduled with either of the following people, the Presiding Judge, the foreman of the outgoing panel, or an assistant of the Presiding Judge. After the interview process, prospective applicants are requested to appear for the final selection. At this time, with outgoing grand jurors in attendance, 19 names are drawn randomly by the court clerk. Another 12 names are drawn and ranked to form the alternate list of jurors. The new 19 grand jury members are sworn in and given a description of their duties and responsibilities by the Presiding Superior Court Judge. The citizens begin a one-year term on July 1.

COMMITMENT – Persons selected for grand jury service can expect to serve 25 to 30 hours per month for a period of one-year(July 1 through June 30).

REMUNERATION – Grand jurors receive a nominal payment for meetings attended.

ORIENTATION – An orientation program about county and city government and other county entities will be provided to the newly selected grand jury panel.

WHY BECOME A GRAND JUROR? – Those who volunteer and are accepted for grand jury service should feel privileged to be selected. They enter this service with interest and curiosity in learning more about the administration and operation of the government of Placer County. Serving as a grand juror requires many hours and you **must** be earnest in your commitment.

GRAND JURY REPORTS

As an independent agency, the Placer County Grand Jury maintains its own website. Past and present final reports along with responses to those final reports may be found on the Placer County Superior Court website:

<http://www.placercourts.org/grandjury.htm>

REQUEST FOR GRAND JURY ACTION

Placer County Grand Jury
DeWitt Center
11490 C Ave., Auburn, CA 95603

Notice: This form and any supplemental material will be treated confidentially. The Grand Jury is prohibited by law from disclosing any aspect of an inquiry prior to issuing a final report. For various reasons the grand jury cannot investigate all requests for action, therefore you may wish to pursue other avenues.

Your Name		
Your Mailing Address	City	Zip Code
Home Telephone	Work Telephone	

PERSON / AGENCY YOU ARE REPORTING		
Name		
Address	City	Zip Code
Telephone		

Please use space on back of form for a brief narrative of key events.
Attach any correspondence or documents about the subject.

LIST OTHER OFFICIALS/AGENCIES YOU HAVE CONTACTED ABOUT THIS SUBJECT		
Official/Agency	Address	Approximate date of contact

PAST OR PENDING LAWSUITS		
Explain what you know of past or pending lawsuits related to this matter.		

Your Signature:	Date:
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Please mail completed form to the Placer County Grand Jury Foreperson at the above address.

For Official Use Only. Do not write in the space below.

Number:	Date Received:	Date Considered:
Disposition:		

REQUEST FOR GRAND JURY ACTION FORM INSTRUCTIONS

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

II. Instructions for preparing the Citizen Complaint Form:

a. The complaint is against:

- Include the name of the individual or organization the complaint is against.
- Insure correct spellings.
- If the complaint is against an individual within an organization be sure to include the individual's title or position on the organization.
- Provide the street address (not a P.O.Box), city and zip code.
- The telephone number of the organization or individual cited should include the area code.

b. My complaint against the above-named person or agency is:

- Describe the problem in your own words being as concise as possible, providing dates, times, and names of individuals involved.
- Cite specific instances as opposed to broad generalizations.
- Attach any available photographs, correspondence or documentation that supports your complaint.
- If more room is required, attach extra sheet and include their number on the last line of the first sheet – i.e.: “three (3) additional sheets are attached.”

c. Complainant:

- Include your name, street address, city, zip code, telephone number and area code.
- *Your name will be held in strictest confidence. All grand jury documents are secret and cannot be subpoenaed in court or revealed to the public.*

Mail this complaint form to the address shown on the front.

Please sign your complaint. You may file an anonymous complaint if you wish. However, the grand jury is less likely to investigate anonymous complaints because they will not be able to contact you for clarification and follow-up. They are also less likely to get to the truth of the matter if it does choose to investigate.

III. The grand jury will respond to your complaint and acknowledge its receipt. The grand jury may contact you directly during its inquiries.

TO APPLY FOR OR CONTACT THE GRAND JURY

Placer County residents are encouraged to volunteer for Grand Jury service.
This may be done by visiting the Grand Jury website listed below and
filling out the Application for Service.

Residents of Placer County are encouraged to write or contact the Placer
County Grand Jury by one of the following methods:

Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

Grand Jury Website: <http://www.placercourts.org/grandjury.htm>

Grand Jury E-mail address: grandjury@placer.ca.gov

Telephone inquiries: Call 530-886-5200 530-889-7404

Please leave a detailed message containing your name, address along with
your telephone number and a representative of the Superior Courts will
contact you.

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